

APPEAL NUMBER

PART C – DECISION UNDER APPEAL

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Poverty Reduction (the ministry) dated April 11, 2019, which held that, pursuant to the *Employment and Assistance Act for Persons with Disabilities Regulation*, section 57, the appellant was not entitled to a crisis supplement for shelter.

PART D – RELEVANT LEGISLATION

Employment and Assistance Act for Persons with Disabilities (EAPWD), sections 1, 5, 6.
Employment and Assistance Act for Persons with Disabilities Regulation (EAPWDR), section 57

PART E – SUMMARY OF FACTS*Information Before The Ministry at Reconsideration*

1. The appellant's payroll statement for the period June 23, 2018 to July 13, 2018;
2. The appellant's T4 for tax year 2018;
3. A letter stating the appellant was terminated on June 29, 2018 without cause;
4. The appellant was in receipt of Employment Insurance benefits;
5. The appellant was receiving a transitional transportation supplement;
6. The appellant's rent was \$780 per month;
7. A bank statement for a line of credit account in the appellant's name;
8. The appellant had an ongoing dispute with the landlord before BC Residential Tenancy Branch and consequently had not discussed payment options with the landlord;
9. The appellant received partial disability assistance for February 2019;
10. The appellant did not receive disability assistance for March 2019;
11. The appellant did not receive disability assistance for April 2019; and
12. The ministry is authorized, pursuant to the *Supply Act*, to provide a "transitional transportation support" for a family that ceases to become eligible for disability assistance until the end of that calendar year.

Information Provided on Appeal

1. The appellant's Notice of Appeal dated April 18, 2019. In that Notice, the Appellant stated she was eligible for "PWD" during the relevant timeframe and received a hydro and clothing allowance. The panel notes that no documents supporting that statement were provided;
2. The ministry's submission dated May 27, 2019. In that submission, the ministry stated the appellant received a crisis supplement for utilities in April 5, 2019 in error. The ministry also stated that the appellant's receipt of a transportation supplement is not disability assistance or hardship assistance.

PART F – REASONS FOR PANEL DECISION**Issue on Appeal**

The issue on appeal is whether the ministry's decision that the appellant was not eligible for a crisis supplement for rent, pursuant to EAPWDR section 57 was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

Relevant Legislation

EAPWDR section 57 states (emphasis added):

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*.

EAPWD section 1 defines disability assistance as: an amount for shelter and support provided under section 5 [disability assistance and supplements].

EAPWD section 1 defines hardship assistance as: an amount for shelter and support provided under section 6 (1) [*hardship assistance*]

Ministry Position

The ministry stated that the appellant is not entitled to a crisis supplement for rent for the following reasons:

1. The appellant was not eligible for disability assistance or hardship assistance and therefore did not satisfy that criterion in EAPWDR section 57; and
2. If the appellant did not satisfy the criterion requiring the appellant's rent was to be an unexpected expense.

The ministry was satisfied that the appellant did not have resources available to meet the expense of her rent and that the failure to meet her rent expense may result in imminent danger to her health.

Appellant Position

The appellant's position was that she was eligible for disability assistance and that her receipt of a monthly transportation supplement confirmed that eligibility.

The appellant also stated that her rent was an unexpected expense because she unexpectedly did not receive assistance and was not able to secure a loan.

Panel Decision

The panel considered whether the information before the ministry supported its determination that the appellant was not eligible for disability assistance. The ministry had information that the appellant received some disability assistance in February but no assistance in March and April. The ministry, in its reconsideration decision, stated that the appellant was "ineligible for disability assistance because [her] ongoing EI income exceeds [her] disability assistance rate." The appellant did not dispute that statement. The ministry also considered the appellant's position that her receipt of a transportation supplement was evidence that she was eligible for disability assistance, and the ministry determined that the appellant was provided with a transportation supplement out of funds provided to the ministry by the Supply Act and not pursuant to the EAPWDR. The panel accepts that the transitional transportation supplement is not disability assistance.

The panel finds that the ministry's determination that the appellant was not eligible for disability assistance is reasonably supported by the evidence and is a reasonable application of the applicable enactment.

The panel also considered whether the appellant's rent was an unexpected expense. The panel notes that the appellant's submissions on this criterion relate to it being unexpected that she did not have the resources to pay her rent. The appellant states that she "anticipated being able to secure a loan" and "expected assistance last month." The appellant did not provide sufficient evidence to the ministry or the tribunal on appeal that her rent was an unexpected expense.

The panel finds that the appellant's submissions about why her rent was an unexpected expense relate to the criterion of there being no resources available to the family unit. Consequently, the panel finds that the ministry's determination that the appellant's need for a crisis supplement for rent was not unexpected is reasonably supported by the evidence and is a reasonable application of the applicable enactment.

In conclusion, the panel finds that the ministry's decision that the Appellant was not entitled to a crisis supplement for rent, pursuant to EAPWDR section 57, was reasonably supported by the evidence and was a reasonable application of the applicable enactment in the circumstances of the appellant.

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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

Trevor Morley

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2019/06/10

PRINT NAME

Margarita Papenbrock

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/06/10

PRINT NAME

Carman Thompson

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)