



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision of March 8, 2016 wherein the ministry denied the appellant a crisis supplement for shelter (rent). The basis for the ministry’s decision was that the appellant did not satisfy all three statutory criteria as set out in section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation. The ministry was satisfied that the appellant’s need for the rent was unexpected but held that:

1. there were alternate resources available to the family unit, and
2. failure to meet the expense would not result in imminent danger to physical health.

PART D – Relevant Legislation

EAPWDR – section 57(1)

PART E – Summary of Facts

The appellant did not attend the hearing. The panel being satisfied the appellant had been notified of the date, time and location of the hearing, the hearing proceeded under section 86(b) EAR.

The evidence before the ministry at the time of reconsideration:

- Request for Reconsideration dated February 26, 2016.

On January 29, 2016 the appellant contacted the ministry to request a crisis supplement for shelter for February rent because he was moving at the end of January and he had not received his rent cheque for February. The ministry noted the appellant's rent was being sent direct to the landlord. As the appellant's file had not been updated with the new address the February rent cheque was sent to the previous landlord in error. The ministry called the previous landlord and left a voicemail message requesting the cheque be returned. On February 4, 2016 the appellant completed a new Shelter Information form. The appellant had tried to retrieve the rent cheque but found his previous landlord was away and would not be returning for a few months. On February 5, 2016 the ministry had a stop payment issued on the original cheque and issued a new cheque to the appellant for shelter allowance. The ministry indicated the appellant stayed with a friend between the time he left his former residence and until he was able to secure new accommodations.

On the Notice of Appeal under Reasons for Appeal it is noted, "I am out of pocket for a moving expense. Due to a clerical error by your office, Plus replacement of my belonging due to damp weather while it was outside."

The ministry relied on the facts as stated in the Reconsideration decision.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's determination that the appellant was not eligible for a crisis supplement for shelter under section 57(1) EAPWDR was either a reasonable application of the legislation or reasonably supported by the evidence. The ministry determined the appellant did not satisfy two of the three statutory criteria for a crisis supplement; the ministry was satisfied that the appellant's need for shelter was unexpected but held that:

1. there were alternate resources available to the family unit, and
2. failure to meet the expense would not result in imminent danger to physical health of any person in the family unit.

The legislation considered:

EAPWDR

Crisis supplement

Section 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*.

The panel noted that the appellant's request to replace his bed and for food is outside the scope of this reconsideration and therefore, the panel's decision will only address the reasonableness of the ministry's decision to deny the appellant a crisis supplement for shelter for his February 2016 rent.

Alternate Resources

Ministry Position

The ministry acknowledged the error in sending the appellant's February rent cheque (shelter allowance) to the wrong address. The ministry argued that the February shelter allowance cheque sent to the appellant's previous landlord was re-issued to the appellant on February 5, 2016 so that he could meet his February shelter costs and in the interim, the appellant was able to stay with a friend.

Appellant's Position

The appellant argued that the shelter allowance did not reach him until well after the 1st of February and his clothes, couch, bed, tv and stereo were put out of the residence under a tarp where they were water damaged. The appellant argued he needed the support money for rent, as well as to replace his bed, buy food and pay for his remaining belongings to be moved to his new address.

Panel Decision

The panel finds the evidence supports the ministry's position that the appellant did have alternate

resources available to him as he stayed with a friend during the time he was moving from one residence to another and shortly after the beginning of February the ministry did issue the appellant another cheque for shelter allowance to assist him with his rent expenses. The panel does not have any jurisdiction to hear items other than rent. The panel finds the ministry's decision that the appellant did have alternate resources available to him for shelter was reasonable and that he had a place to stay with a friend until new accommodations could be obtained.

Imminent Danger to Physical Health

Ministry's Position

The ministry position is that the appellant had not provided any information that his health would be in imminent danger because of a lack of shelter.

Appellant's Position

The appellant did not offer any argument that failing to receive the shelter allowance would result in imminent danger to his health.

Panel Decision

The evidence before the panel is that the appellant's receipt of his shelter allowance was delayed because the ministry's initial cheque was sent to his previous landlord so the appellant stayed with a friend during the time when he was moving from one residence to another. The ministry did issue the appellant a cheque for shelter allowance on February 5, 2016. The panel finds there is no evidence, medical or otherwise, to support that the appellant's physical health was in imminent danger.

Accordingly, the panel finds that the ministry was reasonable in determining that the appellant has not satisfied the legislative criterion related to "imminent danger to physical health".

Conclusion

Since two of 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 shelter was a reasonable application of the applicable enactment in the circumstances of the appellant. The ministry's decision is confirmed.