

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry) reconsideration decision dated March 15, 2016 which denied the appellant's request for a crisis supplement to cover March 2016 rent. The Ministry held that the requirements of Section 59 of the *Employment and Assistance Regulation* (EAR) were not met as the ministry found that this rent cost was not an unexpected expense.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), Section 59

PART E – Summary of Facts

The appellant did not attend the hearing. After confirming that the appellant was 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:

- 1) 10-Day Notice To End Tenancy for Unpaid Rent or Utilities dated March 3, 2016 stating in part that the appellant failed to pay rent in the amount of \$375 that was due on March 1, 2016 and that notice is given to move out of the rental unit by March 13, 2016; and,
- 2) Request for Reconsideration dated March 5, 2016 with attached handwritten page.

In her Request for Reconsideration, the appellant wrote:

- She has nowhere to move to.
- Moving costs are high.
- She has no parents or husband and her son is sick.
- Things are not getting better and are worse than ever.
- She lives on \$250 after paying rent.
- She is tired and hungry and has no help from anyone.
- Her son and grandchild still rely on her.
- The “survivor benefits” do not pay rent directly.
- She messed up paying people/neighbors back.
- She fell last year and her hand is messed up.
- Life is hard and she does not enjoy anything anymore.

In her Notice of Appeal dated March 22, 2016, the appellant wrote:

- She has had transportation expenses going to the hospital twice daily.
- She has been so poor for 4 years and lives on almost nothing.
- She had to pay for a death certificate for her husband and a birth certificate for her grandchild.
- Her dog is old and needs medications.

The ministry relied on its reconsideration decision. The reconsideration decision included information that:

- The appellant is a sole recipient of assistance with Persons with Persistent Multiple Barriers (PPMB) status and her rent was being paid by the ministry directly to her landlord.
- The appellant received a large retroactive payment for Canada Pension Plan (CPP) benefits and she was ineligible for January 2016 assistance. Therefore, the ministry did not forward the appellant’s January and February 2016 rent payments to the appellant’s landlord.
- On February 17, 2016, the ministry issued a \$375 crisis supplement for shelter to the appellant to help her pay her rent and avoid eviction.
- On March 3, 2016 the appellant requested another crisis supplement to pay \$375 for March 2016 rent and she submitted an eviction notice to the ministry.

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 rent costs for March 2016, 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. . . .

Ministry's position

The ministry's position 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, namely that the supplement is required to meet an unexpected expense and there are no alternate resources available to the family unit to meet the expense, and failure to meet the expense will result in imminent danger to the physical health of any person in the family unit. The ministry was satisfied that the appellant has no alternate resources available and that, due to her medical conditions, failure to meet the rent expense and maintain housing will result in imminent danger to her physical health. The minister argued, however, that the March 2016 rent expense was not unexpected as the ministry had not paid the rent directly to her landlord for January and February 2016, and the appellant was made aware through an eviction notice for February 2016 that she was obliged to pay the rent to her landlord on her own behalf. The ministry wrote that the appellant received CPP benefits in February 2016 which would have allowed her to pay her March rent but the appellant admitted that she paid off other debts instead. The ministry argued that while it was unexpected that the ministry would not continue to pay her rent in January and February 2016, due to changes in the appellant's eligibility for assistance, this was not unexpected in March 2016.

Appellant's position

The appellant's position, as set out in her Request for Reconsideration is that she has nowhere to move to and moving costs are high. The appellant wrote that she has no one to help her. The appellant wrote that the "survivor benefits" do not pay rent directly and she "messed up" paying people/neighbors back. The appellant argued in her Notice of Appeal that she had transportation expenses going to the hospital twice daily and she has incurred other expenses as well.

Panel decision

Section 59 of the EAR allows 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. The appellant provided the ministry with an eviction notice for non-payment of \$375 for her March 2016 rent and she requested a crisis supplement for shelter. The appellant acknowledged in her Request for Reconsideration that her rent is not paid directly through her CPP “survivor” benefits and, as she had already received an eviction notice because she had not paid the rent for February 2016, the panel finds that the ministry reasonably concluded that payment of rent for March 2016 was not an unexpected expense. Therefore, the panel finds that the ministry's determination that the expense for March 2016 rent was not an "unexpected expense" pursuant to Section 59(1)(a) of the EAR, was reasonable.

Conclusion

The panel finds that the ministry's reconsideration decision, which denied the appellant's request for a crisis supplement for the cost of March 2016 rent 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.