

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated June 20, 2019 which held that the appellant was not eligible for a crisis supplement for shelter pursuant to Section 59 of the Employment and Assistance Regulation (EAR). The ministry determined that the appellant did not meet all of the criteria for Section 59 (1) of the EAR. In particular, the ministry was satisfied that the appellant did not have the funds available to cover the cost of her outstanding shelter costs and that the ministry is not aware of any resources available to the appellant to cover her outstanding shelter costs.

Additionally, the ministry determined that since the appellant received an eviction notice for unpaid rent, failure to meet the expense of outstanding rent would result in imminent danger to her physical health. However the ministry noted that the maximum available crisis supplement for shelter for the appellant is \$375 and that \$375 would not cover her \$4200 outstanding shelter costs.

The ministry also determined that the appellant's shelter costs were not an unexpected expense or an item unexpectedly needed.

PART D – RELEVANT LEGISLATION

Employment and Assistance Act - EAA- Section 4

Employment and Assistance Regulation - EAR- Section 59 (1)

PART E – SUMMARY OF FACTS

The appellant was not in attendance at the hearing. After confirming that the appellant was notified, the hearing proceeded under Section 86(b) of the Employment and Assistance Regulation.

The evidence before the ministry at the time of reconsideration consisted of:

1. Eviction notice addressed to the appellant. It is signed and dated June 4, 2019 and indicated that the amount owed by the appellant to the landlord is \$4200.00. The eviction date is June 14, 2019.
2. Statement of accounts, dated April 25, 2019, which indicated that the appellant is \$3300.00 behind on her pad rent. The statement also demonstrated that the appellant's pad rent is \$600 per month and she pays \$300 every month towards the rent.
3. Request for Reconsideration, signed and dated June 12, 2019, which was left blank.

Evidence On Appeal

Notice of Appeal (NOA), signed and dated July 1, 2019, which was left blank.

Evidence at the Hearing

At the hearing the ministry relied on its reconsideration decision.

PART F – REASONS FOR PANEL DECISION

The issue at appeal is whether the ministry's decision which found that the appellant is ineligible for a crisis supplement for shelter because the appellant's need to pay shelter costs or rent is not unexpected need or unexpectedly needed and therefore she did not meet the criteria as required by Section 59 of the EAR, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

Section 59 of the EAR sets out the eligibility requirements for providing crisis supplement, 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*.
- (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 \$20 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, and
 - (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) The cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount calculated under subsection (6).
- (6) In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of income assistance or hardship assistance that may be provided for the month under Schedule A or Schedule D to a family unit that matches the family unit.
- (7) Despite subsection (4) (b) or (5) or both, 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.

The Appellant's Position

The appellant's position is that she has received an eviction notice for unpaid rent and that she was unable to pay her rent because she had other bills that needed to be paid.

The Ministry's Position

The ministry's position is that the appellant has not met all of the criteria required by Section 59 of the EAR and therefore she is not eligible for a crisis supplement for shelter. In particular, the ministry argued that there is nothing unexpected about receiving an eviction notice for unpaid rent if one does not pay the rent. Furthermore, the appellant has not presented any information to indicate that the need to pay rent was unexpected or that an unexpected expense prevented her from paying rent.

The Panel's Decision

Section 59 (1) of the EAR states that the minister may provide a crisis supplement to or for a family unit that is eligible for income assistance or hardship assistance if the family unit or person in the family unit which requires the supplement to meets all of the following criteria: that is, the need for the crisis supplement is to meet an unexpected expense or obtain an item unexpectedly needed, the recipient is unable to meet the expense or obtain the item because there are no resources available, and that failure to meet the expense or obtain an item will result in imminent danger to physical health.

In this case, the ministry conceded that the appellant has met two of the three legislatively required criteria; namely the appellant did not have the resources to pay her outstanding shelter costs and that failure to meet the expense will result in imminent danger to her physical health. However the ministry determined that the additional criterion was not met; namely that shelter costs were unexpected or rent was unexpectedly needed.

The legislation is clear that crisis supplement issued by the ministry must be for an unexpected expense or need. The payment of rent is an on-going expense for which one must continually prepare. Additionally, at the time of reconsideration decision, the appellant did not provide evidence or information to indicate that the need to pay rent was unexpected or that an unexpected expense prevented her from paying her pad rent in full from July 2018 to April 2019. The evidence suggests that the appellant's failure to pay pad rent is not a one-time event, which could be explained by an unexpected expense. Rather, the chronic failure to pay the rent in full suggests that the inability to pay rent was not unexpected. For these reasons, the panel finds that, pursuant to section 59 of the EAR, the ministry reasonably determined that the appellant is not eligible for a crisis supplement because the expense of rent or shelter is not unexpected.

Conclusion:

The panel finds that the ministry's reconsideration decision, which determined that the appellant was ineligible for a crisis supplement for shelter, was reasonably supported by the evidence, and therefore confirms the decision. The appellant is not successful on appeal.

APPEAL NUMBER

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

PRINT NAME

Neena Keram

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2019/07/22

PRINT NAME

David Handelman

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/07/22

PRINT NAME

Rosalie Turcotte

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/07/22