

Part C – Decision Under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Poverty Reduction (the ministry) dated November 16, 2022, which held that the appellant did not meet all required eligibility criteria for a crisis supplement as set out in section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry found that

- The appellant was eligible for disability assistance and therefore eligible for crisis supplements, provided all other requirements are met.
- The appellant had no resources available to pay for rental arrears.
- Failure to pay rental arrears will result in imminent danger to the appellant's physical health due to the risk of homelessness.

However, the ministry determined that the appellant has not provided any evidence that explains how the requirement to pay monthly rent or arrears from a year ago is unexpected. The ministry did not consider that regular ongoing monthly expenses such as rent or bill payments are unexpected.

Part D – Relevant Legislation

EAPWDR section 57

This section of the legislation can be found at the end of the decision.

Part E – Summary of Facts

From the ministry file:

- The appellant is a two-parent family in receipt of disability assistance.
- The appellant's monthly assistance includes a support allowance of \$1953.50 and a shelter allowance of \$765. She also receives supplements, including a combined transportation supplement of \$104 and a family bonus top up of \$581.34.
- The appellant's monthly rent is \$2350. The ministry recoups \$20 per month off her assistance for debt repayment.
- In February 2022 the appellant received back pay for Shelter Benefits from April 2021 to February 2022 in the amount of \$6795.00.

A Request for Crisis Supplement - Shelter dated November 3, 2022 by the appellant's spouse includes the following information:

- To the question "Why are you unable to pay for rent?" the answer reads "This is from last year during the floods. Was stuck out in [another town] for 4-5 days had nowhere to go."
- To the question "Have you attempted to make payment arrangements?" the answer reads "No arrangement just been trying to pay off little by little."

A Notice to End Tenancy dated November 10, 2022 includes the following information:

- The appellant has to move out by November 20, 2022.
- The reason for ending the tenancy is failure to pay rent in the amount of \$3385 (\$2385 due on November 1, 2022, plus \$1000 overdue).

In the Request for Reconsideration dated November 14, 2022 the appellant wrote:

- "I have nowhere else to get support. If I do not pay the outstanding amount by the 15th my kids and I will have nowhere to live."

In her Notice of Appeal dated November 18, 2022 the appellant wrote: "I wasn't able to say everything that needed to be said, I feel that all information wasn't presented on my behalf."

In an email to the Tribunal dated November 21, 2022 the appellant wrote:

- "We have not found another place so we will be left homeless. I do not understand the point of all this as we will be out on the street homeless with our three kids in 3 weeks time. I'm trying to take a loan somewhere anywhere borrow anything but just haven't had any luck... I have also attached the email I sent to the MLA ...
- The past year has been a struggle for us and we ended up being behind \$1000 and behind on many bills to the point we were without heating food and many other

things. We have tried to chip away at what we owed but just don't have the resources. I've been on many job interviews over that last year but no luck...

- During the floods last November in which I am still dealing with PTSD symptoms from as I was stuck in [another city] with my middle [child] and my two other [children] were stuck at home alone for days, and one of my kids home for days with his [sibling] was only 6, I'm sure you can imagine the fear I had as a mother and my [children] as well just not knowing what was happening next. We were able to use our rent to pay for a place to stay for 3 nights till highway one or 7 was open for travel having to eat out. And at this time we weren't receiving any rent portion. When the covid money was cut from our disability cheques that April the ministry messed up with our file and cut our rent portion as well. I called in to ask about the sudden and major decline in the amount of my cheque and was told everything is right and I'm getting what I'm entitled to and it's the covid money that had stopped and that was it so for a whole year I had been getting \$760 less until someone noticed and it was corrected. With my rent at \$2400 my whole cheque was going to rent with \$200 left for the month. By the time it was rectified I was so behind in everything owed payday loans personal loans my bills pawned my things and having to pay interest on everything the amount I got back didn't even cover everything I'm still dealing with now..."

The ministry relied on its reconsideration decision.

Admissibility of New Information

The panel finds that the information provided by the appellant on appeal is reasonably required for a full and fair disclosure of all matters related to the decision under appeal, as it contributes to the panel's understanding of the circumstances surrounding the appellant's request for a crisis supplement for shelter. The panel therefore admits this information as evidence pursuant to section 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision to deny the appellant a crisis supplement for shelter was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant. That is, was the ministry reasonable when it determined that the appellant has not provided any evidence that explains how the requirement to pay monthly rent or arrears from a year ago are unexpected.

Panel Decision

Section 57(1) sets out the criteria all of which the appellant must meet before the ministry may provide a crisis supplement. One of these is that the appellant requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed. As the ministry has determined that the appellant has met all other criteria, the panel will limit its discussion solely to the one criterion mentioned above.

Section 57(2) specifies that a crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.

The appellant's position is that she should be eligible for a crisis supplement for shelter because she has no resources to pay for her rent arrears and she, her spouse and her three children have nowhere to go and will be homeless. During last November's floods the appellant and 1 of her children were unexpectedly held up in another city and she had to use rent money for a 3-night stay and for eating out.

The ministry determined that the appellant has not provided any evidence that explains how the requirement to pay monthly rent or arrears from a year ago is unexpected. The ministry does not consider regular ongoing monthly expenses such as rent or bill payments to be unexpected.

The panel finds there is not sufficient evidence to demonstrate the ministry's determination is unreasonable. There is no clear evidence of an unexpected expense or an item unexpectedly needed on or immediately prior to November 3, 2022. The panel finds further that ongoing monthly expenses such as rent or bill payments cannot be considered unexpected.

Conclusion:

The panel finds that the ministry's decision to deny the appellant a crisis supplement for shelter to pay rental arrears was reasonably supported by the evidence. The ministry's reconsideration decision is confirmed and the appellant is not successful on appeal.

Relevant Legislation

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.

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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

Inge Morrissey

Signature of Chair

Date (Year/Month/Day)

2022/12/22

Print Name

Joe Rodgers

Signature of Member

Date (Year/Month/Day)

2022/12/26

Print Name

Connie Simonsen

Signature of Member

Date (Year/Month/Day)