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## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the ministry) reconsideration decision of December 22, 2015 in which the ministry denied the appellant's request for a crisis supplement for beds for her children because the appellant did not meet all the requirements of Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR).

Section 57 of the EPWDR stipulates that the minister may provide a crisis supplement to a family unit that is eligible if three statutory criteria are met:

- a) the supplement is required to meet an unexpected expense or obtain an item unexpectedly needed;
- b) there are no resources available, and
- c) Failure to meet the expense or obtain the item will result in imminent danger to physical health or removal of a child under the Child, Family and Community Service Act.

Specifically, the ministry determined that the appellant did not demonstrate that she did not have resources available.

## PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWA) Section 5  
Employment and Assistance for Persons with Disabilities Regulation (EAPWR) Section 57

## PART E – Summary of Facts

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

- The appellant has been receiving disability assistance as a single parent with 5 dependent children since November 13, 2015. Prior to this, the appellant was receiving disability as a sole recipient. The appellant's file re-opened in 2002.
- November 4, 2015: The ministry received confirmation from the appellant's social worker with the Ministry of Children and Family Development (MCFD) that her 5 children were being returned to her care in December 2015.
- November 19, 2015: The appellant called the ministry and requested beds for her children. The appellant stated that she had not sought community resources but would do so and provide the ministry with confirmation of same. The ministry advised the appellant that her request was denied because she had not sought alternative resources for beds such as community agencies, craigslist or facebook groups or friends and family
- December 11, 2015: The ministry received the appellant's Request for Reconsideration signed by her Social Worker, stating "children are being returned to mother's care on Dec. 16/15. The mother requires 4 beds and mattresses to accommodate each child. The mother is on income assistance; therefore has low income."
- December 17, 2015: The minister received the appellant's signed Request for Reconsideration stating the same.
- December 22, 2015: The ministry denied the request.

The appellant submitted a Notice of Appeal on January 7, 2016 in which she submitted that she is a single mom who needs help and is not able to find resources to help with beds. She has no help from their dad.

For the appeal, the ministry adopted its reconsideration summary as its submission and did not introduce any new evidence.

With the consent of both parties, the hearing was conducted as a written hearing pursuant to Section 22(3)(b) of the Employment and Assistance Act.

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## PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the ministry's reconsideration decision of November 27, 2016 which held that the appellant is not eligible for a crisis supplement to purchase beds for her children because she did not meet the requirements of Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry determined that the appellant did not demonstrate that she was unable to meet the expense or obtain the item because she had no resources available.

The minister is satisfied that the appellant required a crisis supplement to meet an unexpected need and that failure to obtain the needed beds would result in imminent danger to their physical health or the removal of them under the Child, Family and Community Service Act.

The following sections of the legislation apply to the appellant's circumstances in this appeal.

### **Employment and Assistance for Persons with Disabilities Act**

(A) 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.

### **Employment and Assistance for Persons with Disabilities Regulation**

(B) 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.

(2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.

## **Unexpected Expense**

The minister is satisfied that the appellant required a crisis supplement to obtain beds unexpectedly needed at the time of the request. While she was working toward the return of her children, the available information did not demonstrate that the appellant knew when or if they would be returned to her care until she was advised by the MCFD.

## **Imminent Danger or Removal of a Child under the Child and Family Services Act**

The minister is satisfied that failure to obtain beds for the children would result in imminent danger to their physical health or the removal of them under the Children, Family and Community Service Act.

## **No Resources available**

The appellant's position is that she is a single mother who needs help and is unable to find resources to help with the beds. She has no help from the father of the children. She is on income assistance and therefore is low income.

The ministry's position is that it is not satisfied the appellant has no available resources to obtain beds for her children. While the minister acknowledges the appellant's position that she does not have the income to purchase beds for her children, a review of the resources in the appellant's community shows one resource that provides free beds. The appellant did not provide information to demonstrate that she was unable to obtain free beds from the identified resource. The minister finds that beds are available to the appellant through the resource and therefore the minister determined that the appellant is not eligible for a crisis supplement for furniture for beds for her children under section 57 of the EAPWDR.

## **Panel Decision**

The legislative criterion regarding resources requires the ministry to consider the appellant's circumstances and her use of the resources that are available to her. The evidence indicates that the appellant has not made good use of the options that are available to her. The appellant may not have financial resources available as she is on income assistance but there are community resources that were identified to the appellant that provide free beds. The appellant has provided no supporting evidence that she attempted to access any resources including friends, family or community.

## **Conclusion**

Since the all the criteria in EAPWDR section 57 have not been satisfied, the panel finds that the ministry's decision to deny the appellant a crisis supplement for beds was a reasonable application of the applicable enactment in the circumstances of the appellant. The ministry's decision is confirmed.