



### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry)'s reconsideration decision dated November 22, 2016, finding the appellant is not eligible to receive a crisis supplement for a furniture loan payment because he does not meet all of the three legislated criteria found in section 57 of the EAPWDR, specifically, that failure to provide the crisis supplement will result in imminent danger to the physical health of anyone in the family unit, or the removal of a child under the Child, Family and Community Services Act (CFCSA).

### PART D – Relevant Legislation

The relevant legislation is section 57 of the EAPWDR.

## PART E – Summary of Facts

The appellant was not in attendance at the hearing. The panel confirmed that the appellant did receive the Notice of Hearing on December 9, 2016 so the hearing proceeded under section 86 (b) of the Employment and Assistance Regulation.

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

The evidence before the ministry at reconsideration consisted of a written statement by the appellant dated November 9, 2016 detailing his situation, which was:

- he believes it will be harmful to a child because he will be set back on paying monthly payments to his child for food, clothing and recreation;
- he was getting ready to move out on his own with his child;
- he will have no place to sit and for entertainment and to sleep;
- he was told that his furniture payment had gone through and then a week later was told it hadn't. In the meantime he had spent all the money;
- he is usually up to date with payments;
- he would like help with a bed and cooking ware;
- he is behind on his rent and about to get evicted;
- he had been working but got laid off without notice which set him back
- he is behind on his rent and is in debt

The reconsideration decision is summarized as follows:

- November 3, 2016 the appellant requested assistance to pay a monthly bill owing to a business for the loan of a bed, futon and home theatre. The amount owing was \$337.50 and the minister determined the appellant was not eligible for a crisis supplement for a furniture loan payment.
- The minister is satisfied that the appellant had an unexpected expense for the furniture loan payment as he had been told the payment went through and then a week later was told it didn't.
- The minister is satisfied that there are no resources available to meet the expense as the appellant is behind on rent, is in debt and his family is on fixed income, nor are there any community resources that assist with loan payments.
- The minister is not satisfied that failure to meet the furniture loan payment will result in imminent danger to a child's or the appellant's physical health, or the removal of a child under the Child, Family and Community Services Act (CFCSA).

In his Notice of Appeal dated November 29, 2016 the appellant noted he disagreed with the decision "because it's under could harm a child".

## 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 a furniture loan payment because his request does not meet all of the three legislated criteria found in section 57 of the EAPWDR, specifically, that failure to provide the crisis supplement will result in imminent danger to the physical health of anyone in the family unit, or the removal of a child under the CFCSA.

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 was not in attendance at the hearing, so the panel reviewed all information provided by the appellant in the hearing package, specifically the written note dated November 9, 2016 and his statement in the Notice of Appeal.

### **The Appellant's Position**

The appellant's position is that he owes a monthly furniture payment of \$300, which he is now overdue on because he had been told the payment had come out of his account so he spent all the money. This will leave him with no bed, futon or entertainment system if they are repossessed. His argument is that it will cause harm to a child because if he pays the loan payment it will set him back on paying monthly payments to his child for food, clothing and recreation.

The appellant had been getting ready for the future to move out with his child, and his mother who is fostering the appellant's sister's children will have no place to sit or for entertainment, or for the appellant to sleep. The appellant is behind on his rent, about to be evicted and is in debt for about \$2,000. The appellant usually works but was unexpectedly laid off without notice.

### **The Ministry's Position**

The ministry's position is that paying a loan for furniture, resulting in the fact that he was unable to pay other debts such as child support, cannot be considered to be imminent danger or life threatening. The ministry representative advised that there is no child on the appellant's file, nor any indication there has been a request to add a child to the file, so there is no imminent danger of removal of a child under the CFCSA.

The ministry agrees that the appellant meets the unexpected expense and no other resources requirements of the legislation, but they do not believe there is imminent danger or a life threatening

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situation by not paying a furniture loan payment nor is there any indication a child is about to be removed from his care.

The reconsideration officer noted that the appellant's argument of failure to meet child support payment will result in harm to his child is not equivalent to the crisis legislation. They argue that the legislation considers only if failure to meet the furniture loan payment will result in imminent danger or the removal of a child.

The ministry representative noted that if the appellant had been at the hearing he would have made a suggestion of perhaps returning some of the furniture but keeping the bed, which would reduce his payment.

### **The Panel's Analysis**

When considering the EAPWDR section 57 there are specific requirements that must be met:

#### Unexpected Expense

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

#### Alternate Resources

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

#### Imminent Danger to Physical Health or Removal of a Child under CFCSA:

In regards to the legislative requirement that failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit, the panel finds no evidence that demonstrates that the appellant's physical health is in imminent danger if he does not make a furniture loan payment. As the appellant receives disability assistance as a single person, the panel finds that, devoid of evidence to the contrary, the family unit to consist of the appellant without dependents.

In regards to the appellant's argument, which is, if he were to make the furniture loan payment that he would then not be able to pay child support which could result in harm to a child, the panel does not consider this to be an indication of imminent danger to his physical health as is required by the legislation.

The panel finds no evidence that there is a child, in his care, who is facing removal under the CFCSA. Therefore the panel finds that the requirement of an imminent danger to the physical health of anyone in the family unit or the removal of a child under CFCSA has not been met.

#### Conclusion

Accordingly, the panel finds that the Ministry's decision to deny the appellant a crisis supplement for a furniture loan payment was a reasonable application of the relevant legislation and confirms the Ministry's reconsideration decision.