

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision of October 15, 2016 wherein the ministry determined the appellant was not eligible for a crisis supplement to purchase a bed and bedding because he did not meet all the criteria set out in section 57 *Employment and Assistance Regulation* (EAR). The ministry was satisfied the appellant met the legislated criteria for bedding but not for a bed.

The ministry was not satisfied that:

1. the need is an unexpected expense;
2. there are no alternate resources available to the family unit, and
3. failure to meet the expense would result in imminent danger to physical health.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), section 59

PART E – Summary of Facts

The evidence before the ministry at the time of reconsideration:

- Undated letter from treatment center advising the center had been fumigated and sprayed for bed bugs and is no longer infested.
- Undated letter from treatment center advising the center has been sprayed and fumigated. The letter also states, “I understand my tenant need this letter as proof of confirmation the residence got sprayed for bed bugs.”
- Unsigned written estimate for twin bed – mattress and box spring, pillows, blanket, sheet and covers in amount of \$215.00.

On July 25, 2016 the appellant contacted the ministry (EAW) and requested a crisis supplement for bed and bedding because the treatment center where he is residing is infested with bed bugs. He stated that he had severe bites and rashes from the bed bugs and that he no longer has bed sheets as they are ruined. On August 2, 2016 when he contacted the EAW, he was asked why the bedding was thrown out because the sheets could have been washed, the appellant advised the EAW he didn't wish to respond to the question because he had already answered that and his response is on file. The EAW has no record on file of that conversation. The EAW requested the appellant provide confirmation from the center manager regarding the bed bug infestation and also to provide two quotes for a bed and bedding. The appellant also advised the EAW that he had spent \$30.00 on bug spray. On August 19, 2016 the EAW received a handwritten note regarding the bed bug problem but no verification of the treatment. The appellant was requested to submit a copy of the invoice from the spraying company. On August 31, 2016 the appellant advised the EAW he was now sleeping on the floor. On September 2, 2016 the EAW contacted the manager of the treatment center who advised that clients are usually provided with a bed, pillows and bedding by the facility. On September 2, 2016 when he contacted the EAW he agreed that the center did provide him with a bed but after the infestation he was told to provide his own bed and bedding as the facility had replaced all the mattresses a few years ago. The facility manager reported that the facility had been hit several times this past year with bed bug infestation, that the facility has been treated and all affected mattresses had been removed but they haven't been able to replace all the beds as of yet. The facility manager advised the appellant has been provided with only a mattress to sleep on as a temporary measure and as soon as they are able the appellant will be provided with a proper bed. The manager told the EAW that normally the facility provides the bed and the clients bring their own bedding however they do provide some bedding to some people if/when available and required. The manager told EAW that at the present time appellant was using a sheet and an old knitted blanket for bedding.

The ministry issued the appellant a supplement for bedding as the ministry was satisfied the appellant's physical health was at risk if he did not have proper bedding to meet his needs over the winter and further, that he did not have resources to purchase bedding.

At the hearing the appellant testified that he had been asking the EAW for a bed and bedding since July 2, 2016 because of a bed bug infestation at the treatment center. The ministry advised him to purchase some spray to try and get rid of the problem. The appellant stated that he spent \$30 on spray but that didn't work. He stated the residence was fumigated and all the mattresses, including bedding were thrown out. He stated that when he next contacted the EAW he was told to review the three criteria for a crisis supplement, and if he met the criteria the ministry will provide him with a bed and bedding. The appellant stated he advised the EAW that he could get a new bed and bedding for

\$215 and since August 2, 2016 he has been sleeping on the hardwood floor because he has no bed. The appellant stated when he spoke to EAW he was told that he didn't meet the criteria for a bed because the treatment center manager had advised the EAW he had been given a mattress to sleep on and when the center received more beds he would get a new bed. The EAW told him he was approved for a crisis supplement for bedding. The appellant told the panel he disagreed with the manager's statement because he doesn't have a mattress. The appellant stated that he has good health, never had a broken bone or anything like that. He stated that since he has had to sleep on the floor he now suffers with a sore back and takes medication to help him with the pain. He told the panel that he doesn't feel that he would suffer any serious disease from sleeping on the floor, it is just uncomfortable and now he has a back issue that he didn't have in the past.

