

## PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the "ministry") dated April 18, 2017 in which the ministry denied the appellant a crisis supplement to pay for a special condominium levy in the amount of \$7,347.68 for the replacement of the elevator because the request did not meet the necessary criteria as specified under sections 57(5) and 57(6) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Specifically, the maximum total amount of crisis supplements that may be issued in one year is 2 times the amount of the appellant's monthly assistance. The ministry had issued a crisis supplement to the appellant November 2016 which resulted in an available balance of \$307.68 which will not likely satisfy the condominium strata levy or change the outcome of the appellant's inability to pay the full amount.

## PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) sections 57(1), 57(5) and 57(6)

## PART E – Summary of Facts

### **The evidence before the ministry at reconsideration was as follows:**

The appellant has Persons with Disabilities status with monthly assistance totaling \$1,773.06.

- November 2016 – the appellant was issued a crisis supplement of \$3,238.44 to pay a special levy issued by his condominium strata for his share of the alarm system replacement.
- October 20, 2016 – the appellant reported to the ministry that his condominium strata had requested each owner in the building to share the cost of a new elevator. The appellant provided evidence to confirm the request for the funds.
- February 8, 2017 – the appellant provided confirmation that the levy for the replacement of the elevator would be \$7,347.44.
- February 24, 2017 – the ministry, based on Schedule A, s.5(2)(f) EAPWDR, determined that legislation does not support assistance with an elevator in a building that is a strata. The appellant requested a reconsideration of the ministry's decision to deny the crisis supplement.
- April 10, 2017 - the minister received the appellant's Request for Reconsideration which was signed on March 8, 2017 in which the appellant stated "We submit request satisfies eligibility criteria for the requested crisis supplement. Extension is requested to submit supporting documents. April 10, 2017 – submitted advocate submission." The appellant submits the replacement of the elevator is essential, the costs were unexpected, the elevator is a part of the building structure which is considered a common area of the building and owned by all the owners, failure to replace the elevator would place the owners in imminent danger, the appellant has mobility issues that would be negatively impacted if the elevator was not in working condition and if the appellant was not able to pay the special levy he will lose his home.

### **May 1, 2017 – the appellant argues in the Notice of Appeal:**

- He meets all of the criteria for a crisis supplement and specific eligibility (3(b) is only related to the annual budget requirement, for this crisis supplement to be honored, which there is insufficient crisis supplement funds available at this time. He states "the fact that we were honored, last November, a crisis supplement, to replace the fire panel system, is no way related to these elevator upgrades. These are two different systems altogether; even though they are both is a safety issue." He argues that the requirement is a safety factor. The appellant states that he does understand that there are guidelines to follow (Section 57(5) and (6) but all he is asking for is a one-time exception of this guideline.

### **At the hearing:**

The appellant re-stated his arguments presented with the Notice of Appeal stating that he is looking for a one-time exemption of the legislation, that he can't afford to pay for the elevator upgrade and that the upgrade cost of \$7,347.44 must be paid. He commented that, if he is not successful in obtaining this one-time exemption of the legislation, then he expects his "Plan B" to apply, in that he should then qualify for a crisis supplement in November 2017. November 2017 is the one year anniversary date of his first crisis supplement for the alarm system replacement.

The ministry relied on the information contained in the reconsideration decision.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry reasonably denied the appellant a crisis supplement to pay for a special condominium levy in the amount of \$7,347.68 for the replacement of the elevator because the request did not meet the necessary criteria as specified under sections 57(5) and 57(6) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Specifically, the maximum total amount of crisis supplements that may be issued in one year is 2 times the amount of the appellant's monthly assistance. The ministry had issued a crisis supplement to the appellant November 2016 which resulted in an available balance of \$307.68 which will not likely satisfy the condominium strata levy or change the outcome of the appellant's inability to pay the full amount.

### **Relevant Legislation:**

#### **Section 57 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.*

*(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, and*

*(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 under subsection (5) is calculated by multiplying by 2 the maximum amount of disability 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.*  
(BC Reg. 13/2003)

### **Appellant's position**

The appellant states he meets all of the criteria for a crisis supplement. He states "the fact that we were honored last November a crisis supplement to replace the fire panel system, is no way related to these elevator upgrades. These are two different systems altogether; even though they are both is a safety issue." The appellant's position is that the replacement of the elevator is a safety issue. The appellant states that he does understand that there are guidelines to follow (Section 57(5) and (6) but all he is asking for is a one-time exception of this guideline.

### **Ministry position**

The ministry has determined that the appellant has met the eligibility criteria listed in s. 57(1) EAPWDR, however the eligibility criteria under s. 57(5) and (6) EAPWDR must also be met in order to qualify for a crisis supplement. Under s.57(5) and (6) EAPWDR the maximum total amount of crisis supplements that may be issued in one year is 2 times the amount of the appellant's monthly assistance. The appellant's monthly assistance is \$1,773.06 and the maximum amount of crisis supplement that may be issued in one year is \$3,546.12. The appellant was issued a crisis supplement of \$3,238.44 in November 2016, leaving a balance of \$307.68 available for the year which will end in November 2017. The ministry has determined that there are insufficient crisis supplement funds available to pay the \$7,347.44 owing and the amount of \$307.68 available will not likely satisfy the condominium strata levy or change the outcome of the appellant's inability to pay the full amount. The ministry has determined that the appellant's eligibility requirement has not been met.

### **Panel Decision**

Based on the evidence presented, the appellant received a crisis supplement of \$3,238.44 in November 2016 to pay the special levy issued by the appellant's condominium strata for his share of the alarm system replacement. On February 8, 2017 the appellant provided confirmation to the minister of another special levy for the replacement of the elevator and requested a crisis supplement of \$7,347.44. The applicable legislation that must be met are contained in s. 57(5) EAPWDR "The cumulative amount of crisis supplements that may be provided to or for a family unity in a year must not exceed the amount calculated under subsection (6)" and s. 57(6) EAPWDR "In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of disability assistance or hardship assistance that may be provided for the month under Schedule A or Schedule D to a family unity that matches the family unit."

The panel finds that pursuant to s.57(5) and s.57(6) EAPWDR the appellant is eligible to receive crisis supplements totalling 2 times \$1,773.06 or \$3,546.12 in the year commencing November 2016. There is no discretion to exceed the total yearly amount for crisis supplements set out under the legislation. The appellant received a crisis supplement in the amount of \$3,238.44 in November 2016 which results in a balance of \$307.68 available for one year from November 2016. In February 2017 the appellant has requested a crisis supplement of \$7,347.44.

The panel finds the Reconsideration Decision of April 18, 2017, pursuant to s.57(5) and s.57(6) EAPWDR, that the appellant has not met the eligibility requirements for a crisis supplement of \$7,347.44 to pay the special levy issued by his condominium strata for his share of the replacement of the elevator, was reasonably supported by the evidence and confirms the ministry's decision.

The appellant is not successful in his appeal.