

APPEAL NUMBER

**PART C – DECISION UNDER APPEAL**

The decision under appeal is the Ministry of Social Development and Poverty Reductions (The Ministry) Reconsideration decision dated September 17, 2019., which determined that the Appellant was not eligible for Crisis Supplement to obtain extra funding for rental costs above the allowable maximum shelter allowance under Schedule C, Table 2 of Section 59 (4) (b) of the Employment and Assistance (EAR). That under Section 59 (1) of the Employment and Assistance Regulation (EAR), that all the criteria were not met in accordance with the legislation.

**PART D – RELEVANT LEGISLATION**

Employment and Assistance Regulation Section 59 (1) (EAR)  
Employment and Assistance Regulation Section 59 (4) (EAR)

**PART E – SUMMARY OF FACTS**

The Appellant did not attend the hearing. After confirming that the Appellant had received notification through the delivery of the documents on October 7, 2019 and the panel allowing a 10 minute delay before proceeding. The hearing proceeded under Section 86(b) of the Employment and Assistance Regulations.

The evidence before the Ministry at reconsideration was:

- The Appellant's completed Crisis Supplement application dated August 6, 2019, requesting rental funding for the month of August 2019.
- On August 9, 2019, the Ministry verbally advised the Appellant, that the Appellant's application was denied.
- Request for Reconsideration dated September 4, 2019.
- Letter dated June 21, 2019 from the Director of Social Assistance Services in another province. Advising that no record of having received a Disability Determination Package (application for disability) from the Appellant. That the Appellant was grand parented from the previous Family Benefits Allowance.
- Three (3) photocopies of documents, that seem to be medical related documents in the Appellant's name.
- Letter dated May 8, 2019 from the Appellant to the Case worker in another province. Requesting that the Appellant's file be closed, due to the Appellant's move.
- Letter dated July 15, 2019 from a medical clinic in her current residential area. Advising that the Appellant would like to apply for disability benefits in this province but unfortunately medical information was not available through the Appellant's family physician who was not practicing.
- Notice to End Tenancy for Unpaid rent or utilities (Eviction Notice) dated July 2, 2019 for unpaid rent due July 1, 2019 in the amount of \$1165.00 from a previous residence within the Appellant's present location.
- Crisis Supplement application dated July 8, 2019 for July rental. The Ministry granted this application.
- The Ministry's record indicates that the CPP-Survivors benefit allowance deducted from the Appellant's income assistance is \$605.09 per month from the Appellant's \$760 per month income assistance which includes an \$375 shelter allowance.

At the hearing the evidence submitted by the Appellant, in written documentation:

- Notice of Appeal dated September 24, 2019. Stating the reason for appeal as *"I disagree with the Ministry's decision as I regard it as disconcerting to not provide me with financial resources to allow me to get to ... that is safe for me"*.
- Fax Transmittal Page dated September 26, 2019 from a Legal Advocate, written on the document *"To Whom it may concern; Please find attached 2 matters for appeal for my client."* No other comments on this document.
- Request for Reconsideration with Section 3 completed by the Appellant.
- The Appellant states, that in the previous residential province the Appellant was on disability allowance for over 20 years because of permanent disabilities. When moving to the present location in a different province, the assistance income was reduced drastically as well that the CPP-Survivors benefit funds were presently being deducted which is different than in the Appellant's previous province.
- That the Ministry has wrongfully denied continuation of disability rates when arriving in this province that those rates could have been ongoing until meeting all the requirement's imposed in this province, and without those rates, I have been undergoing great hardship attributable to the Ministry's actions.
- The Appellant wrote that *'I have sustained multiple very severe, catastrophic injuries from a MVA in 1983, which destroyed my life. I now struggle with brain and spinal life long damages'*.
- The Appellant acknowledges that a Crisis Supplement was given for the month of July 2019, but still had to vacate the first rental home as it was not affordable.
- The 'unexpected' reason is that after 5 months the Appellant is still unable to pay rent due the Appellant's income.
- Three (3) pages of photocopied documents which seem to be a medical document.
- The Appellant states that the CPP-Survivors benefit allowance is a least \$400 per month.

At the hearing the Ministry stated that:

- The Appellant had not made an application to obtain Person with Disabilities (PWD) prior to making this crisis supplement application.
- That Person with Disabilities (PWD) status is non-transferable between provinces, so that an individual must make a new application in the province that they reside to be able to receive Person with Disabilities (PWD) status. There is no 'Grand fathering' agreement between the provinces, so that no further applications are necessary for individuals to complete to be able to maintain their PWD status upon relocation.
- The Crisis Supplement for July rental payment was given to the Appellant.
- That Crisis Supplements under Section 59 (1) (4) EAR cannot be used as a remedy for on-going situation such as rental expenses and applied for monthly for the same reasons.
- That the Appellant was aware of the rental cost for the premises prior to taking up residency at that location and that the assistance funding that the Appellant receives would make it difficult to cover the rental fee. Therefore it is not an unexpected expense and that the Appellant has not provided any evidence to suggest this expense was unexpected.
- The Ministry understands that the Appellant has resided in the province since May 2019 and resided in another rental premises with a roommate prior to moving to the new rental premises, therefore is aware of the need to pay rent.
- The Appellant has not provided any indication of any payment arrangements made with the Landlord/Property Manager for the residence as well no proof of the amount paid or outstanding amount on the rental fee for the month of August.
- The Ministry acknowledges that the Appellant's income has diminished due to not having PWD designation in the Province of British Columbia
- The Ministry states that the Appellant did not meet all the criteria that is required under Section 59 EAR.
- That the criteria under Section 59 (1) EAR are:
  - (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. *The Ministry found that this criteria has not been met. The Appellant was aware of the monthly income from the Ministry & CPP and the monthly rental amount. The Ministry is not satisfied the Appellant's need to pay rent or the money to do so is unexpected.*  
AND
  - (b) The family unit has no resources available to obtain the item. *Since the Appellant's move to the province has changed your assistance rates causing a financial strain in your situation. The Ministry found that this criteria has been met.*  
AND
  - (c) Failure to provide this item or meet the expense will result in imminent danger to your physical health. *The Ministry has not been provided with evidence that you have made payment arrangements with your new landlord and notes that you are still living at that new premises. There is no evidence of an eviction notice for an outstanding amount of rent, the minister is unable to establish that you will become homeless if the Crisis Supplement is not provided for the month of August. The Ministry found that this criteria has not been met.*

No additional documents were presented at the hearing.

