

APPEAL NUMBER

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry's reconsideration decision dated May 14, 2019 which held that the appellant was not eligible for a crisis supplement for shelter under sections 5 of the Employment and Assistance for Persons with Disabilities Act (EAPWDA) and regulation 57 of the Employment and Assistance for Persons with Disabilities Regulations (EAPWDR).

Specifically, the ministry noted the following criteria that the appellant did *not* meet as set out in section 57 of the EAPWDR:

- (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*.

PART D – RELEVANT LEGISLATION

Employment and Assistance for Persons with Disabilities Act (EAPWDA), section 5
Employment and Assistance for Persons with Disabilities Regulations (EAPWDR), regulation 57

PART E – SUMMARY OF FACTS

The appellant did not attend the hearing. After confirming that the appellant was properly notified of the hearing as per section 85 of the Employment Assistance Regulation (EAR), the panel proceeded with the hearing in her absence as per section 86 of the EAR:

85 (1) A hearing must be held within 15 business days after the appeal form is delivered under section 84, unless the chair of the tribunal and the parties' consent to a later date.

(2) The chair of the tribunal must notify the parties of the date, time and place of a hearing described in subsection (1) at least 2 business days before the hearing is to commence.

86 The practices and procedures of a panel include the following:

(b) the panel may hear an appeal in the absence of a party if the party was notified of the hearing.

The following key dates and information were noted:

The appellant is a sole recipient of Persons With Disabilities benefits.

On April 15, 2019 she requested a crisis supplement for shelter. She states that when she picked up a previous crisis supplement for shelter (issued on April 11, 2019) she cashed the cheque and was subsequently then robbed on the sky train. Her request was denied.

On April 17, 2019, she requested a reconsideration of this decision.

On May 9, 2019, the minister received her signed Request for Reconsideration.

On May 14, 2019, the minister reviewed her Request for Reconsideration.

Background:

The appellant received a crisis supplement for shelter on April 11, 2019. She cashed the cheque and went to the sky train station where she was robbed. She then went to the dentist, who sent her to the hospital. After being discharged the next day, she requested a second crisis supplement request for the month of April to replace the one that had been stolen. The minister accepted that being robbed while on the sky train is unexpected and resulted in an unexpected need for shelter funds; therefore, criterion # 1 has been met.

On May 8, 2019, during a conversation with a ministry worker she stated that in April 2019 she had paid her landlord rent out of her CPP benefits. As she was able to meet this expense, the minister determined that she had alternate resources to meet her need; therefore, criterion # 2 was not met.

She was able to pay April's rent to her former landlord with her CPP benefits. The minister therefore determined that there was no imminent danger to her physical health; therefore, criterion # 3 has not been met.

It is further noted that under Section 5 of the EAPWDA, as a sole recipient of disability assistance, the maximum amount that may be provided in a calendar month for a crisis supplement for shelter must not exceed \$375. She received a crisis supplement for shelter in the amount of \$375 in April 2019 and therefore is not eligible to receive additional funds for a crisis supplement for shelter for the month of April 2019.

As Her request did not meet all of the criteria in Section 57 (1) of the EAPWDR and because she has already received the maximum available crisis supplement for shelter within the calendar month of April the minister was unable to approve her request for a crisis supplement for shelter.

At the hearing the ministry relied upon the reconsideration decision. They explained that the decision on this file was made based upon the pertinent legislation and the facts and information before the ministry at the time of the decision.

Applicable Legislation:

Employment and Assistance for Persons with Disabilities Act, Section 5 Disability assistance and supplements
Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

Employment and Assistance for Persons with Disabilities Regulation, Section 57 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 supermen 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 \$40 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) (ji) \$400 for the family unit in the 12-calendar month period preceding the date of . application for the crisis supplement.

(5) Repealed. [B.C. Reg. 248/2018]

(6) Repealed. [B.C. Reg. 248/2018]

(7) Despite subsection (4) (b), 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) (c) water;
- (d) (d) hydro.

PART F – REASONS FOR PANEL DECISION

The decision under appeal is the Ministry's reconsideration decision dated May 14, 2019 which held that the appellant was not eligible for a crisis for shelter supplement under sections 5 of the Employment and Assistance for Persons with Disabilities Act (EAPWDA) and regulation 57 of the Employment and Assistance for Persons with Disabilities Regulations (EAPWDR).

Specifically, the ministry found that as she had already applied for and received the maximum crisis supplement for the month of April 2019, she was ineligible to receive any further crisis supplement for shelter money for the month of April 2019. Additionally, it was determined that she did not meet all of the criteria for a crisis supplement for shelter as stipulated in section 57 of the EAPWDR, because while her need was determined to be unexpected the minister could not find that there was imminent danger to the physical health of any person in the family unit, nor would it cause removal of a child under the *Child, Family and Community Service Act*.

Findings of the Panel:

All information submitted to the appeal panel was carefully reviewed and the appellant's submissions were considered.

The panel finds that the ministry's reconsideration decision of May 14, 2019, which held that denial of the appellant's application for a crisis for shelter supplement, was a reasonable application of the Employment and Assistance for Persons with Disabilities Act (EAPWDA), Section 5, as well as the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 57, considering the information submitted at the time of reconsideration and the circumstances of the appellant. It was noted that the appellant could re-apply for a crisis for shelter supplement for a subsequent month, should she meet the criteria.

The panel confirms the ministry's decision. The appellant is unsuccessful in her appeal.

APPEAL NUMBER

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

Jan Lingford

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2019/05/09

PRINT NAME

Jean Lorenz

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/06/18

PRINT NAME

Laurie Kent

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/0/18