

Part C – Decision Under Appeal

The decision under appeal is the Reconsideration Decision (the “Reconsideration”), dated May 24, 2022, of the Ministry of Social Development and Poverty Reduction (the “Ministry”) which determined that the Appellant was not eligible for a crisis supplement in respect of rent because the Appellant had not satisfied two of the criteria required for a crisis supplement set out in section 59 of the *Employment and Assistance Regulation* (“EAR”). The Ministry determined that the Appellant’s family unit is eligible for income assistance and the Appellant’s family unit did not require the supplement to meet an unexpected expense or to obtain an item that was unexpectedly needed. The Ministry also determined that the Appellant met the remaining criteria set out in section 59 of the EAR, namely that the Appellant’s family unit had no other resources to meet the expense of rent and that failure to pay rent would result in a risk of homelessness which would pose an imminent risk to the Appellant’s physical health.

Part D – Relevant Legislation

EAR, section 59

Part E – Summary of Facts

The Appellant is not currently receiving income assistance and has not received income assistance since March 2022, due to the Ministry's decision to discontinue income assistance on the basis that the Appellant had not submitted information to the Ministry about assets owned jointly by the Appellant and the Appellant's spouse.

As a result of the above, the Ministry cancelled the Appellant's income assistance for the month of April.

Following the cancellation of the April income assistance, the Appellant submitted a request for a crisis supplement. The request for a crisis supplement was denied and the Appellant submitted a request for reconsideration ("RFR").

The information before the Ministry at the time of Reconsideration included the following:

- A notice to end a tenancy for non-payment of rent, dated April 5, 2022; and
- The Appellant's RFR, dated May 9, 2022, in which the Appellant described the situation involving joint assets owned with the Appellant's spouse and another party and advised that the Appellant had no control over the joint assets.

The RFR made no reference to the Ministry's denial of a crisis supplement. Likewise, in the Notice of Appeal, the Appellant referenced having received two notices of eviction due to being cut off from income assistance.

Prior to the hearing of the appeal, the Appellant also provided a four page additional submission (the "Submission"), which included two more eviction notices, dated May 3, 2022 and May 9, 2022.

At the hearing of the appeal, the Appellant described having left a long term relationship due to family violence and moved to a safe house with the Appellant's dependent child. The Appellant also described applying for income assistance and having disclosed being the owner of joint assets, including real property. The Appellant conceded that the Ministry had advised that it would require further information about joint assets owned by the Appellant, but the Appellant stated that the information was provided to the Ministry through the Ministry's online portal. The Appellant reiterated that the real property was also owned by a third party, in addition to the Appellant and the estranged spouse, meaning that the Appellant did not have the ability to unilaterally dispose of the real property. The Appellant also stated that a joint account in the name of the Appellant and the estranged spouse was used solely or primarily for the purpose of paying the expenses associated with the real property.

Although the Appellant is receiving child support and is able to do a small amount of remunerative work, the Appellant is not receiving spousal support from the estranged spouse and was barely getting by with income assistance. The Appellant confirmed that the Ministry had been paying the Appellant's shelter costs directly to the Appellant's landlord and, in the

result, the Appellant was able to pay rent for as long as the Appellant received income assistance.

The Appellant stated that when the April assistance was cancelled due to the Ministry's determination that the Appellant was no longer eligible for income assistance, a Ministry employee advised the Appellant to apply for a crisis supplement, which the Appellant did. The Appellant stated that no other options were suggested at the time.

The Appellant applied for reconsideration but believed that the decision being reconsidered was the Ministry decision to discontinue income assistance. The Appellant was, understandably, frustrated to discover during the hearing that the appeal before the panel concerned only the matter of the Reconsideration, which denied the Appellant a crisis supplement. The Appellant's frustration was compounded by the fact that, as the Appellant observed, had the Appellant's income assistance for April not been cancelled, the Appellant's rent for April would have been paid directly to the landlord and the Appellant would have had no reason to request a crisis supplement at all. The Appellant confirmed being unfamiliar with income assistance requirements and Ministry procedures, having never been on income assistance prior to the end of the Appellant's relationship with the estranged spouse.

