



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation’s (ministry) reconsideration decision dated November 13, 2015 which held that the appellant was not eligible for a crisis supplement for food pursuant to Section 5 of the *Employment and Assistance for Persons with Disabilities Act* (EAPWDA) and Section 57 (1) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR). The ministry determined that the appellant failed to establish that, pursuant to subsection (1):

- (a), a crisis supplement for food was necessary to meet an unexpected expense or was unexpectedly needed and that she did not have other resources to meet her need, and
- (b) failure to meet the expense of food or obtain food would result in imminent danger to her physical health or that of another in the family unit.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation – EAPWDR- Section 57 (1)

Employment and Assistance for Persons with Disabilities Act – EAPWDA- Section 5

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PART E – Summary of Facts

The ministry was not in attendance at the hearing. After confirming that the ministry was notified, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation.

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

1. Partially completed copy of a GIS (guaranteed income supplement) application indicating that the appellant and her spouse are not in receipt of GIS;
2. Request for reconsideration signed and dated November 2015 which states that:
 - a crisis supplement of \$200 is needed to pay for owed rent;
 - she used her money to pay her electricity bill so it would not be cut off;
 - she also needs food for her spouse who has health issues with his stomach; and
 - without the crisis supplement she and her spouse will be evicted.

In Notice of Appeal, signed and dated November 25, 2015, the appellant states that the ministry's decision is unfair.

At the hearing the appellant's testimony included the following:

- Her husband fell ill on October 24, 2015, and remained so until the local hospital treated him 4 days later, as a result she had unexpected food cost for his special needs of fluids during this time;
- The ministry has erred in denying her a crisis supplement for food, as she asked for a crisis supplement of \$200 for rent;
- She or her husband are in receipt of pension but not in receipt of GIS and there is no extra money to cover the costs of unexpected expenses such as an illness;
- She suffers from IBS (irritable bowel syndrome) and could not wait around the ministry office long without a washroom, and she feels she was mistreated and dismissed by the ministry;
- She has an eviction notice dated November 1, 2015 but was given an extension from her landlord. She paid her December 2015 rent and the landlord applied \$200 of it towards her November 2015 rent that was outstanding. She currently owes \$200 for December 2015 and verbally confirmed that she has been given until December 16, 2015 to pay or she will be evicted but she did not have a current eviction notice;
- Her income is not \$1559.06 but is \$1396.56 because the ministry does not always pay her the entire amount she is owed;
- She did not have a notice of disconnection for her electricity as the bill is in the landlord's name and he did not give her a copy but she paid him \$100;
- Her Canada Pension Plan (CPP) and Old Age Pension (OAP) cheques arrive on the 27th or 28th of every month; and
- She confirmed that she received a \$200 crisis supplement for October 2015's rent and that she is supposed to receive a \$40 dietary supplement but she said that it did not appear consistently on her cheque.

At the hearing the appellant submitted an eviction notice signed and dated November 1, 2015 which stated that she had until November 10, 2015 to pay the balance of her rent of \$200.

She also submitted a hand written account of her total normal monthly expenses and total income. She lists her expenses as \$450 for rent, \$100 for electricity, \$60 for phone and cable, \$86 for car insurance, \$40 for car maintenance, \$150 for gas, \$100 for clothing and laundry, \$250 for food and \$60 for cat food for a total of \$1296.00. She lists her income as \$1396.56, which leaves her with a surplus of \$100. The costs associated

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with her husband's unexpected illness are as follows: \$20 for parking, \$25 for bus fare, \$50 for special dietary needs and \$20 for gas, for a total of \$115.00.

Admissibility of New Information

The panel found that the eviction notice and written account of expenses and income provided additional detail or disclosed information that was in support of the information addressed in the reconsideration. Accordingly, the panel has admitted this new information as being in support of information and records that were before the ministry at the time of reconsideration, in accordance with s. 22(4) of the *Employment and Assistance Act*.

