

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “ministry”) reconsideration decision, dated July 30, 2018, which denied the appellant’s request for a crisis supplement to cover food. Although the ministry was satisfied that the failure to provide the appellant with funds for food could result in imminent danger to her physical health, the ministry was not satisfied the other requirements of section 57 of the *Employment and Assistance for Persons With Disabilities Regulation* (EAPWDR) were met, specifically:

- The ministry was not satisfied the appellant’s need for food in June 2018 was unexpected due to the need to pay for shelter expenses that month, or as a result of moving costs or other costs in April 2018; and
- The appellant had been provided with a support allowance and the ministry was not satisfied the appellant had shown she had exhausted the assistance of community resources.

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 reconsideration included the following:

- The appellant is a sole recipient with a Persons with Disabilities (PWD) designation, receiving \$758.42 support and \$375 shelter allowance per month;
- The appellant's rent is \$650 per month;
- The appellant was not provided with her July assistance on June 27, 2018 like other clients as the ministry was awaiting information from her about her shelter;
- The appellant requested a crisis supplement for food on June 28, 2018;
- The ministry issued the appellant's July support payment on June 29, 2018 after receiving her shelter information. The ministry denied the request for a crisis supplement;
- In her July 16, 2018 request for reconsideration the appellant wrote that since April, the passing of her mother, her father's move into assisted living, and a move of her own had left her in a "huge deficit." She also noted that after rent, phone, and bus pass, there is little money left for adequate groceries, especially considering her medical condition and extremely high metabolism. She said, "This grant would ensure maintaining a higher quality of health."

In her notice of appeal, the appellant wrote: "Because I do not meet the 'criteria' for a subsidy from Pacific Housing the majority of my cheque goes to rent phone & internet leaving little else."

In her submissions on appeal dated August 17, 2018 (written on the ministry's "Request for Reconsideration" form), the appellant pointed out that it is very difficult to find "decent, suitable housing in regards to [her] serious medical condition for the paltry [sic] sum of \$375 per month" and noted she would be happy to relocate if such housing could be found. She made the point that she did not choose to be in her current situation, and feels that decision makers could find special circumstances to find in her favour.

The ministry relied on its reconsideration decision.

PART F – REASONS FOR PANEL DECISION

The Issue on Appeal

The issue on the appeal is whether the ministry's decision that denied the appellant's request for a crisis supplement to cover food on the basis that the requirements of section 57 of the *Employment and Assistance for Persons With Disabilities Regulation* (EAPWDR) were not met, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the appellant's circumstances.

The Legislation

Section 57(1) of the EAPWDR sets out the eligibility requirements which are 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*.
- (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.

Appellant's Position

The appellant's position is that her support payments do not leave her with adequate money to buy food. Additionally, she faced expenses in April related to moving, the death of her mother and the move of her father into an assisted living facility, all of which left her in a deficit. She did not choose to be in this situation, but asks the panel to choose to find special circumstances in this case.

Ministry's Position

The ministry's position is that the appellant's need for food in June was not unexpected due to the appellant paying shelter costs, or due to the appellant moving in April or the appellant's mother's death or father's move. The ministry provided the appellant with funds for support and the appellant has not shown that she has exhausted the assistance of community resources. The ministry is satisfied that the failure to provide the appellant with funds for food *could* result in imminent danger to her health, though the ministry makes no determination on reconsideration about whether it *did* result in imminent danger to her health.

Panel's Decision

Applied to this appeal, section 57(1) of the EAPWDR only allows the ministry to provide a crisis supplement where:

- (1) the supplement is to meet an unexpected expense or obtain an item unexpectedly needed (s. 57(1)(a));
- (2) there are no resources available to the family unit (s. 57(1)(a)); and
- (3) the minister considers that failure to meet the expense or obtain the item will result in imminent danger to physical health of any person in the family unit (s. 57(1)(b)).

Here, it is difficult to see how the need for food in June 2018 was an unexpected expense in relation to the appellant's other expenses occurring in June 2018, specifically her rent. The ministry had provided the appellant with both shelter and support costs for the month of June, and the appellant knew the cost of her rent going into the month. Further, while the appellant argues that costs associated with her move in April, along with her mother dying and her father going into long-term care facility left her in a deficit, there was no information before the ministry to corroborate these expenses (not even the amount of these expenses) or to explain how they made her food costs in June unexpected. The panel finds that, on the evidence before it, the ministry reasonably determined that the crisis supplement sought was not for an unexpected expense.

Concerning the requirement that there be no other resources available to the family unit to meet the expense, while the appellant may dispute the adequacy of her support payments, the ministry provided her with the allowable amount of assistance, so she did have funds designated for food in June. Further, as the ministry noted, there was no evidence to show that the appellant had no other resources available to her. For example, there was no evidence to show she had been refused assistance from community organizations such as a food bank, or even documents to show the appellant had no money left in her bank account. As well, the day after the appellant requested the crisis supplement, she received her July 2018 support cheque, indicating that she did then have resources available to buy food. In these circumstances, the ministry's determination that it was not satisfied the appellant had no other resources available to her was reasonably supported by the evidence.

Finally, in regards to the requirement that failure to meet the expense or obtain the item will result in imminent danger to physical health of the appellant, on reconsideration the ministry noted that a failure to fund food could result in imminent danger, but made no such finding of imminent danger. It was not necessary for the ministry to make a determination on this issue given that all requirements of the section 57(1) of the Regulation must be met for a crisis supplement and the ministry had already found that two of the criteria were not met. However, the panel notes that there was no evidence before the ministry at reconsideration that spoke to any imminent danger to the appellant's health.

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(1) of the EAPWDR were not met, was reasonably supported by the evidence and the panel confirms the ministry's decision. The appellant is not successful in her appeal.

PART G – ORDER

THE PANEL DECISION IS: (Check one)

 UNANIMOUS BY MAJORITY

THE PANEL

 CONFIRMS THE MINISTRY DECISION RESCINDS THE MINISTRY DECISION

If the ministry decision is rescinded, is the panel decision referred back to the Minister for a decision as to amount? Yes No

LEGISLATIVE AUTHORITY FOR THE DECISION:*Employment and Assistance Act*Section 24(1)(a) or Section 24(1)(b)

and

Section 24(2)(a) or Section 24(2)(b) **PART H – SIGNATURES**

PRINT NAME

Kathy Grant

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

September 13, 2018

PRINT NAME

Janet Ward

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

PRINT NAME

Nancy South

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)