

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision of June 12, 2017 wherein the ministry denied the appellant a crisis supplement for shelter (rent). The basis for the ministry’s decision was that the appellant did not satisfy all three statutory criteria as set out in section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry was satisfied that the appellant’s need for the rent was unexpected but held that:

1. there were alternate resources available to the family unit, and
2. failure to meet the expense would not result in imminent danger to physical health.

PART D – Relevant Legislation

EAPWDR – section 57(1)

PART E – Summary of Facts

The appellant did not attend the hearing and the panel being satisfied that he was notified of the date and time the hearing proceeded under section 86(b) *Employment and Assistance Act* (EAA).

The evidence before the ministry at the time of reconsideration:

- Shelter Information form dated April 11, 2017;
- Letter to ministry from the appellant dated April 11, 2017 outlining his circumstances;
- Request for Reconsideration dated May 12, 2107;
- Covering letter dated June 12, 2017 attached to the appellant's request for Reconsideration describing the various resources, including housing societies, used to try to obtain alternative housing and providing the appellant's arguments as to why he meets the legislated criteria;

The appellant is a single recipient of disability assistance who shares accommodations with a roommate. For the past two years the appellant had been living in a motel that had a seasonal rate over the winter but now the monthly rate has increased substantially for the tourist season. He is now required to pay a weekly rate. The appellant has been looking for alternate accommodations, but due to the shortage of affordable housing, he has been unsuccessful. On April 11, 2017, the appellant requested a crisis supplement for shelter. On April 13, 2017, the appellant contacted the ministry and advised he had to move as his previous accommodation abruptly increased their monthly rate. The appellant told the ministry he had been told his monthly rate was good until the end of May 2017, but ended up being increased to \$2,200.00 a month on March 1, 2017. The appellant was seeking interim assistance and was hoping he would find new accommodation for May 1, 2017 for \$650/month. On April 27, 2017, the appellant submitted a Shelter Information form which indicated effective March 1, 2017 the appellant was sharing accommodation with one other person and his share of rent was \$201.25/week. On June 12, 2017, the appellant contacted the ministry and advised he had been seeking more affordable alternate accommodation but had been unsuccessful.

At the hearing, the ministry relied on the facts in the Reconsideration decision which included that the ministry contacted the motel following the appellant's request for reconsideration and was advised that the appellant continues to reside at the motel and was paid up-to-date on his rent.

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PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's determination that the appellant was not eligible for a crisis supplement for shelter is reasonably supported by the evidence or is a reasonable application of the legislation in the circumstances of the appellant. The ministry determined the appellant did not satisfy two of the three statutory criteria for a crisis supplement; the ministry was satisfied that the appellant's need for shelter was unexpected but held that:

1. there were alternate resources available to the family unit, and
2. failure to meet the expense would not result in imminent danger to physical health of any person in the family unit.

The legislation considered: EAPWDR

Crisis supplement

Section 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](#).

Alternate Resources Available

Ministry's Position

The ministry's position is that the appellant requested a crisis supplement for shelter on April 10, 2017 to temporarily assist him with his rent (\$200/week) because he could not find affordable housing. The ministry argued that two months later, on June 12, 2017, the ministry determined he was still staying at the same location and his rent (his share was \$201.50 a week) was paid to date. The ministry argued this demonstrated that the appellant did have resources available.

Appellant's Position

The appellant argued that he and his roommate have used the resources available - social housing organizations and online searches of rental offerings - and could not find suitable and affordable housing. He stated they are both broke all the time.

Panel Decision

The evidence is that the appellant was able to stay in his accommodation for two months after he had requested a crisis supplement to pay his weekly rent of \$201.50. The evidence is the ministry contacted the place where the appellant was staying and determined his rent was paid up to date. The panel finds the appellant's argument in his letter of June 12, 2017, "So while there are "alternate resources" out there; we simply have not had any luck finding anything speaks to his search for alternate accommodation but does not explain how he was meeting his shelter costs .

The panel finds the ministry's decision that the appellant did have alternate resources available to him for shelter was reasonable as he was able to stay at his current residence and keep his rent current.

Imminent Danger to Physical Health

Ministry's Position

The ministry position is that the appellant is not at risk of being homeless or that failure to provide a crisis supplement for shelter will result in imminent danger to the appellant's physical health. The ministry argued that the appellant had not provided any information that his health would be in imminent danger because of a lack of shelter when he continues to reside in his residence and his rent is currently paid and up-to-date.

Appellant's Position

The appellant argued that if he did not receive a crisis supplement for shelter he was at risk of being homeless and on the street which would put him in imminent danger to his health.

Panel Decision

The evidence before the panel is that the appellant has continued to reside in the same residence that he lived when he applied for the crisis supplement and that after three months his rent is paid and up-to-date which does not support the appellant's assertion that he is at imminent risk of being evicted.

The panel finds there is insufficient evidence to support that the appellant's physical health would be in imminent danger if he did not receive the crisis supplement for shelter.

Accordingly, the panel finds that the ministry was reasonable in determining that the appellant has not satisfied the legislative criterion related to "imminent danger to physical health".

Conclusion

Since two of the criteria in EAPWDR section 57 have not been satisfied, the panel finds that the ministry's decision to deny the appellant a crisis supplement for shelter was a reasonable application of the applicable legislation in the circumstances of the appellant. The ministry's decision is confirmed.