

**Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction’s (the Ministry) reconsideration decision of March 10, 2023, in which the Ministry determined that the appellant was not eligible for a crisis supplement for February rent. The Ministry determined the appellant did not meet the legislative criteria set out in section 57 of the Employment and Assistance for Persons with Disabilities Regulation (the regulation).

Specifically, the Ministry found that the appellant did not meet the requirement that a crisis supplement may only be issued to a person eligible for disability or hardship assistance, because he did not receive February assistance. The ministry determined that all other criteria had been met.

**Part D – Relevant Legislation**

Employment and Assistance for Persons with Disabilities Regulation section 57.

The full text of the legislation is provided in Appendix A at the end of the Decision.

### **Part E – Summary of Facts**

With the consent of both parties, the hearing was conducted as a written hearing, pursuant to section 22(3)(b) of the Employment and Assistance Act.

The appellant and his spouse are recipients of disability assistance who did not receive February 2023 assistance because the ministry determined that they received Employment Insurance (EI) income that was higher than their disability assistance rate.

### **Information before the Ministry at Reconsideration**

- A Request for Reconsideration (RFR) form included the following as their reasons for requesting a reconsideration (in summary):
  - The spouse has cancer which requires ongoing treatment for her lifetime.
  - She must buy off the shelf medications and rehab treatments that are not covered.
  - The EI payment they received was used to pay for overdue bills and debts.
  - They were mistaken to think the EI would not be deducted from their monthly cheque.
  - They are behind in their rent and received a notice from the landlord, which was submitted to the local ministry office.

### **Information Provided After Reconsideration**

No additional information was provided by the appellant on the Notice of Appeal form, nor was there a written submission.

The ministry's written submission is the reconsideration summary provided in the Record of Ministry Decision.

## Part F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Ministry's reconsideration decision, where the Ministry denied the appellant a crisis supplement for his February rent because he was not eligible for disability assistance in February 2023.

The panel must determine whether the Ministry's decision that the appellant did not satisfy the statutory criteria as set out in section 57 of the regulation was either reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

### The Appellant's Position

The appellant's position is they were not aware that their EI income would be deducted from their February assistance payment, and they used the money to pay for health-related expenses. This left them with no funds to pay their February rent.

### The Ministry's Position

The ministry's position is that although the appellant has met the three criteria for a crisis supplement, because he is not eligible for February disability assistance this means a crisis supplement may not be issued.

### Panel Decision

Section 57(1) of the EAPWDR sets out that the minister may provide a crisis supplement to or for a family unit that is **eligible for disability assistance**, or hardship assistance, if 3 criteria are met:

- a) the appellant requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed; **and** there are no resources available to the appellant; **and**
- b) failure to obtain the crisis supplement will result in imminent danger to the physical health of the appellant.

The ministry is satisfied that the appellant has an unexpected need, has no resources available to pay for February rent and faces imminent danger to his physical health. These requirements will not be further considered by the panel.

The legislation is clear that a crisis supplement may be issued to a person who is **eligible** for disability assistance. The appellant did not receive disability assistance for February and is requesting a crisis supplement to pay February rent. The appellant does not dispute that he did not receive disability assistance due to EI income and has provided no evidence to indicate that he was otherwise eligible for disability assistance, in February. Therefore, the panel finds the ministry was reasonable to determine, because the appellant is not eligible for disability assistance for the month the crisis supplement is required, February, that he is not eligible for a crisis supplement for February rent.

### **Conclusion**

The panel finds that the ministry's determination the appellant was not eligible for a crisis supplement for February rent under section 57 of the EAPWDR because he did not meet the eligibility criteria was a reasonable application of the legislation. The panel therefore confirms the ministry's decision. The appellant is not successful on this appeal.

## Appendix A

### Schedule of 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.

(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 \$20 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 maximum set out in section 4 of Schedule A or 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.

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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

Janet Ward

Signature of Chair

Date (Year/Month/Day)

2023 April 19

Print Name

Connie Simonsen

Signature of Member

Date (Year/Month/Day)

2023 April 19

Print Name

Robert McDowell

Signature of Member

Date (Year/Month/Day)

2023 April 19