

**PART C – Decision under Appeal**

The decision under appeal is the July 24, 2015 reconsideration decision of the Ministry of Social Development and Social Innovation (the Ministry) in which the Ministry denied the Appellant a crisis supplement in an amount exceeding \$1571.16 due to the legislated annual limit as per the Employment and Assistance Regulation Section 59(5),(6),(7) and Schedule A, Sections 2 and 4.

**PART D – Relevant Legislation**

Employment and Assistance Regulation (EAR), Section 59(5),(6),(7)  
Employment and Assistance Regulation (EAR), Schedule A, Sections 2 and 4.

## PART E – Summary of Facts

The evidence before the Ministry at the time of reconsideration included the following:

- A quote dated May 4, 2015 from a furniture company for 4 queen size mattresses and bed frames totaling \$2687.91. The quote included a quote for a sofa and love seat at \$799.99 that was crossed out.
- A quote from a second furniture company for 4 queen size mattresses and bed frames totaling \$2548.89. The quote included a quote for a sofa and love seat at \$799.00 that was deleted from the handwritten total.
- A letter from the Ministry of Children and Family Development that confirms it will not financially assist the Appellant buying furniture.
- A screen printout showing the Crisis Assistance Yearly Maximum of \$2151.16 and the amounts issued. The last entry is April 2015 for \$580.

The Request for Reconsideration document states the Appellant is a single parent with 3 dependent children receiving income assistance. Her file was reopened on April 9, 2015. On June 5, 2015 the Ministry determined the Appellant was eligible for a crisis supplement for 4 beds. The Appellant submitted two quotes and stated she needed queen size beds and heavy duty frames to accommodate her teenage children who are big and tall.

On June 23, 2015 the Ministry advised the Appellant was not eligible for an amount exceeding \$1,571.16 due to the legislated annual limit. The Ministry calculated the Appellant's yearly crisis supplement maximum as \$2151.16 (\$1,075.58 X 2). A review of the Appellant's file revealed the Appellant had received a crisis supplement in April 2015 totaling \$580. The Ministry calculated the Appellant is eligible the maximum (\$2151.16) less the \$580 for a total of \$1571.16 for crisis supplements until May of 2016.

The Appellant states in the notice of appeal that her children have been sleeping on the floor and that she will forgo the framing and retain the bed mattresses and box springs.

At the hearing, the Appellant stated that the \$580 crisis supplement had been returned to the Ministry and therefore she should be eligible for her maximum yearly crisis supplement. She made the request in April for \$580 to cover a month of rent. She explained that she lives in subsidized housing and her rent fluctuates depending on her monthly income. That income changed when her unemployment insurance ran out and the housing management took several months to recalculate her rent amount. The housing management eventually established that her rent should have been \$300 per month for the period November 2014 through April 2015. As a result the Appellant had over paid her rent for that time period. The housing management returned the \$580 to the Ministry and gave the balance of the overpayment to the Appellant. The Appellant received the balance of overpayment at the end of May and bought covers for her beds with it. The Appellant's Advocate stated she had helped the Appellant understand her credit with the housing management at that same time. The Appellant stated she had telephoned the Ministry during the week prior to the hearing and clarified that the \$580 had been returned.

At the hearing the Ministry stated it is not able to fund above the legislated annual limit for the Appellant. The Ministry representative had not seen any documentation regarding the return of the \$580 initial crisis supplement and had not reviewed the Appellant's account prior to the hearing. The

Ministry stated the Appellant is only eligible for her legislated maximum less the initial crisis supplement of \$580 or \$1571.16.

There is no documentation within the reconsideration decision that mentions a return of moneys from a crisis supplement. The Appellant or her Advocate had not submitted in her reasons for reconsideration or in the notice of appeal that a repayment of the initial \$580 crisis supplement had been made. The Panel finds the oral evidence submitted at the hearing by the Appellant and her Advocate regarding the repayment of the \$580 crisis supplement to the Ministry as new information and as such, does not support the evidence that was before the Ministry at the time of the reconsideration decision. The Panel therefore cannot admit the oral evidence pertaining to the repayment of \$580 towards the Appellant's annual crisis supplement maximum under EAA, Section 22(4)(b).

The Panel finds as fact that the following:

- The Ministry determined the Appellant was eligible for a crisis supplement for 4 beds.
- The Appellant's yearly crisis supplement maximum is \$2151.16 ( $\$1,075.58 \times 2$ ).
- The Appellant had received a crisis supplement in April 2015 totaling \$580.

## PART F – Reasons for Panel Decision

The issue on this appeal is whether the Ministry reasonably denied the Appellant a crisis supplement in an amount exceeding \$1571.16 due to the legislated annual limit as per the Employment and Assistance Regulation Section 59(5),(6),(7) and Schedule A, Sections 2 and 4. The following legislation applies to this appeal:

### ***EAR Section 59***

- (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.*

### ***Monthly support allowance***

**2** (0.1) *For the purposes of this section:*

**"deemed dependent children"**, *in relation to a family unit, means the persons in the family unit who are deemed to be dependent children under subsection (5);*

**"maximum adjustment"**, *in relation to a family unit, means the amount the family unit would receive for a calendar month as the national child benefit supplement if*

- (a) the family unit were entitled to receive the national child benefit supplement for the calendar month,*
- (b) the income of the family unit, for the purposes of calculating the national child benefit supplement, were zero, and*
- (c) all dependent children and all deemed dependent children in the family unit were qualified dependants within the meaning of the Income Tax*

Act (Canada);

**"warrant"** has the meaning of a warrant in section 15.2 [consequences in relation to outstanding arrest warrants] of the Act.

(1) A monthly support allowance for the purpose of section 1 (a) is the sum of

(a) the amount set out in Column 3 of the following table for a family unit described in Column 1 of an applicant or a recipient described in Column 2, plus

(b) the amount calculated in accordance with subsections (2) to (4) for each dependent child in the family unit.

4	Sole applicant/recipient and one or more dependent children	Applicant/recipient is under 65 years of age	\$375.58
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**4** (1) For the purposes of this section:

**"family unit"** includes a child who is not a dependent child and who resides in the parent's place of residence for not less than 40% of each month, under the terms of an order or an agreement referred to in section 1 (2) of this regulation;

**"warrant"** has the meaning of a warrant in section 15.2 [consequences in relation to outstanding arrest warrants] of the Act.

(2) The monthly shelter allowance for a family unit to which section 15.2 of the Act does not apply is the smaller of

(a) the family unit's actual shelter costs, and

(b) the maximum set out in the following table for the applicable family size:

4	4 persons	\$700
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The Appellant argues she has no other options like living in a bigger city and she disagrees with the decision because her children have been sleeping on the floor and she is willing to forgo the bed frames and keep the mattresses and the box springs.

The Ministry argues it must abide by the legislation and as per the calculation, the maximum the Ministry can provide the Appellant is \$1571.16 in order not to exceed the legislated annual limit of a crisis supplement for the Appellant's family.

The Ministry documents record a crisis supplement of \$580 paid out to the Appellant in April 2015. The Ministry calculations of the annual maximum at \$2151.16 for crisis supplements that the Appellant is eligible for is established in legislation and is not disputed by the Appellant.

Accordingly, the Panel finds the Ministry's decision to deny the Appellant a crisis supplement in an amount not exceeding \$1571.16 due to the legislated annual limit as per the Employment and Assistance Regulation Section 59(5),(6),(7) and Schedule A, Sections 2 and 4 was a reasonable application of the legislation in the circumstances of the Appellant. The Panel therefore confirms the Ministry's decision.