

#### **PART C – DECISION UNDER APPEAL**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated October 9, 2018, which denied the appellant's request for a crisis supplement for clothing for her or her child because her request does not meet all of the eligibility criteria described in section 59(1) of the Employment and Assistance Regulation (EAR). The ministry determined that

- it is not established that there are no alternative resources available; and
- failure to obtain a crisis supplement for clothing does not result in imminent danger to the appellant's and her child's physical health or to the removal of a child under the *Child, Family and Community Service Act*.

#### **PART D – RELEVANT LEGISLATION**

EAR section 59(1).

## **PART E – SUMMARY OF FACTS**

The information before the ministry at reconsideration included the following:

The appellant is a sole recipient with 1 dependent child.

She receives \$ 1223.53 per month for income assistance. This amount includes \$475.58 per month for a support allowance, \$570 for a shelter allowance and \$197.95 for a family bonus top up supplement. From this \$20 is deducted as a repayment to the ministry.

On September 6, 2018 the appellant advised she has moved.

On September 14, 2018 the appellant advised she did not feel safe at her previous address so she rented an RV. She provided a shelter information form indicating she was intending to reside at her new residence effective October 1, 2018 where she would pay \$ 975 per month for rent. The ministry provided her with a crisis supplement to secure the RV as of September 15 and a security deposit of \$435.

On September 20, 2018 she requested a crisis supplement for clothing for her and her child. She advised her wallet was stolen, she had been to community resources but she was concerned she would get hypothermia. The ministry denied her request as it was determined that losing her wallet did not result in her need for clothing.

On September 24, 2018 the appellant requested another crisis supplement for clothing. She advised that her previous landlord locked her belongings in a shed and she could not retrieve her clothing until September 28. She advised that during her move her child was stung by a bee and she was required to take her to the hospital and while she was there the landlord put her belongings in a locked shed. Her request was denied.

On October 1, 2018 the appellant submitted her request for reconsideration wherein she indicated that her money to pay her damage deposit was in her wallet that was stolen and she is unable to move into her residence until she pays the security deposit. She has used up the majority of her assistance cheque. She has used community resources but she has no place to cook meals. She advised that she intended on using some of her cheque to purchase winter clothes but she was unable to given her current living situation.

The appellant did not attend. Upon confirming that the appellant was notified the hearing proceeded in accordance with section 86(b) of the EAR.

At the hearing the ministry reiterated the reconsideration decision and clarified that on September 20, 2018 the appellant could have requested reconsideration but instead requested another crisis supplement for clothing on September 24. The reconsideration decision on appeal is about the ministry's September 24, 2018 denial of a crisis supplement for clothing.

The ministry added that if a client loses a cheque or has it stolen the ministry replaces that cheque.

## PART F – REASONS FOR PANEL DECISION

The issue in this appeal is the reasonableness of the ministry reconsideration decision that denied the appellant's request for a crisis supplement for clothing for her and her child because the appellant does not meet all of the statutory criteria described in section 59(1) of the EAR. Specifically, was the ministry reasonable in its determination that

- it is not established that there are no alternative resources available; and
- failure to obtain a crisis supplement for clothing does not result in imminent danger to the appellant's or her child's physical health or to the removal of a child under the *Child, Family and Community Service Act*?

### 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*.

### Appellant's Position:

The appellant argues that she should be eligible for a crisis supplement for clothing because she had no resources available as the money for her damage deposit was stolen and she was unable to move into her residence. She had to use up the majority of her assistance cheque because she was temporarily without residence and as a result incurred additional costs which prevented her from purchasing the winter clothes she requires. She had intended on using some of her assistance funds to purchase winter clothes but she was unable to given her current living situation. The appellant argues further that as she could not access her clothes she was in danger of suffering hypothermia.

### Ministry Position:

Crisis supplements are intended to address urgent situations that could not have reasonably been planned for or anticipated. Section 59(1) of the EAR states a crisis supplement may be provided to a family unit for income assistance if all three of the following criteria are met:

1. The need for the item is unexpected or there is an unexpected expense;
2. There are no resources available and
3. Failure to obtain the item or meet the expense will result in imminent danger to your physical

health or the removal of a child under the Child, Family and Community Service Act (CFCSA).

