

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “ministry”) reconsideration decision (the decision) dated 28 September 2022, which determined that the appellant does not qualify for a crisis supplement for fuel because she had resources available and there was no imminent danger to her physical health.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation – Section 57

Part E – Summary of Facts**Evidence at the time of reconsideration**

As part of the application for reconsideration, the appellant submitted that she was “forced to camp in provincial parks all summer because I have not been able to find housing”. She noted that she had to use most of her resources for supplies, including an air mattress, a cook stove and fuel. She stated that it “was already bad enough my support [was] cut by \$400 because I am homeless.”

According to the Ministry’s decision, the following is a chronology of events:

The appellant received a Persons with Disabilities (PWD) designation on November 19, 2021.

The appellant, a family unit of one person, is eligible for monthly disability assistance of \$1,358.50, comprised of a support of \$983.50 and housing of \$375.00.

On August 30, 2022, the appellant advised the ministry that she had purchased a camp stove, and requested assistance in purchasing propane.

On August 31, 2022, the ministry denied the request for assistance to purchase the propane, stating that the appellant had not shown the need was unexpected, received September assistance which “included \$75 for incidental shelter expenses”. The ministry also noted that they did not find there to be an imminent danger to the appellant’s health.

On September 14, 2022, the appellant submitted her request for reconsideration, stating that she could not find housing and had been camping all summer.

On September 15, 2022, the ministry reported that the appellant submitted a “shelter information form” which indicated that she had moved to a residence.

The ministry advised the appellant on September 28, 2022 that her request for a crisis grant for fuel was denied. The ministry was now satisfied that the appellant had extra expenses when she could not find housing and camped and that the expense for fuel was unexpected. However, the ministry stated that the appellant had “\$300 remaining of your monthly shelter allowance which could have been used to purchase propane for your camp stove” and found that the appellant had resources available. The ministry also stated that the appellant had “secured accommodation as of September 15 and [was] no longer camping” and found that failure to purchase propane for her camp stove would not “result in danger to your imminent health”.

The appellant applied for a Notice of Appeal to the Tribunal on September 30, 2022, stating that her expenses for her emergency shelter were “extreme” and there were “extenuating circumstances”.

Testimony at the hearing

The appellant was not present at the hearing. The start of the hearing was delayed by 15 minutes as attempts were made to contact the appellant. After this delay and contact was attempted, the hearing proceeded. At the hearing, the ministry relied on the reconsideration decision.

Part F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the ministry's decision that the appellant is not eligible for a crisis supplement.

Section 57 of the EAPWD regulation states that an applicant is eligible for a crisis supplement by meeting the following requirements:

- 1) the expense is unexpected;
- 2) no resources are available for the expense; and
- 3) failure to meet the expense will result in imminent danger to the physical health of the applicant.

In the Request for Reconsideration, the ministry found that the expense was unexpected, so the first requirement was met.

In regard to resources, the ministry determined that resources were available as the appellant had funds remaining in her shelter allowance. The ministry stated that this amount was \$300. The appellant was not present at the hearing to confirm or deny this amount and did not submit any evidence in her Notice of Appeal indicating otherwise. The panel makes its findings based on the information before it at the hearing. The panel finds that the ministry acted reasonably in finding that the appellant had not shown that there were no resources available for this expense.

The ministry determined that there was no threat of imminent danger as the appellant moved into a residence on September 15, 2022. In this case, the ministry stated that the appellant had secured accommodation on September 15, 2022. The appellant was not present at the hearing to confirm this information. There was also no information submitted by the appellant in the Notice of Appeal that this information was not true. The evidence available at the hearing supports the ministry's decision that the appellant had secured accommodation and did not face imminent danger to her physical health. The panel finds that the ministry acted reasonably in finding there was no danger to the appellant's physical health.

The panel finds that, in this case, the ministry applied the relevant regulations and legislation reasonably. The ministry's reconsideration decision was reasonably supported by the evidence. The panel confirms the ministry's decision. The appellant is not successful in the appeal.

2022-0234

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

Robert McDowell

Signature of Chair

Date (Year/Month/Day)

2022/10/26

Print Name

Neena Keram

Signature of Member

Date (Year/Month/Day)

2022/10/26

Print Name

Kulwant Bal

Signature of Member

Date (Year/Month/Day)

2022/10/26