

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision dated July 13, 2015 which denied the appellant's request for a crisis supplement to cover the cost of furniture. The ministry held that all of the requirements of Section 57 of the *Employment and Assistance for Persons With Disabilities Regulation* (EAPWDR) were not met as the ministry found that:

- the cost of furniture was not an unexpected expense or an item unexpectedly needed;
- there was insufficient information to establish that there are no resources available to the family unit to obtain furniture; and,
- there was insufficient evidence to show that failure to obtain furniture will result in imminent danger to the physical health of anyone in the appellant's family unit or the removal of a child under the *Child, Family and Community Service Act*.

PART D – Relevant Legislation

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

PART E – Summary of Facts

With the consent of both parties, the hearing was conducted as a written hearing, pursuant to section 22(3)(b) of the *Employment and Assistance Act*.

The evidence before the ministry at the time of the reconsideration decision consisted of:

- 1) Letter from a subsidized housing complex dated May 29, 2015 'To Whom It May Concern' in which the assistant manager wrote that the appellant and her children have accepted an offer for housing and they will be moving in July 2, 2015. Handwritten note: "requesting \$500 for a startup kit;
- 2) Undated letter to the 'selection committee' in which a child protection social worker wrote that she supports the appellant's application for a startup kit as the family lost all of their belongings when they were forcibly removed from their previous residence. She has been working with [the appellant] for the past 6 months and she is the primary guardian of two teenage children. In addition to her two children, she also cares for two other youth. The appellant had no permanent housing and had been residing in shelters. The appellant had been actively looking for housing and secured a place in the subsidized housing complex. The family lost all their furniture, clothes, and everything else they owned when they were forced to vacate their residence; and,
- 3) The appellant's Request for Reconsideration dated June 29, 2014.

In her Request for Reconsideration, the appellant wrote that:

- She has been looking after two children and another child who she is getting legal guardianship of. She applied for crisis grants to help her children.
- They lost everything.

In her Notice of Appeal dated July 16, 2015, the appellant wrote that:

- She requests a \$500 crisis grant to get what she needs.
- They lost everything from their old address. The landlord had put it on their lawn 3 days after they moved out and put it on Craig's list free stuff, and they lost everything and need help.
- She has been looking after a child for about 3 to 4 years out of her own money besides the family allowance.
- She has been asking the child protection social worker to email welfare. The social worker is the one who told her that she could email to get a crisis grant to help since she has been looking after her nephew. She is getting the legal documents arranged and that is a lot of paper work and it is still in process.
- She is on disability and this is very hard and she has 3 big, growing teenagers.
- She lost her father last year and he was always there for them but now he is not around.
- She needs the crisis grant to start getting their pots, pans, dishes, towels and things they need.

The ministry relied on its reconsideration decision as its submission. The ministry's evidence included:

- The appellant is a single recipient of disability assistance with 2 dependent children.
- On June 9, 2015 the appellant requested a crisis supplement for furniture and startup items.
- The appellant stated that she was forced by the Sheriff to leave her home on April 13, 2015 and all of her belongings were confiscated.
- The appellant made previous requests for crisis supplements for furniture and startup items on

April 13 and June 3, 2015, both of which requests were denied by the ministry. There have been no other changes or unexpected events since April 2015 to result in a need in June 2015.

- The appellant stated that she had no knowledge of any residential tenancy issues and she was not able to provide any verification of the eviction or the seizing of her belongings.

Admissibility of Additional Information

The panel admitted the information submitted by the appellant in her Notice of Appeal as it provided more detail relating to the appellant's need for furniture and is in support of information before the ministry on reconsideration, pursuant to Section 22(4) of the *Employment and Assistance Act*.

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 the cost of furniture, on the basis that 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*.

Unexpected Expense or Item Unexpectedly Needed

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, specifically that the supplement is required to obtain an item unexpectedly needed or for an unexpected expense, the family unit has no resources available to meet the expense or obtain the item, and failure to obtain the item will result in imminent danger to the physical health of any person in the family unit or the removal of a child under the *Child, Family and Community Service Act* (CFCSA). The ministry argued that under the *Residential Tenancy Act* the Sheriff can have a tenant vacate a residence if the tenant fails to vacate [voluntarily] by the date specified in the Sheriff's Notice to Vacate. The ministry argued that, after eviction by the Sheriff, the landlord can then take possession of the rental premises and its contents but a '72-hour provision' allows the tenant to go back into the residence to obtain any belongings. The ministry argued that it is not satisfied that the appellant did not have the opportunity to go back into her residence and obtain her belongings or that the appellant was not aware of a pending eviction.