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PART F – Reasons for Panel Decision

The issue at appeal is whether the ministry's decision that the appellant failed to establish that her need for a crisis supplement for food was an unexpected expense or was unexpectedly needed, that the expense could not have been met by other resources and that failure to obtain food would result in imminent danger to her physical health or that of another member of the family unit as required by Section 57 (1) (a) of the EAPWDR was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

Section 57(1) of the EAPWDR sets out the eligibility requirements for providing 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*.

Section 5 of EAPWDA provides as follows:

Disability assistance and supplements

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

The Appellant's Position

The appellant's position is that she had to use her money to pay for the unexpected food costs associated with her husband's illness and her part of the electricity bill so that it would not be disconnected, and therefore is short \$200 for rent. She argues that the ministry dismissed her and therefore did not understand that she was not asking for a crisis supplement for food and that she qualifies for a crisis supplement for rent once per year.

The Ministry's Position

The ministry's position is that food is not an unexpected expense and the appellant failed to provide information to support that she needed to purchase extra food unexpectedly. The ministry notes that the appellant and her husband have a total income of \$1559.06 and she received a crisis supplement in September 2015 of \$40 for food and another \$200 in October 2015 for shelter. The ministry argues that this should be enough money to meet her immediate needs while she applies for GIS and that she failed to provide enough information about her monthly expenses to establish that she did not have enough resources available to meet her food needs. Finally, the ministry argues that since the appellant has financial resources available, it is not satisfied that failure to provide a crisis supplement for food will result in imminent danger to her physical health.

The Panel Decision

Section 57 (1) (a) of the EAPWDR states that the minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if the family unit or person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is

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unable to meet the expense or obtain the item because there are no resources available to the family unit.

Unexpected Need or Expense

The panel acknowledges that the appellant states she is not asking for a crisis supplement for food but rather for shelter as she spent her money on unexpected food costs. However, the panel notes that its jurisdiction is limited to the reconsideration decision only and that the appellant had an opportunity clarify this in her request for reconsideration and notice of appeal. The appellant stated that her husband was unexpectedly ill and unexpectedly needed a special diet for about 4 days. She stated that he needed foods that would flush his system. However, the appellant did not provide any evidence to support that he was ill, that he needed a special diet, what that diet consisted of or receipts showing the cost of the unexpectedly needed food items. The panel finds that the ministry reasonably determined that the appellant failed to provide enough information to support that she needed to purchase extra food unexpectedly.

Availability of Resources

The panel acknowledges that there is a difference of opinion between the ministry and the appellant as to what her monthly income is. However the panel notes that regardless of the discrepancy, according to the appellant's own accounts, she has a surplus of \$100 every month. The total cost from the unexpected food costs related to her husband's illness was \$115. She stated that her CCP and OAS arrive around the 27th or 28th of the month, which is in time for her to pay her rent and bills for the first of the month. After she pays everything she has accounted for on her written statement, including her electricity bill, the expenses related to her husband's illness put her in a deficit of \$15. Additionally, the appellant received a \$40 crisis supplement for food in September 2015 and a \$200 crisis supplement for shelter in October 2015. The panel finds that the ministry reasonable determined that this should be enough to money to meet her immediate needs while she applies for GIS. The panel finds that the ministry reasonably determined that the appellant has not established that other resources were not available to meet her needs.

Imminent Danger to Physical Health

The appellant stated that she will be evicted from her home on December 16, 2015 but failed to provide an eviction notice for the month of December 2015. She also failed to provide evidence that she is currently in need of food and that the need of food has not been met by other resources. The panel finds that the appellant had the financial resources to pay for food and rent, and she has not established that failure to provide a crisis supplement for food would result in imminent danger to her physical health or that of her dependants. The panel finds that the ministry reasonably determined that the appellant has not established that failure to provide a crisis supplement for food would result in imminent danger to her physical health or that of her dependants.

Conclusion

The panel finds that the evidence establishes that the ministry was reasonable in its determination that the criteria set out in Section 57 (1) of the EAPWDR has not been met by the appellant. As a result the panel finds that the ministry's decision to deny the appellant's request for a crisis supplement for food was a reasonable application of the legislation and was reasonably supported by the evidence. The panel confirms the ministry's reconsideration decision.