

**Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated October 14, 2021, which determined the appellant was not eligible for a crisis supplement for clothing as per section 59(1)(a) of the Employment and Assistance Regulation.

Specifically, the ministry determined it has not been demonstrated that anyone in the family requires the supplement to meet an unexpected expense or obtain an item unexpectedly.

**Part D – Relevant Legislation**

Employment and Assistance Regulation (EAR) section 59(1)(a)

see attached Schedule of Legislation

## **Part E – Summary of Facts**

The appellant did not attend the hearing. After confirming the appellant was notified of the hearing, the panel proceeded with the hearing as per section 86(b) of the EAR.

### **Relevant Evidence Before the Minister at Reconsideration**

#### **Request for Reconsideration (September 28, 2021)**

The appellant states they need clothes for themselves and their family. They only ask when it's necessary. Their footwear is worn out and their family has grown so their clothes are too small. It's very important for them to keep \$100.00 for emergencies. For example, they don't have a car and so if they get sick they would need a taxi.

#### **Ministry records show:**

Upon reconsideration, the ministry was satisfied the appellant meets the following criteria:

- The family is eligible for income assistance.
- The family does not have available resources.
- The ministry considers that failure to obtain clothing will result in imminent danger to the physical health of the family.
- The family has not received the maximum allowable for clothing within the past 12 months.

#### **Notice of Appeal (December 17, 2021)**

No reasons for the appeal were provided.

#### Ministry

The ministry relied on its record at the hearing and did not provide any additional information.

## Part F – Reasons for Panel Decision

The issue on appeal is whether the ministry's reconsideration decision, which determined the appellant was not eligible for a crisis supplement for clothing as per section 59(1)(a) of the EAR, was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Specifically, the ministry determined it has not been demonstrated that anyone in the family requires the supplement to meet an unexpected expense or obtain an item unexpectedly.

Relevant sections of the legislation can be found in the Schedule of Legislation at the end of this decision.

### Appellant Argument

The appellant argues they need clothes for themselves and their family. Their footwear is worn out and their family has grown so their clothes are too small. They only ask when it's necessary.

### Ministry Argument

The ministry argues it has not been demonstrated that anyone in the family requires the supplement to meet an unexpected expense or obtain an item unexpectedly.

- Children outgrowing their clothing is not unexpected.
- The need to replace clothing after a long time is not unexpected.
- The need to replace clothing due to normal wear and tear is not unexpected.
- As the appellant has resided in their current residence since December 2020, the need for appropriate winter clothes and water-resistant clothes and shoes is not unexpected.
- The appellant has had very high shelter costs of at least \$1300/month since December 2020; therefore, not having enough money to buy clothes for the family is not unexpected.
- The appellant has not identified any other recent unexpected expenses, which are preventing them from purchasing essential clothing for the family at this time.

### Analysis

#### Section 59(1)(a) (EAR) – crisis supplement, unexpected expense

Section 59(1)(a) states, the minister may provide a crisis supplement to a family that is eligible for income assistance if the family requires the supplement to meet an unexpected expense or obtain an item unexpectedly and is unable to meet the expense or obtain the item because there are no resources available. The panel notes ministry records show the family unit is eligible for income assistance and the ministry was satisfied the family does not have available resources.

However, the panel views an "unexpected" expense as one that is unforeseen and not reasonably predicted. The panel finds replacing worn shoes and clothing too small for children, cannot be considered "unexpected". The panel finds replacing worn shoes and clothing is considered a normal ongoing family expense that needs to be planned for within the family income. Therefore, the panel finds the ministry reasonably determined the appellant was not eligible for a crisis supplement to meet an unexpected expense or obtain an item unexpectedly needed as per section 59(1)(a) of the EAR.

**Conclusion**

In conclusion, the panel finds the ministry's reconsideration decision, which determined that the appellant was not eligible for a crisis supplement for clothing as per section 59(1)(a) of the EAR, was a reasonable application of the legislation in the circumstances of the appellant. The appellant is not successful on appeal.

## Schedule of Legislation

### 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*.

(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, and

(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. 1, 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.

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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

Connie Simonsen

Signature of Chair

Date (Year/Month/Day)

Print Name

Susanne Dahlin

Signature of Member

Date (Year/Month/Day)

2022 January 13

Print Name

Patrick Cooper

Signature of Member

Date (Year/Month/Day)

2022 January 13