

Part C - Decision Under Appeal

The decision under appeal is a reconsideration decision of the Ministry of Social Development and Poverty Reduction (the ministry) dated March 17, 2023, denying the appellant's request for a crisis supplement to repair the entrance to her home. The ministry found that the appellant was a recipient of disability assistance but did not meet the other criteria required to grant a crisis supplement.

Part D - Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, section 57

The full text of this section of legislation is set out in the schedule of legislation after this decision.

Part E – Summary of Facts

The hearing took place by video conference. The appellant attended the hearing and was represented by an advocate. A ministry representative was also in attendance.

Summary of Relevant EvidenceEvidence Before the Ministry at Reconsideration

The following information was before the ministry at the time the reconsideration decision was made and is set out in the Appeal Record:

- The appellant has one dependant child and is the recipient of disability assistance. She receives \$1755.50 per month for disability assistance.
- In September 2022 the Ministry provided the appellant with a crisis supplement in the amount of \$3375.95 to remove part of her home (rental suite and deck) that was severely damaged by mould. At this time, the ministry denied rebuilding the deck and rental suite stating that it was not established that the appellant faced imminent danger without those parts of her home. The appellant did not dispute this decision when it was made.
- On February 1, 2023 the appellant contacted the ministry asking for a crisis supplement to repair the entrance to her home and to rebuild a bedroom in the area formally occupied by the rental suite. The appellant explained that if the repair was done, she could rent out the room. The appellant also stated that the house is currently exposed to the elements, and it is going to get worse.
- On February 7, 2023 the ministry denied the appellant's request stating that the appellant did not meet the criteria required for a crisis supplement as follows:
 - failed to show an unexpected need;
 - did not establish a lack of resources; and
 - failed to show that failure to repair the rental suite will result in imminent danger to physical health.
- On March 2, 2023 the appellant submitted a request for reconsideration of the ministry's decision.
- In the request for reconsideration the appellant stated that she met the criteria and stated as follows:
 - The need for repair is unexpected as she could not anticipate that inclement weather would have snow building up against her wall and door, which was previously covered by the deck that was removed. The appellant states that this is leading to further water damage and mould and that this was not expected at the time of the original remediation;

- She is not seeking to have a room built to rent out, but only to have a covering built over her door to prevent ice and water from getting into her house;
- There is an imminent danger to her and her son's health as there is water build up leading to mould inside her home as ice now forms inside her door and mould could start to make her and her son sick, which could lead to the removal of her son from her home; and
- The appellant is on disability assistance and has no resources to fund the repair herself. She cannot obtain a loan and lives in a small community of 1000 people that lacks resources and advocacy groups with financial capability to assist with something like this.
- The appellant provided 8 photographs showing the area of the home in question both before the earlier remediation/removal of the deck and suite and in the present condition.
- The ministry denied the request for reconsideration on March 17, 2023, for the same reasons set out in the original decision denying the crisis supplement.

New Evidence Submitted on Appeal

The appellant, with assistance from her advocate, provided the following new evidence at the hearing:

- The appellant has obtained three quotes for the needed construction work, they range in price from \$7,875.00 to \$18,592.80. These quotes were provided to the tribunal and the panel hearing the appeal.
- The door in question is the only entrance to the house, and in case of emergency the appellant would like to have stairs to the door directly above on the second floor of the home so that there is an alternate exit route available.
- There is an imminent risk to health if the repairs are not done as snow falls into the house through the door cracks, building up ice, which later melts and can cause mould to develop. Having a roof would protect the entrance from the elements.
- The door in question was originally an interior door, but after the suite was removed during the earlier remediation, it now functions as an exterior door despite being the pre-existing interior door.
- The appellant has the old exterior door but has not yet had it installed.
- The appellant applied to her bank for a loan but was not able to obtain funds for the repair.
- The appellant also described each of the 8 photographs submitted as part of the request for reconsideration.

The ministry did not object to the submission of any of the new evidence. The panel finds that the new evidence was reasonably required for a full and fair disclosure of all matters

related to the decision under appeal. Accordingly, the panel admits all the new information as evidence pursuant to section 22(4) of the *Employment and Assistance Act*.

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

The issue that must be decided is whether the ministry's decision to deny the appellant a crisis supplement to fix her home was reasonable. The issuance of crisis supplements is governed under section 57 of the Employment and Assistance for Persons with Disabilities Regulation (the Regulation).

Section 57 requires the following criteria to be met before a crisis supplement may be issued:

1. The applicant must be eligible for disability assistance or hardship assistance;
2. The supplement must be required because of an unexpected expense;
3. There must be no resource available to cover the expense; and
4. Failure to meet the expense will result in an imminent danger to the physical health of a person in the family unit or removal of a child under the *Child Family and Community Service Act*.

