

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry) reconsideration decision dated July 20, 2015 which denied the appellant's request for a crisis supplement to cover July 2015 rent. The Ministry held that the requirements of Section 57 of the *Employment and Assistance for Persons With Disabilities Regulation* (EAPWDR) were not met as the ministry found that:

- Rent costs are not an unexpected expense;
- There were alternate resources available to the family unit to pay for the rent costs; and,
- There was insufficient evidence to show that failure to meet the expense would result in imminent danger to the physical health of any person in the family unit.

## PART D – Relevant Legislation

*Employment and Assistance for Persons With Disabilities Regulation* (EAPWDR), Section 57

*Employment and Assistance for Persons With Disabilities Act* (EAPWDA), Section 5

## PART E – Summary of Facts

The ministry did not attend 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 the time of the reconsideration decision included:

- 1) 10-Day Notice To End Tenancy for Unpaid Rent or Utilities dated July 3, 2015 stating in part that the appellant failed to pay rent in the amount of \$750 that was due on July 1, 2015 and that notice is given to move out of the rental unit by July 13, 2015;
- 2) Receipt dated July 9, 2015 indicating \$210 was received from the appellant's room-mate;
- 3) Letter dated July 13, 2015 'To Whom It May Concern' in which the appellant referred to contact information for her landlord; and,
- 4) Request for Reconsideration dated July 9, 2015 with attached letter from the appellant.

In her Request for Reconsideration, the appellant wrote:

- On July 3, 2015 she contacted the ministry to request a crisis supplement of \$375 for rent, with a 10-day eviction notice from her landlord.
- She mentioned to the ministry that her room-mate lost his job but she did not say that he could not pay his half of the rent, but only that he had not yet paid it.
- She told the ministry that she was having difficulty keeping up on her bills and used up her rent portion to pay off her bills, buy groceries and gas in order to look for a part-time job. She thought she would get employment and realizes this was poor judgment.
- She told the ministry that she asked her father for help, but this was unsuccessful.
- She spoke with her landlord about reconsidering the eviction if she paid her half of the rent and he agreed.
- She felt she had to keep up with her bills to make her search for a part-time job a little less time-consuming, as she is only allowed out of her residence for 2 hours daily.
- Her landlord has been understanding, and she realized that this could have been avoided if she had just communicated with him.
- She would like the rent to be paid directly to the landlord to help avoid this situation from happening again. She really likes the place she is at.

In her Notice of Appeal dated July 27, 2015, the appellant wrote:

- Her room-mate has become her "common law." He does not have a job and only sometimes gets day jobs.
- Her landlord will not agree to a partial payment plan.
- She is not eligible for another security deposit and her current landlord is going to keep her security deposit for this place.

At the hearing, the appellant stated:

- She has not received a crisis supplement before and she is usually pretty responsible.
- She made some mistakes and has fallen behind. She has tried all the options available and she is getting no where.
- She does not see why the ministry will not help her. It is like they are saying it is okay to be addicted.
- Her request may not fit the criteria, but she sees her situation as a "crisis" and she needs help.
- She requested that the ministry pay the rent directly to her landlord so that this does not

happen again.

- She has not been able to find employment. She has a cleaning job she is supposed to start today for one day every 2 weeks.
- She needs to come up with \$375 that is still outstanding for rent.
- She has been living with her room-mate for over 6 months and they are common law now and she is trying to get him added to her file with the ministry. She wants to be honest and upfront with her situation.
- Her room-mate was able to pay all of his portion of the rent for July.
- She assumes the landlord applied the rent that the ministry paid for August to the July rent, or he applied the security deposit to the July rent because he has now given her an eviction notice for the August rent. Her room-mate is just \$30 short on the August rent.
- She is not eligible for any more security deposits from the ministry because she has so many outstanding.
- She will end up homeless, and that is a danger to her physical health.
- She will be taking the eviction notice for August to the Wellness Centre to see if they can help her with some of the rent, although she thinks that is unlikely.
- Her phone has been cut off so the ministry will be unable to call her.
- The water pump went on her vehicle, which cost over \$100 plus labour for \$250 and that was one thing she had not mentioned before. That was one of the bills that she paid instead of rent.
- She needs her vehicle to get around and hand out resumes because she is under house arrest and only has a couple of hours to do this, plus get around to her doctor appointments and methadone appointments.

#### ***Admissibility of Additional Information***

The panel considered the oral testimony of the appellant as information that corroborates the circumstances surrounding her need for a crisis supplement, which was before the ministry at reconsideration. Therefore, the panel admitted this additional information as being in support of information and records that were before the ministry at the time of the reconsideration, in accordance with Section 22(4)(b) of the *Employment and Assistance Act*.

The ministry relied on its reconsideration decision. The reconsideration decision included information that:

- The appellant is a sole recipient of disability assistance with no dependents and receives \$906.42 per month, including \$531.42 for support and \$375 for shelter.
- The full rent is \$750 per month, plus utilities, and the appellant shares the residence with a room-mate.
- As of July 6, 2015, the appellant's room-mate was still living in the residence and trying to scrape together rent money.