The minister noted that having her wallet stolen rendered the appellant temporarily without residence and found it reasonable that she would have incurred additional costs during this time which prevented her from purchasing the winter clothes she requires. As a result, the ministry was satisfied that the need for money to purchase winter clothing was unexpected to her at this time, and requirement 1 has been met.

A review of the appellant's file confirmed that on October 5, 2018 the appellant received \$197.95 as a family bonus top-up supplement, and it was noted that on October 9, 2018 she had not cashed this cheque. As no information had been provided to explain why the appellant was unable to use some of these funds to purchase the clothing she requires, the ministry considered this cheque to be an available resource. Requirement 2 has not been met.

Although the appellant indicated that her current living situation has prevented her from purchasing the winter clothing she and her child require, she has indicated she is able to retrieve her belongings from her previous landlord. As such, the ministry is not satisfied that she or her children's health is at risk without purchasing clothing. Additionally there is no indication that the appellant is at risk of having her child removed from her care. As a result, the minister is not satisfied that failure to purchase clothing will result in imminent danger to the appellant's or her child's physical health or removal of a child under the CFCSA. Requirement 3 has not been met.

As the appellant does not meet all of the eligibility criteria described in section 59(1) of the EAR her request for a crisis supplement is denied.

Panel Decision:

No resources:

The appellant argued that she had no resources available because the money for her damage deposit was stolen and she was unable to move into her residence; she had to use up the majority of her assistance cheque because she was temporarily without residence. As a result she incurred additional costs which prevented her from purchasing the winter clothes she requires. She had intended on using some of her cheque to purchase winter clothes but she was unable to given her current living situation.

While the ministry argues that funds from the appellant's family bonus top-up cheque were an available resource for her the panel finds that as her alleged crisis occurred on or immediately prior to September 24, 2018, the funds from the family bonus top-up cheque were not available to her as she received this cheque 11 days after the "crisis".

Based on the foregoing the panel finds that the ministry was not reasonable when it concluded that the appellant did not satisfy the legislative criterion that she has no resources available pursuant to section 57(1)(a).

Imminent Danger to physical health:

The appellant argues that as she could not access her clothes she was in danger of suffering from hypothermia.

In the panel's view the word "imminent" connotes a degree of immediacy that has not been demonstrated in the appellant's circumstances. There is no evidence that failure to have funds to obtain

winter clothes for herself and her child will put the appellant or her children's physical health in imminent danger. While the appellant argues she was in danger of suffering hypothermia the panel notes that the appellant has not provided any information from a physician regarding imminent danger to physical health.

Consequently, the panel finds that the ministry was reasonable when it determined that neither the appellant nor her child's health were at risk as a result of not being able to access their belongings for 4 days. Additionally, there is no indication that the appellant is at risk of having her child removed from her care. As a result, the panel finds that the ministry reasonably determined that failure to purchase clothing will not result in imminent danger to the appellant's or her child's physical health or removal of a child under the Child, Family and Community Service Act.

Thus, the panel finds that the ministry reasonably established that the appellant has not satisfied the legislative criterion related to "imminent danger to health" in accordance with section 59(1)(b)(i). The panel finds further that there is no evidence that failure to obtain the requested crisis supplement will result in the removal of a child under the Child, Family and Community Service Act pursuant to section 59(1)(b)(ii).

Conclusion:

As not all of the criteria of section 59 of the EAR have been satisfied, the panel finds that the ministry's decision to deny the appellant a crisis supplement for clothing was reasonably supported by the evidence and a reasonable application of the legislation in the appellant's circumstances. The ministry's reconsideration decision is confirmed and the appellant is not successful on appeal.

**PARTG-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) ☐**PARTH-SIGNATURES**

PRINTNAME

Inge Morrissey

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2018/11/05

PRINTNAME

Lowell Johnson

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2018/11/05

PRINTNAME

Donald Stedeford

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2018/11/05