

APPEAL NUMBER

PART C – DECISION UNDER APPEAL

The Decision under appeal is the Ministry of Social Development and Poverty Reduction's Reconsideration Decision dated December 24, 2019. That decision denied the Appellant's Reconsideration request that he be provided with a heated drinking water hose and sewage line for his motor home because the Appellant met only 2 of the 3 requirements for a crisis supplement for a Person with Disabilities. The Appellant did not meet the requirement that these items were unexpected expenses or things that the Appellant unexpectedly needed.

PART D – RELEVANT LEGISLATION

Section 5, *Employment and Assistance for Persons With Disabilities Act (EAPWDA)*
Section 57 (1), *Employment and Assistance for Persons With Disabilities Regulation (EAPWDR)*

PART E – SUMMARY OF FACTS**Nature of the Appellant's Application**

The Appellant applied for a crisis supplement for a heated water line and a sewage line for his motor home.

A. Evidence at the Time of Reconsideration

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

(1) The Appellant's Request for Crisis Supplement - December 8, 2019

The Appellant requested a crisis supplement so that he could purchase a heated drinking water hose and sewage line, and in support he stated that

- he lived in a motor home, which he owned, with a roommate and needed a sewage line and water line as those things were not supplied,
- the items he was requesting were for a one time expense,
- the direct threat to the Appellant's health and safety was expressed by the Appellant as: "*Water and sewage human beings require H2O*",
- he cannot ask the roommate to pay half the cost because when the roommate leaves the water and sewer lines stay, and
- attached to his application was a quotation for a heated drinking water hose for the price of \$399.99 and a quotation for a sewer line for the price of \$54.99.

(2) The Appellant's Request for Reconsideration dated December 10, 2019

The Appellant requested Reconsideration because

- he was on disability assistance because of a serious health issue,
- he was requesting Reconsideration because he had been treated with unfairness, and
- he thought that denying this request from a person with serious health problems who was struggling to make ends meet, was the opposite of "poverty reduction".

B. Evidence at the Appeal

The Appellant did not attend the hearing. After checking the entrance and reading areas, and then confirming that the Appellant was notified of the date and time of the hearing, the hearing proceeded pursuant to Section 86(b) of the *Employment and Assistance Regulation*. Hearing was called to order at 9:50 AM, after allowing the Appellant 20 minutes after the scheduled start time to arrive.

(1) Notice of Appeal Dated December 30, 2019

In his Notice of Appeal, the Appellant stated that

- water is a necessity of life,
- proper sewage disposal is required to control disease,
- sanitation is required,
- it is common sense to consider these things,
- the ministry Decision is unreal and totally wrong and the Appellant hopes this does not happen to anyone ever,
- we are not in a third-world country, and
- he is seriously in need

(2) Additional Evidence – Ministry

The ministry presented additional evidence, stating that the Appellant's pad rental had increased from \$500 per month to \$600 per month and the Appellant is now receiving the maximum shelter allowance of \$375 per month. In the Reconsideration Decision, it is stated that the Appellant's monthly rent was \$250

for pad rental, \$75 per month for propane, and \$40 for a telephone for a total of \$365 for the Appellant's shelter allowance. The ministry stated that the Appellant was now receiving the maximum shelter allowance of \$375 because of the increase in pad rental cost, and that the Appellant is responsible for half of the rent of \$600 per month, and still pays \$75 per month for propane and \$40 per month for a telephone. Thus the Appellant's shelter costs are now \$415 per month, but the maximum allowable for a single Person with Disabilities is \$375 per month.

Panel Finding on Additional Evidence

The Panel finds that the ministry's additional evidence concerning the Appellant's increased pad rental and the fact that the Appellant is now receiving the maximum allowable shelter allowance is evidence which is reasonably required for a full and fair disclosure of all matters related to the decision under appeal. Specifically, this new evidence provides an explanation as to why no more funds are available as "shelter allowance". The Panel therefore finds that this new evidence is admissible pursuant to section 22 (4) of the *Employment and Assistance Act*.

