



### PART C – Decision under Appeal

The decision under appeal is the August 12, 2015 reconsideration decision of the Ministry of Social Development and Social Innovation (the Ministry) in which the Ministry denied the Appellant a crisis supplement for the purchase of a bed because the request did not meet the necessary criteria as specified under Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Specifically the Ministry determined the need for a bed was not unexpected, that failure to obtain the bed would not result in imminent danger to the health of the Appellant, and that there are alternate resources available to obtain the bed.

### PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation, Section 57

## PART E – Summary of Facts

The Appellant's submission on appeal included the following:

- An appeal adjournment request signed by the Appellant on September 27, 2015.
- An insurance loan payment table for a principal amount of \$161.33 in the Appellant's name.
- Bank transaction records dated September 17 and September 25, 2015.
- A mail forwarding form dated August 1, 2015 in the Appellant's name.
- A hydro bill for \$27.68 dated June 24, 2015 in the Appellant's name.
- A cable bill for \$380.59 dated September 2, 2015 in the Appellant's name.
- A notice of assessment for interest dated April 23, 2015 in the Appellant's name with a handwritten notation that reads "Sept 28, 2015 GST garnished for 2 months to cover this tax bill".
- A check receipt dated September 10, 2015 for \$20.00 with the handwritten note that says the Appellant received \$20.00 due to moving and his friend was also denied.
- A ministry cheque history from the Appellant's friend with a note written and signed by the roommate that confirms the Appellant received funding for a bed from the Ministry earlier in the year and that it brought in more bed bugs. They had to move due to the health issue and were told by a third party administration once they moved and handed in their receipts they would be reimbursed. They only received \$20.00 each upon arrival in the current city of residence.
- Two pawnbroker receipts dated March 31, 2015.
- Two exchange receipts dated May 29, 2015.
- A page of 5 receipts for moving expenses.
- A moving truck receipt dated May 28, 2015 for \$500.00.
- A motel receipt dated May 29, 2015 for \$147.58.
- Pawn shop receipts with due dates of October 18, 19, 25 and 29, 2015 with a receipt for a bedroom suite and plants and a handwritten notation.

The Ministry had no objection to the documentation within the submission. The Panel finds it supports the moving costs and the need for a bed that was evidence before the Ministry at the time of the reconsideration decision and admits the documents as evidence under EAA, Section 22(4)(b).

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

- A quote dated July 2, 2015 for a single bed totaling \$308.00.
- A quote dated July 2, 2015 for a single bed totaling \$503.99.
- An undated quote for a single bed for \$329.99 plus tax.
- A moving truck receipt dated May 29, 2015 for \$500.00.
- Gas receipts for \$61.51 and \$100.00.
- A memo noting a moving truck license and noting "57km May 28/15 start".
- A change of address form changing the Appellant's address from his former city of residence to his current city of residence.
- A postage receipt for \$54.55.
- A rental equipment confirmation receipt for \$30.00.
- A motel receipt dated May 29, 2015 for \$147.58.

The Appellant is a recipient of disability assistance as a sole recipient. His monthly assistance totals \$946.42 from which a repayment of \$20 is deducted each month. His shelter costs are \$400 per

month. The timeline leading up to the Appellant's request for the crisis supplement is as follows:

- In March 2015 the Ministry provided the Appellant a bed and mattress cover for protection from bed bugs.
- On June 1, 2015 the Appellant advised the Ministry that he had moved to his current city of residence and provided the Ministry copies of the moving truck receipts to verify his moving expenses.
- On June 4, 2015 the Appellant requested a crisis supplement to purchase furniture stating his furniture had been left at the former city due to a bed bug infestation. This request was denied and the Appellant requested a reconsideration of the decision.
- On June 17, 2015 the Appellant withdrew the June 4, 2015 request for reconsideration.
- On July 2, 2015 the Appellant stated his denial for a bed had been overturned. The Ministry advised this was incorrect and that he had withdrew his request for reconsideration.
- On July 7, 2015 the Appellant requested a crisis supplement to purchase a bed.
- On July 20, 2015, this request was denied by the Ministry.

