

APPEAL NUMBER

**PART C – DECISION UNDER APPEAL**

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the "ministry") Reconsideration Decision of May 24, 2019 in which the ministry determined that the appellant was not eligible for a crisis supplement for a mattress because the appellant only met part of the eligibility criteria; pursuant to section 59 of the Employment and Assistance Regulation.

**PART D – RELEVANT LEGISLATION**

EAA – Employment and Assistance Act, Section 4  
EAR – Employment and Assistance Regulation, Section 59

**PART E – SUMMARY OF FACTS**

The information before the ministry at the time of reconsideration included the following:

- 1) April 18, 2019 – The Appellant attended the ministry office to request assistance with a mattress. The Appellant informed the ministry that her mattress was soiled, was 10 years old and sagging. She informed the ministry that she had tried accessing different resources in the community to no avail.
- 2) April 25, 2019 – The ministry considered the request for a crisis supplement and determined that she was not eligible for the supplement due to not meeting the criteria highlighted below; section 59 (1) of the Employment and Assistance Regulation permits the ministry to provide a crisis supplement to or for a family unit that is 1) eligible for income assistance or hardship assistance if a) the unit or a person in the family unit requires the supplement to meet an unexpected need and b) is unable to meet the expense and there are no other resources available to the unit, and i) the minister considers that failure to obtain the supplement will result in imminent danger to the physical health of any person.
- 3) The appellant provides that her mattress was soiled, sagging and had bedbugs and that her need was unexpected because she was evicted due to her roommate not paying rent, and she had to pay for her own move, and could not afford to professionally clean her mattress.
- 4) The ministry determined that the appellant did not provide sufficient evidence that the natural wear and tear of a ten-year old mattress is unexpected, and or that not having one is considered imminently dangerous to one's physical health.

**Additional Information**

The ministry relied on the reconsideration decision of May 24, 2019 and did not submit any further evidence or information for the panel to consider.

**PART F – REASONS FOR PANEL DECISION**

The issue under appeal is the reasonableness of the Ministry of Social Development and Poverty Reduction's (the "ministry") Reconsideration Decision of May 24, 2019 in which the ministry determined that the appellant was not eligible for a crisis supplement for a mattress because the appellant only met part of the eligibility criteria; pursuant to section 59 of the Employment and Assistance Regulation.

The relevant section of the legislation is as follows:

**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.

**Panel Decision**

The ministry's position, as set out in the reconsideration decision, is that the appellant is not eligible for a crisis supplement because she did not meet all of the criteria set out under section 59(1) of the Employment and Assistance Regulation.

The appellant's position, as outlined as her reason for appeal, is that she does not have a bed, nor the resources to purchase one. Further, the appellant provides that she had attempted to clean the bed which did not sufficiently work and she could not afford the special products needed to rid the bed of insects. The appellant provides that now that she does not have a bed, she is not getting enough sleep which is detrimental to her health. The appellant argues that any money she did have she used to move to another residence because she and her roommate were evicted.

The ministry outlines in the reconsideration decision that the appellant met part of section 59(1) of the EAR, where she was able to demonstrate that she did not have access to resources to replace the mattress, however, she failed to demonstrate that her need was unexpected, and or how she would be faced with an imminent danger to her physical health should she not receive the supplement.

Section 59 (1) of the Employment and Assistance Regulation permits the ministry to provide a crisis supplement to or for a family unit that is 1) eligible for income assistance or hardship assistance if a) the unit or a person in the family unit requires the supplement to meet an unexpected need and b) is unable to meet the expense and there are no other resources available to the unit, and i) the minister considers that failure to obtain the supplement will result in imminent danger to the physical health of any person.

The panel finds that the evidence establishes that the appellant did not demonstrate how her need to replace the mattress was unexpected, as she indicated in advance of the discovery of insects that her bed was ten years old, sagging and needing replacement. Further, the panel finds that the ministry was reasonable in its determination that the appellant did not provide evidence that a failure to obtain a mattress will result in imminent danger to her physical health. The panel considered that a mattress certainly aids in restful sleep, however the lack of one does not reasonably equate to a risk of danger to one's health.

Accordingly, the panel finds that the decision of the ministry to determine the Appellant was ineligible for a crisis supplement a reasonable application of the applicable enactment in the circumstances of the Appellant. Therefore, the panel confirms the ministry's decision pursuant to section 24(1)(b) and section 24(2)(a) of the *Employment and Assistance Act*. The appellant therefore is not successful in her appeal.

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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

Jennifer Armstrong

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2019/07/11

PRINT NAME

Sandra Chan

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/07/11

PRINT NAME

Anil Aggarwal

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/07/11