

APPEAL NUMBER  
2020-00218

**PART C – DECISION UNDER APPEAL**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (Ministry) reconsideration decision dated August 27, 2020 which held that the appellant was not eligible for a crisis supplement for the funding of home repairs pursuant to Section 57 of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR).

The ministry found that failure to meet the plumbing, electrical and some of the home repairs would result in imminent danger to the physical health of the family unit and that the appellant did not have the resources to complete the renovation and repairs. However, the ministry noted that repairs related to heating, such as doors, skirting and insulation, did not cause an imminent danger as the current seasonal temperatures do not put the family at risk.

**PART D – RELEVANT LEGISLATION**

Employment and Assistance for Persons with Disabilities Regulation – EAPWDR- Section 57 (1)

Employment and Assistance for Persons with Disabilities Act – EAPWDA- Section 5

## **PART E – SUMMARY OF FACTS**

### **Evidence at the Reconsideration**

1. Note indicating gas bill as \$280.00 (security deposit) and \$77.00 per month; Electricity bill as \$10.00 (application fee) and \$44.00 per month.
2. Tenancy agreement for a mobile park which started on January 1, 2008.
3. Electrical quote of \$3090.00
4. Renovations quote which included releveling addition, removal, and replacement of 2 exterior doors, skirting insulation, and barrier, insulate and barriers all plumbing cavities, molding, and moisture remediation for a total of \$3769.50.
5. Plumbing quote for \$3500.00.
6. BC Assessment – Property Value for 2018, 2019 and 2020.
7. Note from advocate which indicated that the appellant's home repairs began as a preventative maintenance which the appellant could have paid for but there were multiple unexpected costs at the same time which led to the need for a crisis supplement. The appellant's mother paid for fencing which was necessary for safety reasons and this exhausted the mother's resources. The plumbing and electrical work must be done for health and safety reasons. The appellant used her extra funds from Covid-19 payouts to pay for repairs to her vehicle and explored resources with BC Hydro and others to cover the home repair costs.

### **Evidence on Appeal**

Notice of Appeal (NOA) was signed and dated September 17, 2020. In part, it stated that the need for multiple unexpected repairs was discovered during the renovation process, health and safety repairs were discovered and during the same time unexpected costs associated with the appellant's vehicle also came up.

### **Evidence Prior to the Hearing**

The appellant submitted the following information prior to the hearing.

1. Note for a social worker, dated September 25, 2020, which stated that all the renovations from the quotes are for health and safety issues except the removal and replacement of the 2 exterior doors, which is \$850.00
2. Invoice for auto repairs or parts for \$48.99
3. Sales receipt for auto repairs or parts for \$110.81
4. Sales receipt for auto repairs or parts for \$560.00
5. Sales receipt for auto repairs or parts for \$0.00
6. Sales receipt for auto repairs or parts for \$137.76 credit
7. Sales receipt for auto repairs or parts for \$265.00
8. Sales receipt for auto repairs or parts for \$31.64
9. Sales receipt for auto repairs or parts for \$521.33
10. Sales receipt for auto repairs or parts for \$137.76
11. Sales receipt for auto repairs or parts for \$2517.80

### **Evidence at the Hearing**

At the hearing, the appellant and the advocate reiterated what was previously stated and added, in part, the following:

- All of the repairs are connected and lead to health and safety issues.
- The vehicle repairs were unexpected and costly which diverted the appellant funds from home

repairs.

- The struggles and challenges with getting the repairs done and going through the ministry's processes has caused an impact on the appellant's mental and emotional health.
- If the home repairs are not complete the appellant and her family run the risk of being homeless.
- The repairs are now urgent as the colder weather is approaching and the contractors cannot complete the work in winter.
- The appellant is unable to open and close one of her exterior doors properly, so she leaves it closed.
- The renovations have not begun.
- The appellant guessed that her home is either from the 1960's or 1970's.
- The appellant completed the following maintenance on her home but does not have the receipts to show that the works was done: replacement of the hot water tank; added/repaired balcony; repairs to the roof; new fence; flooring and repairs where there were leaks.
- There was no home inspection done when the appellant purchased the home in 2008.

At the hearing, the ministry relied on its reconsideration decision.

## **PART F – REASONS FOR PANEL DECISION**

The issue at appeal is whether the ministry's decision which determined that the appellant failed to establish that the need for a crisis supplement for funding home repairs was an unexpected expense or was unexpectedly needed, and that failure to complete repairs related to heating, such as doors, skirting and insulation, did not cause an imminent danger as the current seasonal temperatures do not put the family at risk, as required by Section 57 (1) (a) of the EAPWDR, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

### **Section 5 of EAPWDA provides as follows:**

#### **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.

### **Section 57(1) of EAPWDR provides as follows:**

#### **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*.

#### *Appellant's Position*

The appellant argued that there were multiple unexpected repairs needed to her home which are health and safety issues. The appellant also argued that there are no personal resources or community resources available to help cover the costs of the home repairs.

