

**Part C – Decision Under Appeal**

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Poverty Reduction (“ministry”) dated October 11, 2022, in which the ministry approved the appellant’s request for a crisis supplement for shelter of \$935 for their October rent. The ministry found the appellant was eligible for the crisis supplement and determined that the maximum amount the ministry could provide was \$935, being the smaller of the appellant’s actual shelter cost and the sum of the maximum monthly support and shelter amounts for a family unit matching the appellant, set out in Schedule D of the Employment and Assistance Regulation (“EAR”).

**Part D – Relevant Legislation**

Employment and Assistance Act (“EAA”) section 4  
EAR section 59 and Schedule D

Full text of the legislation is provided in the Schedule of Legislation after the Reasons.

## Part E – Summary of Facts

The appellant is a recipient of hardship assistance under the EAA. The appellant receives a support allowance of \$560 and a shelter allowance of \$375, for a total of \$935 per month.

The appellant entered into a rental agreement for a suite with a monthly rent of \$2175, starting August 15, 2022. The appellant gave the ministry a copy of the rental agreement on August 4, 2022. The ministry provided the appellant with a security deposit for the suite, in the amount of \$1087.50, being one-half month's rent. The appellant intended to find a roommate to help with the rent but was unable to find someone who matched the appellant's values and lifestyle. The appellant described their lifestyle as "vegan (cruelty-free, environmentally friendly, non-violent, eco-friendly, waste management mindful, and with no cause of suffering including self-intoxication to the parties residing-in acceptable with regards to the household, and to the surrounding neighbours)."

The appellant's family gave the appellant funds to cover the September rent, but the appellant did not have funds to pay the rent due October 1, and the family could not give further help. The appellant had been unable to find a suitable roommate to share the expense, despite advertising the accommodation online and interviewing people who responded.

On September 29, 2022, the appellant contacted the ministry and asked for a crisis supplement to pay their October rent in the amount of \$2175.

### Additional Evidence:

#### *Written submission:*

The appellant provided a written submission stating:

- they spoke to a ministry representative on September 29, 2022, who was also vegan, and understood the appellant's lifestyle and the challenges of finding a suitable roommate;
- they told the ministry representative that their rent was \$2175, plus \$150 average utilities each month;
- the appellant told the ministry representative that they could pay the utilities from their support allowance;
- the ministry representative told them that the request for the supplement would have to be passed on to a supervisor;
- with the appellant's agreement, the ministry representative would contact the landlord on the appellant's behalf, if the supervisor approved the request;
- the ministry representative did contact the landlord, so the appellant assumed that the request for the whole amount of the rent was approved;
- the appellant is still planning to find a roommate to share the rent, although none of the people they have interviewed so far have worked out;

*Emails dated September 29 and October 25, 2022:*

In an email dated September 29, 2022, from the landlord's accountant to the ministry representative, the accountant confirmed that the ministry representative had told them that the appellant had applied for rent assistance and that "the BC Government will issue and mail out the October rent cheque next Monday." The accountant asked the ministry representative to confirm by reply email. In an email to the appellant dated October 25, 2022, the property manager advised that they did not receive a response from the ministry representative.

*Evidence at the Hearing:*

At the hearing, in response to a question from the panel, the appellant stated that they had received the crisis supplement of \$935 and had paid that amount to the landlord towards the October rent, although it still left a balance owing. The appellant gave the landlord their November shelter allowance which was applied to the balance of the October rent.

Admissibility of Additional Evidence:

The ministry did not object to the additional evidence in the appellant's written submission, the landlord's emails or the oral evidence at the hearing.

The additional evidence gives further information about the appellant's circumstances and the communications between the ministry and the appellant or their landlord, about the crisis supplement. The panel finds that the additional evidence is reasonably necessary for the full and fair disclosure of all matters relating to the decision under appeal, and therefore is admissible under section 22(4) of the Employment and Assistance Act.

**Part F – Reasons for Panel Decision**

The issue on appeal is whether the ministry was reasonable in its decision to provide the appellant with a crisis supplement for shelter in the amount of \$935 for their October rent.

As the ministry has determined that the appellant was eligible for the supplement, the only issue on appeal is whether the ministry's decision about the amount of the supplement was reasonable.

