

PART C – DECISION UNDER APPEAL

The decision under appeal is the reconsideration decision dated August 9, 2018, made by the Ministry of Social Development and Poverty Reduction (the ministry), which determined that the appellant does not qualify for a crisis supplement for food because his request does not meet two of the three legislated criteria in that the food is not needed to meet an unexpected expense or obtain an item unexpectedly needed and failure to provide the supplement will not result in imminent danger to the appellant's physical health.

PART D – RELEVANT LEGISLATION

The relevant legislation is section 59 of the Employment and Assistance Regulation (EAR).

PART E – SUMMARY OF FACTS

On July 18, 2018, the appellant requested a crisis supplement for food. The appellant is homeless due to the fact that he cannot work because he does not have identification. The appellant stated that the monthly amount he receives from the ministry is not enough to buy food for the month. The appellant camps out of town and travels daily into town to attend ministry offices, as well as Service Canada offices in his efforts to obtain identification, and obtain food from local charity services.

PART F – REASONS FOR PANEL DECISION

The issue under appeal is the reasonableness of the ministry's decision finding the appellant is not eligible to receive a crisis supplement for food because his request does not meet two of the three legislated criteria found in section 59 of the EAPWDR in that this was not an unexpected expense and failure to provide the crisis supplement will not result in imminent danger to the appellant's physical health.

The relevant legislation is section 59 of the EAPWDR:

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.

The appellant argued that his needing a crisis supplement for food is unexpected because he could not have foreseen how long it would take him to obtain his identification, begin working and so be able to buy his own food. The ministry representative stated that there were no circumstances which lead to the appellant unexpectedly requiring money for food. The appellant receives a monthly amount from the ministry that includes food. The argument is that it is not enough does not make the need for food unexpected.

The fact that the appellant has experienced a delay in obtaining his identification and so being able to work and buy his own food may be unexpected, but this does not mean that his need for food is unexpected. The appellant receives a monthly amount from the ministry which includes an amount for food. The fact that the appellant finds this amount inadequate is not relevant to the question of whether his need for food is unexpected. The panel finds that the ministry was reasonable in finding that the appellants request does not meet this criterion.

The appellant argued that not having access to sufficient food puts his physical health in imminent danger. The ministry stated that the appellant's physical health is not in imminent danger as he receives income assistance,

which is intended to purchase food, and he has access to local charitable services and other sources of free food.

As the appellant receives the maximum amount of income assistance monthly and has access to local charitable services and other sources of free food, the ministry was reasonable in finding that the appellants request does not meet this criterion.

Accordingly, the panel concludes that the ministry's decision that the appellant is not eligible to receive a crisis supplement for food because his request does not meet two of the three legislated criteria found in section 59 of the EAPWDR was reasonably supported by the evidence before it and confirms the ministry's decision.

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

Marcus Hadley

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2018/09/07

PRINT NAME

On behalf of: Marnee Pearce

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2018/09/07

PRINT NAME

On behalf of: Robert Fenske

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2018/09/07