

APPEAL NUMBER
2020-00044

PART C – DECISION UNDER APPEAL

The decision in this appeal is the Ministry of Social Development and Poverty Reduction (ministry) decision of January 27, 2020 to deny the appellant's request for a crisis grant for clothing, specifically a winter jacket. The ministry found the appellant's request did not meet all of the criteria for provision of a crisis grant set out in section 59 of the Employment and Assistance Regulation.

PART D – RELEVANT LEGISLATION

Employment and Assistance Act (EAA) section 4

Employment and Assistance Regulation (EAR) section 59

PART E – SUMMARY OF FACTS

Information before the Minister at reconsideration included:

A ministry “Integrated Case Management Decision Report” dated December 27, 2019.

- The appellant’s Request for Reconsideration signed January 3, 2020.

The appellant included a note with his Notice of Appeal to the Tribunal dated February 5, 2020. It was accepted by the Panel as argument.

At the hearing, the appellant stated that their jacket was four years old but provided no protection from the cold and was worn out. The appellant stated that they have been on income assistance for two months and the ministry’s refusal to provide a jacket was a shock. The appellant stated that it is a right to have a jacket provided. The appellant stated that prevention was better than a cure. The appellant stated that two income assistance cheques were received in December, 2019, but the money was for rent and food, and after paying rent, only \$100 per month is left. The appellant explained that December rent was in arrears and the January rent also needed to be paid.

The ministry responded that the appellant asked for a jacket on December 27, 2019 and stated that the old one had been thrown away. The appellant was advised that this is not an unexpected need and that two income assistance cheques had just been provided – one for January, 2020 and a prorated payment for December, 2019, therefore funds were available to pay for a jacket. The ministry stated that the legislation is clear with respect to crisis grants – the need must be unexpected, there must be no resources available to meet the need and failure to provide the item requested would result in imminent danger to the person’s physical health. The ministry stated that the need to replace clothing that has worn out is not unexpected and the appellant had received two income assistance cheques that month, therefore the resources to purchase a jacket were available. The ministry stated that they were satisfied that failure to obtain the jacket would result in imminent danger to physical health, therefore this criterion was met. The ministry stated that income assistance is for basic needs, including clothing.

PART F – REASONS FOR PANEL DECISION

The issue in this appeal is the reasonableness of the ministry decision to deny the appellant's request for a crisis grant for clothing.

Legislation

EAA

Income assistance and supplements

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

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, 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 sum of

(A) the maximum set out in section 2 of Schedule A and the maximum set out in section 4 of Schedule A, or

(B) the maximum set out in Table 1 of Schedule D and the maximum set out in 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;

The appellant's position is that a winter jacket is a basic need and it is a right to have one.

The ministry's position is that in order to provide a crisis grant, all of the conditions set out in section 59 of the EAR must be met. The appellant threw away a jacket before applying for a new one, and it is not unexpected for clothing to wear out. The appellant received two income assistance cheques in the month of December, 2019, so he had the resources to buy a jacket. These two conditions were not met.

The panel notes that there are three criteria for provision of a crisis grant as stated above: the need must be unexpected, there must be no resources available to meet the need and failure to provide the requested item will result in imminent danger to the health of any person in the family unit. The ministry stated that the third criterion, failure to obtain the item would result in imminent danger to physical health, was met.

The fact that the appellant stated that the jacket was thrown away before the request for a grant to buy a new one is an indication that the need for a jacket was not unexpected. It is also a fact that clothing wears out and must be replaced from time to time. The panel finds that the ministry reasonably determined that the criterion set out in s.59(1)(a), EAR that the need be unexpected was not met.

The appellant agreed with the ministry's statement that two income assistance cheques were issued in the month of December, 2019. As income assistance is intended for the provision of basic needs, including clothing, the panel therefore finds that the ministry reasonably determined that the appellant had resources available to purchase a jacket; the criterion of having no resources available as required under s. 59(1)a) EAR was not met.

As all of the criteria set out in section 59, EAR must be met for provision of a crisis grant, the panel finds that the ministry decision to deny the appellant's request was reasonably supported by the evidence.

The panel confirms the ministry decision.

The appeal is not successful.

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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

Reece Wrightman

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2020 March 20

PRINT NAME

Carlos Garcia

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2020 March 20

PRINT NAME

Jean Lorenz

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2020 March 20