#### *Ministry's Position*

The ministry's position is that the appellant's need for a crisis supplement to fund home repairs is not unexpected or not unexpectedly needed. The ministry also found that the failure to complete the repairs related to heating, such as doors, skirting and insulation, did not cause an imminent danger as the current temperatures did not pose a risk. Since the appellant did not meet all of the legislative criteria required to be eligible for a crisis supplement for home repairs, pursuant to section 57 (1) of the EAPWDR, she is not eligible.

#### **Panel's Decision.**

Section 57 (1) (a) of the EAPWDR states that the minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if the family unit or 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 ministry considers the failure to meet the expense or obtain the item will result in imminent danger to the physical health of a member of the family unit.

### **Unexpected Need or Expense**

In its reconsideration decision, the ministry noted that the appellant had been trying to get quotes from contractors for 3 months which indicated that the appellant was aware the home repairs were needed for several months. The ministry noted that the timeline presented indicated that the appellant was aware that the home repairs were needed due to health and safety issues before service providers investigated and provided quotes between June 18-29, 2020. The ministry noted that problems such as corrosion to pipes, rotten floors, mold, and a need to re-level an addition take significant amount of time to develop. While it may not have been known how much these costs would be, the ministry noted that the appellant would have been aware that plumbing, electrical and floor services were needed and that costs would be associated with these repairs. The ministry noted that upkeep of skirting and insulation are regular maintenance jobs to keep a mobile home warm and pipes from bursting. Since the appellant lived in the home for many years, it was difficult for the ministry to establish that the appellant was unaware that these parts of the home would need regular maintenance.

The panel notes that the appellant stated that her mobile home is dated from the 1960's or 1970's. The panel finds that a mobile home of this age will show signs of deterioration and the need for maintenance and repair. The appellant stated that she completed maintenance or repairs to the hot water tank, leaks, balcony, roof, fence, and flooring. However, the panel finds that given the age of the mobile home, it is reasonable that the appellant would have additional maintenance and repairs than those she has already completed. The panel finds that corrosion to pipes, rot to floors and the sinking of the appellant's addition which requires re-leveling did not happen suddenly and that it was reasonable that the appellant would expect to attend to repairs in these areas over the years.

The panel finds that the ministry reasonably determined that the appellant failed to establish that the home repairs for which she requested a crisis supplement were unexpectedly needed or that it was an unexpected expense, pursuant to Section 57(1) of the EAPWDR.

### **Imminent Danger**

In the reconsideration decision, the ministry agreed that the electrical work, some of the plumbing and some of the renovations were health and safety concerns and the failure to meet this need could result in an imminent danger to the health and safety of the family. However, the ministry noted that repairs related to heating, such as doors, skirting and insulation, did not cause an imminent danger as the current seasonal temperatures do not put the family at risk.

The panel finds that ministry reasoned that the appellant did not meet the criteria of imminent danger regarding the repairs related to heating because the seasonal temperatures did not pose a risk. The ministry did not conclude that the specific repairs needed, if unmet, would not lead to imminent danger and therefore, it stands to reason that if the season changed, the failure to complete these repairs could lead to imminent danger. Moreover, the panel finds the inability to open and close an exterior door does cause an imminent danger as it is an issue of general safety and fire safety. The panel finds that skirting is needed to keep animals (such as rodents) away from the home's plumbing, electrical and heating systems and therefore the lack of skirting does pose an imminent danger. Finally, the panel finds that insulation is necessary for the protection of the plumbing work done, that is, it prevents the pipes from bursting. The old mold and mildew infested insulation must be removed for safety reasons. To protect

the work that has been done plumbers will insulate and so insulation and plumbing can come as a package. There is no point in an incomplete job. If the ministry finds that a failure to complete the plumbing work will result in imminent danger, then the panel finds it reasonable that the ministry would also find that the failure to insulate the home will lead to imminent danger. Furthermore, with the change of season that is upon the appellant right now, the lack of insulation in her home would cause an imminent danger to the health and safety of the family.

The panel finds that the ministry's conclusion that failure to meet the cost of homes repairs related to heating, such as doors, skirting and insulation, would not cause an imminent danger to the physical health of the appellant, pursuant to Section 57(1) of the EAPWDR, was not reasonable.

**Conclusion**

The panel finds that the evidence establishes that the ministry was reasonable in its determination that all the criteria set out in Section 57 (1) of the EAPWDR have not been met by the appellant. As a result, the panel finds that the ministry's decision to deny the appellant's request for a crisis supplement was a reasonable application of the legislation and was reasonably supported by the evidence. The panel confirms the ministry's reconsideration decision. The appellant is not successful at 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

Neena Keram

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2020/10/07

PRINT NAME

Arshdeep Dhaliwal

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2020/10/07

PRINT NAME

Rosalie Turcotte

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2020/10/07