

Part C – Decision Under Appeal

The decision under appeal is the Reconsideration Decision of the Ministry of Social Development and Poverty Reduction (“Ministry”) dated May 3, 2023, in which the Ministry determined that the Appellant was not eligible for a crisis supplement for roof repairs.

The Ministry decided that the Appellant was ineligible for the roof repair based on the repair not being unexpected. This was determined under Section 57(1)(a) of the Employment and Assistance for Persons with Disabilities Regulation (the Regulation).

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act, Section 5
Employment and Assistance for Persons with Disabilities Regulation, Section 57 (1) and (4)

Part E – Summary of FactsEvidence Before the Ministry at Reconsideration:

The Appellant applied to the Ministry on April 8, 2022, requesting a crisis supplement to repair the roof of their 45-year-old home. On April 21, 2022, the Ministry responded, denying the request and outlining the procedure to be followed if the Appellant wanted to request reconsideration. In their response the Ministry noted that the life expectancy of a roof is 10-20 years, and the oldest expected lifespan is 30 years. As the Appellant's home was 45 years old, it was not unexpected that the roof would require replacing.

On March 10, 2023, the Appellant requested a crisis supplement to replace the entire roof of their home. They explained that there were many roof leaks in the house, that the roof had caved in over the main bathroom, and that there are leaks through the walls of the basement.

The Appellant expressed concern that there was now black mold in the house, and that they had been sick for a year. With \$150 in resources, the Appellant could not afford the required repairs. After their request was denied in 2022, the Appellant did not understand the process to apply for reconsideration.

On March 17, 2023, the Ministry determined that the Appellant was not eligible for the requested crisis supplement because the Appellant did not meet all the criteria. The Ministry noted:

- The Appellant met two of the criteria required for the crisis supplement – they do not have the resources to pay for the repair, and the condition of the roof will result in imminent danger to the health of the occupants, but they did not meet the criterion that the repairs to the roof are unexpected.
- The Appellant applied for roof repair/replacement in April 2022 and was denied, as the roof was 45 years old.
- Online research indicated that the life expectancy of a roof is 10-20 years, with the maximum being 30 years.
- The Appellant's roof is well beyond the longest lifespan and its condition cannot be considered unexpected.
- There may be some community support available for the Appellant.
- Although the Appellant cited the presence of black mold and felt it was related to ongoing sickness, no medical professional opinions were provided.

On April 12, 2023, the Appellant submitted a request for reconsideration, which was prepared by her advocate from the Canadian Mental Health Association. The request reported:

- Their house is 45 years old, but the roof is 25 years old, according to a contractor who gave a quote for the repairs.
- The house was left to the Appellant by a friend, and the Appellant has lived there since November 2021. There is a litigation lien against the house.
- When the Appellant and their family moved into the house, there were no signs of roof issues.
- The Appellant must have the roof repaired in order to make the house liveable, and they have nowhere else to go if they cannot stay in the house. There is a housing shortage in the area where they live.
- Because of the roof leaks and related damage, the Appellant has no main bathroom, some ceilings are falling in, there are leaks in 2 bedrooms and the living room, and walls are rotting.
- The Appellant cannot get house insurance because of the condition of the roof and cannot get a loan to cover the cost.
- There are health concerns due to the black mold accumulating, and the Appellant's allergies have worsened since living in the house.
- Getting quotes and assessments is difficult, as the companies in the area are booked up.

Additional Evidence:

At the hearing, the Appellant stated:

- They have been in and out of this 2-storey house for many years, visiting the friend who gifted the home. At one point the Appellant lived in the house with the friend.
- The friend did a lot of repairs to the house over the years but there was no mention of roof issues requiring repair. The friend had indicated that the roof came with a lifetime guarantee.
- The house was basically empty for 2.5 years after the friend passed away, and it took the Appellant 3 years to clean it out. In addition to the clutter, there was a rodent issue.
- Relatives of the friend placed a lien on the property, and a 2.5-year court battle over the ownership ensued.
- The Appellant estimated that there is \$75,000 worth of repairs needed to the interior of the house, not including the roof repairs.
- The Appellant cannot get house insurance, and has never had an inspection done.

