

**Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated January 25, 2023, that denied the appellant a crisis supplement for a stove.

Specifically, the ministry decided that the appellant’s request for a stove does not meet all the criteria under Section 59 of the Employment and Assistance Regulation as the appellant has already been given the resources to pay for a stove and that the appellant’s physical health is not in imminent danger.

**Part D – Relevant Legislation**

Employment and Assistance Act (EAA) Section 4  
Employment and Assistance Regulation (EAR) Section 59

**Part E – Summary of Facts**

The appellant receives income assistance.

**Summary of Key Dates:**

- **September 14, 2022**, the appellant requested money for a fridge and stove as both appliances were not working. She has 4 children who require a proper fridge and stove and does not have the resources to obtain a fridge or a stove.
- **October 24, 2022**, a ministry worker called the appellant for more information. The appellant estimated the cost for the appliances would be approximately \$5000 each. The worker advised the appellant that \$500-\$600 per appliance was more reasonable. The appellant inquired if they could pay the difference if they wanted a newer fridge and/or stove. The worker advised the appellant they could do this and to submit quotes to the ministry for review.
- **October 31, 2022**, the appellant submitted quotes for a fridge and stove. A worker reviewed the quotes and found that they ranged from \$1299 to \$2400 per appliance.
- **November 3, 2022**, a ministry supervisor approved \$1250 in total for a fridge and stove and a ministry worker issued \$1250 for the appellant to purchase a fridge and stove. A ministry worker called the appellant but as there was no answer, left a phone message.
- **November 23, 2022**, the appellant requested a crisis supplement for a stove as they did not have a stove to cook with for themselves and their dependant children, they were using a barbecue and toaster oven and that they had already been approved for \$1250 for a stove and fridge.
- **November 24, 2022**, a worker reviewed the appellant's request for a crisis supplement for a stove and determined the appellant was not eligible for the supplement as they did not meet all the criteria. Specially, the appellant had been issued \$1250 to cover the cost of a fridge and stove on November 3, 2022. The request for a stove was therefore not unexpected as the appellant was issued the resources to cover the cost of both fridge and stove.
- **December 22, 2022**, the appellant submitted a request for reconsideration and requested an extension. An extension was granted until January 25, 2023.
- **January 25, 2023**, the appellant submitted a request for reconsideration which included:
  - A handwritten receipt stating the appellant was charged \$1250 for a fridge and \$1250 for a stove. The receipt was dated November 27, 2022. The receipt was not written on a business letterhead and did not indicate the address or phone number of the seller.
  - As well, the appellant reported:
    - She had spoken with a worker who obtain supervisor permission for the appellant to purchase a fridge for \$1250 and a stove for another \$1250.

- That a bank statement submitted shows she does not have \$2500 to spend on a fridge and stove.
- That a worker had told the appellant that the supervisor said the appellant would be reimbursed upon receiving the receipt.
- That the appellant's mother had loaned the money to buy the fridge and stove and that now that money was owed back.
- That the appellant's child has down syndrome and requires food cooked in order to digest properly.
- That the appellant emptied all their bank accounts to buy the second-hand stove as indicated by their bank statement at the end of November 2022.

### Additional Information

- At the hearing the appellant's witness stated:
  - The appellant is a trustworthy person and would be completely honest about what monies she said the ministry was willing to issue for the purchase of a fridge and stove.
- At the hearing the appellant stated:
  - She was told by a worker a supervisor stated she could spend \$1250 on each appliance, a fridge and stove.
  - She has the contact information of the seller if required.
  - She found a fridge and stove from a seller using the internet.
  - She had called the ministry to verify she could spend \$1250 per unit but could not recall the date but believed it was in November.
  - She confirmed she received, via a direct deposit, \$1250 for the purchase of a fridge and stove on November 3, 2023.
  - She purchased a fridge and stove November 27, 2023, for \$2500.
  - She asked if she could pay above the allotted funds and was told they could.
  - She had to pay \$100 to have the units delivered.
- At the hearing the ministry representative stated:
  - A supervisor can only allocate a total of \$1250 for a crisis supplement to purchase home furniture (fridge and stove).
  - A front-line worker can allocate up to \$750, a supervisor can allocate \$1250, and a field manager can allocate up to \$4500.
  - If the appellant was talking to a ministry worker and the worker talked to a supervisor, the funds could only be increased to \$1250 max. To have funds increased to \$2500, the appellant's request would have to be referred to a field manager whose decision would take 4-5 days to complete which would then be followed up via a phone contact with the appellant.
  - If a ministry worker said the appellant could spend \$1250 on each of the two units, they would be wrong as they are not authorized to allocate funding to that level.
  - There is no record of the appellant being given the allotment of \$2500 to purchase a fridge and stove.
  - When the appellant requested \$10,000 to purchase a fridge and stove the ministry worker should have explained the policy of the ministry in terms of what funding