The oral testimony of the appellant confirms the information that was before the ministry at reconsideration and accordingly the information is in support of the information and record that was before the ministry and is admitted as evidence in accordance with section 22(4) of the EAA.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's reconsideration of August 26, 2016 which determined that the appellant was not eligible for a crisis supplement for a bed because he did not meet all the legislated criteria as set out in section 59 EAPWDR is reasonably supported by the evidence or is a reasonable application of the legislation in the circumstances of the appellant.

The ministry was not satisfied that:

2. the need is an unexpected expense;
1. there are no alternate resources available to the family unit, and
2. failure to meet the expense would result in imminent danger to physical health.

The legislation considered: EAR

Crisis supplement

Section 57

(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](#).

Unexpected Expense or Need

Ministry Position

The ministry argued that when they spoke with the manager of the treatment center on October 5, 2016 he confirmed that residents are normally provided with a full framed bed and because of the number of bed bug infestations this past year they have only been able to provide the appellant with a mattress to sleep on until more beds are received. The ministry argued that the appellant does not need a full framed bed (box spring and mattress) at this time.

Appellant Position

The appellant argued that he had to discard his bed in July 2016 because of the bed bug infestation and has been sleeping on the hardwood floor, without a mattress, since August 2, 2016. The appellant argued the ministry's information from the treatment manager is not correct.

Panel Decision

There is conflicting evidence before the panel regarding whether the appellant has a mattress or not to sleep on. The evidence is that the EAW was told by the treatment center manager that the center usually provides a full-framed bed to their clients but at this time the center was only able to provide him with a mattress to sleep on as their supply has been depleted. The appellant testified that when

he moved into the treatment center his room was furnished with a bed and when they had to throw out the mattress in July he then had to sleep on the floor because they didn't have any more beds. The panel noted the appellant's testimony regarding his request for a bed and bedding has been consistent throughout.

The panel finds it reasonable that the ministry would rely on the statement(s) of an independent source in making their decision and so the manager of the treatment center manager was contacted and advised the ministry the center usually provides a bed but in this case have only been able to provide a mattress until further beds are received. The panel finds there is no other source for information outside attending the residence unannounced and observing whether or not the appellant is sleeping on a mattress.

The panel finds that based on the information the treatment center manager provided to the ministry that the ministry's decision that the appellant did not meet the legislated criteria that he had an unexpected need was reasonable.

Alternate Resources

Ministry Position

The ministry's position is that the appellant is residing in a treatment center in a room and board circumstance. The ministry argued that the treatment center does provide a framed bed and sometimes bedding in the room as part of the contract, however at this time they do not have any beds and provided a mattress as a temporary measure. The ministry argued the appellant has an alternate resource because he will receive a full-framed bed from the treatment center once more beds are received.

Appellant Position

The appellant's position is that he has tried to get a bed and doesn't have any other resources other than the ministry.

Panel Decision

The evidence is the appellant is residing in a treatment center, paying for room and board and the treatment center usually does provide beds for their clients, however, at this time the center does not have any beds and as soon as they receive a bed the appellant will be provided with one. The evidence is that as a temporary measure the appellant has been provided with a mattress.

The panel finds the ministry's decision that the appellant does have alternate resources was reasonable.

Imminent Danger to Physical Health

Ministry Position

The ministry's position is that the appellant has a mattress to sleep on and therefore there is no imminent danger to his physical health if he does not have a full framed box spring and mattress.

Appellant Position

The appellant's position is that he does not have a mattress to sleep on, that now he has back pain and back issues which he did not have in the past and is taking prescribed medication from his doctor to address his back pain. The appellant testified that he did not feel that he could contract any serious disease(s) from having to sleep on the floor and does not feel that sleeping on the floor will put his physical health in imminent danger.

Panel Decision

The evidence is that sleeping on the floor has caused him to have a sore back and to take some anti-inflammatory drugs prescribed by his doctor. There is no medical evidence from the appellant's doctor diagnosing the appellant's condition. Also there is no evidence that if the ministry did not provide the appellant with a bed that his physical health would be in imminent danger.

The panel finds the ministry decision that the appellant's physical health will not be in imminent danger if the ministry does not provide him with a bed was reasonable.

Conclusion

As the ministry reasonably determined that all the criteria in EAPWDR section 59 had not been satisfied, the panel finds that the ministry's decision to deny the appellant a crisis supplement for a bed is reasonably supported by the evidence.

The ministry's decision is confirmed. The appellant's appeal, therefore, is not successful.