

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry) reconsideration decision dated November 23, 2015 which denied the appellant's request for a crisis supplement to cover clothing costs under Section 59 of the *Employment and Assistance Regulation* (EAR). The ministry found that failure to meet the expense will result in imminent danger to the appellant's physical health; however, the ministry found that there was insufficient information to establish that:

- clothing is an unexpected expense or an item unexpectedly needed; and,
- alternate resources are unavailable to the family unit to secure clothing.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), Section 59

PART E – Summary of Facts

The initial appeal hearing had been adjourned to allow the appellant to consult with an advocate and the appellant provided a completed Release of Information form appointing a representative.

Neither the appellant nor the advocate attended the hearing. After confirming that both the appellant and the advocate were notified, the hearing proceeded under Section 86(b) of the *Employment and Assistance Regulation*.

The evidence before the ministry at the time of the reconsideration decision included the appellant's Request for Reconsideration dated November 16, 2014, with attached page dated November 17, 2015.

In his Request for Reconsideration, the appellant wrote that:

- He is in crisis as he has been on the street for over 6 months.
- It is impossible to find a place for \$375 per month as it is \$500 minimum.
- His shoes are ruined because he is in them 16 hours a day and he cannot keep his feet dry.
- \$235 per month does not provide him with enough funds to live on and buy a jacket and shoes.
- He is doing his best to keep his head above water- eating at different charitable organizations and it is affecting his mental and physical health.
- Now that the cold weather is here, there is more reason that he needs a jacket, shoes and long-johns. Sometimes he cannot stop shivering and he is unable to sleep at night because of the cold. He is in danger of hyperthermia. He has to go to the library during the day for rest and sleep.

In his Notice of Appeal, the appellant expressed his disagreement with the ministry's reconsideration decision and wrote that:

- Having read the information on the website, it clearly states that he is eligible for the crisis grants.
- He has been 8 times homeless since March 2015.

The ministry relied on its reconsideration decision.

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 clothing costs, as the requirements of Section 59 of the *Employment and Assistance Regulation* (EAR) were not met, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the appellant's circumstances.

Section 59(1) of the EAR sets out the eligibility requirements which are at issue on this appeal for providing the crisis supplement, as follows:

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, or
 - (ii) removal of a child under the Child, Family and Community Service Act. . . .

Unexpected expense

The ministry's position, as set out in the reconsideration decision, is that the provisions of Section 59 of the EAR allow for the ministry to provide a crisis supplement when all of the legislative criteria are met, including that the supplement is required to meet an unexpected expense or to obtain an item unexpectedly needed. The ministry wrote that the need for clothing is not unexpected as the need to replace clothing from wear and tear, such as a broken zipper, is not an unexpected expense. The ministry stated that although the appellant also stated that he needed warmer clothing, such as long johns, for the winter weather, it is not unexpected that the seasons will change and that there will be a requirement for warmer clothing.

The appellant's position, as set out in his Request for Reconsideration, is that his shoes are ruined and he cannot keep his feet dry and he also needs a jacket and long johns for the cold weather and he does not receive enough funds (\$235 per month) to live on and also pay for clothes. According to the ministry, the appellant also stated that he required the shoes and jacket to go for a job interview.

Panel Decision

Section 59 of the EAR stipulates that a crisis supplement may be provided when all of the legislative criteria are met, including that the supplement is required to meet an unexpected expense or to obtain an item unexpectedly needed. The panel finds that the appellant's need for clothing items, including worn out shoes, a jacket and long johns, due to wear and tear and possibly to wear to a job interview and to keep warm in the colder weather are not unexpectedly needed as the ministry reasonably determined that clothing generally wears out over time and the change in seasons is predictable, and both are to be expected. Therefore, the panel finds that the ministry's determination that the clothing expense was not an "unexpected expense", under Section 59(1)(a) of the EAR, was reasonable.

Resources Available

The ministry's position is that information has not been provided to establish that the appellant has no

resources available to meet his need for clothing on his own. The ministry stated that the appellant received his support of \$235 and his support is intended as a resource to help meet basic needs such as clothing. The ministry wrote that the appellant stated he required the shoes and jacket to go to for a job interview; however, the appellant attends an employment contractor that provides assistance in obtaining items required for job interviews and the appellant has not provided verification of using this resource. The ministry stated that there are also several charitable organizations listed in the appellant's area that provide free or low cost resources.

The appellant's position, as set out in his Request for Reconsideration, is that \$235 per month does not provide him with enough funds to live on and buy a jacket and shoes and he is doing his best to keep his head above water- eating at different charitable organizations.

Panel Decision

Section 59 of the EAR sets out that a crisis supplement may be provided when all of the legislative criteria are met, including that the family unit or a person in the family unit is unable to meet the expense or obtain the item because there are no resources available to the family unit. The ministry described charitable organizations in the appellant's community that provide low or no cost clothing and also suggested any clothing required for a job interview is available through the employment contractor, and the appellant did not argue that he had attempted to access these resources. The panel finds that the ministry reasonably determined that the appellant had resources available to him to replace his clothing items. While the appellant argued that the amount he receives from the ministry each month is not sufficient to live on and buy clothes, the support allowance is meant to meet his basic needs, including an ongoing budget to replace clothing items. The panel finds that the ministry reasonably determined that the appellant's monthly assistance is intended as a resource to help meet basic needs such as clothing. Therefore, the panel finds that the ministry's conclusion that there was not sufficient information to show that alternate resources are unavailable to the family unit to secure clothing, under Section 59(1)(a) of the EAR, was reasonable.

Conclusion

Section 59 of the EAR stipulates that all of the requirements of the section must be met in order for a person to be provided with a crisis supplement. The panel finds that the ministry's reconsideration decision, which denied the appellant's request for a crisis supplement for the cost of clothing because all of the requirements of Section 59 of the EAR were not met, was reasonably supported by the evidence and the panel confirms the ministry's decision.