amounts can be allocated and at what level of government (worker, supervisor, field manager, director).

- Unfortunately, there may have been some miscommunication between the ministry worker and the appellant.

**Part F – Reasons for Panel Decision****Appeal Issue**

The issue in this appeal is whether the ministry was reasonable in denying the appellant's request for a crisis supplement to buy a stove as the appellant did not meet one or more of criteria in Section 59 of the EAR.

**Appellant's position**

The appellant requested a crisis supplement to purchase a fridge and stove as the loss of these two appliances was unexpected. She did not have the resources to purchase the items and there is an imminent threat to the health of her and her children. The appellant believes the ministry was willing to approve \$1250 for each appliance but only received \$1250. The appellant has borrowed money from a family member to purchase both appliances at a cost of \$1250 each. As the ministry has supplied \$1250 in funding towards the purchase of the appliances, the appellant is requesting the additional funds of \$1250 in order to return the borrowed funds.

**Ministry Position**

The ministry has allotted the sum of \$1250 to the appellant as the most economical choice for the purchase of a fridge and stove as they agreed the loss of these appliances were unexpected, that the appellant did not have the resources to purchase the items and that there was an imminent danger to the physical health of a member of the family unit.

As there is no evidence the ministry increased the supplement from \$1250 to \$2500 the ministry concluded the appellant has been given the resources to purchase the stove as funds were allocated. As well, the family unit is not in imminent danger as the appellant has both a fridge and stove.

**Panel Finding**

For the appellant to be eligible for a crisis supplement as set out in Section 59 (1) of the EAR, the appellant must show:

- 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,
- that the minister considers that failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit.

The ministry found the appellant met the requirements of Section 59 (1) of the EAR and allocated the sum of \$1250 as the most economical choice for the replacement of the fridge and stove. The appellant received the ministry funding of \$1250 on November 3, 2023, and on November 23, 2023, requested a crisis supplement for a stove in the amount of \$1250. The request for the additional funds was denied November 24, 2023. The appellant then purchased a fridge and stove for \$2500 on November 27, 2023.

The panel finds that regardless of whether the appellant misunderstood the ministry worker or the ministry worker miscommunicated the allowable amount the appellant was entitled to, the appellant received \$1250. The appellant should have verified with the ministry the funding

allocation and confirmed that the funding of \$2500 was in place before making the purchase. The panel finds it was reasonable for the ministry to decide that the appellant had resources to purchase the stove.

The panel finds that the physical health of the family unit is not in imminent danger because they have a fridge and stove to store and cook their food safely. The panel finds that it is reasonable the ministry denied the appellant's request for a crisis supplement to purchase a stove.

**Conclusion**

While the panel has sympathy for the appellant and her situation with regard to financial hardship, and caring for a number of children, they find that the ministry was reasonable in determining the appellant was not eligible for a crisis supplement to buy a stove. The panel confirms the ministry reconsideration decision. The appellant is not successful in the appeal.

**Applicable Legislation**

**Employment and Assistance Act Section 4 Income assistance and supplements**

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 Section 59**

**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;

(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

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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

Charles Schellinck

Signature of Chair

Date (Year/Month/Day)

2023/02/27

Print Name

Effie Simpson

Signature of Member

Date (Year/Month/Day)

2023/02/26

Print Name

Dawn Wattie

Signature of Member

Date (Year/Month/Day)

2023/02/26