## PART F – Reasons for Panel Decision

The issue on the appeal is whether the ministry's decision which denied the appellant's request for a crisis supplement to cover rent costs for July 2015, as the requirements of Section 57 of the *Employment and Assistance for Persons With Disabilities Regulation* (EAPWDR) were not met, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the appellant's circumstances.

Section 57(1) of the EAPWDR sets out the eligibility requirements which are at issue on this appeal for providing the crisis supplement, as follows:

### **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. . . .

### *Ministry's position*

The ministry's position is that the provisions of Section 57 of the EAPWDR allow for the ministry to provide a crisis supplement when all of the legislative criteria are met, namely that the supplement is required to meet an unexpected expense and there are no alternate resources available to the family unit to meet the expense, and failure to meet the expense will result in imminent danger to the physical health of any person in the family unit. The ministry wrote in the reconsideration decision that the appellant choosing to spend her rent money on other bills, groceries and gas does not create an unexpected need to pay her share of the rent. The ministry wrote that the appellant's room-mate continued to reside in the residence and is not a recipient of assistance and is, therefore, responsible for his share of the rent. The ministry wrote that between the appellant's assistance and her room-mate's employment income, they should be able to work out a payment plan with the landlord to avoid the eviction and/or access some of the community resources to help reduce the appellant's other expenses to enable her to pay the outstanding rent. The ministry wrote further that the appellant receives \$906.42 per month for disability assistance, has a room-mate that is employed, and the landlord has agreed to accept \$375 to reconsider the eviction and, therefore, the ministry is not satisfied that imminent danger to the appellant's health will result if she is not assisted.

### *Appellant's position*

The appellant's position is that she was having difficulty keeping up on her bills and used up her rent portion to pay off her bills, including repairing her vehicle, and buying groceries and gas in order to look for a part-time job. The appellant argued that her room-mate has become her "common law" spouse and he does not have a job and only sometimes gets day jobs. The appellant argued that she asked her father for help with the rent, but this was unsuccessful. The appellant argued that she spoke with her landlord about reconsidering the eviction if she paid her half of the rent, and he agreed. The appellant argued that her landlord will not agree to a partial payment plan, he is going to keep her security deposit for this place, and she is not eligible for another security deposit from the

ministry. The appellant argued that she will end up homeless, and that is a danger to her physical health.

*Panel decision*

The appellant provided the ministry with an eviction notice for non-payment of \$750 for July rent and a request was submitted for consideration of a crisis supplement for shelter. The appellant argued at the hearing that the water pump on her vehicle broke, the repairs cost a total of about \$350 and she needed her vehicle to apply for employment in the short time she is relieved from house arrest each day. While vehicle repair costs may be an unexpected expense, the appellant did not submit a request to the ministry for a crisis supplement for the cost to repair her vehicle, there was no information detailing these repairs and she, instead, failed to pay her share of the total rent for July 2015 and requested a crisis supplement for rent. The appellant acknowledged that deciding to pay other bills rather than paying her portion of the rent was poor judgment on her part and the ministry is now paying the rent directly to the landlord to avoid this happening in the future. The panel finds that the ministry reasonably determined that the requirement to pay ongoing, monthly rent is not an unexpected expense and that insufficient information has been provided to support a request for the cost of vehicle repairs. The panel finds that the ministry's determination that the expense for rent was not an "unexpected expense", under Section 57(1)(a) of the EAPWDR, was reasonable.

The panel also finds that the appellant has not provided sufficient evidence to demonstrate that there are no resources available to the family unit to meet the expense. The appellant acknowledged at the hearing that her room-mate has paid all of his portion of the rent for July and that she assumes that the landlord has either applied her security deposit for her portion of the July rent, or he has applied the money paid by the ministry for August rent to July. Although the appellant argued that the landlord will not agree to a partial payment plan, she stated that he has now issued a new eviction notice for non-payment of August rent rather than pursuing the eviction notice issued for July. The appellant also stated that she is in the process of checking with other community resources for help with payment of the August rent, and perhaps for assistance with the vehicle repair costs, but there was no evidence provided to show that the landlord is proceeding with eviction based on non-payment of the July rent. Given the evidence of the funds accessed for payment of the total July rent of \$750, the panel finds that the ministry reasonably concluded that there were resources available to the appellant's family unit to meet the expense, under Section 57(1)(a) of the EAPWDR.

Despite having received an eviction notice for non-payment of the July rent, the appellant acknowledged that the landlord is not pursuing her eviction based on this notice. The appellant did not argue that there was an "imminent" danger to her physical health but, rather, that it will be dangerous if the landlord pursues her eviction on the August notice and if she cannot get another security deposit from the ministry and ends up homeless. The panel finds the ministry's determination that it was not satisfied that the failure to meet the July 2015 rent will result in imminent danger to the physical health of any person in the family unit, as required by Section 57(1)(b) of the EAPWDR, to be reasonable.

*Conclusion*

The panel finds that the ministry's reconsideration decision, which denied the appellant's request for a crisis supplement for the cost of July 2015 rent because the requirements of Section 57 of the EAPWDR were not met, was reasonably supported by the evidence and the panel confirms the ministry's decision.