

APPEAL NUMBER
2021-00048

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) Reconsideration Decision of February 22, 2021 in which the Ministry determined that the Appellant was not eligible for a crisis supplement to pay delinquent property taxes because they did not meet all of the legislative criteria set out in Section 59(1) of the Employment and Assistance Regulation (EAR).

The ministry found that the information provided did not establish that the crisis supplement:

- was for an unexpected expense or for an item unexpectedly needed; and
- failure to provide the crisis supplement would result in imminent danger to the physical health of the person in the family unit or the removal of a child under the *Child, Family and Community Service Act*

PART D – RELEVANT LEGISLATION

Employment and Assistance Regulation section 59(1)

PART E – SUMMARY OF FACTS

With the consent of both parties, the hearing was conducted as a written hearing, pursuant to section 22(3)(b) of the Employment and Assistance Act.

Background Information

- The appellant is a recipient of income assistance with six dependent children receiving a monthly support allowance of \$525.58 and a monthly shelter allowance of \$820.00.
- On February 14, 2020 the appellant requested a crisis supplement from the ministry to pay property taxes of \$6364.00 that were overdue for tax year 2019 (Property Tax Notice dated February 3, 2020 included). The ministry denied the request indicating that property taxes were not considered essential utilities.
- On April 24, 2020 the ministry reviewed the appellant's shelter costs and wrote that the file record indicates they were included as part of the monthly shelter allowance.
- On January 15, 2021 the appellant requested a crisis supplement from the ministry to pay for delinquent 2019 taxes of \$6600. (Property Tax Notice dated February 5, 2021 included).
- The ministry denied the appellant's request and a Request for Reconsideration was submitted by the appellant on February 7, 2021
- The ministry reconsideration decision dated February 22, 2021 upheld the decision citing that the appellant had not met all of the legislated criteria for a crisis supplement, specifically:
 - The appellant indicated to the ministry they had been unable to make ends meet for two years and had not paid the 2019 taxes, and that the 2020 taxes were also in arrears. The ministry found that homeowners are required to pay property taxes on an ongoing basis and that owing property taxes cannot be considered an unexpected expense in and of itself. The ministry found the appellant had not indicated that an unforeseen circumstance prevented them from paying the property taxes, therefore they are not an unexpected expense.
 - The ministry found that because the appellant had attempted to borrow money to pay the property taxes, had contacted the city to attempt to arrange payment, and the ex-spouse does not pay child support they are satisfied the appellant does not have any resources available to pay the delinquent property taxes.
 - The ministry informed the appellant that the city tax sale happens in September of every year, and because the appellant has several months to seek alternative housing options, that they are not satisfied that failure to pay the delinquent property taxes will result in imminent danger to the physical health of any person in the family unit.
 - The ministry found that not all of the legislated criteria of EAR section 59 had been met, therefore the appellant was not eligible for a crisis supplement.

On February 24, 2021 the appellant submitted a Notice of Appeal and a written statement, summarized as:

- Their home will be sold in a tax sale in September 2021 which will leave the appellant and six children homeless, which could result in losing the children if an adequate, safe and secure environment is not provided.
- They have no means to pay the \$6600 by September.
- Rental cost to house seven people would cost in the range of \$3200 per month, plus damage deposit and all moving costs, which amounts to more than the cost of the property taxes owed.

The appellant also submitted a letter from the City dated February 5, 2021 that informed the appellant that their home would be subject to tax sale on September 27, 2021 if the delinquent taxes are not paid by that date.

The appellant did not provide a written submission.

The ministry's written submission is the reconsideration summary provided in the Record of Ministry Decision.

Admissibility of Additional Information

The panel accepted the appellant's NOA statement and the letter from the property tax office as evidence under section 22(4) of the Employment and Assistance Act, which allows for the admission of evidence reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

PART F – REASONS FOR PANEL DECISION

The issue under appeal is the reasonableness of the ministry's Reconsideration Decision dated February 22, 2021 wherein the ministry denied the Appellant a crisis supplement to pay for delinquent property taxes. Specifically, did the ministry reasonably determine the information provided did not establish that the crisis supplement was:

- to meet an unexpected expense or to obtain an item unexpectedly needed; and
- failure to provide the crisis supplement would result in imminent danger to the physical health of the person in the family unit or the removal of a child under the *Child, Family and Community Service Act*

The panel must determine whether the ministry's decision that the Appellant did not satisfy the statutory criteria as set out in section 59(1) of the EAR was either reasonably supported by the evidence or was a reasonable interpretation of the legislation in the circumstances of the Appellant.

Employment and Assistance Regulation

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*. (CFCSA)

Panel Decision

The panel considered and understands the appellant's argument that they have been finding it difficult to make ends meet and that if the taxes are not paid they will lose their home, which could result in the children not having a safe and secure environment to live in. However, the panel decision must be based on the evidence as it currently is before us and balanced against the legislative requirements.

Section 59(1) of the EAR states that a crisis supplement may be issued if the supplement is to (a) meet an unexpected expense or to obtain an item unexpectedly needed, there are no resources available to the person to pay the expense, and (b) failure to meet the expense will result in imminent danger or the removal of children under the CFCSA.

The appellant's request is for a crisis supplement to pay the delinquent 2019 property taxes, in the amount of \$6600, for their home. The appellant knew the property taxes were in arrears since at least February 2020 when they had requested, and were denied, a crisis supplement from the ministry to pay them. The ministry informed the appellant in April 2020 that property taxes were included as part of the appellant's monthly shelter allowance of \$820. When considering the circumstances as to why the overdue property taxes were not paid, the appellant explained to the ministry they had been struggling to make ends meet for the past few years, however, the panel found no evidence that would explain why the taxes were not paid out of the monthly shelter allowance. Because the appellant was aware for the past year that the overdue property taxes needed to be paid, they cannot be considered an unexpected expense, or an item unexpectedly needed. Therefore, the panel finds the ministry reasonably determined the requirements of section 59(1)(a) have not been met.

Section 59(1)(b) requires that failure to meet the expense will result in imminent danger to physical health of any person in the family unit, or the removal of a child under the CFCSA. The appellant argues that if they have to leave

their home after the City tax sale in September 2021 they will not have a secure home for their children, however the panel notes that there is no immediate danger to the appellant or the children because the appellant has six months to make alternate arrangements to avoid placing themselves in danger. Therefore, the panel finds the ministry reasonably determined the requirements of section 59(1)(b) have not been met.

Conclusion

The panel finds that the ministry's determination the appellant was ineligible for a crisis supplement under section 59(1) of the EAR because they did not meet eligibility criteria was a reasonable application of the legislation. The panel therefore confirms the ministry's decision. The appellant is not successful on this 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

Janet Ward

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2021 April 1

PRINT NAME

Kevin Ash

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2021 April 1

PRINT NAME

Dawn Martin

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2021 April 1