

PART C – Decision under Appeal

The decision under appeal is the reconsideration decision dated June 17, 2015 in which the ministry denied the appellant a crisis supplement for clothing because the request did not meet the criteria in the Employment and Assistance Regulation (EAR) Section 59. The legislation requires that the need for a crisis supplement be unexpected, that the person not have the resources available, and that failure to provide the supplement would result in imminent danger to the person or a family members' physical health or the removal of a child under the Child, Family and Community Services Act. In the reconsideration decision the ministry determined the appellant's request did not meet these three criteria.

PART D – Relevant Legislation

Employment and Assistance Regulation section 59.

PART E – Summary of Facts

The information before the ministry at the time of reconsideration included the following:

- A letter titled Notice of a Dispute Resolution Hearing in the name of the appellant from the Residential Tenancy Branch. The letter confirms a hearing date of July 15, 2015.
- A bank draft receipt for \$900 from the appellant to her landlord dated June 1, 2015.
- A receipt for a Residential Tenancy Branch application in the amount of \$0.00 dated May 26, 2015.
- A receipt from an auto mechanic dated June 1, 2015 in the amount of \$700 for work performed on the appellant's car.
- A pet shop receipt dated May 5, 2015 in the amount of \$27.29
- In her Request for reconsideration form dated June 9, 2015 the appellant writes her request is for summer clothes, socks, shirts, and shoes for her and her son. She writes car repair \$700, dog maintenance \$27.29, rental tenancy \$40 (gas), mailbox rental \$160.

With her Notice of Appeal dated June 19, 2015 the appellant writes that the \$700 car repair and the pet expenses were unexpected. She added, "clothing is a basic need and requested." The appellant submitted 3 additional receipts including \$163.80 to Canada Post for a mailbox rental dated June 29, 2015, a clothing store for \$70.55 dated June 25, 2015, and a sports store for \$44.79 dated June 25, 2015.

These receipts were admitted as evidence as per the Employment and Assistance Act section 22 (4). The panel found that the receipts are in support of evidence that was before the ministry at the time of the reconsideration. The receipts were accepted because they provide additional details about the nature of the expenses and evidence that the appellant has purchased the requested items.

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

At the hearing the ministry told the panel the appellant requested a crisis supplement for clothing to purchase summer clothes however the ministry determined that the appellant's need was not unexpected. The appellant did not provide evidence that any of her current clothing was rendered unusable and a person's need for seasonal clothing is not unexpected. The ministry determined that the appellant had not explored alternate sources for summer clothes including thrift shops and charities. The appellant's landlord dispute filed with the Residential Tenancy Office may have been unexpected however the receipt provided by the appellant shows her cost of filing the action was \$0.00. The ministry told the panel that pet care and mail box rental is neither unexpected nor does the failure to meet these needs result in the imminent danger to the appellant, her family unit, nor will it result in the removal of a child under the Child, Family and Community Services Act.

The ministry told the panel that although the appellant reported that she needed to spend \$700 on car repairs that may have been unexpected, the appellant did not provide the ministry evidence of why her car is a necessity for transportation. The city that the appellant lives in has an adequate public transportation and the appellant has not shown why her car is needed. The ministry added that the appellant's need for her vehicle was factored in when the ministry determined her request was not considered unexpected.

PART F – Reasons for Panel Decision

The issue in this case is the reasonableness of the ministry's decision that the appellant does not qualify for a crisis supplement for clothing because her need does not meet the criteria set out in the EAR Section 59. The legislation requires that the need for a crisis supplement be unexpected, that the person not have the resources available, and that failure to provide the supplement would result in imminent danger to the person or a family members' physical health or the removal of a child under the Child, Family and Community Services Act. In the reconsideration decision the ministry determined the appellant's request did not meet these three criteria.

The Legislation

Employment and Assistance Regulation (EAR) section 59

- 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.

Arguments of the Parties

It is the ministry's position that the appellant's request for a crisis supplement does not meet the criteria as set out in EAR section 59 (1) requiring that the need for the supplement be unexpected, that there are no other resources available, and that the failure to meet the need would result in imminent danger to the health of the person/family unit or cause the removal of a child from the home. The ministry argues that summer clothing is not an unexpected expense and that seasonal clothing needs to be budgeted for.

It is the position of the appellant that she requires a crisis supplement for clothing to purchase summer clothing for her and her son. She argues that she had unexpected expenses that have made her unable to afford the clothes and that clothing is a basic need. The unexpected expenses include pet care, mailbox rental, a landlord dispute, and car repairs.

Panel Decision and Reasons

Regarding EAR s59 (1)(a), the criterion that the funds are to be for an unexpected expense, the ministry determined that summer clothing is not an unexpected expense and that seasonal clothing needs to be budgeted for. The ministry maintains the other expenses the appellant has presented, pet care, mailbox rental, a landlord dispute, and car repairs, are not considered unexpected. The panel finds the ministry was reasonable when it found that the appellant's need for clothing couldn't be considered an unexpected need.

Regarding the ministry's determination that the appellant has alternate resources available to obtain the items, the ministry determined that the appellant's monthly support allowance is intended for clothing including seasonal clothing. The panel considered that the appellant has not presented evidence that she has explored alternate resources such as thrift stores and charities. The panel also considered that the receipts for clothing the appellant provided as additional evidence show that the items have already been obtained and paid for, therefore, the appellant had the funds available to meet her need. The panel finds the ministry was reasonable to determine the appellant has alternate resources available to obtain the items.

Regarding the ministry's determination that the appellant does not face imminent danger to her or her family unit's health or the removal of a child under the Child, Family and Community Services Act if she fails to obtain the requested items, the panel considered the evidence. As noted above, the appellant provided receipts that she has already obtained the requested items, summer clothes. The panel finds that the appellant has not provided evidence that she or her family's health is in imminent danger. The panel finds the ministry was reasonable to find that the appellant does not face imminent danger to her or her family unit's health or the removal of a child under the Child, Family and Community Services Act if she fails to obtain the requested items.

The panel finds that the ministry's decision was a reasonable application of the legislation in the circumstances of the appellant and therefore confirms the ministry's decision.