**PART F – REASONS FOR PANEL DECISION**

The issue is whether the Ministry's decision dated September 17, 2019, that determined that the appellant was not eligible for a Crisis Supplement under Section 59 (1) EAR and Section 59 (4) (b) EAR to obtain extra funding for the purpose of rental costs. That under Section 59 (1) EAR, that all the criteria were not met. That under Section 59 (4)(b) EAR, Table 2 of Schedule D, the allowable would be exceeded with the additional Crisis Supplement.

**The Legislation:****Employment and Assistance Regulation, Section 59****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 \$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, 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) and (6) Repealed. [B.C. Reg. 248/2018, App. 1, 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.

[am. B.C. Regs. 12/2003; 248/2018, App. 1.]

**Panel Reasons:**

The Panel reviewed all written documents and the verbal testimony evidence that was presented at the hearing.

Documents reviewed by the Panel;

1. Notice of Appeal completed by the Appellant on September 24, 2019.
2. Reconsideration Decision dated September 17, 2019.
3. Request for Reconsideration dated September 1, 2019
4. Letter dated June 21, 2019 from Social Assistance Services Branch.
5. Three (3) Pages of photocopied documents that seem to be medical record documents.
6. Letter from Appellant to Social Assistance Services Branch in another province, dated May 8, 2019, advising of the Appellant's move to the province.
7. Letter dated July 15, 2019 from DR.
8. Notice to end Tenancy for unpaid Rent in the amount of \$1165.00 due on July 1, 2019, dated July 2, 2019 to the Appellant.

Verbal Evidence by the Appellant:

1. No verbal evidence was heard from the Appellant due to the Appellant not being present at the hearing.

Verbal Evidence by the Ministry;

1. The Appellant had not made an application to obtain PWD prior to making this crisis supplement application.
2. The Ministry acknowledges that the Appellant's income has diminished due the Appellant's move from another province and to not having PWD designation in this province.
3. A crisis supplement had been issued to the Appellant for the July rental for the Appellant's prior residence to assist in the payment of rental costs.
4. That a crisis supplement under Section 59 EAR cannot be used as a remedy for an on-going expense such as rent and applied for on a monthly basis for the same reasons.

5. The Ministry understands that the Appellant has resided in the province since May 2019 and resided in another rental premises with a roommate prior to moving to a new rental premise which the Appellant secured, therefore is aware of the need to pay rent.
6. The Appellant was aware of the rental cost for the new premises prior to taking up residency, therefore it is not an unexpected expense and the Appellant has not provided any evidence to suggest this expense was unexcepted.
7. The Ministry states that the Appellant did not meet all the criteria that is required under Section 59 of EAR.
8. That the criteria under Section 59(1) of EAR are:
  - (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 – *This has not been met because the Appellant was aware of the amount of rent required for this premises and aware of the monthly income received.*  
AND
  - (b) The family unit has no resources available to obtain the item —*This criteria has been met, since the Appellant's move to this province has changed the Appellant's assistance rates and caused a financial strain.*  
AND
  - (c) Failure to provide this item or meet the expense will result in imminent danger to your physical health--*This criteria has not been met. The Ministry has not been proved with evidence that you have made payment arrangements with your new landlord and notes that you are still living at that new premises. There is no evidence of an eviction notice, therefore the minister is unable to establish that the Appellant will become homeless if the Crisis Supplement is not provided for the month of August.*

The Panel finds that:

1. The Appellant made an application for Crisis Supplement for the months of July and August 2019 for rental costs.
2. That the Appellant's financial difficulties arise because of the Appellant's move to this province and not making application for PWD designation.
3. The Panel finds that the Appellant, has not met all the criteria required under Section 59 (1) EAR to be eligible for a crisis supplement:
  - (a) Criteria #1 – To meet an unexpected or obtain an item unexpectedly needed. That the Appellant was aware of her income and the amount of rental fee for the premises, therefore this cost was not unexpected. *Criteria # 1, has not been met.*
  - (b) Criteria #2 – No resources available to obtain this item. The Panel acknowledges that the Appellant's income was reduced since the Appellant's move to this province, due to the fact that the Appellant did not make an application for PWD designation in this province. Without PWD designation the Appellant was experiencing financial stress. *Criteria # 2, has been met.*
  - (c) Criteria #3 – Failure to provide this item or meet the expense will result in imminent danger to your physical health. The Panel finds that there is no evidence that an eviction notice has been served on the Appellant for unpaid rent for the month of August, which would indicate that the Appellant has not been placed in imminent danger of becoming homeless ,resulting in imminent danger to a person's physical health. *Criteria #3, has not been met.*

The Panel finds the ministry's reconsideration decision of September 17, 2019 which denied the Appellant's application for Crisis Supplement for payment of August rent was reasonable. That all criteria under Sec. 59 (1) have not been met.

The Panel confirms the Ministry's decision. The Appellant is unsuccessful in this 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

Linda Smerychynski

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

PRINT NAME

John Pickford

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019.11.01

PRINT NAME

Wayne Reeves

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)