

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Social Innovation and Poverty Reduction (the ministry) reconsideration decision dated October 10, 2017, which denied the appellant's request for a crisis supplement to cover the cost of food. The ministry found that all of the requirements of Section 57 of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) were not met as the cost of food was not an unexpected expense or an item unexpectedly needed.

PART D – RELEVANT LEGISLATION

Employment and Assistance for Persons With Disabilities Regulation (EAPWDR), Section 57

PART E – SUMMARY OF FACTS

The evidence before the ministry at the time of the reconsideration decision consisted of:

- 1) Business card for clinical case manager for the city Hoarding Action Response Team;
- 2) Undated Fire & Rescue Services- Priority Action Plan, which included instructions to clear all items from entrance way, doors must fully open, clear pathway through all hallways, clear items away from stove, clear items away from all heat sources (heaters, stoves, etc.), clear path to all windows and doors (30 inches minimum), clear paths around beds and furniture, items must not be piled over 4 feet in height, and clear paths of 30 inches through living area;
- 3) Undated handwritten note in which the appellant wrote that her unexpected expense was preparing for a BC Housing room inspection August 22 and that qualifies for \$20 emergency expense;
- 4) Letter dated June 22, 2017 to the appellant in which the Property Portfolio Manager for BC Housing referring to an inspection by the city fire department on June 15, 2017, which was a follow-up to an initial inspection in March 2017 in response to conditions found after a flood in the appellant's suite. A follow-up inspection is scheduled for July 13 and specified action must be taken or BC Housing will take steps to end the tenancy;
- 5) Receipt dated July 13, 2017 from a hardware store for supplies in the amount of \$21.67;
- 6) Letter dated August 21, 2017 from the owner of a hardware store who confirmed that the appellant has spent in excess of \$50 to \$75 in renovation-related project materials during July and August;
- 7) Handwritten note stamped received by the ministry on August 21, 2017, in which the appellant wrote that:
 - The \$20 emergency is "legit" as it is: 1. Unexpected- imposed on her; 2. Emergency- these expenses came first as her tenancy was at risk, and 3. She exhausted all resources.
 - She practices rigorous fiscal responsibility and bottom line budgeting.
 - She does not need [the ministry] babysitting her and holding back money; and,
- 8) The appellant's Request for Reconsideration dated September 11, 2017 requesting an extension of time to meet with an advocate.

Additional information

In her Notice of Appeal stamped received by the Tribunal on October 23, 2017, the appellant expressed her disagreement with the ministry's reconsideration decision and wrote that::

- Evidence going missing warrants serious grounds for a right to meet with her counsellor. This has happened 12 times in a row.
- Receipts submitted for current \$20 emergency seems to have gone missing.
- The 13 page document regarding BC Hydro stamped received by the ministry July 31, 2017 hand given to BC Hydro customer service and to BC Hydro security August 7, 2017 after customer service left for the day cost her two separate special trips, and has now gone "missing" from her file.
- She is being forced to deal with multiple serious issues on her own, without due process.
- One of the serious issues includes extreme threats of violence. Two death threats got her short-listed to move to BC Housing in a different community and an emergency moving allowance of \$1,800. There have been many threats since.

Prior to the hearing, the appellant provided the following additional documents:

- 1) Diagram of a bird eating a frog identified as the appellant and with a handwritten note "BC Hydro eating me alive," "greed, gouging," and "don't ever give up";
- 2) Undated handwritten notes by the appellant;
- 3) Undated graph, information about intelligence quotient, "A Simple Experiment" article about pi, Graphic "Peeling the Sun's layers";
- 4) Excerpts from the book, "The 7 Habits of Highly Effective People" by Stephen R Covey;
- 5) Excerpts from an article, "Self-Desensitization Instructions" by Tom G Stevens;
- 6) Excerpts from an article, "The Global Bee Death" by Dan Winter;
- 7) Article about Mitochondria and "Black Spot Mutiny";
- 8) Letter from a Counsellor dated December 4, 2014 and a Recognition of Success Certificate dated December 4, 2014;
- 9) Memo dated October 20, 2017 to BC Hydro in which a physician wrote that:
 - The introduction of smart meters in 2014 has caused significant psychological stress and financial hardship to the appellant, with consequences for her physical health over a 2-year period.
 - The appellant declined the smart meter system citing concerns about the impact on her physical, emotional and spiritual well-being.
 - The conflict surrounding this issue has had a severe impact on the appellant's mental health and the financial hardship has, in recent times, led to her not being able to afford to eat.
 - She went without food for 50 days with a severe weight loss that the physician assessed as potentially life-threatening. She is left with the untenable choice between food or electricity. The absence of either would be detrimental to her health.
 - Given the impact of this issue on the appellant, the request is that the appellant's electricity meter is read manually at no additional charge and past charges are refunded;
- 10) Letter dated March 26, 2018 to BC Hydro in which an advocate requested that the appellant continue to pay the base electric usage cost as she awaits the Tribunal decision, and the BC Hydro send a representative to the hearing.