The Appellant states in his reasons for reconsideration that he requires a single bed (for \$307.00) at his current residence and he has handed in quotes for the bed. His previous bed was left behind due to bed bugs. He states his roommate had the same problem and that she received a bed. He would like the same. He notes he is working with the management and the exterminator at his previous city of residence. He states he has a bad back and that he is currently sleeping on an air mattress on 6 or 7 boxes.

The Appellant states in the notice of appeal that after dealing with bed bugs and a 7 hour moving trip, he has received no moving funds, in spite of being told by a support agency that everything will be provided once the intent to rent is handed in at his current city of residence. He has only received \$20.00 to last for four weeks. He also questions why his roommate received a bed at this current residence.

At the hearing, the Appellant reviewed the sequence of events leading up to his request for funding for a bed. He clarified that the bed supplied by the Ministry in his former city of residence was a used bed and that he had dealt with a support agency rather than the Ministry for years but he has now been reinstated to be allowed into the ministry offices in his current city of residence. He also specified that he was a caregiver for his roommate. Upon questioning, the Appellant confirmed he is a recipient of disability assistance and he has a bad back and other health issues.

At the hearing the Ministry clarified that the Appellant and his roommate had separate files and therefore any decision made on one was independent of the other. She also clarified that the support agency which gave the Appellant moving information is not a representative of the Ministry and the Ministry must make its decision based on the legislation. She also noted the Ministry received no communication from the Appellant between his receipt of the initial bed in March 2015 and his request for a crisis supplement after a move on June 4, 2015.

The Panel finds as fact that the following:

- The Appellant received funding for a single bed and mattress cover for protection from bed bugs in March 2015.
- The Appellant moved from his former city to his current city on June 1, 2015.



- On June 4, 2015 the Appellant initially requested a crisis supplement for furniture but subsequently withdrew it on June 17, 2015.
- On July 7, 2015 the Appellant requested a crisis supplement for the purchase of a bed.

## PART F – Reasons for Panel Decision

The issue on this appeal is whether the Ministry reasonably denied the Appellant a crisis supplement for the purchase of a bed because the need did not meet the criteria as set out in Section 57 of the EAPWDR, that is, the need for a bed was not unexpected, that failure to obtain the bed would not result in imminent danger to the health of the Appellant, and that there are alternate resources available to obtain the bed.

The legislation applicable in this appeal is as follows:

### **EAPWDR Section 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,*

The Appellant argues there should be no difference in funding, that is, if his roommate receives funding for a bed after the move, so should he. He argues that has been sleeping on an air mattress and deserves a bed.

The Ministry argues the criteria under the legislation had not been met. Specifically the need was not unexpected because the Appellant was aware he would need a bed once moved because he left his old bed at his previous residence. Secondly, there is not sufficient evidence before the Ministry to establish that failure to obtain a bed will place the Appellant's health in imminent danger. And thirdly, there is insufficient evidence to establish that there is a lack of resources available in the Appellant's support allowance to budget for a bed.

Reasons:

The legislation establishes three criteria to be eligible for a crisis supplement. In this case, the Appellant knowingly left his bed at his previous residence and moved to a new city. The Panel finds the Ministry reasonably determined that the Appellant's need for the bed was not unexpected and that the Appellant did not meet the eligibility requirement as per the EAPWDR, Section 57(1)(a).

Although the Appellant is a recipient of disability assistance and states that he has a bad back and other health issues, the Panel finds insufficient evidence submitted to establish that failure to obtain a bed will place the Appellant's health in imminent danger and finds the Ministry reasonably determined that the Appellant did not meet the eligibility requirement as per the EAPWDR, Section 57(1)(b).

Lastly, the submitted receipts and other documentation illustrate the Appellant has utilized various means of funding and resources to meet his expenses since moving to his current residence. Furthermore the Appellant has received and continues to receive a monthly support allowance which



is intended for household items such as beds. The Panel finds there is insufficient evidence to illustrate that there are no alternate resources available to the Appellant to obtain a bed and finds the Ministry reasonably determined that the Appellant did not meet the second eligibility requirement as per the EAPWDR, Section 57(1)(a).

Accordingly, the Panel finds the Ministry's decision to deny the Appellant a crisis supplement due to not meeting the legislated criteria as per EAPWDR, Section 57 was a reasonable application of the legislation in the circumstances of the Appellant. The Panel therefore confirms the Ministry's decision.