

**PART C – DECISION UNDER APPEAL**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) dated December 20, 2017 that denied the appellant's request for a crisis supplement to pay for car repairs because the request did not meet all the necessary criteria as specified under Section 59 of the Employment and Assistance Regulation (EAR). Specifically, the ministry determined it will not result in imminent danger to the physical health of any person in the family unit pursuant to Section 59(1)(b)(i) of the regulation.

**PART D – RELEVANT LEGISLATION**

Employment and Assistance Regulation (EAR) Section 59(1)

## **PART E – SUMMARY OF FACTS**

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

- The appellant is a sole recipient of income assistance since July 16, 2014 currently receiving a support allowance of \$335 per month.
- On November 16, 2017 – the appellant requested \$392 for repairs to her vehicle stating she had no money to fix it and requires the use of the vehicle for future employment.
- On November 21, 2017 – the ministry denied the appellants request because there was not imminent risk to the appellants physical health if she was unable to repair her car. The minister recognizes that not having a vehicle would make job searching and maintaining employment more difficult, however “imminent” denotes a sense of urgency and while the minister acknowledges brakes are required to safely operate a vehicle, the minister finds no evidence that the appellant is currently required to drive her vehicle to prevent an urgent risk to her health. As a result, the minister is not satisfied failure to repair the appellant’s vehicle will result in imminent danger to her physical health.
- On December 11, 2017 – the appellant submitted her Request for Reconsideration stating that the parking brake is required for safety reasons in manual transmission vehicles and her vehicle is mandatory for job search and moving from her current temporary location to a home. The appellant provided an invoice showing that she owes \$578.24 less a \$50.00 deposit for brake repairs

### **Notice of Appeal dated December 20, 2017, the Appellant stated the following:**

Response stated on Reconsideration not accurate.

### **At the hearing:**

The ministry did not attend the hearing.

### **Position of the appellant:**

The appellant states that her vehicle has a manual transmission and the E-Brake/Parking Brake must have 100% functioning as required under the Motor Vehicle Act. The E-Brake is essential for manual transmissions to operated safely and within legal requirement. She first received a quote of \$392 for repairs which included only the parts, then the final invoice of \$578.24 included parts and labour. She further states that where she lives and the supports she receives are irrelevant and the fact is that she lives in a rural location and she needs her vehicle to be “job ready” and she is continually looking for work.

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 was reasonable, which denied the appellant's request for a crisis supplement to pay for car repairs because the request did not meet all the necessary criteria as specified under Section 59 of the Employment and Assistance Regulation (EAR). Specifically, the Ministry determined the appellant is not currently required to drive her vehicle and is therefore not in imminent danger to the physical health of any person in the family unit pursuant to Section 59(1)(b)(i) of the regulation.

The legislation applicable in this appeal is as follows:

### **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.

**Panel Decision:**

Relevant to this case is section 59 of the EAR that states there are specific conditions that must be met to qualify for a crisis supplement. The panel must consider the facts of this case as it applies to the legislation. The ministry has determined that the third criterion, that failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit, has not been met.

The appellant argues that her vehicle has a manual transmission and the E-Brake/Parking Brake must have 100% functioning as required under the Motor Vehicle Act. The E-Brake is essential for manual transmissions to be operated safely and within legal requirement. She further argues that where she lives and the supports she receives are irrelevant and the fact is that she lives in a rural location and she needs her vehicle to be “job ready” and she is continually looking for work.

The panel finds that the ministry was reasonable in its conclusion under section 59(1)(b)(i) EAR that the information provided by the appellant is not adequate to assess this third condition. The panel acknowledges that not having a vehicle makes job searching and maintaining employment more difficult, however “imminent” denotes a sense of urgency and the panel finds no evidence that the appellant is required to drive her vehicle and is therefore not in imminent danger to her physical health.

The panel finds that the ministry’s decision that the appellant was not eligible for a crisis supplement under section 59 EAR 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.