

PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (Ministry) dated May 29, 2015 in which the Ministry denied the Appellant's request for a crisis supplement for shelter. The Ministry found that the Appellant's request did not meet all of the criteria required for approval under s. 59(1) of the Employment and Assistance Regulation. The Ministry found that the Appellant's monthly rent is not an unexpected expense and that the Appellant did not provide information demonstrating that his physical health will be in imminent danger should he fail to meet the expense.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) Section 59(1)

PART E – Summary of Facts

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

The evidence before the Ministry at reconsideration included:

- A copy of a Proof of Service Notice to End Tenancy stating that the Appellant was served notice to end his tenancy by his landlord on May 14, 2015.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities in the Appellant's name, dated May 14, 2015, stating that the Appellant failed to pay rent in the amount of \$225 for March, \$775 for April and \$775 for May, totaling \$1,775.00.
- The Appellant's Request for Reconsideration, dated May 26, 1953[sic].

At the hearing, the Appellant stated that the amount of money he is requesting is not large, \$375, just enough to get him out of a financial crisis. He stated that his landlord has agreed that if he can pay one month of rent, \$775, he will be allowed to pay the arrears, almost \$2,000, over time. He stated that he was receiving child support from his daughter's mother until six months ago when his daughter moved out. Until that time, he was able to pay the rent, but he has fallen behind since. The Appellant stated that if he is evicted he will lose everything, including his pride and dignity, and he will not survive being homeless, putting his life at risk. He stated that he is looking for work.

In response to questions from the Panel, the Appellant stated that his landlord agreed to accept one month's rent and to set up a plan of repayment. He stated that although his rent exceeds the amount of his income assistance, he wants to rebuild his life and find employment. He stated that he has been applying for work.

The Ministry, in the Reconsideration Decision, wrote that the Appellant has been renting at his current location for several years. The Ministry wrote that the Appellant did not provide information demonstrating that failure to meet unpaid rent expenses would result in imminent danger to his physical health, considering that there are community resources in the area to meet basic needs for shelter, food and clothing.

PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the reconsideration decision of the Ministry of Social Development and Social Innovation (Ministry) dated May 29, 2015 in which the Ministry denied the Appellant's request for a crisis supplement for shelter. The Ministry found that the Appellant's request did not meet all of the criteria required for approval under s. 59(1) of the Employment and Assistance Regulation. The Ministry found that the Appellant's monthly rent is not an unexpected expense and that the Appellant did not provide information demonstrating that his physical health will be in imminent danger should he fail to meet the expense.

Legislation

EAR

Crisis supplement

- 59** (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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;
 - (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 income 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.

The Appellant's position is that he does not need all of the arrears to be paid, just enough to allow him to pay one month's rent, then make payments on the arrears, and that failure to pay the rent will result in his eviction, causing his life to be put in danger.

The Ministry's position is that the Appellant's need to pay rent is not an unexpected expense and that he has not provided sufficient information to demonstrate that his physical health will be in imminent danger if he fails to pay his rent and is evicted.

Unexpected expense

The Panel notes that the Appellant became aware of the shortfall in his income six months ago, when he stopped receiving child support payments and could not pay his full rent. It cannot, therefore, be an unexpected expense or unexpectedly needed. The Ministry wrote that they had a conversation with the Appellant's property manager, who advised that unless the rent for May and June is paid by June 15, he will be evicted. The Appellant argued that his landlord is willing to accept one month's rent and allow him to repay the arrears over time; however this does not bear on the Ministry's reasons for denying the Appellant's request. The Panel finds that the Ministry reasonably determined that the Appellant does not qualify for a crisis supplement to meet an unexpected expense.

Imminent danger to physical health

Although the Appellant argued that eviction will cause him a loss of pride and dignity and make a job search much more difficult, he provided no evidence to show that his physical health would be in imminent danger if he were evicted. The Panel finds that the Ministry reasonably determined that there was insufficient information demonstrating that the Appellant's physical health would be in imminent danger if he fails to meet this expense.

The Panel therefore confirms the Ministry's decision as reasonably supported by the evidence.