



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (The Ministry)'s Reconsideration Decision dated January 4, 2017 in which the Ministry denied the appellant a crisis supplement to purchase food, namely milk and juice boxes for her children's lunches. The appellant was found ineligible for a crisis supplement because the request does not meet the legislative criteria of S. 59 (1)(i) of the Employment and Assistance Regulation (EAR)s as failure to obtain the item would not result in imminent danger to the physical heath of any person I the family unit.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) section 59

PART E – Summary of Facts

The information before the Ministry at the time of reconsideration included the following:

- Statement of Payment (direct deposit) dated December 22, 2015 for \$195
- BC Hydro Billing totaling \$77.51 with a payment receipt for \$20.00 dated December 14, 2016
- The appellant was a sole recipient of income assistance who receives \$805 per month for income assistance which includes \$235 for a support allowance, \$375 for a shelter allowance and \$195 for a shared-parenting shelter allowance. The appellant's rent is \$635 per month.
- On December 18, 2016 the ministry reviewed the latest court agreement and determined the appellant had 1 child at least 40% of the time and therefore was eligible to receive an additional \$195 per month for a shared parenting allowance.
- The appellant has visits with the other children and have them two nights per week.
- The appellant's father passed away and previously "supplemented".
- On November 21, 2016 the Ministry approved the appellants request for a crisis supplement for food as the children needed lunches for two days during the week.
- On December 7, 2016 the appellant requested a further crisis supplement for food because milk and juice boxes were needed for the children's lunches

The appellant at the hearing stated the following:

- The appellants tenancy rent from 2014 – 2015 was \$295. per month which included all expenses
- In February 2015 the court ordered the appellant 40% access to her three children
- In December 2015 the appellants rent increased from \$325 – 635 per month with the shared-parenting shelter allowance of \$195 per month provided for by the Ministry
- The appellant itemized and explained the history of her monthly costs and utilities indicating she had quit smoking to save money, but had very little left for food expenditures especially for her children's needs
- The appellant confirmed she received no funding from the children's father, but that she sometimes had the children 3 – 4 nights per week.
- The appellant confirmed she rented a three bedroom suite through the Elizabeth Fry Society and that she was "having troubles with them" having received an eviction notice
- The appellant confirmed the judge had said she should not return to court
- The appellant explain she was receiving her Hydro bills late, that it had been \$20 per month for the last year, but that this amount had now doubled to \$40 per month and she would be contacting them to discuss these issues
- The appellant confirmed the Salvation Army had been assisting her, but had stopped due to issues with this agency
- The appellant confirmed she continued to use the services of the Food Bank, which had been up to three times per week, but had now been limited to once per week and although they had initially stopped giving milk and juice boxes, they had now started again

The Ministry at the hearing stated the following:



- The reference to the BC Hydro billing in the materials was not considered at reconsideration, as it was a separate issue and not an unexpected expense
- The \$195 shared-parenting shelter allowance was also a separate issue
- It was confirmed applicants were expected to live within their means and to budget within the funds received
- It was stated that if a shared-parenting shelter allowance circumstance was confirmed from the court, or by a social worker the situation could be reviewed and the Ministry might again reinstate this allowance, but not at present
- The Ministry stated that rent increases were between the tenant and the landlord (Elizabeth Fry Society)

The Ministry relied on the information within the reconsideration decision and otherwise submitted no new information for consideration at the hearing.

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry decision which denied the appellant a crisis supplement to purchase food, namely milk and juice boxes for her children's lunches was a reasonable application of the legislation or reasonably supported by the evidence. The appellant was found ineligible for a crisis supplement because the request does not meet the legislative criteria of S. 59 (1)(i) of the Employment and Assistance Regulation (EAR) as failure to obtain the item would not result in imminent danger to the physical health of any person in the family unit.

The relevant section of the Employment and Assistance Act is as follows:

Employment and Assistance Regulation

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

A crisis supplement may be provided for a family unit eligible to receive it pursuant to s. 59 EAR. The family unit consists of the mother and one child. The appellant's other children were not dependents for the purpose of income assistance.

The appellant argues that she requires the crisis supplement for food namely milk and juice boxes to augment her children's lunch boxes during those days of the week that she has her children. She states she does not have the resources as she does not receive support from the children's father and she sometimes had the children 3-4 times a week. Her father, who supplemented, passed away and her rent and hydro both increased.

The Ministry position is that a crisis grant, all the legislated criteria of s. 59 EAR must be met;

The ministry determined that as her father who supplemented the family recently passed away unexpectedly, the need for funds to purchase food met the test of "unexpected need"

The ministry also determined that the second requirement was met as there were no resources available to the family unit.

The ministry denied the request for a crisis supplement for food under S. 59(b) as it was not satisfied that failure to provide funds to purchase milk and juice boxes would result in imminent danger to physical health or removal of a child.

The panel determines the ministry's decision was a reasonable application of the legislation in the circumstances of the appellant as they based this determination on the fact that no evidence was presented that indicated a medical requirement to drink milk and juice. No evidence of a medical need was presented. The ministry also argued that "imminent" denotes urgency and they were not satisfied that physical health of a family unit would be in imminent danger if milk and juice boxes were not provided. No evidence of imminent physical danger was presented on this or that a child would be removed under CFCSA.

Conclusion

The panel finds that the Ministry's decision to deny the appellant a crisis supplement for food under s. 59(1) of the Employment and Assistance Regulation (EAR) was a reasonable application of the legislation in the circumstances of the appellant. The panel thus confirms the Ministry's decision. The appellant was not successful in their appeal.