The Ministry relied on the Reconsideration and stated that the Appellant had not previously provided the information requested about joint assets, which was the reason that the Ministry also cancelled the Appellant's income assistance for April. The Ministry also advised that it was open, at the time the April assistance was cancelled, to the Appellant to apply for hardship assistance and, potentially for a reconsideration of the decision to cancel April's income assistance.

The panel accepts the oral evidence presented at the hearing of the appeal and the information provided in the Submission, as evidence that is not part of the record but which the panel considers is reasonably required for a full and fair disclosure of all matters related to the decision under appeal, in accordance with section 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably determined that the Appellant was not eligible for a crisis supplement in respect of rent because the Appellant had not satisfied two of the criteria required for a crisis supplement set out in section 59 of the EAR, namely that the Appellant's family unit is eligible for income assistance and the Appellant's family unit required the supplement to meet an unexpected expense or to obtain an item that was unexpectedly needed.

Panel Decision

This appeal highlights the difficulties that many recipients of income assistance face in obtaining information applicable to their circumstances from the Ministry and in navigating their way through the statutory provisions that govern their eligibility for various forms of assistance.

In this case, the Appellant is adamant that all of the information requested by the Ministry regarding the joint assets owned with the estranged spouse was provided to the Ministry through its online portal. Nevertheless, the Ministry determined that the Appellant had not provided the required information and discontinued the Appellant's income assistance in April 2022, determining that the Appellant was no longer eligible for income assistance (for its part, this panel does not make any finding on the matter of the Appellant's eligibility for income assistance).

The Appellant subsequently applied for a crisis supplement on, the Appellant says, the advice of a ministry representative. The panel is unclear as to why this advice would be given as one of the eligibility criteria, set out in section 59 of the EAR, for a crisis supplement is that a recipient's family unit is eligible for income assistance and the Ministry had determined that the Appellant was not eligible for income assistance. While the Appellant's evidence on this matter cannot be independently verified, the panel finds the Appellant's account of why a crisis supplement was applied for to be credible, given the Appellant's lack of familiarity with the Ministry's appeal processes and other benefits for which the Appellant may have been eligible.

When the Appellant's request for a crisis supplement was denied, the Appellant sought a reconsideration, thinking that such a reconsideration would be in respect of the decision to cancel income assistance in April 2022. This evidence is also credible and consistent with the supporting documentation. In particular, the RFR references the matter of assets held jointly with the Appellant's estranged spouse and makes no mention of the Ministry's denial of the request for a crisis supplement.

In the result, the narrow issue before this panel is limited to whether the Reconsideration, which denied the Appellant a crisis supplement, was a reasonable one. In view of the foregoing, however, it is hoped that should the Appellant, for example, apply for either a reconsideration of the decision to discontinue income assistance in April or for hardship assistance, the Ministry, when assessing whether the Appellant has taken such steps in accordance with the applicable time limits, will take into account what appears to be a series of miscommunications regarding

the steps the Appellant ought to have taken following the initial cancellation of income assistance.

With respect to the narrow issue of this appeal, section 59 of the EAR is clear that a family unit must be eligible for income assistance to be eligible for a crisis supplement. Since the Ministry decided that the Appellant was not eligible for income assistance (again, a finding that is not being made by this panel), this panel finds that the Ministry was reasonable in its determination that the Appellant was did not meet the basic eligibility criteria for a crisis supplement under section 59 of the EAR.

Section 59 of the EAR also requires an applicant for a crisis supplement to demonstrate that the need for an item was unexpected. In this case, the crisis supplement was applied for in respect of rent. The Ministry determined that rent is not an unexpected expense. In ordinary circumstances, the panel does not find this to an unreasonable conclusion, particularly in this case where the rent would have been paid had the Appellant met the first eligibility requirement of having been determined by the Ministry to be eligible to receive income assistance in April.

In view of the above, the panel determines that the Ministry reasonably determined that the Appellant was not eligible to receive a crisis supplement under section 59 of the EAR. The Appellant is not successful in this appeal.

Relevant 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.

2022-0112

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
Adam Shee

Signature of Chair

Date (Year/Month/Day)
2022/June/20

Print Name
Diane O'Connor

Signature of Member

Date (Year/Month/Day)
2022/06/20

Print Name
John Pickford

Signature of Member

Date (Year/Month/Day)
2022/06/20