

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the ministry) reconsideration decision dated August 17, 2017, which denied the appellant's request for a crisis supplement for hydro and a portion of her rent. The ministry was satisfied that the appellant did not have the resources available to pay for the amount she owed for rent and hydro but the ministry was not satisfied that:

- the crisis supplement was required to meet an unexpected expense or to obtain an item unexpectedly needed as required by section 59 (1)(a) of the *Employment and Assistance Regulation* (EAR); and
- that failure to obtain the item or meet the expense would result in imminent danger to physical health or the removal of a child under the Child, Family and Community Service Act as required by section 59(1)(b) of the EAR.

## PART D – Relevant Legislation

*Employment and Assistance Act* (EAA) section 4  
EAR section 59

## PART E – Summary of Facts

The information before the ministry at the time of reconsideration indicates the following:

- The appellant is a sole recipient of income assistance and her file re-opened on May 29, 2017
- On July 11, 2017 the appellant provided a shelter information form signed by the owner of the house (the “Owner”) indicating that she moved to City A on July 1, 2017
- On July 26, 2017 the appellant provided the ministry with a hydro bill for two months in the amount of \$111.93
- On August 3, 2017 the appellant requested help with rent owing for August and provided a note from her roommate (the “Roommate”) indicating that she would be evicted if she was unable to pay the portion of her rent owing for August of \$250 and the hydro bill of \$111.83
- On August 4, 2017 the appellant was advised that her request for a crisis supplement was denied
- On August 8, 2017 the appellant submitted a request for reconsideration stating that she cannot pay her bills and will be kicked out of her home. The appellant stated that the bills are divided up between three of them and the Roommate had to pay the water and gas and the other roommate paid the phone and internet. The appellant states that she has to pay the hydro and she has exhausted any and every resource in the community
- On August 17, 2017 her request for reconsideration was denied

### **Additional Information**

The appellant provided a letter signed by the Owner, the Roommate and herself dated August 10, 2017 indicating that the Owner has given the Roommate permission to sublet to the appellant (the “Letter”).

In her Notice of Appeal dated August 28, 2017 the appellant states that she has submitted a sublet agreement. She also states that she only has \$590 per month to live on but has to pay her food, prescriptions and personal items. She states that her rental agreement/shelter form states that she has to pay rent of \$466 per month and hydro. She states that her prescriptions are new and necessary and that she will submit receipts.

At the hearing the appellant stated that she moved to City A in order to get help to stop using drugs, deal with her post traumatic stress disorder, and is working with mental health to change her lifestyle. The appellant states that when she moved to City A she was desperate for a place to live as she does not want to return to the city she lived in before as she does not want to risk returning to her previous high risk lifestyle. The appellant states that she is responsible to pay the hydro in addition to the rent and if she does not do so she will be evicted. The appellant stated that since her request was made she has borrowed money to pay the outstanding hydro bill but a new hydro bill has come in and she is responsible to pay that and does not have the funds to do so. The appellant stated that she receives monthly assistance of \$610 but \$20 is already deducted to repay a damage deposit so she is left with \$590 per month. After her rent of \$466 that only leaves her with \$133 for food, hydro, and all personal items. She stated that her prescriptions are now being covered.

At the hearing, the ministry relied on the reconsideration decision.

## **Admissibility of New Information**

The ministry objected to the admissibility of the Letter as the appellant had not provided it prior to reconsideration.

The panel has admitted the Letter, the information in the appellant's Notice of Appeal, and her oral testimony into evidence as they are information in support of information and records that were before the ministry at the time of reconsideration, in accordance with section 22(4) of the *Employment and Assistance Act*. In particular, the information in the Letter addresses the ministry's question as to whether the Roommate has any legal authority to act as the appellant's landlord. The information in the Notice of Appeal and the appellant's oral testimony provide information about the appellant's prescriptions and circumstances around the outstanding hydro and rent amounts.

