

APPEAL NUMBER
2021-0159

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the Ministry) Reconsideration Decision (RD) dated July 23, 2021 which held that the Appellant was not eligible for a crisis supplement to pay for rent.

Specifically, the Ministry determined that the Appellant was not eligible for a crisis supplement for rent for the months of May and June 2021 because rent was not an unexpected expense or an item unexpectedly needed, and failure to pay the May and June rent would not result in the imminent danger to a member of the family unit's physical health or the removal of a child under the *Child, Family and Community Service Act* (CFCSA).

PART D – RELEVANT LEGISLATION

Employment and Assistance Regulation (EAR) Section 59, 85(2) and 86, and Schedule A Sections 2(1) and 4(2)

PART E – SUMMARY OF FACTS

The Appellant is an income assistance (IA) recipient whose family unit includes a spouse and four dependent children.

Information provided by the Ministry in the RD included the following:

- The Appellant receives \$1,765.34 per month in IA. This amount comprises a support allowance of \$951.06, a shelter allowance of \$785.00, and a family bonus automatic top-up of \$29.28;
- On June 25, 2021, the Appellant requested a crisis supplement totaling \$3,600 to pay for May and June rent (\$1,800 per month);
- On June 14, 2021, the Appellant provided the Ministry with a bank statement showing an available balance of over \$7,500 as of June 2, 2021;
- In response to a request from the Ministry for more banking information, on June 29, 2021 the Appellant submitted a bank statement for the full month of May and for the period from June 1 to 29, 2021, showing a closing balance of \$48.23; and,
- On July 2, 2021, the Ministry asked the Appellant to provide a copy of a formal eviction notice from the Appellant's landlord and to provide the reasons for withdrawals of over \$10,780 from the Appellants bank account in June 2021. The Appellant told the Ministry that the funds were used:
 - To pay back a friend who had leant the Appellant money to travel to and from a foreign country so that the Appellant's spouse could receive medical treatment (\$5,000);
 - To partially pay for a recently purchased car (\$2,000);
 - For paint to paint the interior of the Appellant's home, for pest control, and for food (\$2,300); and,
 - To pay the rent for April 2021 (\$1,480).

The Appellant also told the Ministry that she could not provide a formal eviction notice because her landlord refused to give her one.

The evidence before the Ministry when it made its RD included the following:

- Hand-written letter to the Appellant from the landlord dated June 24, 2021 (the Landlord's Letter) stating that the tenant owes rent in the amount of \$1,800 per month for the months of May and June 2021 and requesting payment as soon as possible;
- Bank account statement for the month of May 2021 (the May Account Statement) showing deposit and withdrawal transactions for the month, an opening balance of \$4,241.67, and a closing balance of \$7,583.91; and,
- Bank account statement for the period from June 1, 2021 to June 29, 2021 (the June Account Statement) showing deposit and withdrawal transactions for the month, an opening balance of \$7,583.91 and a closing balance of \$48.23.

The Appellant did not attend the hearing. After confirming that the Appellant was notified of the date, time, and place of the hearing at least two business days before the hearing was to commence, the Panel heard the appeal without the Appellant present, pursuant to EAR Sections 85(2) and 86.

At the hearing the Ministry relied on its RD, stressing that the Ministry considered that the Appellant's rent was due at the beginning of every month, and therefore the need to pay rent was not unexpected.

Additional Information Submitted after Reconsideration

Section 22(4) of the EAA says that a panel may consider evidence that is not part of the record that the panel considers to be reasonably required for a full and fair disclosure of all matters related to the decision under appeal. Once a panel has determined which additional evidence, if any, is admitted under EAA Section 22(4), instead of asking whether the decision under appeal was reasonable at the time it was made, a panel must determine whether the decision under appeal was reasonable based on all admissible evidence.

In the Notice of Appeal (NOA), the Appellant states that she disagrees with the Ministry's RD because she really needs help to pay her rent, as without the crisis supplement she will be evicted from her home and will end up on the street with her four children.

