

### PART C – Decision under Appeal

The decision under appeal is the reconsideration decision dated May 25, 2015 in which the ministry denied the appellant a crisis supplement for shelter to pay her outstanding rent of \$275 because the request did not meet the criteria in the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 57(4)(b). The ministry determined the appellant had received the maximum amount of crisis supplement for rent that the legislation allows.

### PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 57(4)(b)

## PART E – Summary of Facts

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

- A bank statement in the name of the appellant dated March 9, 2015 showing the appellant's balance was in overdraft by \$149.41.
- A notice giving the appellant 1-month to end her tenancy at her rented residence dated March 6, 2015.
- A physician's prescription note dated March 4, 2015 prescribing eye drops to treat her dry eye disease.
- An undated letter written by the appellant. The appellant requests that her rent of \$675 be paid by the ministry to prevent her from being evicted and that she used her rent money for taxi fare and to purchase eye drops.
- A notice giving the appellant 10 days to end her tenancy at her rented residence dated March 05, 2015.
- An undated letter written by the appellant listing the groceries she had to purchase to conform to an anti-inflammatory diet as recommended by her doctor.
- An Application for Monthly Nutritional Supplement dated March 3, 2015 recommending a special diet and supplements for the appellant.
- Various medical documents (20 pages) including emergency clinic visit records, medical imaging reports, and technical medical results, containing personal test results and medical notes for the appellant.
- 17 various receipts showing the appellant purchased food, eye drops, clothing, person care items, etc. in the months of February and March 2015.
- 10 pages of general information about various medical conditions that appear to have been printed from the Internet.
- A 13-page letter dated April 23, 2015 written by the appellant addressed to the ministry. The appellant acknowledges the ministry issued a cheque to her landlord for \$375 but requests an additional \$275 be issued to pay the balance of her months rent that was missed. She writes:
  - This situation has caused her stress and depression.
  - She is blind, deaf, brain injured, has a compromised immune system, and COPD.
  - Explains she requires eye drops to prevent further blindness.
  - She recalls the worker at the ministry telling her to use her rent money to buy eye drops.
  - She used her rent money to buy eye drops, school supplies, and work clothes.
  - Requires an anti-inflammatory diet.
  - The additional cost of medical supplies and specialized diet makes it impossible for her to pay her outstanding rent.

With her Notice of Appeal, the appellant submitted the following evidence. These were admitted as evidence as per the Employment and Assistance Act section 22 (4). The panel found that the information contained in these documents is in support of evidence that was before the ministry at the time of the reconsideration.

- A rent receipt for \$675 dated June 3, 2015.
- A household budget for the appellant showing her monthly expenses total \$940 per month.
- An 18-page letter dated June 22, 2015 written by the appellant addressed to the ministry. She writes:

- She used \$275 from her medical transportation money to pay the balance of her rent but now she does not have money to get to her medical appointments.
- She needed to use her rent money to buy eye drops causing her to become behind on her rent.
- On March 26, 2015 she was assaulted and, as a result, has severe spinal pain and arthritis.
- She was approved on June 2, 2015 to have her eye drops provided by the ministry as a medical supply.
- She feels the ministry made an error in recommending that she spend her rent money on eye drops.
- She suffers from dementia, a brain tumor, COPD, heart conditions, congestive heart failure, heart and lung infections, an unspecified condition in her eyelids, leukemia, bronchitis, intercostal myocitis, chondritis, pneumonia, and an immune deficiency condition.

At the hearing the appellant told the panel:

- 6 different ministry workers told her to spend her rent money on her eye drops
- She feels the ministry made an error and therefore should pay the balance of her outstanding rent
- Her budget is very tight and does not have the extra money to make up for this shortfall in rent
- She paid the \$275 in outstanding rent to her landlord by using money she had set aside for transportation
- If she had known that her eye drops were considered a medical supply, and therefore would be provided to her free of charge, she would not have used her rent money to purchase the drops.

At the hearing the ministry told the panel that there might have been a misunderstanding between the appellant and the ministry workers that left her with the understanding that she should spend her rent money on the eye drops. The ministry explained that when a person tells the ministry that they need to purchase an item the ministry would tell the person that they should use their monthly support/shelter allowance to meet the need. The ministry added that a worker would not suggest a person skip their rent payment but this may have been what the appellant understood.

The ministry told the panel that the appellant's request for a crisis supplement for shelter was approved and a cheque issued for \$375 even though her total monthly rent is \$650. The ministry issued \$375 because the maximum crisis supplement for shelter is limited by the EAPWDR 57(4)(b) that states the ministry can issue the lesser of either her actual monthly shelter cost or the maximum amount set out in EAPWDR schedule A section 4 or schedule D table 2. In the appellant's case, the maximum amount according to the legislation \$375 was provided by the ministry.

## 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 to have the balance of her outstanding rent, \$275, paid as a crisis supplement for shelter because her request does not meet the criteria set out in the EAPWDR Section 57(4)(b). The ministry determined the appellant had received the maximum amount of crisis supplement, \$375, for shelter that the legislation allows and does not qualify for the additional \$275 she has requested.

### The Legislation

#### Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) 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;**

(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.

### Arguments of the Parties

It is the ministry's position that the appellant's request for a \$275 crisis supplement shelter can not be approved because the appellant has reached the maximum crisis supplement for shelter allowed under the legislation, EAPWDR Section 57(4)(b)(i). The appellant received a crisis supplement for shelter of \$375 for her March 2015 rent and based on the legislation, she has received the maximum amount allowed.

It is the position of the appellant that she needed to spend her rent money on eye drops, clothing, and school supplies and has had to use her March 2015 rent for her transportation needs and eye drops. She argues that the ministry instructed her to spend her rent money on eye drops and therefore the ministry should pay her entire March rent rather than only the \$375 they have paid.

The panel considered the appellant's argument that she was acting on the advice of the ministry when she spent her March 2015 rent money to purchase eye drops, clothing, and school supplies. The panel considered the ministry's argument that there was likely a misunderstanding between the appellant and the ministry, however, the ministry has provided the maximum amount of crisis supplement for shelter as allowed by EAPWDR Section 57(4)(b)(i), \$375, for her March 2015 shelter. Upon reviewing the legislation the panel finds the ministry was reasonable to determine the appellant had received the maximum crisis supplement for shelter allowed by EAPWDR Section 57(4)(b)(i) in the month of March 2015 and that there is no provision in the legislation to approve her for the \$275 she has requested to pay the outstanding amount of her March 2015 rent.

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.