

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (Ministry) reconsideration decision dated August 27, 2021, that the appellant did not qualify for a crisis supplement for repairs to their truck as they did not meet all the requirements set out in section 57 of the Employment and Assistance for Persons with Disabilities Regulation. Specifically, the Ministry determined that the appellant had not demonstrated that the supplement was needed to meet an unexpected expense or obtain an item unexpectedly needed.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), Section 57

Part E – Summary of Facts

The appellant is a sole recipient with Persons with Disabilities designation.

Evidence before the ministry at the time of reconsideration:

Summary of Key Dates:

- On April 24, 2021, the appellant received a crisis supplement of \$576.85 for repairs to their truck
- On July 6, 2021, the appellant requested a crisis supplement to pay for repairs to their truck in the amount of \$1760.72. In the letter, the appellant noted:
 - After the repairs to the hub, the truck started vibrating, getting worse.
 - The vehicle is unsafe to drive.
 - The- vehicle is required for transportation as the appellant lives in a rural area.
- On July 15, 2021, the appellant's request for a crisis supplement was denied. The ministry determined that the request did not meet the legislated criteria because it was not unexpected for a 22-year-old vehicle to require repairs.
- On August 13, 2012, the appellant submitted a request for reconsideration. A letter dated August 12, 2021 states:
 - The appellant lives in a rural community.
 - They are unaware of service that would pick them up for medical appointments.
 - They need their truck for appointments and to evacuate due to forest fires.
 - They do not have the required funds to do the repair.
 - Per-kilometer funding is only helpful when you have a working vehicle.
 - Repairs were unexpected, someone else noticed the brake odor and the truck had recently been serviced for another issue and the appellant did not expect a different problem.
 - The appellant is unable to acquire a new vehicle on their income.
- On August 27, 2021, the ministry denied the appellant's request for a crisis supplement. This is the decision being appealed.

Appeal Submissions

- In the appellant's submission dated October 8, 2021 the appellant submitted a statement, a letter from the doctor and a copy of the hub repair invoice. In the statement the appellant mentions:
 - They did not expect their truck to have brake and u-joint issues.
 - They had had the front hub repaired in April 2021 and there was no mention of brake or u-joint concerns.
 - In the initial request made for the supplement, the reason was due to the shaking of the vehicle, Later, in the reconsideration request, the appellant mentions becoming aware that brakes required attention as people mentioned an unpleasant smell was coming from the truck.
 - They have a disability which involves issues with memory, and they cannot recall the exact sequence of events which led to have the truck looked at.
 - They recalled the truck shaking and assumed a wheel alignment would address this issue when winter tires were placed on the vehicle.
 - They became aware it was an issue with the brakes when they were alerted to the smell.
 - They had no previous indication that there were any issues with the brakes.
- The letter from their doctor, dated July 25, 2016, states the appellant has "severe cognitive limitations very apparent in consultation; poor memory, limited recall, confusing words and places".
- The hub repair dated 04/08/2021, shows the cost for a RF hub repair. There are no notes explaining any other mechanical issues.
- The Ministry relied on the reconsideration decision at the hearing.

Additional Information

- In the Notice of Appeal dated September 21, 2021 under “Reasons for Appeal”, the appellant stated: “I did not expect my brakes to stop working.”
- A letter from the appellant’s advocate dated July 5, 2021 states:
 - The repair expense was unexpected.
 - The appellant cannot afford the repair bills.
 - The truck is unsafe to drive.
 - The appellant requires the vehicle for medical appointments and grocery purchases.
 - The bus only runs 1 or 2 times per week and the stop is not near the appellant’s home.
- A letter from the appellants doctor dated April 21, 2021 stating:
 - It is critical for the appellant’s physical and mental health to have access to a reliable vehicle for transportation to medical appointments and to complete tasks like grocery shopping independently.
- A quote for auto service dated 06/25/2021 which notes:
 - \$1760.72 for repairs
- A map showing the distances from the appellant’s home and travel to appointments and groceries.
- At the hearing, the appellant with assistance from the advocate stated:
 - The appellant has allergies and did not smell the brakes of the truck until told by others. The truck had been vibrating but they went to the garage to have the brakes checked due to the odor and not the vibration as they felt this was a wheel alinement issue that would be addressed in the winter when tires were changed.
 - When asked how often the appellant had her truck serviced for general maintenance the appellant stated they did not as they did not have the funds to do so.
 - Currently the truck requires additional work as there are carburetor issues.
 - The vehicle is no longer working and medical appointments have been missed.
- At the hearing, the ministry rep stated:
 - The appellant did not meet the requirement of the legislation with respect to the first criterion, the ministry determined that the expense or need was not unexpected.
 - With a 22-year-old vehicle it would be expected maintenance would be required.
 - When asked if the ministry supplied funding for vehicle maintenance, the ministry representative replied no, it is not in the legislation.
 - There may be other assistant avenues for the appellant for their transportation requirements. The appellant may call about a general health supplement under the EAPWDR for transportation costs to medical appointments.

