

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the ministry) reconsideration decision of May 28, 2015 in which the ministry denied the appellant's request for a crisis supplement for a bed because the appellant did not meet all the requirements of Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR).

Specifically, the ministry determined that:

- the supplement was not needed to meet an unexpected expense or obtain an item unexpectedly needed;
- the appellant did not demonstrate that he was unable to meet the expense or obtain the item because he had no resources available; and
- failure to meet the expense or obtain the item would result in imminent danger to the physical health of the appellant.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWA) Section 5
Employment and Assistance for Persons with Disabilities Regulation (EAPWR) Section 57

PART E – Summary of Facts

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

- The appellant is currently receiving disability assistance as a sole recipient. The appellant's file re-opened in 2011.
- On April 8, 2015 the ministry received the appellant's Shelter Information dated April 7, 2015 showing a rental start date at the new accommodation of April 1, 2015.
- On April 10, 2015 the ministry received a Crisis Supplement Request Form for a bed dated March 10, 2015 in which the appellant stated he is moving from a trailer that had a bed to a new accommodation without a bed. He stated that he has tried to see if friends could have aided but no one had an extra bed. He also said he went to the Salvation Army.
- On April 23, 2015 an Employment and Assistance Worker reviewed the appellant's request for a bed and attempted to contact the appellant to discuss the circumstances around the move – whether it was sudden or unexpected and how long the appellant had been aware of the move. The worker was unable to reach the appellant.
- On May 4, the appellant attended the ministry and advised that he had learned about his move approximately 2 weeks before the move happened. The move was an opportunity to move from a 5th wheel to a house. The ministry advised him to submit quotes for review, which he did one hour later. The quotes for a box spring and mattress ranged from \$309 to \$799.

The appellant provided the following reasons for his Request for Reconsideration:

- He was informed that there wasn't a bed at the house.
- When he got to the house he found that the place was full of black mold and the furniture had to be thrown out.
- He spent two weeks cleaning and bleaching the whole house so that it was habitable.
- The furniture was not salvageable.
- He feels that the criteria for immediate health and safety is met when he discovered black mold throughout the house and furniture.
- Also the table and chairs were not there when he got there.

On June 3, 2015 the appellant submitted a Notice of Appeal in which he submitted that he disagrees with the ministry's reconsideration decision because he does not have resources or funds to buy a bed. He used a lot of his travel allowance to move as he was denied the moving allowance that he applied for. That expense left him only enough to live on.

For the appeal, the ministry adopted its reconsideration summary as its submission and did not introduce any new evidence.

With the consent of both parties, the hearing was conducted as a written hearing pursuant to Section 22(3)(b) of the Employment and Assistance Act.

PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the ministry's reconsideration decision of May 28, 2015 which held that the appellant is not eligible for a crisis supplement to purchase a bed because he did not meet the requirements of Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry determined that the crisis supplement was not required to meet an unexpected expense or that the item was unexpectedly needed, that the appellant did not demonstrate that he was unable to meet the expense or obtain the item because he had no resources available, and that failure to meet the expense or obtain the items would result in imminent danger to the physical health of the appellant.

In its decision, the minister also noted that with the request for reconsideration, the appellant stated that he is submitting another crisis request for a table and chairs and would like the reconsideration or appeals supplement for these items. However, as this request was not a part of the original decision, the ministry only addressed the request for a crisis supplement for a bed. A service request was created for the table and chairs.

The following sections of the legislation apply to the appellant's circumstances in this appeal.

Employment and Assistance for Persons with Disabilities Act

Disability and assistance 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.

Employment and Assistance for Persons with Disabilities Regulation

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*.

Unexpected Expense

The ministry argued that the appellant's need to obtain a bed cannot be characterized as an unexpected expense.

The appellant initially indicated he had an opportunity to move from a 5th wheel trailer with fixed furniture to a house. He had been informed that there wasn't a bed in the house and attempted to obtain one through friends and community resources. His efforts were unsuccessful and he applied

for a crisis supplement but was denied. He then submitted a reconsideration request in which he stated there was a bed in the house but it had been destroyed by mold and was unsalvageable. However, the appellant did not provide any information to support this claim. Therefore, the minister gave weight to the initial written information that the appellant was moving from a 5th wheel with a fixed bed to a house and concluded that he would need to obtain a bed for the house.

