

Part C - Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “ministry”) reconsideration decision (the “decision”) dated 17 April 2023, which determined that the appellant was ineligible for a crisis supplement for bedding.

Specifically, the ministry determined that the appellant was not eligible to receive a crisis supplement because the appellant had not met the criteria. The ministry was not satisfied that the appellant had shown that the expense was unexpected, that other resources were not available, and that there was an imminent danger to health.

Part D - Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (Act) section 5.

Employment and Assistance for Persons with Disabilities Regulation (Regulation) section 57.

Part E – Summary of Facts

Evidence at the time of reconsideration

According to the Ministry's decision, which is not disputed by the appellant, the following is a chronology of events:

The ministry advised the appellant that she was not eligible for a crisis supplement for bedding on February 13, 2023.

The appellant initiated a Request for Reconsideration on March 22, 2023.

As part of the application for reconsideration, the appellant submitted:

- 1) A statement from the appellant explaining her situation, stating that, as a "family of 6, the expenses are getting more challenging to me to manage", and "I beg you to consider my request for blankets";
- 2) Copies of two hospital medical bracelets for hospital visits on 16 March 2023 and 18 March that appear to belong to the appellant and her child;
- 3) Photos of a blanket with a price of \$179.99

The ministry completed its decision on April 17, 2023.

In the Reconsideration decision, the ministry found that:

- 1) After the appellant's home was robbed, there was no corroboration from the landlord or a police report provided, and the ministry was not satisfied that the "need for bedding is an unexpected expense".
- 2) The appellant had one blanket provided by the landlord and did not indicate that she has "exhausted the assistance of friends and community resources to get bedding to your family, and that the ministry is not satisfied you do not have the resources available to meet your need for bedding".
- 3) The appellant made the request for bedding 10 days her home had been robbed, and the ministry is not satisfied that "failure to provide ... the funds for bedding would result in imminent danger to you or your family' health".

The appellant submitted a Notice of Appeal to the Tribunal on May 25, 2023, stating that she is in "Financial stress and In need [of] Blankets".

Testimony at the hearing

During the hearing, an interpreter was available and translated the proceedings.

The appellant spoke about her current situation.

The appellant explained how she and her husband had moved to Canada in 2018 with their four children. They returned home one night to discover that all their possessions had been stolen in November 2022.

Her house was again robbed in April 2023. Aside from all the furniture, \$3,000 in cash was taken. They currently have no furniture in their home and it is infested with rats and mice. They have use of a borrowed car.

Her husband has health issues including seizures, which now occur every second day. He is unable to find employment due to his health issues.

Her youngest daughter has asthma and needs support for her health.

She has to hug her children at night to keep them warm.

The appellant confirmed that her family currently receives approximately \$4,400 monthly, comprised of \$2,420 in disability assistance and \$1,972 from the Canada child benefit.

The ministry explained the criteria needed for receiving a crisis supplement. The ministry confirmed the criteria included that the expense is unexpected, no resources are available, and there must be imminent danger.

During the hearing, the appellant discussed additional information about her current living situation and the robberies.

The panel determined that the additional information provided by the appellant supported her argument and found that it would be admitted under section 22(4) of the Act.

Part F – Reasons for Panel Decision

The issue on appeal is whether the ministry's reconsideration decision that determined the appellant was ineligible for a crisis supplement for bedding was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Specifically, did the ministry reasonably determine that the appellant was ineligible for a crisis supplement because she did not meet the criteria?

Ministry position

In the decision, the ministry found that the appellant was not eligible for a crisis supplement for bedding as it was not an unexpected expense, resources were available, and imminent danger was not shown to exist.

The ministry stated the purpose for a crisis supplement was "to address an unexpected emergency need ... and is not intended to augment monthly assistance".

After the appellant's home was robbed, no police report was provided to the ministry. The ministry was not satisfied that there was an "an unexpected expense because of your blankets being taken."

The appellant had one blanket provided by the landlord and in the absence of any evidence that the appellant had "exhausted the assistance of friends and community resources" to get bedding to her family, the ministry was not satisfied that the appellant had no resources available.

The appellant made the request for bedding 10 days after her home had been robbed, and the ministry found that this delay of 10 days supported the finding that the appellant's "family's physical health was not in imminent danger", stating that "imminent denotes a sense of urgency".

Appellant's position

The appellant disputes the fact that the landlord was unaware of the break-in, and stated that the landlord did not want to invest in fixing the doors properly so denied the break-in happened.

The appellant states that the house is old, will be demolished soon, is leaking heat and is very cold.

Panel's reasons

Section 5 of the Act states that a crisis supplement may be provided to a family unit that is "eligible for it".

Section 57 of the Regulation provides more detailed requirements for a crisis supplement. These include:

- 1) they must be eligible for disability assistance;
- 2) the expense must be unexpected;
- 3) there are no resources available; and,
- 4) there is imminent danger to the physical health of any person

In the decision dated April 17, 2023, the ministry concluded that the appellant was not eligible for crisis supplement for bedding.

The ministry did not discuss the appellant's eligibility for disability assistance in its decision. The evidence includes disability assistance payments received by the appellant's family. As this evidence was not contested by either party, the panel finds that the initial requirement regarding the receipt of disability assistance is met and the appellant is eligible to receive a crisis supplement if the subsequent criteria are also met.

The ministry found that there was no evidence to support the finding that the expense was unexpected. The appellant states that her home was robbed and her possessions were taken. The ministry contacted the appellant's landlord, who apparently did not confirm the break-in. During the hearing, the appellant stated that the landlord had reasons to deny the break-in. However, the lack of a police report and the landlord's response did not support the conditions regarding the loss of the blankets put forward by the appellant. The panel finds that the lack of evidence related to the break-in and loss of blankets supports the ministry's finding that they were not satisfied that the need for bedding was unexpected.

The ministry found that there was no evidence to support that no other resources were available. During the hearing, the appellant stated that her family has borrowed a car and has also received support when their money was stolen and rent was due. Although this does not indicate that additional resources are available specifically for blankets, it supports the ministry's conclusion that other resources may be available to the appellant. The panel finds that the ministry's finding that they were not satisfied that no other resources are available to meet the appellant's need for bedding is reasonable in this circumstance.

The ministry found that the risk of imminent danger had not been explained by the appellant, and that the appellant had applied ten days after their bedding was stolen. The panel finds that the ministry was reasonable to conclude that waiting ten days does not show an imminent danger to physical health.

The panel finds that the appellant has not provided information to show that the need for a crisis supplement is unexpected, that no other resources are available, and that an imminent danger exists.

The panel finds that based on all of the information provided the ministry's reconsideration decision is reasonably supported by the evidence and a reasonable application of the legislation. The panel confirms the ministry's decision. The appellant is not successful in the appeal.

The panel acknowledges the difficult situation of the appellant and her family in their current situation, with family health issues and housing difficulties in a new country, and not speaking the local language. The panel appreciates the assistance offered during the hearing by the interpreter to the appellant in providing contact details for community support in the appellant's language.

Schedule of Legislation

Employment and Assistance for People with Disabilities Act

Section 5

Disability assistance and supplements

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 People 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 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.

APPEAL NUMBER 2023-0153

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 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

Robert McDowell

Signature of Chair

Date (Year/Month/Day)

2023/06/21

Print Name

David Handelman

Signature of Member

Date (Year/Month/Day)

2023/06/21

Print Name

Warren Fox

Signature of Member

Date (Year/Month/Day)

2023/06/28