The appellant's position is that the cost of furniture and startup items is an item unexpectedly needed, as the landlord had put [their belongings] on their lawn 3 days after they moved out and put [their belongings] on Craig's list free stuff, and they lost everything and need help.

Panel decision

Section 57(1)(a) of the EAPWDR sets out that a crisis supplement may be provided if the supplement is required to meet an unexpected expense or obtain an item unexpectedly needed. The appellant did not dispute the ministry's assertion that, according to the *Residential Tenancy Act*, she was entitled to an opportunity after eviction to go back into the residence to obtain her belongings. In her Notice of Appeal, the appellant wrote that the landlord put their belongings on their lawn 3 days after they moved out, and put their belongings on Craig's list free stuff, and they "lost everything." The

appellant does not explain why she did not recover her belongings from the lawn at that time or take them with her when she moved out. In an undated letter, a child protection social worker wrote that she supports the appellant's application for a startup kit as the family lost all of their belongings when they were forcibly removed from their previous residence; however, no detail is provided by either the appellant or the social worker of the circumstance of the appellant's eviction. Therefore, the panel finds that the ministry reasonably determined that the need for furniture was not an unexpected expense or an item unexpectedly needed if the appellant relinquished her previous belongings.

As well, the appellant did not dispute the ministry's assertion that the appellant's previous requests for crisis supplements for furniture and startup items, on April 13 and June 3, 2015, were both denied by the ministry and that there have been no other changes or unexpected events since April 2015. The panel finds that the ministry reasonably concluded that the cost of furniture is not an item unexpectedly needed and is not an unexpected expense, under Section 57(1)(a) of the EAPWDR.

No resources

The ministry's position is that there is no confirmation that the appellant has explored all other resources available to meet the need for furniture, including family, friends and all other community resources. The ministry argued that the appellant had income (sic) assistance available, family bonus and child tax benefits available to her in June 2015. The ministry argued that although the appellant told the ministry on April 13, 2015 that she had visited various community agencies without success, the appellant did not confirm which agencies she had accessed and, on June 13, 2015, acknowledged that she had not done anything to replace her furniture.

The appellant's position is that she has no resources available to her to obtain furniture and startup items. In her Notice of Appeal, the appellant wrote that she lost her father last year and he was always there for them but now he is not around. The appellant wrote that she has been looking after a child for about 3 to 4 years out of her own money besides the family allowance. The appellant argued in her Notice of Appeal that she requested a \$500 crisis grant to get what she needs, such as pots, pans, dishes, and towels.

Panel decision

Although the appellant wrote that she has been looking after a child for about 3 to 4 years out of her own money, she does not provide specifics of the amount of income she received and her necessary expenses to show the lack of income from disability assistance, family bonus and child tax benefits paid in June 2015 to meet her need for furniture. The appellant wrote that she no longer has her father to help her financially and she needs \$500 to get what she needs; however, the appellant has not provided information about other family or friends that she might approach for help with furniture and startup items, or to confirm the community agencies she has approached for help and the response that she received. The panel finds that the ministry's conclusion that it cannot be determined that there are no resources available to the family unit to meet the expense, under Section 57(1)(a) of the EAPWDR, was reasonable.

Imminent Danger

The ministry's position is that there was insufficient evidence to show that failure to obtain furniture will result in imminent danger to the physical health of anyone in the appellant's family unit or the removal of a child under the CFCSA.

The appellant's position is that she is on disability and this is very hard and she has 3 big, growing

teenagers.

Panel Decision

The panel finds that it is not disputed that the appellant qualifies for disability assistance. The child protection social worker confirmed in her letter that In addition to her two children, the appellant also cares for two other youth. However, the appellant does not provide detail of her disability and how a lack of furniture or startup items may result in imminent danger to her physical health or that of any person in her family unit, and the social worker did not suggest that the removal of a child under the *CFCSA* is a possibility if the appellant does not obtain the supplement for furniture. Given that the appellant moved out of her residence in April 2015 and she has been without furniture since that time, and in the absence of evidence of danger to the appellant's health or that of anyone in her family unit, the panel finds that the ministry's conclusion that there is not sufficient information to establish that failure to obtain furniture will result in imminent danger to the physical health of anyone in the appellant's family unit or the removal of a child under the *CFCSA*, pursuant to Section 57(1)(b) of the *EAPWDR*, was 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 furniture 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.