At the hearing, the appellant provided the following additional documents:

- 1) One page from an article, showing a table titled "Information versus Entropy"; and,
- 2) Handwritten notes with information about evil people, specifically "Sheople," who accept what they are told without question or thought, according to their own ideological perspective. Even when presented with irrefutable facts, logic and intelligence to the contrary, their way of thinking is the only one that counts.

At the hearing, the appellant stated that:

- By way of introduction, she grew up in an amazing home where everyone was respected, and her parents showed their love.
- In her recent interactions, she has encountered an attitude of 'anathema obedience,' requiring absolute power. This is part of the "yang" external energy, whereas the "yin" energy is hidden. Violence occurs when yang obliterates the yin, and this is evident in emotional as well as psychic and existential abuse. Previously, she has experienced violence first-hand, through death threats, a murder attempt, an assault attempt that was stopped, and also being pepper-sprayed. She would like to see movement of everyone towards 'organic oneness' and the 'syzygy pleroma' of unconditional love.

- In this case, the legislation is seen to be dominating. Some of her evidence was also “lost.”
- The cumulative picture of the BC Hydro expenses must be considered. Over 10 months, the additional charges resulted in a total amount owing of \$400. This is so much that she is unable to eat. The ministry assumes that the cheque will cover her expenses and she just needs to budget better. She has a \$10 shortage on what she needs to live on.
- She is living on \$400 per month. When she gets her cheque, half pays the arrears. She pays \$200 per month for psychic advice, \$100 for cancer prevention, \$100 for sacred medicine and \$100 for skin care. She is left with \$50 per month for everything else so she goes one day a week with no food. With her most recent fast, she went 49 days without food.
- She had to spend a total of \$150 on renovations to prepare her unit and move her belongings away from the walls. It was challenging and she had to work all night, but she managed to get ready in time for the construction.
- She had to buy wood and screws and other supplies and built a loft area to fit her bed above other furniture and items.
- This preparation was a difficult project but when the fire department directs a person to get things done, there is no “fooling around.” They have the authority to have a person evicted.

The ministry relied on its reconsideration decision as summarized at the hearing. At the hearing, the ministry stated that the appellant’s file history shows a pattern of reliance on crisis supplements to augment her monthly assistance

Admissibility of Additional Information

The ministry did not object to the admissibility of the additional documents but questioned the relevancy of some of the articles. The panel admitted the letter from the counselor and the physician as being information that corroborates the appellant’s explanation of the reasons for her need for a crisis supplement for food and is, therefore, in support of information before the ministry on reconsideration, pursuant to Section 22(4) of the *Employment and Assistance Act*. The panel considered the other articles and excerpts to be part of the appellant’s overall argument and her suggested approach to this issue.

PART F – REASONS FOR PANEL DECISION

The issue on the appeal is whether the ministry's decision, which denied the appellant's request for a crisis supplement to cover the cost of food because all of the requirements of Section 57 of the EAPWDR were not met as the cost of food was not an unexpected expense or an item unexpectedly needed, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the appellant's circumstances.

Section 57(1) of the EAPWDR sets out the eligibility requirement which is at issue on this appeal for providing the crisis supplement, as follows:

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*.

