



### PART C – Decision under Appeal

The decision under appeal is the September 30, 2015 reconsideration decision of the Ministry of Social Development and Social Innovation (the Ministry) in which the Ministry denied the Appellant a crisis supplement to pay shelter costs for October because the request did not meet the necessary criteria as specified under Section 59 of the Employment and Assistance Regulation (EAR). Specifically the Ministry determined the need to pay shelter costs was not unexpected, that failure to obtain the shelter costs would not result in imminent danger to the health of the Appellant, and that there were alternate resources available for shelter costs.

### PART D – Relevant Legislation

Employment and Assistance Regulation, Section 59

## PART E – Summary of Facts

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

- A Writ of Possession dated September 9, 2015 specifying an order as of July 14, 2015 that commanded a sheriff to claim possession on behalf of a bank of a manufactured home and sell for best price available the goods and chattels in the name of the Appellant to realize the bank's costs, fees and expenses.
- A receipt for \$75.71 dated September 24, 2015, in the Appellant's name from a local motel.
- A Shelter Information form in the Appellant's name dated September 25, 2015 for \$75 per night or \$375 per week at a local motel.
- A hand written submission dated September 29, 2015 and titled "urgency for accommodations/funds" from the Appellant in which states her personal possessions were in "her driveway", that she has experienced financial encumbrances/setbacks such as "my home", that a transition home is not a home, that she has been a financially sustainable individual including a home owner as of 1988 to date, that she was re-assured her situation qualified for a crisis, that to deny and reject her request is inhumane, that her funds for food is not sufficient due to being a vegan, that she does not receive enough funds for the cost of living and food, and that lack of assistance severed her qualifications for a job posting.

The Appellant has been a recipient of income assistance since July 2014 as a single employable person with a monthly assistance of \$610. Her October 2015 assistance was issued on September 23, 2015. On September 24, 2015 she reported to the Ministry that she had been evicted from her mobile home and her pets and furniture had been removed from the home. On September 25, 2015 the Appellant submitted a receipt for a one night stay at a motel and requested a crisis supplement to pay for it.

At the hearing, the Appellant referred to her submission dated September 29, 2015 and stated these detailed enclosures explain why the Ministry's decision was not acceptable. She stated that she has left her mobile home and is looking for an acceptable home in the area and in the meantime has been living in her vehicle. She states her situation should be recognized as a crisis and that she was told by the motel owner that her situation was similar to others that have received a crisis supplement.

At the hearing the Ministry referred to the reconsideration decision and reiterated the reasoning why the Appellant did not meet the criteria under the EAR, Section 59.

The Panel finds as fact that the following:

- The Appellant received a Writ of Possession dated September 9, 2015 specifying an order as of July 14, 2015 regarding her mobile home and possessions.
- On September 23, 2015 the Appellant was issued her October 2015 assistance which included full shelter allowance of \$375.
- On September 25, 2015 the Appellant submitted a receipt for a one night stay at a motel on September 24, 2015.

## PART F – Reasons for Panel Decision

The issue on this appeal is whether the Ministry reasonably denied the Appellant a crisis supplement to pay shelter costs because the request did not meet the necessary criteria as specified under Section 59 of the EAR. Specifically was the Ministry's determination that the need to pay shelter costs was not unexpected, that failure to obtain the shelter costs would not result in imminent danger to the health of the Appellant, and that there were alternate resources available for shelter costs was reasonably supported by the evidence or a reasonable application of the legislation?

The legislation applicable in this appeal is as follows:

### **EAR Section 59**

**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 a transition home is not a home, that she has been a financially sustainable individual including a home owner as of 1988 to date, that she was re-assured her situation qualified for a crisis, that to deny and reject her request is inhumane, that her funds for food is not sufficient due to being a vegan, that she does not receive enough funds for the cost of living and food, and that lack of assistance severed her qualifications for a job posting. Furthermore, she had been corresponding with financial and legal representatives regarding her home and was attempting to extend the timeline on her eviction.

The Ministry argues the criteria under the legislation had not been met. Specifically the need was not unexpected because the Appellant was aware before July 24, 2015 that she would be required to vacate her mobile home and had several months to make arrangements for alternate accommodations. Secondly, there is not sufficient evidence before the Ministry to establish that failure to obtain shelter funds will place the Appellant's health in imminent danger. And thirdly, there is insufficient evidence to establish that there is lack of resources available because the Appellant's shelter allowance for October 2015 was issued on September 23, 2015.

Reasons:

The legislation establishes three criteria to be eligible for a crisis supplement. In this case, the

Appellant was aware of an order issued in July 2015 and was in receipt of a writ of possession issued September 23, 2015 for possession of her mobile home and chattels. The Panel finds the Ministry reasonably determined that the Appellant's need for shelter costs was not unexpected and that the Appellant did not meet the eligibility requirement as per the EAR, Section 59 (1)(a).

The Panel finds there is insufficient evidence submitted to establish that failure to obtain shelter costs will result in imminent danger to the physical health of the Appellant. The Panel finds the Ministry reasonably determined that the Appellant did not meet the eligibility requirement as per the EAR, Section 59(1)(b)(i).

Lastly, the Appellant was issued shelter allowance for October 2015. The Panel finds the Ministry reasonably determined the Appellant had her shelter allowance as an alternate resource at the time of the request for a crisis supplement and that the Appellant did not meet the second eligibility requirement as per the EAR, Section 59(1)(a).

Accordingly, the Panel finds the Ministry's decision to deny the Appellant a crisis supplement for shelter costs due to not meeting the legislated criteria as per EAR, Section 59 was a reasonable application of the legislation in the circumstances of the Appellant. The Panel therefore confirms the Ministry's decision.