In the reconsideration decision, the ministry found that only the first two criteria were met as the appellant is a recipient of disability assistance and the expense was unexpected. Accordingly, the issue to be decided is whether the ministry reasonably determined that the rest of the criteria were not met.

Panel DecisionAppellant's Position

The appellant's position is that they meet all the criteria. In particular, the appellant submits that:

- the need is unexpected as it was not anticipated at the time of the initial remediation that the removal of the suite and deck would subject the entrance of the home to inclement weather;
- no other resources are available to pay for the necessary repairs to the home as she does not qualify for a loan, has no savings, disability assistance received barely covers the ordinary costs of living, and her small rural community lacks community and agencies that might otherwise be able to help in larger communities;
- her and her sons' physical health are at risk if the home is not repaired as without a cover to the entrance of the home the elements will continue to seep into the home causing mould growth which is hazardous to their health; and
- her and her sons' physical health are at risk as without the construction of stairs the home has no second exit in case of emergency.

Ministry's Position

At the hearing, the ministry stated that it relied on its reasons in the reconsideration decision. In the reconsideration decision the ministry stated that the appellant had previously agreed that the home would not be further remediated, and she did not object when the previous crisis supplement was provided to remove the deck and suite. Accordingly, they state that the expense of further fixing the home cannot be considered unexpected. The ministry also states that it is unsure as to whether there are resources available as there may be a more affordable solution to the problem such as improved/new weather stripping. Finally, the ministry states that physical health is not at risk.

Decision

The panel considered all evidence submitted in this appeal, including the appellant's testimony and the photographic evidence provided in the appeal record. While the panel is sympathetic to the plight the appellant finds herself in with respect to her home, the panel finds the ministry's decision to deny the crisis supplement reasonable. How the panel addressed the legislated criteria in making this decision is set out below.

Eligible for Disability Assistance

It is uncontested that the appellant receives disability assistance. This criterion is not disputed in this appeal.

Unexpected Expense

In its reconsideration decision the ministry agreed that the expense was unexpected after the appellant explained that she only realized how exposed to the elements the entrance to the home would be after the deck was removed and the cold winter weather arrived. This criterion is not disputed in this appeal.

No Resources

The evidence before the tribunal is that the appellant does not have sufficient funds to pay for the necessary work to be done. Nor can the appellant finance a loan to pay for the work. The appellant has tried to do so and has been unsuccessful. That said, the ministry suggests that additional/improved weather stripping may solve the problem and the appellant herself acknowledged that while she has an exterior door, she has not replaced the existing door (which is the former interior door that used to connect to the suite that has been removed) with this door. It is certainly possible that there are other alternatives than the full scope of work sought by the appellant. In any event, there is no question that the appellant lacks the resources to fund the work the crisis supplement is sought to fund.

Accordingly, the panel finds the ministry's decision that the appellant did not show that they did not have resources to be unreasonable.

Imminent Danger to Physical Health/Removal of Child

The appellant submits that without a remediated entrance and staircase that she and her son's health is in imminent danger and her home could deteriorate due to moisture ingress and mould growth. The appellant also submits that the lack of a second exit is a fire safety hazard.

The panel finds that there is no evidence before it that failure to complete the remediation sought would prevent imminent danger to physical health. The appellant and her son have been residing in the residence for several months over the winter months and while they fear mould growth, there is no evidence before the panel that such growth exists. Further, the appellant has stated that she has an exterior door and could replace the current interior door that serves as the home's main entrance with this more substantial door but has not done so. Without clear evidence of mould growth or a professional opinion that the work sought to be funded is necessary to prevent the same, the panel lacks the necessary evidence to find that this criterion is met. Further, the panel notes that the lack of a second entrance does not in itself create an imminent danger to physical health as many homes have only one entrance/exit. Accordingly, the panel finds that the ministry was reasonable when it determined that this criterion was not met.

Conclusion

For the reasons set out above, the panel finds that the ministry reasonably determined that the appellant was not eligible for a crisis supplement to repair the entrance to her home. The panel confirms the ministry's decision. The appellant is unsuccessful in their appeal.

Schedule of Legislation

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 \$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, the maximum set out in section 4 of Schedule A and any supplements provided under section 54.3 [*pre-natal shelter supplement*] or Division 7 [*Housing Stability Supplement*] of Part 5 of this regulation, or
 - (B)the maximum set out in Table 1 of Schedule D, the maximum set out in Table 2 of Schedule D and any supplements provided under section 54.3 or Division 7 of Part 5 of this regulation,
- 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) and (6)Repealed. [B.C. Reg. 248/2018, App. 2, 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.

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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

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

Emily C. Drown

Signature of Chair

Date (Year/Month/Day)

2023 / June / 3

Print Name

Connie Simonsen

Signature of Member

Date (Year/Month/Day)

2023 / June / 3

Print Name

Cherri Fitzsimmons

Signature of Member

Date (Year/Month/Day)

2023 June / 3