

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the Ministry) Reconsideration Decision (RD) dated October 20, 2022, in which the Ministry determined that the appellant was not entitled to a crisis supplement (CS) to purchase a tent. The Ministry did upon reconsideration, approve the request for a CS to purchase a sleeping bag.

Specifically, the Ministry found while the appellant does meet the requirements for a CS, the amount that may be provided as per section 59 (4) of the EAR is limited to actual shelter costs and the appellant did not declare any shelter costs.

In addition, a CS for shelter has limitations in the legislation. The cost of a tent does not fit the criteria listed in Schedule A, section 5(2), namely, a tent is not rent, mortgage payments, house insurance, property taxes, utility costs or maintenance costs.

Part D – Relevant Legislation

Employment and Assistance Regulation (EAR) section 59 and Schedule A sections 4(2) and 5(2).

Full text of the legislation is provided in the Schedule of Legislation at the end of the decision.

Part E – Summary of Facts

The appellant is a sole recipient of income assistance with no fixed address or telephone number.

The appellant provided an email address for communication purposes. He has provided no other contact information.

The appellant was provided notice about the hearing date and time using the email address he provided as required by Section 85 (2) of the EAR. The appellant did not attend the hearing and the hearing proceeded in the absence of the appellant.

The Ministry representative indicated that the appellant is eligible for a total of \$635 per month in income assistance, made up of \$560 for support allowance and \$75 for a shelter allowance. \$20 per month is deducted as a repayment to the Ministry.

The Ministry clarified that the appellant did not declare any shelter costs.

The \$75 provided for a shelter allowance is an amount provided to people with no fixed address to assist with shelter related incidental costs.

Evidence Before the Ministry at Reconsideration

On September 15, 2022, the appellant contacted the Ministry requesting a CS for a sleeping bag and a tent. The appellant advised he was kicked out of his residence and had been sleeping on the streets the last few days and his sleeping bag and tent were stolen.

Part F – Reasons for Panel Decision

The issue under appeal is whether the Ministry's RD which determined that the appellant was not eligible for a CS for a tent in the month of September 2022 was reasonably supported by the evidence or was a reasonable application of the legislation in the appellant's circumstances.

In other words, was it reasonable for the Ministry to determine that the appellant's request for a CS for a tent did not meet the eligibility requirements for a CS for shelter.

Appellant's Position

The appellant's position is that he could not fit the tent and sleeping bag into his budget and decided to use his food money to buy them. He also stated he was in medical distress due to a skin infection that required him to buy band aids and other medical supplies.

Ministry's Position

The Ministry's position is that while the appellant does meet the requirements for a CS, the amount that may be provided as per Section 59 (4) of the EAR is limited to actual shelter costs. The regulation states that if the CS is for shelter, the amount that may be provided is the lesser amount of actual shelter costs and the amount of support and shelter allowance combined.

Schedule A Section 5(2) outlines how actual shelter costs are calculated and list: rent, mortgage payments, house insurance, property taxes, utility costs and maintenance costs.

The Ministry confirmed that the appellant has not declared any shelter costs. The \$75 provided to the appellant is meant to cover incidental costs for a person without a fixed address.

The Ministry stated that they do not 'buy shelter' in any form and that a tent was considered shelter.

The Ministry stated that the cost of a tent was not an item that can be used to calculate CS for shelter.

Panel's Reasons

The panel finds that although the appellant met the eligibility requirements for a CS, the Ministry reasonably determined that the legislation limits the amount that can be provided. The panel found that the Ministry reasonably determined that a tent was considered a shelter. The legislation defines the items that can be used to calculate the amount of a CS requested for shelter to actual shelter costs. Since the cost of a tent does not fit the criteria listed in Schedule A, section 5(2), namely, a tent is not rent, mortgage payments, house insurance, property taxes, utility costs or maintenance costs, the Ministry reasonably determined that the amount of the CS is \$0.

Conclusion

Considering all the evidence the panel finds that the Ministry's RD which determined that the appellant was not entitled to CS for a tent for the month of September 2022 was a reasonable application of the legislation in the appellant's circumstances.

The panel confirms the Ministry's decision.
The appellant is not successful in their appeal.

Schedule of Legislation Employment and Assistance 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) Repealed. [B.C. Reg. 248/2018]

(6) Repealed. [B.C. Reg. 248/2018]

(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.

(e) garbage disposal provided by a company on a regular weekly or biweekly basis;

(f) rental of one basic residential single-line telephone.

(2) When calculating the actual monthly shelter costs of a family unit, only the following items are included:

(a) rent for the family unit's place of residence;

(b) mortgage payments on the family unit's place of residence, if owned by a person in the family unit;

(c) a house insurance premium for the family unit's place of residence if owned by a person in the family unit;

(d) property taxes for the family unit's place of residence if owned by a person in the family unit;

(e) utility costs;

(f) the actual cost of maintenance and repairs for the family unit's place of residence if owned by a person in the family unit and if these costs have received the minister's prior approval.

(3) If utility costs fluctuate, they may be averaged over the periods

(a) beginning on October 1 and ending on March 31, and

(b) beginning on April 1 and ending on September 30.

Schedule A

Income Assistance Rates

Section 4(2) The monthly shelter allowance for a family unit other than a family unit described in section 15.2 (1) of the Act is the greater of

(a) the minimum set out in the following table for the family unit, and

(b) the lesser of

- (i) the family unit's actual shelter costs, and
- (ii) the maximum set out in the following table for the family unit.

Item	Column 1 Family Unit Size	Column 2 Minimum	Column 3 Maximum
1	1 person	\$75	\$375

Section 5(1) For the purpose of this section, utility costs for a family unit's place of residence include only the following costs:

- (a) fuel for heating;
- (b) fuel for cooking meals;
- (c) water;
- (d) hydro;
- (e) garbage disposal provided by a company on a regular weekly or biweekly basis;
- (f) rental of one basic residential single-line telephone.

(2) When calculating the actual monthly shelter costs of a family unit, only the following items are included:

- (a) rent for the family unit's place of residence;
- (b) mortgage payments on the family unit's place of residence, if owned by a person in the family unit;
- (c) a house insurance premium for the family unit's place of residence if owned by a person in the family unit;
- (d) property taxes for the family unit's place of residence if owned by a person in the family unit;

(e) utility costs;

(f) the actual cost of maintenance and repairs for the family unit's place of residence if owned by a person in the family unit and if these costs have received the minister's prior approval.

(3) If utility costs fluctuate, they may be averaged over the periods

(a) beginning on October 1 and ending on March 31, and

(b) beginning on April 1 and ending on September 30.

2022-0253

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

Julie Iuvancigh

Signature of Chair

Date (Year/Month/Day)

2022/11/23

Print Name

Susan Ferguson

Signature of Member

Date (Year/Month/Day)

2022/11/30

Print Name

Glenn Prior

Signature of Member

Date (Year/Month/Day)

2022/11/29