

PART C – DECISION UNDER APPEAL

Under appeal is the December 1, 2020 decision of the Ministry of Social Development and Poverty Reduction (the ministry) that the appellant is not eligible for a crisis supplement to pay motel fees for November 6 to 18, 2020. The ministry was satisfied that the appellant met two of three requirements of section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR):

- there were no alternative resources to meet the need, and
- lack of housing posed an imminent risk to the appellant's physical health.

However, the ministry concluded that the third requirement was not met:

- the need to pay motel fees was not an unexpected item or an unexpected expense.

PART D – RELEVANT LEGISLATION

EAPWDR, section 57(1)

PART E – SUMMARY OF FACTS

The appellant did not attend the hearing. The panel had confirmation that the appellant was notified of the hearing, and therefore proceeded in the appellant's absence in accordance with section 86(b) of the Employment and Assistance Regulation.

Background Information

The appellant is a person with disabilities who receives monthly assistance in the amount of \$1535.42, comprised of disability assistance (\$808.42 support allowance and \$375 shelter allowance), a \$52 transportation supplement, and a \$300 emergency disaster supplement.

- August 17, 2020, the appellant submitted an invoice from a motel at which the appellant had been staying since August 7, 2020 at a nightly rate of approximately \$109.04. As the appellant had not yet received August shelter funds, the \$375 shelter allowance was issued.
- September 2, 2020, the ministry issued the appellant's \$375 September shelter allowance. The ministry asked how the appellant would pay the balance of the motel costs for September. The appellant reported having tried unsuccessfully to find a cheaper place to live.
- September 23, 2020, the appellant's October disability assistance was issued, which included the \$375 shelter allowance.
- October 9, 2020, the appellant submitted a doctor's note stating that the appellant is experiencing a number of complex medical issues and requires ongoing housing for the medical conditions to remain stable. A \$641.48 crisis supplement was issued to pay for one week at the motel.
- October 15, 2020, the appellant received a \$541.94 crisis supplement for motel costs. The appellant was told that the two crisis supplements equaled the amount of disability assistance (shelter and support allowances) which is the maximum amount for a crisis supplement that the ministry is permitted to issue in one month.
- October 21, 2020, the appellant's November assistance was issued, including the \$375 November shelter allowance.
- November 5, 2020, the appellant stated that the motel was paid for until the morning of November 6, 2020 and that \$1282.96 was needed in order to stay for two more weeks until the next assistance cheque would be issued. When asked what made the need for a crisis supplement unexpected, the appellant reported being unable to find housing and having been turned away from a shelter because the appellant's use of crutches posed a fire hazard. The appellant also stated that there is a legitimate medical need for the supplement, as described in a doctor's note, and that without the crisis supplement the appellant would be homeless, with a broken foot and whiplash. The appellant reported

being diligent about calling BC Housing twice weekly and that BC Housing stated that the appellant is first on a waitlist. Immediately following this conversation with the ministry, the appellant spoke with BC Housing which advised that no residence was available but that a new application was put in and, as the appellant is injured, the appellant is near the top of the wait list.

- November 5, 2020, the appellant's request was denied on the basis that the expense was not unexpected since the appellant had been staying at the motel for over a month and had already received two crisis supplements to pay for motel costs.
- November 17, 2020, the appellant submitted a request for reconsideration explaining that the appellant was recently in a car accident resulting in a broken (shattered) foot, whiplash and migraine headaches which have now worsened in every way. Also, fatigue has become an ongoing major issue, leaving everyday tasks hard to facilitate. "I am still seeking a home and would appreciate your continued assistance until one is found." The appellant provided a November 16, 2020 doctor's note stating that the appellant has complex medical and mental health issues, including a fractured foot and worsening migraines. The doctor requests supporting the appellant's motel expenses until stable housing is found in order to stabilize the appellant's medical conditions.

Information provided on appeal and admissibility

The December 8, 2020 Notice of Appeal did not provide additional evidence.

