

Part C – Decision Under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Poverty Reduction (“Ministry”) dated June 9, 2023, in which the Ministry denied a crisis supplement for shelter.

The Ministry was satisfied that the Appellant had demonstrated an unexpected need and that she did not have the resources to pay her rent but was not satisfied that failure to provide the funds would result in imminent danger to the Appellant’s physical health.

Part D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Regulation (“Regulation”), section 57

Full text of the legislation is provided in the Schedule of Legislation at the end of the decision.

Part E – Summary of Facts

The hearing took place by teleconference. The Appellant attended with a support person. The Ministry did not attend.

Evidence Before the Ministry at Reconsideration:

The Appellant is a recipient of disability assistance. For a family unit of two people, she receives \$1948.50 per month, of which \$570 is a shelter allowance. Her rent is \$1,000 per month.

On May 23, 2023, the Appellant reported to the Ministry that she had lost her assistance cheque and would not be able to pay her June rent. She asked for a crisis supplement for shelter. The Ministry denied the Appellant's request because the June rent was not due yet, and the Appellant was asking in May for a crisis supplement for rent for the next month.

On June 1, 2023, the Appellant reported that she had lost her money, or it was stolen, about three weeks ago, and she was having anxiety attacks and difficulty sleeping because she could not pay the rent.

The Appellant had not received an eviction notice by the time of the reconsideration decision.

Additional Evidence:

At the hearing, the Appellant said that a Ministry representative had told her to get an eviction notice. When she spoke to her landlord, they told her that they did not have time to give her an eviction notice, but they gave her a letter. The Appellant provided a copy of the letter, which states:

She's been delayed for payment of the rent for the month of June 2023. I don't want her to give eviction noticed [sic] because I like her as a tenant. Plus I am busy person I have no time. She must pay \$1000 for the rent of this month.

The Appellant also said that she has not paid any rent for June, she is getting sick from worrying about the rent, she is unable to sleep, and her Tourette's Syndrome is getting worse.

Admissibility of Additional Evidence:

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

Part F – Reasons for Panel Decision

The issue in the appeal is whether the Ministry was reasonable in its determination that the Appellant was not eligible to receive a crisis supplement for shelter because the request did not meet all the criteria under section 57 of the Regulation. The Ministry was satisfied that the Appellant faced an unexpected need and lacked the resources to pay the June rent. The Ministry was not satisfied that failure to meet the expense would result in imminent danger to the Appellant's physical health.

In the original decision, the Ministry also denied the Appellant's request because she was asking, in May, for a crisis supplement for her June rent, and the Ministry could only provide a crisis supplement for the month in which it was requested. At reconsideration on June 9, 2023, the Ministry determined that now it could assess eligibility for a crisis supplement for shelter for the June rent.

Appellant's Position:

The Appellant says that, after she cashed her disability allowance cheque, she lost the money, and therefore she cannot pay the June rent. Her landlord does not want to evict her, but she cannot stay if she does not pay the rent. Her health is suffering because she is so worried about not being able to pay the rent. Therefore, she says she should be eligible to receive the crisis supplement.

Ministry Position:

The Ministry did not attend the hearing. In the reconsideration decision, the Ministry stated that it is satisfied that the Appellant has demonstrated an unexpected need because of the loss of the disability allowance funds. The Ministry is also satisfied that the Appellant does not have the resources to pay the June rent on her own.

However, the Ministry is not satisfied that failure to provide the Appellant with a crisis supplement for shelter will result in imminent danger to her physical health. The Ministry maintained that, because the Appellant has not been given an eviction notice, she is not at risk of being evicted, and therefore, the Ministry cannot establish that the Appellant is in imminent danger.

Panel Reasons:

The Panel finds that the Ministry was reasonable in determining that the Appellant's request for a crisis supplement for shelter for the June rent did not meet all the criteria in

section 57 of the Regulation.

The Ministry may provide a crisis supplement for shelter if the request meets all the criteria under section 57 of the Regulation. In the Appellant's circumstances, those criteria are:

- The family unit is eligible for disability assistance
- They require the supplement to meet an unexpected expense
- They are unable to meet the expense because there are no resources available to the family unit, and
- Failure to meet the expense will result in imminent danger to the physical health of any person in the family unit.

The Ministry was satisfied that the appellant met the first three criteria but was not satisfied that the Appellant faced imminent danger to her physical health if the June rent was not paid.

The letter from the landlord confirms that the Appellant owes \$1,000 for the June rent. However, it is not an eviction notice – in fact, the landlord states that he does not want to evict the Appellant. If the Appellant does not pay the rent, she may risk eviction in the future, which could result in imminent danger to her physical health if she did not have another place to live. However, that outcome is not certain.

The Appellant has stated that she is unable to sleep, and her Tourette's has worsened. The Panel understands that that Appellant is worried about losing the funds and being unable to pay the rent. However, the Panel finds that the Appellant's evidence does not go so far as to show an imminent danger to her physical health.

Therefore, the Panel finds that the evidence does not establish that failure to pay the June rent will result in imminent danger to the Appellant's physical health.

Conclusion:

The Panel finds that the Ministry's decision, that the Appellant's request for a crisis supplement for shelter for June rent did not meet the criteria for eligibility under section 57 of the Regulation, is a reasonable application of the legislation in the Appellant's circumstances. The Panel confirms the Ministry's decision. The Appellant is not successful in the appeal.

Schedule of Legislation

Crisis supplement

s. 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 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
Susan Ferguson

Signature of Chair

Date (Year/Month/Day)
23-06-27

Print Name
Susanne Dahlin

Signature of Member

Date (Year/Month/Day)
2023/June/27

Print Name
Richard Franklin

Signature of Member

Date (Year/Month/Day)
23-06-27