

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the "ministry") May 9, 2016 reconsideration decision wherein the appellant requested a crisis supplement for furniture as per section 4 of the Employment and Assistance Act (EAA) and section 59 of the Employment Assistance Regulation (EAR).

The ministry determined that the appellant did not meet all three of the criteria listed in section 59(1) of the EAR and was therefore ineligible for a crisis supplement for furniture.

PART D – Relevant Legislation

Employment and Assistance Act (EAA)

- Section 4

Employment and Assistance Regulation (EAR)

- Section 59 (1)

PART E – Summary of Facts

The appellant is a sole recipient of assistance.

The evidence before the tribunal at the time of reconsideration included the following:

- A completed Shelter Information Form dated December 6, 2015 stating that the appellant intended to move to a new town, with a rental starting date of January 1, 2016.
- A hand-written letter dated December 8, 2015 from the appellant to the Ministry requesting a \$350 security deposit for his new residence.
- Three separate quotes for furniture items, all dated April 12, 2016.
- A hand-written letter dated April 12, 2016 from the appellant to the Ministry detailing his reasons for needing replacement furniture.

During the hearing the appellant stated that he felt he has met the three requirements as per section 59(1) of the EAR as follows:

- While he did intend to move into his new residence on January 1, 2016, he left his old residence early (around the middle of December) because it very suddenly became unsafe. His roommate's guests threatened him. He did not call the police. Rather, he chose to leave very quickly and therefore was only able to make one trip, taking with him his clothes and bed. He stated that this circumstance was completely unexpected and caused him to leave his furniture behind. He believed it was unsafe to go back and get the rest of his belongings.
- The appellant stated that by obtaining three quotes for used furniture, and a chair from his mother, he believed he was satisfying the Ministry's requirement to exhaust all resources in his rural community to find new furniture at little or no cost. He stated that the Ministry did not advise him what other potential resources he should utilize.
- It is the appellant's opinion that having to eat while sitting on the floor or his bed poses an imminent threat to his physical health.

There was no new evidence introduced at the hearing.

The ministry relied on the reconsideration decision.

PART F – Reasons for Panel Decision

The issue under appeal is whether or not the ministry reconsideration decision of May 9, 2016 denying the appellant's request for a crisis supplement for furniture was justified under Employment and Assistance Act, part 2, section 4 and the Employment and Assistance Regulation section 59.

Applicable Legislation:

Employment and Assistance Act, part 2, section 4

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.

Employment and Assistance Regulation section 59.

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

[Redacted]

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.

[am. B.C. Reg. 12/2003.]

Panel Decision

Section 59 (1) of the EAR states that the Ministry may provide a crisis supplement only if all three of the following criteria are met:

1. The need for the item is unexpected or there is an unexpected expense and
2. There are no alternate resources available **and**
3. Failure to obtain the item or meet the expense will result in imminent danger to physical health or the removal of a child under the Child, Family and Community Service Act.

The panel finds that while it is unsubstantiated by evidence such as a police report, the appellant's stated circumstance of why he had leave his home prior to his expected moving date and leave his furniture behind may be determined as being unexpected.

The three quotes for used furniture the appellant submitted exhibit an attempt to find alternate resources for finding replacement furniture, however they do not prove that all other alternate resources were exhausted even in his rural community.

The panel finds that while it may not be ideal, having to sit on the floor or a bed to eat one's meals does not constitute imminent danger to physical health.

Conclusion

In conclusion the panel finds that while the appellant may have met condition 59(1(a)) regarding the unexpectedness of his move and loss of his belongings, conditions 59(1(a),(b)), regarding there being no alternate resources available and that failure to obtain items will result in imminent danger to physical health, have not been met. Since all three criteria must be met in order to receive a crisis supplement, the ministry's determination to deny a crisis supplement for furniture under section 59(1) of the EAR is a reasonable application of the applicable legislation in the circumstances of the appellant. The panel, therefore, confirms the decision.