At the hearing, the ministry reviewed the reconsideration decision and stated that a review of the appellant's file indicated that the appellant has been residing at various motels and bed and breakfast establishments since July 2019. The appellant had also advised the ministry of a car accident in September 2019. The ministry also noted that a crisis supplement for another motel was issued to the appellant in June 2020. The ministry explained that crisis supplements are intended to provide funds for emergency situations, not to support an ongoing situation of residing in accommodation that would be unaffordable for most people.

The panel admitted the additional information provided by the ministry as evidence required for the full and fair disclosure of all matters related to the appeal under 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 ministry's decision that the appellant is not eligible for a crisis supplement for motel costs for November 6 - 18, 2020 is reasonably supported by the evidence or a reasonable application of the legislation. Specifically, was the ministry reasonable when concluding that the motel costs were not unexpected as required under section 57(1) of the EAPWDR?

Panel Decision

Positions of the Parties

In the Notice of Appeal, the appellant expressed disagreement with the ministry's decision. Based on other available information, the appellant's position appears to be that the motel expenses are unexpected because housing at a shelter or through BC Housing is not available and staying at the motel is required in order for the appellant's medical conditions to stabilize and to avoid becoming homeless.

The ministry's position is that the motel fees for November 6 – 18, 2020 are not unexpected. The ministry notes that the appellant has been staying at the motel since at least August 7, 2020, has been aware of the \$641.48 weekly costs for months and is aware that more affordable housing is required because the costs are not sustainable. The ministry acknowledges the appellant's medical conditions and the doctor's recommendation for stable housing but notes that the medical conditions have been ongoing since at least October 9, 2020. The ministry notes the absence of information to establish that an unexpected expense has occurred or that the cost of the motel fees is unexpected and considers it reasonable that the appellant would have sought more affordable options in the months since first staying at the motel. At the hearing, the ministry stated that the evidence demonstrates a pattern of reliance on motels and that the appellant has chosen to live this way rather than seek alternate accommodation.

Panel Analysis

To be eligible for a crisis supplement, all three requirements of section 57(1) must be met. In the appellant's case, the ministry found that two of the requirements were met - the appellant has no available resources to meet the need and failure to meet the expense will result in imminent danger to physical health.

The third requirement is that the crisis supplement be required to meet an unexpected expense,

that is, the motel costs for November 6 -18, 2020 are unexpected. In the appellant's circumstances, the evidence establishes that prior to requesting this crisis supplement the appellant had stayed at the motel since August 7th and was aware of the approximately \$2500 monthly costs, having discussed the matter with the ministry during the course of requesting and receiving two crisis supplements toward the October motel costs. While the appellant appears to argue that the motel costs are unexpected given the inability to secure accommodation at a shelter and through BC Housing, the panel finds the ministry reasonable in expecting the appellant to have sought out more affordable options in the approximately three months since first staying at the motel. The panel also finds that the information respecting the appellant's medical need for stable housing does not establish that the motel costs for November 6 – 18 are unexpected. The panel notes that the ministry considered medical need as a factor, together with the risk of homelessness, in concluding that failure to provide the supplement will result in imminent danger to the appellant's physical health. However, while the appellant's medical conditions relate to the need for housing, in terms of whether the motel costs are unexpected, the panel find that the ministry reasonably concluded that the appellant's medical need for housing has been ongoing since at least October 9, 2020 and that information to establish that the motel costs have become unexpected since that time has not been provided.

For the above reasons, the panel finds that the ministry reasonably concluded that the November 6 – 18 motel costs are part of ongoing expenses, not an unexpected expense.

Conclusion

The panel finds that the ministry's decision that the appellant was not eligible for a crisis supplement for motel expenses for November 6 -18, 2020 because all of the requirements of section 57(1) of the EAPWDR were not met was reasonably supported by the evidence. The ministry's decision is confirmed and the appellant is not successful on appeal.

Relevant Legislation

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

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, or
 - (ii) removal of a child under the Child, Family and Community Service Act.

APPEAL NUMBER
2020-00276

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

Jane Nielsen

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2020/12/31

PRINT NAME

Donald Storch

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2020/12/31

PRINT NAME

Susan Mackey

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2020/12/31