The ministry argued that knowing he had only two weeks' notice to obtain needed furniture and had been unable to obtain a bed, the appellant chose to go forward with his move. As such, the minister determined that the requested crisis supplement was not needed to meet an unexpected expense or to obtain an item unexpectedly needed.

In his request for reconsideration, the appellant argued that he was informed that there wasn't a bed at the house but when he got there he found there was a bed. However, he discovered that, like the rest of the house, the bed was full of black mold. He stated that he spent two weeks cleaning and bleaching the whole house so that it was habitable, but he could not salvage the furniture.

Section 57(1)(a) describes 'unexpected' in the context of an 'unexpected expense or an item unexpectedly needed.' It does not describe an unexpected event in an individual's personal life.

In anticipation of his move from a 5th wheel trailer with a fixed bed to a house, the appellant attempted to obtain a bed through friends and community resources but was unsuccessful. He proceeded with the move regardless and found what appeared to be a suitable bed but subsequently discovered it was full of black mold. Once again he was in need of a bed.

Following his move, finding a bed in place but discovering it was full of mold may have been unexpected. However, the appellant chose to move to a house where he was initially told there wasn't a bed knowing that he needed to obtain a bed by the time of the move. Therefore the bed was not an unexpected expense or an item unexpectedly needed.

No resources available

The minister was not satisfied that the appellant did not have the resources to meet the expense for a bed.

The minister noted that the appellant provided estimates for a bed with the lowest being \$309. File records showed that since the appellant requested the crisis supplement for a bed he received \$1,716.98 at the end of April in income assistance, supplements and a special transportation subsidy; and \$531.42 on May 22, 2015 in income assistance. Additionally there was a \$375 direct rent cheque yet to be cashed that was issued May 22 and a \$20 balance of income assistance yet to be cashed that was issued on May 27.

The ministry noted that the appellant's shelter cost is \$375 per month, stating that this left the appellant with a total of \$1,892.42 (\$1,716 - \$375 + \$531.42 + \$20). The appellant did not provide any information to explain how he was unable to apply any of that income to meet the expense for a bed (\$309 plus taxes). Additionally the appellant did not provide any information to show that he has no other financial resources.

The appellant argued that he did not have the resources or funds to buy a bed. He used a lot of his

travel allowance to move as he was denied the moving allowance that he applied for. With that expense he was left with only enough to live on.

Records on file show that the appellant had income supports totaling \$1,892.42 since the date that he requested the crisis supplement for a bed. However, there is no information to explain how that money was not available to the appellant for the purchase of a bed. The appellant stated that he used a lot of his travel allowance as he was denied the moving allowance that he applied for. However, he did not provide any explanation of the cost involved with his move, particularly considering that he was moving from a 5th wheel trailer in which the furniture was fixed.

Imminent danger to physical health

The minister was not satisfied that failure to provide the appellant with the crisis supplement would result in imminent danger to his physical health. "Imminent" denotes a sense of urgency. The ministry argued that the appellant did not provide any information to demonstrate that failure to meet the expense for a bed or to obtain a bed would result in imminent danger to his physical health and therefore was unable to determine that the criterion under Section 57(1)(c) had been met.

The appellant argued that this requirement was met by his discovery of the black mold throughout his house and therefore he meets the criteria of health and safety.

Pursuant to Section 57(1)(c) of the EAPDWR the minister may provide a crisis supplement if the minister considers that failure to obtain the item will result in imminent danger to the physical health of any person in the family unit. The appellant argued that the criteria for immediate health and safety was met when he discovered black mold throughout the house and furniture. While there may be health risks through exposure to black mold, the issue is whether failure to obtain the bed will result in imminent danger. There is no evidence to support this risk.

Conclusion

Under Section 57(1) of the EAPWDR, the ministry may provide a crisis supplement to a person who is eligible for disability assistance, such as the appellant, if all three of the applicable requirements in that regulation are satisfied.

Having considered all the evidence, the panel finds the ministry reasonably determined that the requested crisis supplement was not required to meet an unexpected expense or an item unexpectedly needed, and there is no evidence to confirm that the appellant has no resources available or that failure to provide the item will result in imminent danger to the appellant's physical health.

The panel therefore finds the ministry's determination that the appellant was not eligible for a crisis supplement was a reasonable application of the legislation in the appellant's circumstances and confirms the ministry's reconsideration decision.