



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry)'s reconsideration decision dated November 1, 2016, finding the appellant is not eligible to receive a crisis supplement for shelter because she does not meet two of the three legislated criteria found in section 57 of the EAPWDR in that this was not an unexpected expense and failure to provide the crisis supplement will not result in imminent danger to the appellant's physical health.

PART D – Relevant Legislation

The relevant legislation is section 57 of the EAPWDR.

PART E – Summary of Facts

The appellant is in receipt of disability assistance as a single person.

The evidence before the ministry at reconsideration consisted of:

1. A written statement by the appellant detailing her situation to the following effect:

In May 2016, the appellant suffered health issues which forced her into the hospital. As a result of her stay in the hospital she lost her job and was evicted from her rental accommodation for failure to pay her rent. She stored her belongings in the house of a neighbour, but was concerned at the conditions in that residence in that it was not clean and was infested. The appellant looked for but could not find suitable alternative accommodation. Nearing her discharge from the hospital she became concerned that she would end up on the street unless she found accommodations. As a last resort, the appellant lived with her daughter for a period of time in July, but her daughter asked her to leave as she could not take of her.

On August 1, 2016, a friend who lived in another area of the province offered to take her in for a monthly rent equal to her shelter allowance of \$375 per month. Other friends offered to move her belongings, for which she arranged paid storage near her new home.

The appellant moved into her friend's home in August, 2016. This home was a strata and neighbours began to ask questions about who the appellant was and how long she was staying as her living in the home and paying rent may be contrary to the strata rules. Eventually, the appellant's friend asked her to move out because she was afraid of running into trouble with the strata council and her neighbours.

On August 3, she wrote a letter to the ministry stating that the appellant was not able to pay her August rent due to the cost of paying for the rental truck to move her belongings. On August 24 she filled in the first page of a two-page "Notice to End Tenancy for Cause", and attached a letter stating that the appellant could stay until the end of September, 2016. Through a friend the appellant was able to secure accommodation in a subsidized housing unit nearby in to which she moved on September 15, 2016.

She used her shelter allowance for September to pay ½-months rent to each of her friend and the subsidized housing. The appellant has paid her friend \$75 of the outstanding \$375 August rent payment leaving \$300 outstanding.

2. Three receipts for storage charges dated August, September and October 2016.

3. A receipt for the rental of a moving truck date stamped by the ministry September 8, 2016.

4. A letter signed by the appellant's friend dated August 3, 2016, stating that the appellant was not able to pay her August rent due to the cost of paying for the rental truck to move her belongings.

4. A Notice to End Tenancy dated August 24, 2016 signed by the appellant's friend with a letter of



explanation attached stating that the appellant could stay until the end of September, 2016.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's decision finding the appellant is not eligible to receive a crisis supplement for shelter because her request does not meet two of the three legislated criteria found in section 57 of the EAPWDR in that this was not an unexpected expense and failure to provide the crisis supplement will not result in imminent danger to the appellant's physical health.

The relevant legislation is section 57 of the EAPWDR:

Crisis supplement

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 Appellant's Position

The appellant's position is that the expense was unexpected because she could not have foreseen that she would be in the hospital, lose her job, be evicted from her old residence, have to move to another part of the province incurring moving and storage costs and have to leave her friend's home due to potential issues with the strata council and neighbours. All of this was paid by family and friends whom she must repay which meant that she was forced to use her August rent to pay back her friends and family and so was unexpectedly unable to pay her August rent.

The appellant also maintains that failure to provide the crisis supplement would result in imminent danger to her physical health because she was facing being homeless.

The Ministry's Position

The ministry first pointed out that the current appeal deals specifically and solely with the matter of the appellant's August shelter costs and not with her moving costs. There are separate provisions in the legislation dealing with moving costs and those are not under discussion in this case.

The ministry's position in regard to the question of whether the August rent payment was an unforeseen expense is that it is not unexpected because the appellant knew that, wherever she was living, she would need to pay rent. The fact that she could not pay the rent because of other expenses that may or may not have been unexpected is not relevant to the question of whether her August rent was unexpected. Whether those other expenses were unexpected is not a matter for this panel to consider but should correctly be the subject of another reconsideration decision and appeal.

The ministry's position in regard to the question of whether failure to provide the crisis supplement for her August rent payment will result in imminent danger to the appellant's physical health is that as the

appellant was never in danger as she received notice to vacate in mid-August, had until September 30 to move out and had appropriate alternate accommodations by September 15. The fact that 3 months earlier before moving and while in the hospital she was facing possible homelessness is not relevant to the question of whether failure to provide the crisis supplement for her August rent payment would result in imminent danger to the appellant's physical health. Currently, the appellant is in appropriate accommodation and in no danger.

The Panel's Analysis

Unexpected Expense

The appellant was always aware that she needed to pay her friend \$375 rent for August. The previous events leading up to the situation in which she found she had to use her August rent money to pay for moving costs are not relevant to this appeal. Those expenses may well have been unexpected, but, as the ministry points out, they are not the subject of this appeal. The panel finds that the August rent was not an unexpected expense.

Alternate Resources

The ministry found in its reconsideration decision that the appellant met this criteria so that it is not in question in this appeal.

Imminent Danger to Physical Health

In regards to whether failure to provide the crisis supplement for her August rent payment will result in imminent danger to the appellant's physical health, the panel finds first that the appellant was not being evicted for non-payment of rent but because of concerns regarding neighbours and the strata council. This raises the question of whether, if the appellant did face imminent danger to her physical health, it was connected to her inability to pay her rent. In any case, the panel finds that the appellant was afforded over a month to find alternate accommodations and did actually do so before the date she was required to move out. As such, there is no evidence to suggest that failure to provide the crisis supplement for her August rent payment will result in imminent danger to the appellant's physical health.

Conclusion

Accordingly, the panel finds that the Ministry's decision to deny the appellant a crisis supplement for her August shelter costs was a reasonable application of the relevant legislation and confirms the Ministry's reconsideration decision.