

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the ministry) reconsideration decision dated April 13, 2015 which held that the appellant was not eligible for a crisis supplement for shelter for the month of April, pursuant to Section 5 of the Employment and Assistance for Persons with Disabilities Act (EAPWDA) and Section 57 (1)(a) and (b)(i) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry determined that the appellant met the criteria that her rent was unexpectedly needed [section 57 (1)(a)] but she did not meet the remaining criteria for section 57 (1)(a); namely, that she had no resources available to her to pay her rent, and did she meet the criteria set out in section 57 (b)(i); namely that failure to meet the expense of rent would result in imminent danger to her physical health.

### PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA) – Section 5  
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) – Section 57

## PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming that the appellant was notified, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation.

The evidence before the ministry at the time of reconsideration consisted of:

1. Cheque for \$500 to the appellant from a local community services society allocated for a training allowance;
2. Brochure advertising a 10-week training program for older workers from a local community services society;
3. 2-page bank statement from February 27, 2015 to March 6, 2015;
4. Eviction notice signed by the appellant landlord's requesting rent of \$320 by March 25, 2015;
5. Request for reconsideration signed and dated April 6, 2015; and
6. A letter dated March 31, 2015 which describes the appellant's health problems and limitations as a result of her health problems. She also states that she wants to be able to earn what she is allowed being a person on disability, (\$800 per month), so she can support her special dietary needs. She states that she was working towards this goal by attending a 6-week employment course for the elderly.

In the Notice of Appeal, signed and dated April 21, 2015, the appellant set out her arguments.

At the hearing the ministry relied on its reconsideration decision and further explained that the appellant did not advise the ministry that she had explored alternative resources to pay her rent by the time her rent was due, and, as far as the ministry knows, the appellant is still residing at the same address, therefore there was no imminent danger to her physical health. The ministry also explained that the eviction notice that the appellant submitted was not official because it was not registered with the tenancy branch.

## PART F – Reasons for Panel Decision

The issue at appeal is whether the ministry's decision that the appellant failed to establish that her need for a crisis supplement for shelter could not have been met by other resources available to her, and that failure to provide the crisis supplement for shelter will result in imminent danger to her physical health pursuant to section 57 (1) of the EAPWDR was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

The relevant legislation provides as follows:

EAPWDA:

### **Disability assistance and supplements**

- 5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

EAPWDR:

### **Crisis supplement**

- 57 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if

(a) the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense or obtain the item because there are no resources available to the family unit, and

(b) the minister considers that failure to meet the expense or obtain the item will result in

(i) imminent danger to the physical health of any person in the family unit, or

(ii) removal of a child under the *Child, Family and Community Service Act*.

The appellant's position is that she was trying to improve her health by attending a 6-week employment course which would allow her to earn money to purchase food for her special dietary needs. She needs a crisis grant of \$375 to pay her April rent. She argues that the ministry failed to consider all the relevant facts, including the regulations and policies. She also argues that the ministry improperly interpreted and/or applied the legislation to the facts of her case, and the ministry improperly drew conclusions and/or made inferences from the facts.

The ministry's position is that the appellant failed to establish that she does not have the

resources to pay for her April rent and that failure to meet the need of April's rent would result in imminent danger to her physical health. The ministry argues that the appellant received a \$500 training allowance, which is not exempt. In addition, she receives \$300 maintenance and she paid her roommate's March rent which is owed to her. Although the appellant received an eviction notice, the ministry does not deem it to be a legal eviction notice and despite receiving an eviction notice the appellant continues to reside at the same location. As a result, the ministry determined that there is no imminent danger to the appellant's physical health. Therefore, pursuant to section 57 (1) (a) and (b) (i), the appellant is not eligible for a crisis supplement for her April 2015 rent.

**Panel Decision:**

Section 57(1) of the EAPWDR states that in order to qualify for a crisis supplement, the individual requesting the crisis supplement must meet 3 criteria; namely, there must be (a) an unexpected need, (b) no other resources are available and, (c) imminent danger to physical health as a result of that need not being met. The ministry agrees that since her \$500 training allowance was not exempted and this amount was deducted from her monthly assistance, the appellant had an unexpected need to pay for April's rent. However, it does not agree that the evidence has demonstrated that the appellant meets the remaining two criteria. The appellant argues that the ministry has misapplied or misinterpreted the legislation as it relates to the facts of her case and did not consider all of the relevant facts, and therefore it drew improper conclusions regarding the facts. However, the panel notes that the appellant has not offered an explanation to this affect or demonstrated that the ministry has indeed misapplied or misinterpreted legislation or that it did not consider all of the facts relevant to this case. The panel also notes that the evidence does not demonstrate that the appellant was indeed evicted from her residence and therefore her physical health was in imminent danger. Finally, the panel notes that the evidence does not demonstrate that the appellant did not have other resources available to her or that she attempted to access other resource, including monies owing to her, to meet her need for rent money. As a result the panel finds that the evidence demonstrates that the appellant failed to meet the criteria set out in section 57(1) of the EAPWDR and therefore, the ministry reasonably found that the appellant was not eligible for a crisis supplement for shelter for the month of April 2015.

**Conclusion:**

The evidence establishes that the appellant has not met the criteria set out in Section 57 (1) of the EAPWDR. The panel therefore finds that the ministry's decision to deny the appellant's request for a crisis supplement for shelter was a reasonable application of the legislation and was supported by the evidence. The panel confirms the ministry's reconsideration decision.