

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated April 19, 2022, which determined the appellant was not eligible for a crisis supplement for April 2022 rent as per section 57 of the Employment and Assistance for Persons with Disabilities Regulation.

Specifically, the ministry determined that the appellant was not eligible for a crisis supplement because the appellant was not eligible for disability assistance for April 2022.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA), section 5

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

Part E – Summary of Facts

Neither the appellant nor the ministry attended the hearing. After confirming that the appellant and the ministry were notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

Relevant Evidence Before the Minister at Reconsideration

Ministry records show:

- The appellant is not a recipient of disability assistance because their Employment Insurance (EI) income exceeds the rate of disability assistance.
- They last received assistance on December 15, 2021 (for January 2022), and were not eligible for disability assistance for April 2022 due to excess unearned income in the amount of \$2,140.00.
- On March 28, 2022 the appellant requested a crisis supplement for shelter as they had been scammed on an internet website and lost all their money. Their rent was due in a few days and they were going to be homeless.
- On March 31, 2022 the appellant advised they had been able to make a partial payment of \$420.00 toward April rent - however, were short \$280.00.
- The ministry requested that the appellant provide information such as their bank statement and a letter from their landlord.
- On April 1, 2022 the appellant submitted a shelter information form and on April 4, 2022 submitted a 10-Day Notice to End Tenancy form indicating they failed to pay \$280.00 on April 1, 2022.

Shelter Information Form (April 1, 2022)

Client's portion of rent - \$700.00

10-Day Notice to End Tenancy for Unpaid Rent Notice (April 4, 2022)

Tenancy ended as appellant failed to pay rent of \$280.00 due on April 1, 2022

Request for Reconsideration (April 8, 2022)

The appellant stated they have had no income since February 15, 2022 because they were scammed by an online private lender who was supposed to lend them \$20,000 to start up their own small business online. They kept sending them money thinking they were going to come through. It was a mistake.

As a result, the appellant stated they are going to get evicted on April 16, 2022 as they lost the proceeds of their last two and a half EI cheques through a scam and have no money to pay the remainder of their rent - \$280.00. They also stated they borrowed \$420.00 from family and friends but are short \$280.00. They think it's unfair for the ministry to deny them benefits since they have no income and are facing eviction.

Notice of Appeal (May 16, 2022)

The appellant stated they disagree with the ministry's decision because now once again they are facing eviction.

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 April 2022 rent as per section 57 of the EAPWDR, was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Specifically, was the ministry reasonable to determine that the appellant was not eligible for a crisis supplement because the appellant was not eligible for disability assistance for April 2022?

The ministry determined the appellant met all of the criteria set out in section 57 of the EAPWDR except that they were not eligible for disability assistance for the month of April 2022.

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

Appellant Argument

The appellant argues as they were scammed by an online private lender they are going to get evicted on April 16, 2022. They lost the proceeds of their last two and a half EI cheques through a scam and have no money to pay the remainder of their rent - \$280.00.

They argue further that it's unfair for the ministry to deny them benefits since they have no income and are facing eviction.

Ministry Argument

The ministry argues that as the appellant was not in receipt of disability assistance for the month of April 2022 it is not permitted to provide a crisis supplement as set out in subsection 57(1) of the EAPWDR.

Analysis

Section 5, EAPWDA - disability assistance and supplements

Section 5 states the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it. Ministry records show the appellant is not a recipient of disability assistance because their EI income exceeds the rate of disability assistance.

Section 57, EAPWDR - crisis supplement

Section 57(1) states the minister may provide a crisis supplement for a family unit that is eligible for disability assistance if the person requires the supplement to meet an unexpected expense and is unable to meet the expense because there are no resources available, and the minister considers that failure to meet the expense will result in imminent danger to their physical health.

The panel notes the ministry determined the appellant met all of the criteria set out in section 57 of the EAPWDR except that they were not eligible for disability assistance for the month of April 2022.

Based on ministry records the panel finds, that the appellant was not eligible for disability assistance for April 2022. The panel notes that the appellant indicated having received EI payments in or around April 2022, though the amounts were not specified. The panel also notes ministry records state the appellant has not been a recipient of disability assistance since January 2022 because their EI income exceeds the rate of disability assistance, and that the appellant was not eligible for disability assistance for April 2022 due to excess unearned income in the amount of \$2,140.00.

The panel finds as section 57(1) requires that a person must be eligible for disability assistance to be considered for a crisis supplement, and as the appellant is not eligible for disability assistance (for April 2022), the ministry decision to deny the crisis supplement for April 2022 is reasonable.

The panel acknowledges the appellant's difficult circumstance, but the ministry and the panel are both bound by the legislation.

Conclusion

In conclusion, the panel finds the ministry's reconsideration decision, which determined that the appellant was not eligible for a crisis supplement for rent as per section 57 of the EAPWDR, was a reasonable application of the legislation in the circumstances of the appellant. The appellant is not successful on appeal.

Schedule of Legislation

Employment and Assistance for Persons with Disabilities Act

Disability assistance and supplements

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

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 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.

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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)
2022/05/31

Print Name
Linda Pierre

Signature of Member

Date (Year/Month/Day)
2022/05/31

Print Name
Patrick Cooper

Signature of Member

Date (Year/Month/Day)
2022/05/31