## PART F – Reasons for Panel Decision

The issue on this appeal is whether the ministry's decision to deny the appellant a crisis supplement for rent of \$250 and hydro of \$111.83 was reasonably supported by the evidence or was a reasonable application of the applicable legislation. In particular, was the ministry reasonable in determining that the appellant was not eligible for the crisis supplement as the funding requested for hydro and a portion of her rent was not required to meet an unexpected expense or to obtain an item unexpectedly needed or that failure to obtain the item or meet the expense would result in imminent danger to her physical health as required by EAR section 59(1)(a) and (b)?

### EAA

#### Income assistance and supplements

- 4 Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

### EAR

#### 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*.
- (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 income 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.

[am. B.C. Reg. 12/2003.]

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### Unexpected Expense or Item Unexpectedly Needed

The ministry's position, as set out in the reconsideration decision, is that while the appellant may have to pay for prescriptions that may have been unexpected to her, she has not indicated that the prescriptions were new to her and she has not described the cost associated with filling the prescriptions. The ministry is not satisfied that the appellant needs money to pay \$250 towards August rent or \$111.83 for hydro as those items would not be unexpected, so the ministry was not satisfied that section 59(1)(a) of the EAR was met.

The appellant's position is that she is trying really hard to change her lifestyle and that the ministry should provide her with the requested help. The appellant's position is that her income assistance does not provide enough money to pay her rent, hydro and other monthly expenses such as food and personal items and that the prescriptions she needed were new and unexpected. The appellant's position is that if she does not receive the crisis supplement she will not be able to pay the hydro bill and will be evicted.

The panel notes that although the appellant, in her Notice of Appeal, states that the prescriptions are new to her, necessary, and that she would submit receipts, the appellant did not provide any documentation confirming that the prescriptions were new or receipts confirming the amount of the prescriptions.

The panel finds that the appellant did not provide supporting documentation confirming that the prescriptions were new or any documentation indicating the amounts of the prescriptions and that her hydro and rent were not unexpected expenses. As section 59(1)(a) requires that the need for the item is unexpected or there is an unexpected expense, the panel finds that the ministry was reasonable in determining that section 59(1)(a) of the EAR was not met.

### Imminent Danger to Physical Health

The ministry states that there is no evidence that the Roommate has the legal authority to act as the appellant's landlord and evict her and the appellant has not provided an eviction notice from the Owner or confirmation from the Owner that the Roommate is allowed to act as her landlord and in turn evict the appellant. The ministry also states that the appellant has not provided any evidence to show that the hydro is at risk of being disconnected. The ministry is not satisfied that failure to pay \$250 towards August rent and \$111.83 for hydro will result in imminent danger to the appellant's health as required by section 59(1)(b)(i) of the EAR.

The appellant's position is that she is required to pay hydro as part of her rent and that if she cannot pay it as required she will be evicted and she will have to return to the former city she lived in which puts her at risk of returning to her former high risk lifestyle. The appellant state that she wants to change her lifestyle and is scared of returning to the former city she lived, and is unable to find another affordable place to live in City A, in so the ministry should help her with the crisis supplement to prevent this from happening.

Although the appellant has provided the Letter, which indicates that the Owner has given the Roommate permission to sublet to the appellant, there is no indication that the appellant is facing eviction. The appellant states that she borrowed money to pay the hydro so the old bill is paid but there is a new bill that now needs to be paid and that unless she can pay it she will be evicted. However, there is no documentation indicating that she is facing eviction currently or that the hydro will be disconnected. Accordingly, the panel finds that the ministry was reasonable in determining that the appellant had not demonstrated that failure to obtain he item or meet the expense will result in imminent danger to physical health as required by EAR section 59(1)(b)(i).

### Conclusion

The panel acknowledges that the appellant does not want to return to the city she used to live in and that it may be difficult to obtain another home to rent in City A. The panel also acknowledges that it is difficult for the appellant to pay all of her monthly expenses based on the current income assistance amount she receives. However, having reviewed and considered all of the evidence and the relevant legislation, the panel finds that the ministry's reconsideration decision, which found that the appellant is not eligible for a crisis supplement of \$250 to cover August rent and \$111.83 for hydro, was reasonably supported by the evidence and a reasonable application of the legislation in the circumstances of the appellant. The panel therefore confirms the ministry's decision.