

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated October 21, 2019, which denied the appellant's request for a crisis supplement to pay September rent because the ministry was not satisfied that

- the appellant's need to pay September rent or for money to do so was unexpected to the appellant as set out in section 59(1)(a) of the Employment and Assistance Regulation (EAR), and that
- failure to provide the appellant with a crisis supplement to pay September rent would result in imminent danger to the appellant's physical health as set out in section 59(1)(b)(i) of the EAR.

The ministry was satisfied that there were no resources available to the appellant to pay September rent as set out in section 59(1)(a).

PART D – RELEVANT LEGISLATION

EAR section 59

PART E – SUMMARY OF FACTS

The appellant did not attend the hearing. Upon confirming that the appellant was notified the hearing proceeded in accordance with section 86(b) of the EAR.

The information before the ministry at reconsideration included the following:

The appellant is a sole recipient of income assistance.

The appellant receives \$760 per month for income assistance. This includes \$385 for a support allowance and \$375 for shelter allowance.

On September 3, 2019 the appellant advised the ministry of a recent move. The ministry requested the appellant to provide a residential tenancy agreement for the new address.

On September 11 the appellant provided a shelter information form confirming the move to a new residence on September 1, 2019 where the appellant was required to pay \$375 for rent.

On September 20, 2019 the appellant provided a 10-day notice to end tenancy confirming the appellant owed \$375 for September rent. The appellant requested a crisis supplement explaining that the September allowance was used to pay arrears owed to the previous landlord prior to moving. The ministry denied the request for the crisis supplement.

In the reconsideration decision submitted on October 7, 2019 the appellant wrote that without a crisis supplement the appellant will be homeless and in further peril.

On October 8, 2019 the appellant explained to the ministry that the October assistance was used to get caught up with the current landlord so eviction could be avoided.

In the Notice of Appeal dated October 23, 2019 the appellant expressed the belief that all requirements for a crisis supplement had been met.

At the hearing the ministry presented the reconsideration decision and added the following information: The appellant received the September income assistance cheque on August 22, 2019.

Pursuant to section 22(4) of the EAA the panel admitted the information provided by the ministry on appeal as this information had been before the ministry at reconsideration.

PART F – REASONS FOR PANEL DECISION

The issue in this appeal is the reasonableness of the ministry reconsideration decision that denied the appellant's request for a crisis supplement to pay September rent because the ministry was not satisfied that

- the appellant's need to pay September rent or for money to do so was unexpected to the appellant as set out in section 59(1)(a) of the EAR, or that
- failure to provide the appellant with a crisis supplement to pay September rent would result in imminent danger to the appellant's physical health as set out in section 59(1)(b)(i) of the EAR.

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

Appellant's Position:

The appellant argues that all necessary requirements for a crisis supplement for September rent are met and that without the crisis supplement the appellant will be homeless and in peril.

Ministry Position

Crisis supplements address urgent situations that a person could not reasonably plan for or anticipate and are not intended to augment the monthly assistance. Section 59 of the EAR says a request for a crisis supplement must meet all three of the following criteria:

1. The need for the item is unexpected or there is an unexpected expense and
2. There are no resources available and
3. Failure to obtain the item or meet the expense will result in imminent danger to the appellant's physical health or the removal of a child under the Child, Family and Community Service Act (CFCSA).

When the appellant agreed to rent the new residence the appellant was aware that the September allowance had been used to pay arrears owed to the previous landlord. The appellant has not indicated that anything unexpected has happened since that time preventing payment of September rent at the new address. Therefore the ministry is not satisfied that the appellant's need to pay rent or for money to do so is unexpected to the appellant, and requirement # 1 is not met.

On October 8, 2019 the appellant explained that the October assistance was used to pay the landlord to avoid eviction. The minister does not consider food money to be an available resource to pay rent. As a result the ministry is satisfied that the appellant meets requirement # 2.

Although the appellant indicated that homelessness will be the result of not receiving a crisis supplement the appellant has since reportedly managed to pay the landlord and avoid being evicted. As a result the ministry is not satisfied that that failure to provide the appellant with a crisis supplement to pay September rent will result in imminent danger to the appellant's physical health. Requirement #3 is not met.

Panel Decision

Section 59(1) sets out 3 criteria all of which the appellant must meet before the ministry may provide a crisis supplement:

- 1. the appellant requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed;
- 2. there are no resources available to the appellant;
- 3. failure to obtain the crisis supplement will result in imminent danger to the physical health of the appellant.

1. Unexpected

For the appellant to be eligible for a crisis supplement there has to be sufficient evidence of unexpectedness.

The panel finds that there is no evidence of any unexpected occurrence that prevented the appellant from paying September rent. The appellant was aware that September rent needed to be paid to the current landlord. The appellant was also aware of the arrears owed to the previous landlord and used the September allowance for paying these arrears. Consequently, the panel finds that the ministry reasonably determined that the appellant's need to pay September rent or for money to do so was not unexpected and that the appellant does not meet this requirement.

2. No resources available

The ministry determined that this criterion has been met.

3. Imminent danger to the physical health:

While the appellant argues that without the crisis supplement the appellant will be homeless and in danger, the panel finds there is no evidence of imminent danger to physical health. As the appellant has managed to pay the landlord and avoided being evicted the panel finds that the ministry reasonably determined that that failure to provide the appellant with a crisis supplement to pay September rent does not result in imminent danger to the appellant's physical health.

Consequently, the panel finds that the ministry reasonably determined that the appellant did not meet 2 out of 3 required criteria to be eligible for a crisis supplement.

Conclusion:

The panel finds that the ministry's decision to deny the appellant a crisis supplement for September rent was reasonably supported by the evidence and a reasonable application of the legislation in the appellant's circumstances. The ministry's reconsideration decision is confirmed and the appellant is not successful on appeal.

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| PARTG-ORDER | |
| THE PANEL DECISION IS: (Check one) <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> BY MAJORITY | |
| THE PANEL <input checked="" type="checkbox"/> CONFIRMS THE MINISTRY DECISION <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| LEGISLATIVE AUTHORITY FOR THE DECISION: | |
| <i>Employment and Assistance Act</i> | |
| Section 24(1)(a) <input checked="" type="checkbox"/> or Section 24(1)(b) <input type="checkbox"/> | |
| and | |
| Section 24(2)(a) <input checked="" type="checkbox"/> and Section 24(2)(b) <input checked="" type="checkbox"/> | |

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| PARTH-SIGNATURES | |
| PRINTNAME Inge Morrissey | |
| SIGNATURE OF CHAIR | DATE (YEAR/MONTH/DAY) 2019/11/13 |

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| PRINTNAME Donald Stedeford | |
| SIGNATURE OF MEMBER | DATE (YEAR/MONTH/DAY) 2019/11/13 |
| PRINTNAME Angie Blake | |
| SIGNATURE OF MEMBER | DATE (YEAR/MONTH/DAY) 2109/11/13 |