

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the Ministry) reconsideration decision dated January 8, 2015 in which the Appellant was denied a crisis supplement for home repairs, as the Ministry was not satisfied that the Appellant met all of the requirements for a crisis supplement as per Section 59 of the Employment Assistance (EA) Regulations. Specifically, it determined that the need for skirting her RV and repairs to its electrical was not an unexpected expense, that she had not exhausted all of the resources available to her and failure to provide funds would not result in imminent danger to her physical health.

### PART D – Relevant Legislation

*Employment and Assistance Act: Section 4,  
Employment and Assistance Regulation: Section 59  
Schedule A – section 4 and 5*

## PART E – Summary of Facts

With the consent of all parties, the hearing was conducted via teleconference.

The evidence before the Panel at the time of reconsideration was as follows:

1. Information from the Ministry's records indicating that the Appellant is a sole employable with no dependents who is in receipt of \$235/month for support and \$375/month for shelter income assistance and has not received any crisis supplements in the past year.
2. Information from the Ministry's records stating that on November 18, 2014 a Canadian Mental Health outreach worker advocating on the Appellant's behalf requested assistance with electrical repair on the Appellant's recreational vehicle (RV) residence. It is stated that the RV had suffered some electrical damage due to a fire prior to the Appellant purchasing it, which affected the electrical and heating systems.
3. Information from the Ministry's records stating that on December 1<sup>st</sup> and 2<sup>nd</sup>, 2014; the Appellant submitted incomplete transfer papers for the uninsured RV and requested assistance with the purchase of plywood to skirt the RV so her pipes would not freeze and funds to repair her hot water tank so she could have hot water.
4. Information from the Ministry stating that the Appellant has been living in her present circumstances at an RV Park since September 1, 2014, and it is reasonable to assume she would have noticed that RV's had to be skirted. The Appellant has failed to provide any information advising if she has exhausted the assistance of friends, family and community resources or if she has any savings that could pay for her expenses. The Appellant has heat and light in her RV.
5. The Appellant's Request for Reconsideration dated December 8, 2014, wherein she states that she was aware of the damage to the wiring and propane prior to purchasing the RV. She also states that she does not have the financial means to pay for the skirting for her trailer that would stop her pipes from freezing.
6. The Appellant's Notice of Appeal dated January 20, 2015 stating that she believes it is important for her health to have running water and that she cannot afford to maintain her heating costs without skirting for her trailer.

At the hearing the testimony of the Appellant stated that a community outreach worker suggested to her that she could get money from the Ministry to fix up the electrical in her trailer and to skirt the outside, as others in her RV Park had received such funds. She stated that her pipes have frozen more than once and she thaws them with a hairdryer. Also, that the RV currently has heat (propane) and light. The Appellant commented that as she had never owned an RV before, she did not know that it had to be skirted in order to keep the pipes from freezing. Additionally, the Appellant stated that she does not have the funds to register or insure her RV. The Appellant has not contacted any community based organizations for help with skirting her trailer.

Pursuant to Section 22(4) of the Employment and Assistance Act, the Panel admits the information

from the Appellant at the hearing because the information is consistent with and therefore in support of the evidence that the Ministry had at the time of reconsideration.

The Ministry relied on the Reconsideration Decision and submitted no new information.

The Panel makes the following findings of fact which are not in dispute:

1. The Appellant is a sole employable with no dependents who is in receipt of \$235/month for support and \$375/month for shelter income assistance and has not received any crisis supplements in the past year.
2. The Appellant purchased a fire damaged RV to use as her primary residence, which she has been living in since September 1, 2014. The Appellant has not transferred the RV into her name, nor has she insured it.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably determined that skirting and repairing the Appellant's RV is an expected expense, that the Appellant has not exhausted all other resources available to her and that failure to provide funds would result in imminent danger to physical health and therefore the Appellant did not meet all of the requirements for a crisis supplement under Section 59 of the Employment Assistance (EA) Regulation. The relevant section of the EA Regulations as follows:

### Section 57 - 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.

(2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.

(3) A crisis supplement may not be provided for the purpose of obtaining

(a) a supplement described in Schedule C, or

(b) any other health care goods or services.

(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:

(a) if for food, the maximum amount that may be provided in a calendar month is \$20 for each person in the family unit,

(b) if for shelter, the maximum amount that may be provided in a calendar month is the smaller of

(i) the family unit's actual shelter cost, and

(ii) the maximum set out in section 4 of Schedule A or Table 2 of Schedule D, as applicable, for a family unit that matches the family unit, and

(c) if for clothing, the amount that may be provided must not exceed the smaller of

(i) \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and

(ii) \$400 for the family unit in the 12 calendar month period preceding the date of

application for the crisis supplement.

(5) The cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount calculated under subsection (6).

(6) In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of disability assistance or hardship assistance that may be provided for the month under Schedule A or Schedule D to a family unit that matches the family unit.

(7) Despite subsection (4) (b) or (5) or both, a crisis supplement may be provided to or for a family unit for the following:

- (a) fuel for heating;
- (b) fuel for cooking meals;
- (c) water;
- (d) hydro.

(BC Reg. 13/2003)

The Ministry's position is that it is not satisfied that the Appellant's need to purchase skirting and pay for wiring repairs is unexpected as she had been living in an RV Park since September 1, 2014 and would have been aware that RV's are skirted to help with cold weather conditions. The Minister is not satisfied that the Appellant was unaware her hot water tank was not working as she would have needed hot water to wash dishes and clean. The Minister is not satisfied that the Appellant does not have the financial resources to pay for the repairs to her RV because she has not provided any information stating this, nor has she provided information that she has contacted any community resources, family or friends that might have helped her. The Ministry is satisfied that the Appellant has heat and light; therefore there is no imminent danger to physical health.

The Appellant's position is that as she had never owned an RV before, she did not know that she would have to skirt hers in order to keep the pipes from freezing. She also states that she does not have the money to skirt the RV, nor to transfer it into her name or to insure it.

The Panel determines that the Appellant purchased a fire damaged, un-skirted RV for use as her primary residence, with full knowledge of the damages prior to purchase. While she may not have owned an RV before, the Appellant does live in an RV Park and it is reasonable to assume she would have become aware of the need for skirting before her pipes froze. The Panel finds that the Ministry reasonably concluded with the evidence at hand that the Appellant's need to repair and skirt her RV was an expected expense. The Appellant has not provided any information to demonstrate that she has exhausted all other resources for help with her issues. She states there is heat and light in her RV, and that if she thaws her pipes when they freeze with a hair dryer, she has running water. The Panel finds that it is reasonable to conclude that she is not in any imminent physical danger. Therefore, the Appellant did not meet all of the requirements for a crisis supplement as per Section 59 of the EA Regulations.

The Panel confirms the Ministry's reconsideration decision, finding that it was a reasonable application of the legislation in the Appellant's circumstances.