- The Appellant was a homeowner in the past, for some 9 years, and the house was new.
- In March of 2022 the Appellant got two quotes to replace the roof, and one of the contractors suggested that the roof was built incorrectly in the first place.
- The Appellant was offered \$5,000 from the Ministry for roof repairs but she experienced great difficulty in finding anyone to do an inspection and offer a quote. She mentioned that, in the area where the house is located, it is difficult to get contractors, and most of the contractors are very busy.

At the hearing, the Ministry representative asked and responded to questions, and advised:

- In response to the Appellant's request for assistance in April 2022, the Ministry confirmed that it would have provided \$5000 but did not, because the Appellant did not get a quote for the work.
- There is no clear maximum amount that the Ministry may pay for this kind of crisis supplement, and no indication of whether or not an inspection would be required in order to approve the supplement.

Admissibility of Additional Evidence:

Neither party objected to the admissibility of any of the additional evidence.

The Panel finds that the additional evidence is reasonably necessary for the full and fair disclosure of all matters relating to the decision under appeal, and therefore is admissible under section 22(4) of the Employment and Assistance Act.

Part F – Reasons for Panel Decision

The issue on appeal is whether the Ministry was reasonable in determining that the Appellant was not eligible for a crisis supplement for roof repairs/replacement.

Appellant's Position:

The Appellant stated that they were very familiar with the condition of the house when they took ownership of it, but that they had no idea that there were problems with the roof. These problems began only after they began living there. The Appellant argues that the deteriorating condition of the roof was unexpected to them, so they meet all the criteria for the crisis supplement.

Ministry's Position:

The Ministry maintains that, while the Appellant meets the resources and health criteria for the crisis supplement, they do not meet the criterion that requires that the roof replacement was unexpected. Based on the knowledge the Appellant had about the house and the age of both the house and the roof, the repair was predictable and not unexpected. The Appellant had previously owned a home and would be familiar with the specifics of home ownership.

Panel Decision:

The Reconsideration Decision under appeal is the decision about the Appellant's application for roof replacement, submitted in March 2023.

The Regulation sets out the criteria for a crisis supplement to be provided. Under section 57 (1), this assistance may be provided if the Appellant requires it to meet an unexpected expense, if there are no resources available in the family unit to pay for it, and if failure to provide the supplement will result in imminent danger to physical health.

While the condition of the house is unacceptable, and the Panel understands that the Appellant needs to remediate it, the Panel found that the Appellant had extensive knowledge of the age and condition of the house. The Appellant understood that it would cost about \$75,000 to repair the interior of the house, and should have been able to predict that external repairs would be similarly high. Prior to moving into the building, it

would have been possible to determine the condition of the roof. The Appellant had estimates of the cost and extent of the interior repairs required, and was familiar with the work done by the previous owner, so had a good understanding on the overall poor condition of the house. The Panel considers it reasonable that as a current and previous homeowner, the Appellant would have considered the issues related to a 45-year-old house with a 25-year-old roof.

For these reasons, the Panel finds that the Ministry was reasonable to decide that need for roof repair/replacement was not unexpected and therefore not all criteria for a crisis supplement were met.

Conclusion:

The Panel finds that the Ministry's reconsideration decision that the appellant is not eligible for a crisis supplement for roof repair/replacement is a reasonable application of the legislation in the Appellant's circumstances.

The Panel confirms the Ministry's reconsideration decision. The Appellant is not successful in the appeal.

Schedule of Legislation

Employment and Assistance for Persons with Disabilities Act Section 5

Disability assistance and supplements

5 Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

Employment and Assistance for Persons with Disabilities Regulation Section 57

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) 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.

Employment and Assistance Act

s. 22 (4) A panel may consider evidence that is not part of the record as the panel considers is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

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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 for Persons with Disabilities Act – Section 5

Employment and Assistance for Persons with Disabilities Regulation - Section 57

Part H – Signatures

Print Name

Carla Gail Tibbo

Signature of Chair

Date (Year/Month/Day)

2023/06/09

Print Name

Vivienne Chin

Signature of Member

Date (Year/Month/Day)

2023/06/10

Print Name

Jane Nielsen

Signature of Member

Date (Year/Month/Day)

2023/06/11