Admissibility of New Information

Section 22(4) of the Employment and Assistance Act states a panel may consider evidence that is not part of the record as the panel considers is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

The panel finds that the additional information provided by the appellant in the submission and statements made at the hearing tend to substantiate their position in relation to the appellant’s request. The panel therefore admits this evidence under section 22(4) of the Employment and Assistance Act.

Part F – Reasons for Panel Decision**Appellant's Position**

The appellant argues they were unaware of any brake and/or u-joint issues with their vehicle. The reason the appellant approached a local garage to address the truck was because others had informed the appellant of a brake odor. As well, the appellant had the vehicle serviced in April and there was no mention of other issues by the mechanic. As the appellant was not aware of any problems, they believe the cost for repair was unexpected and therefore criteria 1 of Section 57 EAPWDR has been met.

Ministry's Position

The ministry upon review determined the appellant was not eligible for a crisis supplement as the appellant's request for repairs to their truck does not meet all the requirements under section 57 (1) of the EAPWDR. The ministry contends the appellant was aware of the need to maintain an older vehicle as repairs had been completed during the month of April 2021 and the vehicle is 22 years old. As well, in making requests to the ministry for assistance, the appellant had communicated to the ministry that there were issues with the truck such as the truck shaking which was getting worse. With an expectation of regular maintenance and the age of the appellant's vehicle, the ministry was not satisfied the repairs to the truck were unexpected.

Panel Decision

The decision under appeal is whether the Ministry's reconsideration decision, in which the ministry determined that the appellant was not eligible for a crisis supplement, was reasonably supported by the evidence or a reasonable application of the applicable legislation in the circumstances of the appellant. The ministry determined that the appellant did not qualify for a crisis supplement for truck repairs because they had not established that the appellant had demonstrated an unexpected need for the repairs or that they had incurred an unexpected expense.

To qualify for a crisis supplement, the criteria as set out in Section 57(1) of the EAPWDR must be met. There are three criteria that must be satisfied. First, there must be an unexpected expense or item unexpectedly needed. Second, there must be no resources available to meet the expense. Third, failure to meet the expense or obtain the item will result in imminent danger to the physical health of a person in the family unit or removal of a child under the *Child, Family and Community Service Act*.

The ministry determined at reconsideration that the second and third criteria had been met. The only criterion at issue in this appeal is the first criterion, which requires an individual to demonstrate an unexpected expense or need.

With respect to the first criterion, the ministry determined that the expense or need was not unexpected as the appellant's vehicle is 22 years old and has had mechanical issues in the past. The appellant believes the need for repair was unexpected as she was not aware of any issues about the brakes and felt the shaking of the truck was an alignment issue which would be addressed when the tires were changed for the winter.

The panel finds the ministry's reconsideration decision to be reasonable on this criterion. It is unfortunate the legislation does not address the financial need to address the maintenance of -vehicles owned by recipients of assistance beyond the \$52.00 transportation supplement, especially in the remote areas of the province. It seems reasonable to the panel, that an owner of a vehicle should practise some form of regular maintenance to maintain their vehicle, address any issues that may occur and that replacing or repairing brakes and other parts of a 22-year-old vehicle would be expected. The panel finds the ministry's determination the appellant was not eligible for a crisis supplement to repair their truck was a reasonable application of the relevant legislation.

Conclusion

The panel finds the ministry's reconsideration decision to be reasonable on this criterion.

Relevant Legislation

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](#).

(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;

(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. 2, 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;

(c) water;

(d) hydro.

[am. B.C. Regs. 13/2003; 248/2018, App. 2; 270/2019, App. 2, s. 14.]

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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
Charles Schellinck

Signature of Chair

Date (Year/Month/Day)
2021/10/15

Print Name
Jean Lorenz

Signature of Member

Date (Year/Month/Day)
2021/10/18

Print Name Margarita
Papenbrock

Signature of Member

Date (Year/Month/Day)
2021/10/18