



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry) Reconsideration Decision dated January 20, 2016, which denied the Appellant's request for a crisis supplement for December, 2015 shelter. The Ministry held that all of the requirements of section 59 of the Employment and Assistance Regulation were not met. The Ministry accepted that the need is unexpected; however, the Ministry found that the Appellant had resources available to pay the outstanding balance of rent owing and failure to meet the expense will not result in imminent danger to the Appellant's physical health or the removal of a child under the *Child, Family and Community Service Act*.

PART D – Relevant Legislation

Employment and Assistance Act (EAA) section 4

Employment and Assistance Regulation (EAR) section 59

PART E – Summary of Facts

Information before the minister at reconsideration included:

- The Appellant's Request for Reconsideration dated January 6, 2016, in which she stated that she shares her rent with her mother, however when the Ministry asked for documentation she did not provide it on time which led to her file being closed. As a result she did not receive income assistance for the month of September, 2015 and struggled to pay the rent for September and October.

The Appellant submitted a statement with her Notice of Appeal which states that she currently owes \$750 to her landlord because she only paid \$400 of the crisis supplement toward the arrears and used the rest to help out her mother, pay bills, buy food, and pay people she owed money to. She wrote that she struggled financially while she was not receiving income assistance, and she is helping her mother temporarily.. The Appellant wrote that she was not straightforward with the Ministry when they asked about the rent because she felt she is in trouble for helping her mom. She is still under threat of eviction unless she pays the arrears. The Panel admitted the Appellant's statements as argument as they substantiate her submissions for the reconsideration.

The Reconsideration Decision stated that:

- The Appellant's file was closed on September 17, 2015 due to her failure to provide information.
- The Appellant reapplied for income assistance on September 21, 2015, was reinstated on October 20, 2015, and was issued benefits for part of October and the month of November.
- On November 10, 2015, the Appellant submitted an eviction notice showing \$1,900 in unpaid rent.
- On November 18, 2015, the Appellant was issued a crisis supplement for shelter in the amount of \$750; the Ministry confirmed that the landlord was willing to accept that amount and set up a payment plan with the Appellant for the balance.
- On November 24, 2015, the Appellant advised the Ministry that her landlord demanded the balance of outstanding rent be paid. The Ministry denied the Appellant's request for additional funds initially, but later determined that she was eligible for an additional payment of \$980.19 for October, 2015.
- A cheque for \$980.19 was issued to the Appellant on January 14, 2016.
- On January 20, 2016, the Ministry contacted the Appellant who stated that she had given about half of the \$980.19 to her landlord and spent the rest on bills and helping her mother pay rent.

PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the Ministry's decision which denied the Appellant's request for a crisis supplement for December, 2015 shelter. The Ministry held that all of the requirements of section 59 of the Employment and Assistance Regulation were not met. The Ministry accepted that the need is unexpected; however, the Ministry found that the Appellant had resources available to pay the outstanding balance of rent owing and failure to meet the expense will not result in imminent danger to the Appellant's health or the removal of a child under the *Child, Family and Community Service Act*.

Legislation

EAA

Income assistance and supplements

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

EAR

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*.

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

(3) A crisis supplement may not be provided for the purpose of obtaining

(a) a supplement described in Schedule C, or

(b) any other health care goods or services.

(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:

(a) if for food, the maximum amount that may be provided in a calendar month is \$20 for each person in the family unit,

(b) if for shelter, the maximum amount that may be provided in a calendar month is the smaller of

(i) the family unit's actual shelter cost, and

(ii) the maximum set out in section 4 of Schedule A or Table 2 of Schedule D, as applicable, for a family unit that matches the family unit;

(c) if for clothing, the amount that may be provided must not exceed the smaller of

(i) \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and

[]

(ii) \$400 for the family unit in the 12 calendar month period preceding the date of application for the crisis supplement.

- (5) The cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount calculated under subsection (6).
- (6) In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of income assistance or hardship assistance that may be provided for the month under Schedule A or Schedule D to a family unit that matches the family unit.
- (7) Despite subsection (4) (b) or (5) or both, a crisis supplement may be provided to or for a family unit for the following:
- (a) fuel for heating;
 - (b) fuel for cooking meals;
 - (c) water;
 - (d) hydro.

The Appellant does not dispute the Ministry's statement that she did not use the whole amount of the crisis supplement to pay rental arrears, however she argued that she incurred bills and debts while she was ineligible for income assistance and felt she had to assist her mother who was unemployed.

The Ministry's position is that the Appellant is not eligible for a crisis supplement for shelter because she does not meet all of the eligibility criteria. The Ministry argued that under the applicable legislation they are only able to consider an application for a crisis supplement for the calendar month in which the request is made, which is December, 2015, and that the Appellant must meet three legislative criteria under s.59, EAR:

1. The need for the item is unexpected or there is an unexpected expense and
2. The person cannot meet the need because there are no resources available to the family unit and
3. The minister considers that failure to meet the expense will result in imminent danger to the physical health of any person in the family unit or removal of a child under the Child, Family and Community Service Act.

The Ministry found that the continued threat of eviction was an unexpected expense, therefore the Appellant met the first criterion. However because the Appellant did not apply the full amount of the payment she received from the Ministry to her rent arrears (which would have reduced the amount owing to \$169.81), and used a portion of the payment to pay other expenses, the Ministry argued that the Appellant had resources available to her, and therefore did not meet the second criterion. With respect to the third criterion, imminent danger to physical health or the removal of a child under the Child, Family and Community Service Act, the Ministry argued that the fact that the Appellant did not pay the full \$980.19 to her landlord indicates that she is not at imminent risk of eviction and that failure to pay the outstanding balance owing will not result in imminent danger to her physical health or the removal of a child.

With respect to whether there are no resources available to the Appellant, as set out in EAR section 59(1)(a), the Panel notes that the Appellant received a crisis supplement for \$750 in November, 2015 which she failed to apply to her rent arrears in full. In addition, she was paid \$980.19 for the month of October, 2015 which she did not apply in full to her rental arrears. The Appellant received money from the Ministry for her rental arrears but spent part of it on other things. The Panel therefore finds that the Ministry reasonably concluded that the

Appellant had resources available to meet this expense.

With respect to the third criterion, imminent danger to the physical health of any person in the family unit or removal of a child under the Child, Family and Community Service Act, as set out in EAR section 59(1)(b), the Panel notes that the Appellant provided no evidence to show that her physical health would be in imminent danger pursuant to section 59(1)(b)(i) if she were evicted. The Ministry's speculation that the Appellant may have a payment plan with her property manager, and therefore her health is not in imminent danger as there is no threat of eviction, is not supported by any evidence. However, as there was no evidence to confirm imminent danger to physical health, the Panel finds that the Ministry reasonably determined that the Appellant's physical health would not be in imminent danger if she fails to meet this expense. Similarly, there is no evidence of removal of a child under the Child, Family and Community Service Act pursuant to EAR section 59(1)(b)(ii). The Panel finds that the Ministry reasonably concluded that this criterion has not been met.

The Panel therefore confirms the Ministry reconsideration decision as reasonably supported by the evidence pursuant to sections 24(1)(a) and 24(2)(a) of the Employment and Assistance Act..