

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated September 21, 2017 in which the Ministry denied the appellant a crisis supplement for \$250 outstanding rent because the request did not meet the necessary criteria as specified under Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Specifically, the item requested was not an unexpected expense or an item unexpectedly needed and that failure to provide the item would not result in imminent danger to her physical health.

PART D – RELEVANT LEGISLATION

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

PART E – SUMMARY OF FACTS

The information before the Ministry at reconsideration included the following:

- The appellant is in receipt of disability assistance as a sole recipient with monthly assistance of \$1,133.42 comprised of \$706.42 support, \$375.00 shelter and \$52.00 transportation.
- October 5, 2017 - The appellant requested a crisis supplement to pay October 2017 rent, stating that she had been robbed of her October assistance. She states that she was unable to receive assistance from the Salvation Army and homeless prevention plan. She states that she owed \$700.00 and may be able to obtain some funds from family sources as the ministry would only be able to issue \$375 if eligible. The ministry advised the appellant to provide a copy of the eviction notice.
- October 11, 2017 – the landlord stated he had evicted the appellant’s room-mate and that the appellant owed \$1,000.00 rent and he would not be issuing an eviction notice as he had the residence up for sale. The landlord stated the appellant would be able to stay if the outstanding rent was paid.
- October 18, 2017 – the landlord confirmed that the outstanding rent was \$1,000.00 and he would not accept less. The ministry advised the appellant that her request for a crisis supplement was denied.
- October 31, 2017 – the appellant delivered the Request for Reconsideration submitting that the landlord advised he would use the \$750.00 security deposit for October rent leaving \$250.00 owing. The appellant is requesting a crisis supplement for \$250.00.
- November 3, 2017 – the appellant submitted a Shelter Information form indicating she would be moving to a new residence on November 1, 2017.

Notice of Appeal dated November 14, 2017, the Appellant stated the following:

1. I supplied accurate information. The landlord did not evict my roommate.
2. The decision provided conflicts with other evidence documented and dated.
3. The remaining rent for October was paid from my October support.

The appellant’s submission to the written hearing, the appellant argues:

Resources are funded to other residents and the funds accounts are no longer available for current months. The decision demonstrates the ministry has not put forth effort and has exhausted me with extensive phone calls. The continuing contact created confusion to not only the landlord but ministry employees. The situation does not occur on a monthly basis. When the ministry contacts me it is a wifi phone number. The cell service in this area is limited. I use the wifi phone service for this purpose. It is not always available, which is out of my control.

The ministry's submission to the written hearing:

“The ministry's submission in this matter will be the reconsideration summary provided in the Record of Ministry Decision.”

The panel admitted the appellant's written testimony, which either substantiated or further explained information already before the ministry, as being in support of the information and records before the ministry at reconsideration in accordance with section 22(4) of the Employment and Assistance Act.

PART F – REASONS FOR PANEL DECISION

The issue in this appeal is whether the ministry's decision to deny the appellant a crisis supplement for a crisis supplement for \$250 rent because the request did not meet the necessary criteria as specified under Section 57 EAPWDR was reasonably supported by the evidence or a reasonable application of the legislation. Specifically, the item requested was not an unexpected expense or an item unexpectedly needed and that failure to provide the item would not result in imminent danger to her physical health.

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)

Panel Decision:

Relevant to this case is section 57 of the EAPWDR that states there are specific conditions that must be met in order to qualify for a crisis supplement. The panel must consider the facts of this case as it applies to the legislation.

The first criterion is that the item must be an unexpected expense or an item unexpectedly needed. The panel finds that the ministry was reasonable in its conclusion under section 57(1)(a) EAPWDR that this criterion was not met as the appellant is requesting the allowance to pay rent and it can be anticipated that rent is payable on a monthly basis. The second criterion is that failure to obtain the item will result in imminent danger to the appellant's physical health. The appellant's submissions don't address imminent danger to her physical health and the information indicates that she has secured new accommodation and therefore the panel finds that the ministry reasonably concluded there is insufficient information indicating that the appellant's physical health is in imminent danger due to the non-payment of \$250.00 rent pursuant to section 57(1)(b)(i) EAPWDR. The third criterion under section 57(1)(a) EAPWDR is that the appellant is unable to meet the expense or obtain the item because there are no resources available to the family unit. The ministry concluded that the appellant did not have alternate resources to replace the stolen funds and has met this eligibility requirement. The panel notes that all three criteria must be satisfied in order to be eligible for a crisis supplement.

The panel finds that the ministry's decision that the appellant was not eligible for a crisis supplement under section 57 EAPWDR was supported by the evidence and was a reasonable application of the legislation in the circumstances of the appellant. The panel confirms the ministry's decision in accordance with section 24(1)(a) and 24(2)(a) of the Employment and Assistance Act.

The appellant is not successful on appeal.