

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 May 16, 2019, which held that the appellant was not entitled to a crisis supplement to assist with outstanding storage costs pursuant to the *Employment and Assistance Act for Persons with Disabilities Regulation*, section 57.

**PART D – RELEVANT LEGISLATION**

*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 is a sole recipient of assistance;
2. In February 2018, the government (through “victim services”), provided the appellant with three months of storage costs because she was a victim of violence against women;
3. The appellant was incurring a cost of \$400 per month for storage;
4. In December 2018, the appellant had \$579.17 in outstanding storage fees;
5. In January 2019, the appellant paid \$200.00 towards the outstanding storage fees;
6. In February 2019, the appellant had \$777.65 in outstanding storage fees; and
7. The appellant was designated as a person with disabilities (PWD) in May 2019.

*Information Provided on Appeal*

The panel determined, pursuant to *Employment and Assistance Act*, section 22(4), that the following information was admissible because it was in support of the information and records before the minister at reconsideration:

1. The appellant had stored property in the same storage unit for 10 to 12 years, and it was mostly items related to a business she operated;
2. In June 2016, when the appellant moved into another person’s residence, she put some personal items in the storage unit;
3. In March 2017, after fleeing an abusive relationship in June 2016, the appellant placed more personal items in the storage unit;
4. She was able to get a short-term loan from a credit union and was able to pay the outstanding storage costs;
5. She currently rents a storage unit from a different service provider and, in that unit, she stores:
  - a. Personal possessions;
  - b. Possessions that were consigned to her prior business;
  - c. Records and documents related to her prior business; and
  - d. Property belonging to her former business partner.

*Summary of Relevant Evidence*

1. The appellant was receiving income assistance at the time of the request and was designated eligible for disability assistance in May 2019;
2. The appellant had rented the storage unit for 10 to 12 years; and
3. The appellant was in arrears for more than one month rent on the storage unit.

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

The issue on appeal is whether the minister's decision that the appellant was not eligible for a crisis supplement is reasonably supported by the evidence and was a reasonable application of the applicable enactment in the circumstances of the appellant.

**Relevant Legislation**

EAPWDR, section 57 states:

**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 \$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) \$400 for the family unit in the 12 calendar month period preceding the date of application for the crisis supplement.
- (5) and (6) Repealed. [B.C. Reg. 248/2018, App. 2, s. 2.]

(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) water;
- (d) hydro.

### **Ministry's Position**

The ministry's position, consistent with the legislation cited above, is that there are three criteria that must be satisfied before the ministry may provide a crisis supplement under EAPWDR s. 57:

1. The applicant must be eligible for disability or hardship allowance;
2. The crisis supplement is required to meet an unexpected expense;
3. There are no other resources available to the family;
4. The failure to meet the expense will result in either imminent danger to physical health or the removal of a child under the *Child, Family and Community Service Act*.

The ministry did not dispute that the appellant was eligible for disability or hardship allowance.

However, the ministry did find that the appellant's storage expense was not unexpected. The appellant had a contract with the storage company, and this was a monthly expense that was expected.

The ministry accepted that the appellant did not have the resources available to pay the unexpected costs.

The ministry was not satisfied that the failure to meet the expense would result in imminent danger to the physical health of the appellant.

In summary, the ministry determined the appellant was not eligible for a crisis supplement for two reasons:

1. The storage expense was not an unexpected expense; and
2. The failure to pay the storage expense would not result in imminent danger to the physical health of the appellant.

### **Appellant's Position**

The appellant's position was that because she was fleeing abuse that she should be provided with money to store her personal possessions. The appellant stated that if other members of the community, such as those residing in a 'tent city', were entitled to have the government pay for the storage of their personal possessions that she should be entitled to the same benefits. The appellant stated that some of the items in storage were important business records and she could not permit them to be seized because of unpaid storage fees. The appellant also stated that once she had recovered from her current disabilities, her intention was to resume running a business and that many of the items in storage were important to that plan.

### **Panel Decision**

The panel considered the four criteria required for the appellant to be eligible for a crisis supplement.

There is no dispute that the appellant satisfies the criterion that she is eligible for disability or hardship assistance.

The panel considered whether the cost of storage was an "unexpected expense". The panel finds that the expense of the storage unit was not an unexpected expense because the appellant had used that storage unit for a significant period prior to her application for a crisis supplement. The panel understands that it was unexpected to the appellant that she could not acquire the funds from support organizations to pay the storage costs, but the panel finds this is an unexpected loss of resources and not an unexpected expense.

The panel accepts that at the time of the appellant's application for a crisis supplement that there were no resources available to her.

The panel also finds that the failure of the appellant to pay the expense of the overdue storage fees would not result in imminent danger to her physical health. The panel understands that the potential seizure of her possessions could cause significant distress to the appellant, but the panel did not find there was enough evidence that this distress constituted imminent danger to her physical health.

In conclusion, the panel finds that the ministry's decision that the appellant was not entitled to a crisis supplement for her unpaid storage fees was reasonably supported by the evidence and was a reasonable application of the 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)

2019/06/22

PRINT NAME

Melissa McLean

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/06/23

PRINT NAME

Wesley Nelson

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/06/22