PART F – REASONS FOR PANEL DECISION**Issue on Appeal**

The issue on appeal is whether the December 24, 2019 Reconsideration Decision of the Ministry of Social Development and Poverty Reduction (the Ministry), that denied the Appellant's request for a crisis supplement for a heated water line and a sewage line, was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the Appellant.

At Reconsideration, the Appellant satisfied the minister that he was a Person with Disabilities. He had met the requirements to show that he had no resources to meet the need for a heated water line and sewage line and that without those items he faced imminent danger to his physical health. The Appellant did not meet the requirement that the need for these items was either an unexpected need or an unexpected expense. Because of that failure to meet that one requirement, the ministry dismissed the Appellant's Reconsideration request.

Applicable Legislation**Employment and Assistance for Persons with Disabilities Act (EAPWDA), section 5****Disability assistance and supplements**

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), section 57**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)

General Scheme of the Legislation

The general scheme of relevant sections of the *Act* and *Regulations* are that the minister may provide a supplement to a person if that person has been designated as a Person with Disabilities. Provided that an individual has been designated as a Person with Disabilities, he may receive a crisis supplement if three criteria are met:

- The first is that the Minister may provide a supplement if it is required to meet an unexpected expense or to obtain an item unexpectedly needed (section 57(1)(a) *EAPWDR*).
- The second is that the person is unable to meet the expense or obtain the item because there are no resources available to the family (section 57(1)(a) *EAPWDR*).
- The third is that the Minister must consider that failure to meet the expense or obtain the item will result in either imminent danger to the person's physical health or removal of a child under the *Child, Family and Community Service Act* (section 57(1)(b) *EAPWDR*). The child removal provision is not an issue as there are no children involved.

Appellant's Submission at Appeal

As the Appellant did not appear at the appeal, no submissions were made on his behalf.

Ministry's Submissions at Appeal

The ministry relied on the Reconsideration Decision. The ministry pointed out that the landlord informed the Appellant that there was no connection to water and sewage services on the property before the Appellant moved onto the property.

The ministry pointed out that Appellant's current shelter expenses, as set out in the ministry's additional evidence, are \$415 per month and he receives the maximum shelter allowance of \$375 per month. The ministry reiterated that the Appellant was now in receipt of the maximum allowable shelter allowance of \$375 per month.

Analysis

At Reconsideration, there was no issue that the Appellant was designated as a Person with Disabilities.

At Reconsideration and dealing with the criteria to be met pursuant to section 57 *EAPWDR*, the ministry was only satisfied that 2 of the 3 criteria were met. The ministry

- was satisfied that the Appellant was unable to meet the expense of the heated drinking water hose and of the sewer line, because the Appellant had no resources available, and therefore this criterion was met, and
- was satisfied that failure to meet the expense, specifically the inability to provide the heated drinking water hose and the sewer line, may result in imminent danger to the Appellant's physical health, and therefore this criterion was met, but that it
- was not satisfied that the Appellant's need for a water and sewer connection (or for the cost of it) was unexpected,

and therefore the Reconsideration Officer dismissed the Appellant's Reconsideration request.

Panel Findings

In the Reconsideration Decision the ministry asserted that before the Appellant moved his motor home onto the rented property, he was aware that there was no water service and no sewer service provided, or if available that the landlord did not provide connecting hoses for them.

The Appellant did not challenge this assertion or provide evidence to the contrary in his request for Reconsideration, Notice of Appeal, or in any documents in the record.

The Panel finds that it is unchallenged that the Appellant knew of the need for a water and sewer connection in advance of moving his motor home on to the rented property, and accepts the assertion of the ministry that the Appellant was aware of the lack of water and sewer service before moving his motor home onto the rented property. The Panel therefore finds that the cost of a heated water hose and a sewage hose was something that the Appellant could and should have planned for, and was therefore not unexpected.

The Panel finds that the Reconsideration Decision dated December 24, 2019 was reasonably supported by the evidence and was a reasonable application of the legislation in the circumstances of the Appellant, and confirms the Reconsideration Decision.

The Appellant is not successful in his 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

Donald (Dan) McLeod

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2020-01-20

PRINT NAME

Kent Ashby

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2020-01-20

PRINT NAME

Margarita Papenbrock

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2020-01-23