**Appellant's Position:**

The appellant maintains that the ministry should provide a crisis supplement for shelter in the full amount of the October rent of \$2175. They point out that the ministry was aware that their rent was \$2175 in August 2022, when the ministry gave the appellant funds for the security deposit. When the appellant asked for the crisis supplement in September 2022, they again told the ministry the amount of the rent. The ministry representative told the appellant that they would contact the appellant's landlord if the supervisor approved the crisis supplement, so when the appellant learned that the ministry had contacted the landlord, the appellant assumed that the ministry would provide the full amount of the appellant's actual rent. The appellant also points out that, based on the email from the accountant to the ministry representative, it appears that the landlord was also expecting that they would receive the full amount of the October rent.

The appellant says that the amount of the shelter supplement in the legislation has not been updated since 2008 and is not reasonable compared to the actual cost of housing in the appellant's community. The appellant maintains that crisis supplements should be assessed based on the need of the individual, not under a general policy that applies to everyone, when everyone's circumstances may be different.

The appellant also maintains that it is unreasonable that they had to spend about one-half month of their time in total, trying to resolve the issue of the crisis supplement when that time would have been better spent developing their business enterprises to generate resources.

**Ministry's Position:**

The ministry maintains that \$935 is the maximum amount it is permitted to provide for a crisis supplement for shelter under section 59(4) of the EAR. The ministry explained that legislation is set, and can only be amended, by the Legislature. Ministry staff must apply the legislation; they cannot change it.

**Panel Decision:**

Under section 4 of the EAA, the ministry may provide a supplement to an eligible recipient. In its reconsideration decision, the ministry has accepted that the appellant meets the eligibility criteria to receive a crisis supplement under section 59(1) of the EAR:

- the appellant is eligible for hardship assistance;
- the appellant's need for additional funds to meet their October rent was unexpected;

- the appellant does not have resources available to meet the need; and
- failure to meet the expense would result in imminent danger to the appellant's physical health.

Under section 59(4) of the EAR, the amount that the ministry is authorized to give the appellant as a crisis supplement for shelter is limited to the lesser of the appellant's actual shelter cost and the combined maximum rate of shelter and support amounts for which the appellant would be eligible under Schedule D of the EAR.

The appellant is a sole recipient under 65 years of age, with no dependent children, therefore the maximum amount of support allowance under Schedule D of the EAR is \$560 per month. The maximum amount of shelter allowance is \$375 per month. The combined total is \$935, which is the amount that the ministry has given the appellant as a crisis supplement for shelter.

The appellant maintains that the amount is unreasonable because it is less than his actual cost of shelter and does not reflect the actual cost of shelter available in their community. The appellant also maintains that they believed, based on the conversation with the ministry representative, that the crisis supplement would cover their actual shelter cost.

It is unfortunate that the appellant and their landlord either were not told, or did not understand, that the maximum amount of a crisis supplement for shelter is limited under the EAR. Nevertheless, the ministry is bound by the legislation and is not permitted to give a crisis supplement for shelter that is more than the maximum amount set out in section 59(4) of the EAR.

The appellant provided evidence and argument about their financial situation, their need for funds, the actual cost of shelter in their community and the challenge of finding a roommate who matches the appellant's values and lifestyle. However, those factors do not affect the amount of the crisis supplement that the ministry is authorized to provide under the legislation. The ministry has given the appellant the maximum amount it is permitted to give under the EAR.

#### Conclusion:

The panel finds that the ministry's reconsideration decision to provide the appellant with a crisis supplement for shelter in the amount of \$935, which is the maximum permitted under section 59(4) of the EAR, is a reasonable application of the legislation in the appellant's circumstances. The appellant is not successful in the appeal.

#### Schedule of Legislation:

#### Employment and Assistance Act

#### **Income assistance and supplements**

Section 4 Subject to the regulations, the minister may provide income assistance or a supplement to or

for a family unit that is eligible for it.

### Employment and Assistance Regulation

#### **Crisis supplement**

Section 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.

**Schedule D**

**Table 1**

*(sections 1 to 6 of Schedule D)*

Item	Column 1 <b>Family unit composition</b>	Column 2 <b>Age or status of applicant or recipient</b>	Column 3 <b>Amount of Support</b>
1	Sole applicant/recipient and no dependent children	Applicant/recipient is under 65 years of age	\$560.00

**Table 2**

*(sections 1 to 6 of Schedule D)*

Item	Column 1 <b>Family Unit Size</b>	Column 2 <b>Minimum</b>	Column 3 <b>Maximum</b>
1	1 person	\$75	\$375

**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  
Susan Ferguson

Signature of Chair

Date (Year/Month/Day)  
2022/11/17

Print Name  
Jan Broocke

Signature of Member

Date (Year/Month/Day)  
2022/11/17

Print Name  
Warren Fox

Signature of Member

Date (Year/Month/Day)  
2022/11/17