The Panel considered the written information in the NOA to be argument. No other new evidence was submitted by either party after the RD.

PART F – REASONS FOR PANEL DECISION

The issue under appeal is whether the Ministry's decision, which found that the Appellant is not eligible for a crisis supplement for rent for the months of May and June 2021 is a reasonable application of the applicable enactment in her circumstances.

The Ministry's position is that the Appellant's obligation to pay rent was not unexpected because her rent was due at the beginning of every month, and that no information was submitted to establish that there is imminent danger to any member of the family unit's physical health, or that there is a risk of removal of a child under the CFCSA. As a result, two of the three necessary criteria for a client to be eligible for a crisis supplement were not met.

The Appellant's position is that without the crisis supplement she will be evicted from her home, together with her children.

The Panel's Decision

EAR Section 59(1) says that the Ministry may provide a crisis supplement to a person receiving IA if three criteria are met: the supplement must be required to meet an unexpected expense, the client must be unable to meet the expense because there are no resources available to the family unit, and failure to meet the expense must result in imminent danger to the physical health of any person in the family unit or removal of a child under the CFCSA.

The Panel notes that the evidence shows that the Appellant paid rent in the month of April 2021 for the same rental accommodation. Therefore, the requirement that rent be paid for the months of May and June 2021 could not have been unexpected. The Panel finds that the Ministry reasonably determined that the payment of rent was not an unexpected expense.

The Panel notes that no evidence has been presented to show that failure to meet the expense will result in imminent danger to the physical health of any person in the family unit or removal of a child under the CFCSA. In fact, while the Landlord's Letter requests payment for overdue rent, the Appellant has not provided the Ministry with a formal eviction notice, and no evidence has been presented to show that anyone in the family unit is facing imminent danger to their physical health, or that a child will be removed under the CFCSA, if the May and June 2021 rent is not paid. Therefore, the Panel finds that the Ministry reasonably determined that the criterion requiring that failure to meet the expense will result in imminent danger to the physical health of any person in the family unit or removal of a child under the CFCSA has also not been met.

Conclusion

The Panel finds that the Ministry's decision that the Appellant is not eligible for a crisis supplement for rent for the months of May and June 2021 is a reasonable application of the applicable enactment in the circumstances of the Appellant. Therefore, the Ministry's decision is confirmed, and the Appellant is not successful in her appeal.

APPENDIX A - LEGISLATION

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 ... 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 ...

(4) A crisis supplement provided for ... shelter ... is subject to the following limitations: ...

(b) ... 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 ...

as applicable, for a family unit that matches the family unit ...

Time period for scheduling and conducting hearing

85 (2) The chair of the tribunal must notify the parties of the date, time and place of a hearing ... at least 2 business days before the hearing is to commence.

Procedures

86 The practices and procedures of a panel include the following: ...

(b) the panel may hear an appeal in the absence of a party if the party was notified of the hearing ...

SCHEDULE A

INCOME ASSISTANCE RATES

Monthly support allowance

2 ... (1) A monthly support allowance for the purpose of section 1 (a) is the sum of

(a) the amount set out in Column 3 of the following table for a family unit described in Column 1 of an applicant or a recipient described in Column 2 ...

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount of Support
12	Two applicants/recipients and one or more dependent children	Both applicants/recipients are under 65 years of age	\$951.06

Monthly shelter allowance

4 ... (2) The monthly shelter allowance for a family unit ... is the smaller of

(a) the family unit's actual shelter costs, and

(b) the maximum set out in the following table for the applicable family size:

Item	Column 1 Family Unit Size	Column 2 Maximum Monthly Shelter
6	6 persons	\$785

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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)

Section 24(2)(a) or Section 24(2)(b)

PART H – SIGNATURES

PRINT NAME
Simon Clews

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)
2021/08/19

PRINT NAME
Kulwant Bal

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)
2021/08/19

PRINT NAME
Jeremy Scott

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)
2021/08/19