Panel decision

The ministry wrote in the reconsideration decision that the provisions of Section 57 of the EAPWDR allow for the ministry to provide a crisis supplement when all of the legislative criteria are met, specifically that the supplement is required to obtain an item unexpectedly needed of for an unexpected expense, the family unit has no resources available to meet the expense or obtain the item, and failure to obtain the item will result in imminent danger to the physical health of any person in the family unit or the removal of a child under the *Child, Family and Community Service Act (CFCSA)*. In the reconsideration decision, the ministry wrote that the requirements that the appellant has no resources to purchase food and that failure to buy food would result in imminent danger to the appellant's physical health have been met; however, the ministry wrote that there was insufficient evidence to establish that the need for a supplement to purchase food was an unexpected expense. The ministry wrote that crisis supplements are intended to address urgent situations that could not have reasonably been planned for or anticipated and not meant to augment monthly assistance. The ministry wrote that the appellant provided two reasons for unexpectedly needing money for food, namely that she incurred costs for preparing her suite for inspection and that she had to pay \$100 for thyroid medication.

Regarding the medication expense, the ministry wrote that there was no evidence that the \$100 paid for thyroid medication was not covered by health insurance or that it is a new prescription for the appellant, and it is not unusual for the appellant to have additional medication expenses. At the hearing, the appellant did not argue that paying \$100 for thyroid medication was a reason for the unexpected need for a supplement for food, and there was no further evidence provided

on the appeal regarding this expense. The panel finds that the ministry was reasonable in determining that there was insufficient evidence to show that the medication expense created an unexpected need for a supplement to cover the cost of food.

Regarding the costs for preparing the appellant's suite for inspection, the ministry wrote that the appellant's suite was first inspected in March and that the appellant was again made aware by BC Housing on June 15 and June 22, 2017 of the requirements, and the appellant failed to demonstrate something unexpected occurred since then that resulted in her need for food. The ministry wrote that BC Housing provided the appellant with a storage unit and the appellant had a reasonable amount of time to budget for costs associated with preparing her suite for inspection.

While the appellant's suite was first inspected in March 2017, the panel finds that notice to the appellant of the gravity of the consequences for not having specified work completed by July 13, 2017 was provided by BC Housing in a letter dated June 22, 2017. The follow-up inspection was scheduled for 3 weeks after the date of the letter, at which time BC Housing wrote that specified action must have been completed, or steps would be taken to end the appellant's tenancy. The appellant was required to deal with the direction in the Fire & Rescue Services-Priority Action Plan, which detailed a number of instructions, including: to clear all items from entrance way, clear pathway through all hallways, clear items away from stove, clear items away from all heat sources, clear path to all windows and doors (30 inches minimum), clear paths around beds and furniture, items must not be piled over 4 feet in height, and clear paths of 30 inches through living area. The appellant stated that this preparation was a difficult project for her, but when the fire department directs a person to get things done, there is no "fooling around" since they have the authority to have a person evicted. The appellant stated at the hearing that she was dealing with arrears on her hydro account at the same time, which was very stressful for her, and she found herself in an emergency situation where her tenancy was at risk.

To prepare her suite for the July 13, 2017 inspection, the appellant stated that she ended up having to build a loft area to fit her bed above other furniture and items, and she had to buy wood and screws and other supplies. The owner of a hardware store confirmed by letter dated August 21, 2017 that the appellant had spent in excess of \$50 to \$75 in renovation-related project materials during July and August. The appellant stated at the hearing that it was very challenging for her to get her suite ready in time, and she had to work all night, but she managed to get the work completed.

The panel finds that the appellant was in a situation where she had to prioritize the work to prepare her suite for inspection within a 3-week period to avoid possible eviction, and she discovered that in order to meet all the requirements in the Priority Action Plan, she needed to spend some of her support allowance to pay for supplies. The panel finds that the ministry's conclusion that the cost to prepare her suite for inspection was not an unexpected expense, in the appellant's circumstances, was not reasonable.

Conclusion

The panel finds that the ministry's reconsideration decision, which denied the appellant's request for a crisis supplement for the cost of food because the requirements of Section 57 of the EAPWDR were not met, was not a reasonable application of the applicable enactment in the appellant's circumstances and the panel rescinds the ministry's decision. This decision is referred back to the ministry for a decision as to amount.

The appellant's appeal, therefore, is successful.