

APPEAL NUMBER

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision of June 20, 2019 (the “Reconsideration Decision”), which determined that the Appellant was not eligible for a crisis supplement for furniture because she had not met the criteria set out in section 57(1) *Employment and Assistance for Persons with Disabilities Regulation* (“EAPWDR”) and, in particular, that the Appellant had not satisfied the Ministry that her need for a mattress was unexpected.

PART D – RELEVANT LEGISLATION

Section 57, EAPWDR

PART E – SUMMARY OF FACTS

The Appellant is a recipient of disability assistance.

The information before the Ministry at the time of the Reconsideration Decision included:

- an Integrated Case Management Decision Report, detailing the initial decision of the Ministry to deny the Appellant a crisis supplement;
- the Appellant's Request for Reconsideration ("RFR"), dated June 10, 2019, in which the Appellant stated that her bed was "around 15 years old starting to Rip. Hard to have a good night sleep"; and
- The RFR also referenced contacts by the Appellant to the Ministry on June 2, 2019 and June 5, 2019, in which the Appellant stated that she had been sleeping on a foam mattress and that she had put a foam, which was now also worn, on her mattress.

In her Notice of Appeal, dated June 26, 2019, the Appellant stated that her "bed is not in good condition. It's too old. I never ask for anything from Social Assistance."

PART F – REASONS FOR PANEL DECISION

The issue in this appeal is whether the Ministry reasonably determined that the Appellant was not eligible for a crisis supplement for furniture because she had not met the criteria set out in section 57(1) *Employment and Assistance for Persons with Disabilities Regulation* (“EAPWDR”) and, in particular, that she had not satisfied the Ministry that her need for a mattress was unexpected.

Relevant Legislation

Section 57 of the EAPWDR authorizes the Ministry to provide crises supplements if specified criteria are met:

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.

Panel Decision

In order to be eligible for a crisis supplement under section 57 of the EAPWDR, a family unit must satisfy the Ministry that:

- the supplement is required to “meet an unexpected expense or obtain an item unexpectedly”;
- the family unit “is unable to meet the expense or obtain the item because there are no resources available to the family units”; and
- failing to meet the expense or obtain the item will result in “imminent danger to the physical health of any person in the family unit” or the “removal of a child under the *Child, Family and Community Service Act*.”

In the Appellant’s circumstances, there is no indication that there is any child who could be removed from her care and, accordingly, the second part of the last criterion is inapplicable to the Appellant’s circumstances.

In the Reconsideration Decision, the Ministry found that the Appellant had satisfied it that “restful sleep is essential to good health outcome” and that the Appellant met the criteria of demonstrating that failure to obtain a new mattress would result in “imminent danger” to the Appellant’s physical health. Likewise, the Ministry was satisfied that the Appellant had demonstrated that there were no other resources available to her to meet the expense of a replacement mattress or to obtain one.

However, the Ministry denied the Appellant’s request on the basis that the Appellant had failed to demonstrate that the need for a replacement mattress was unexpected or that the Appellant had not satisfied it that she was required to obtain a mattress unexpectedly.

The evidence of the Appellant was that:

- her mattress was 15 years old;
- her mattress was starting to rip;
- she had purchased a piece of foam to cover the mattress and that the foam was also wearing out.

In her notice of appeal, the Appellant simply described the mattress as “old”, suggestive that the mattress was in the process of wearing out for some time. That the Appellant had purchased a piece of

foam also supports the Ministry's finding that the need for a new mattress was not sudden or unexpected or that the expense of a replacement mattress was unexpected. Unfortunately, this is described as causing the Appellant to have difficulty in getting a good night's sleep. However, the Appellant's evidence does indicate that the mattress was wearing out and that its eventual replacement was not unexpected. Consequently, the panel finds that the Ministry's conclusion was reasonable when it determined that the Appellant had not satisfied criteria that the need for a new mattress was unexpected or that the Appellant required a crisis supplement in order to meet the expense of a new mattress.

The Appellant is not successful in this 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

Adam Shee

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

PRINT NAME

Shirley Heafey

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

PRINT NAME

Robert McDowell

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)