

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (“Ministry”) reconsideration decision dated June 8, 2017 in which the ministry found the Appellant was not eligible for a crisis supplement to pay outstanding rent. The Ministry determined that the requirements of section 57 of the Employment and Assistance for Persons with Disabilities Regulation were not met as:

- The need to pay rent is not an unexpected expense;
- There is insufficient evidence to support a probability that failure to obtain funds to pay the outstanding rent would result in imminent danger to the Appellant’s physical health; and
- The Appellant was provided with funds to pay her rent, therefore there were resources available to pay the rent.

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57

PART E – Summary of Facts

The Appellant was not in attendance at the hearing. After confirming that the Appellant was notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

Information before the minister at reconsideration included:

- The Appellant's Request for Reconsideration, with a note from the Appellant stating that she used her rent money to gamble online and lost it and that she attempted suicide last year, spending three weeks on life support due to her injuries, then six months in hospital recovering. She wrote that within the past two years she lost her grandson to foster care and several members of her family died, making her very depressed. She wrote that she had to spend money paying for cabs to take her to her medical appointments.

In her Notice of Appeal to the Tribunal, the Appellant wrote that if she doesn't have rent money she will have to pay for moving and storage.

At the hearing, the Ministry stated that the Appellant did not meet the requirements for a crisis supplement because the need to pay rent is not an unexpected expense, there is no information about the Appellant's current housing, as she failed to pay last month's rent and no information about any other resources the Appellant may have.

PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the decision in which the ministry found the Appellant was not eligible for a crisis supplement to pay outstanding rent. The Ministry determined that the requirements of section 57 of the Employment and Assistance for Persons with Disabilities Regulation were not met as:

- The need to pay rent is not an unexpected expense;
- There is insufficient evidence to support a probability that failure to obtain funds to pay the outstanding rent would result in imminent danger to the Appellant's physical health; and
- The Appellant was provided with funds to pay her rent, therefore there were resources available to pay the rent.

Legislation

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;
 - (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.

The Appellant's position is that she spent her rent money on transportation to medical appointments and gambled online in an attempt to make more money, but lost it all. She argued in her Request for Reconsideration that she became depressed and attempted suicide, which required a long hospital stay and a great deal of medical expenses. She wrote that her son paid his half of the rent, but she was unable to do so.

The Ministry's position is that the Appellant does not meet the legislative requirements for a crisis supplement based on the information provided. The Ministry argued that the need to pay rent is not unexpected, there was no evidence provided to show that the Appellant faces an imminent danger to her physical health or that she has no resources available to pay the rent. The Ministry argued that if the Appellant were homeless, that information would have been considered in terms of an imminent danger to health, however there is no information available.

The Panel finds that the Ministry reasonably determined that the Appellant does not meet the requirements of section 57, EAPWDR, based on the information provided. The Appellant wrote that she paid her rent every month until June, but the circumstances of her medical transportation expenses and the gambling loss made it impossible. The Panel finds that the Ministry reasonably determined that the requirement to pay rent is not an unexpected expense as required under section 57(1)(a), EAPWDR. The Appellant wrote that she would become homeless if the rent is not paid, however there is no evidence provided to show whether this is the case, making it difficult to determine whether there is an imminent danger to the Appellant's health. The Panel finds the Ministry reasonably determined there is insufficient evidence to support a probability that failure to obtain funds for rent will place the Appellant's physical health in imminent danger as required under section 57(1)(b)(i), EAPWDR. The requirement of section 57(1)(a) that there are no resources available to meet the expense was not specifically stated by the Appellant, except to write that she would be evicted if she cannot afford the rent. The Panel finds the Ministry reasonably determined that the Appellant was provided with money for rent, and there is no additional information concerning other resources that may be available.

The Panel confirms the Ministry decision. The Appellant is not successful on appeal.