

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (“the ministry”) Reconsideration Decision of July 24, 2015 in which the ministry denied the appellant a crisis supplement for shelter for the month of July 2015 because he did not meet the legislative criteria set out in Section 59 (1) of the Employment and Assistance Regulation (EAR), specifically that he did not require the crisis supplement to meet an unexpected expense or obtain an item unexpectedly needed.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) Section 59 (1)

PART E – Summary of Facts

The appellant was not in attendance at the hearing. After confirming that the appellant was notified, the hearing proceeded under Section 86(b) of the EAR.

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

- request for reconsideration received by the ministry on July 15, 2015 in which the appellant stated that:
 - he has exhausted all available resources to pay his July 2015 rent;
 - he pays his the balance of his rent by getting roommates;
 - he receives a total of \$610 per month from the ministry in income assistance and can barely afford food and shelter;
 - he cashed his cheque but was still short \$100 for rent and was waiting to confirm that his friend would share the rent costs;
 - while he was sleeping on the night of July 6, 2015 one of his friend's friends stole his cash;
 - he reported the incident to the police and received a police file number;
 - the theft was an unexpected occurrence.
- 10 day eviction notice dated June 4, 2015 requiring the appellant to vacate his apartment by June 14, 2015 for non-payment of his June 1, 2015 rent in the amount of \$700;
- undated police document or fragment of a police document containing a file number and the handwritten name of a police officer, with no detail as to the name of the complainant or the details of the complaint.

The facts as described in the reconsideration decision are:

- On July 8, 2015 the appellant requested a crisis supplement for his July rent, stating that his rent money had been stolen. The appellant told the ministry worker that he had not paid his rent on July 1, 2015 because he was having a dispute with his landlord, and had received an eviction notice.
- On July 9, 2015 the ministry informed the appellant that his request for a crisis supplement was denied because he did not meet all of the legislative criteria.
- On July 15, 2015 the ministry received a police report containing a file number and name of the police officer but with no additional information.
- The patient undergoes kidney dialysis.

In his Notice of Appeal dated August 10, 2015 the appellant wrote that he was a victim of crime and should be helped in some way.

No additional evidence was submitted by the appellant.

The ministry relied on the reconsideration decision.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry decision to deny the appellant a crisis supplement for shelter for the month of July 2015 because he did not meet the legislative criteria set out in Section 59 (1) of the Employment and Assistance Regulation (EAR), specifically that he did not require the crisis supplement to meet an unexpected expense or obtain an item unexpectedly needed.

The applicable legislation is set out in Section 59 (1) of the EAR:

Crisis supplement

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.

The appellant argues that he receives a total monthly income assistance of \$610 and can barely afford food and shelter. He supplements his \$700 monthly rent by finding a roommate. He states that the theft of all but \$100 of his cash was an unexpected occurrence and that he reported the theft to the police and received a police file number. He believes that as a victim of crime he should be assisted by the ministry.

The ministry concedes that the appellant is unable to meet his shelter expense because he has no available resources, and that failure to meet the expense will result in imminent danger to the appellant's physical health because he undergoes kidney dialysis. However, the ministry is not satisfied that the appellant requires the supplement to meet an unexpected expense as required for the granting of a crisis supplement in Section 59 (1) (a) of the EAR. The ministry notes a lack of information on the RCMP card and argues that the eviction notice contradicts the appellant's explanation of how the theft occurred.

Panel Decision

Section 59 (1) of the legislation requires that all of the following three criteria be met when authorizing a crisis supplement:

1. The appellant must need the supplement to meet an unexpected expense or to obtain an item unexpectedly needed, and
2. The appellant must be unable to meet the expense or obtain the item because there are no resources available to the family unit, and
3. The minister considers that failure to obtain the item will result in imminent danger to the

physical health of any person in the family unit.

The panel finds that the ministry reasonably determined that the appellant failed to demonstrate that he required a crisis supplement for the month of July 2015 to meet an unexpected expense. The evidence indicates that although the appellant received an eviction notice on June 4, 2015 for non-payment of rent due June 1, 2015 he remained in his apartment in order to resolve an ongoing dispute with his landlord. He knew that he would need to pay another month's rent at the beginning of July, 2015. His July 2015 rent cannot therefore be considered an unexpected expense. The appellant does not explain why he failed to pay his rent before his money was stolen on July 6, 2015. Although he has tendered a police report or fragment of a police report it is undated, does not include the appellant's name, and contains no details of the theft. It provides no additional information to the ministry to support the appellant's request for a crisis supplement for shelter.

In conclusion the panel finds that the ministry's reconsideration to deny the appellant's request for a crisis supplement for shelter on the basis that the appellant did not meet the criteria for a crisis supplement set out in EAR Section 59 (1) is a reasonable application of the applicable enactment in the circumstances of the appellant, and confirms the decision.