

Part C - Decision Under Appeal

The decision under appeal is the Reconsideration Decision of the Ministry of Social Development and Poverty Reduction ("Ministry") dated July 28, 2023, in which the Ministry determined that the Appellant was not eligible for a crisis supplement for home repairs.

The Ministry decided that the Appellant was ineligible for the benefit because the property requiring repairs does not belong to the Appellant, and the repairs are not unexpected. This was determined under Section 59 (1) of the Employment and Assistance Regulation.

Part D - Relevant Legislation

Employment and Assistance Act, Section 4
Employment and Assistance Regulation, Section 59 (1)

Part E – Summary of Facts

The Appellant was advised on July 12, 2023, that they were not eligible for a crisis supplement for home repairs. On July 14th, they submitted a Request for Reconsideration, and on July 28, the Ministry completed its review of the Request for Reconsideration.

The Appellant did not attend the hearing. After confirming the Notice of Hearing had been delivered to the relevant address, the Panel continued in the Appellant's absence pursuant to Section 86(b) of the Employment and Assistance Regulation.

Evidence Before the Ministry at Reconsideration:

The Appellant is a sole recipient of income assistance. In their request for a crisis supplement on July 10th, the Appellant stated:

- They do not own the house for which they are requesting the repair supplement.
- They have not already paid for the cost of repairs.
- The repairs required include holes in walls, carpet cleaning, fixing doors in 5 rooms, broken garage window, and they will cost \$900. Pictures of damaged doors and patched walls were included.
- The Appellant is being evicted from the home, so the situation is unexpected.
- If the repairs are not done, the landlord will charge the Appellant "a full month of damages".
- The Appellant is using their father's credit card, but it is maxed out.
- The landlord is permitting the Appellant to stay in the house longer to make the repairs, or they will be removed immediately.

They also stated in their July 14th communication that the landlord had agreed to assist the Appellant by agreeing to give back their damage deposit if all the repairs were made. They were unable to make the repairs, and so they lost their damage deposit of \$925 and their pet deposit of \$460. They have only \$41.60 available in their bank account.

Additional Evidence:

The Appellant's Notice of Appeal, dated July 30, 2023, which the panel accepted as argument.

Prior to the hearing, the Ministry sent a 2-page submission on the form Shelter Information, which shows that the Appellant has entered into a rental agreement with

their father to live in the father's basement, effective July 1st, 2023. The Ministry representative stated that the Appellant had received funding for the damage deposit and pet deposit for this new rental.

Admissibility of Additional Evidence:

The Appellant did not object to the admissibility of the additional evidence, and the Appellant would have had access to review the information prior to the hearing date.

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 home repairs.

Appellant's Position:

As stated in the Notice of Appeal, the appellant argues that due to the short notice of the eviction, which was unexpected, the appellant was unable to save the appropriate funds required to make the repairs around the house and, as a result, lost both the damage deposit and pet deposit.

Ministry's Position:

The Ministry argues that the damage to the landlord's premises cannot be deemed unexpected, as those damages were caused by the Appellant. The Ministry maintains that the Appellant would know and would have expected that the repairs would need to be made.

The Appellant does not have the funds available to pay for the repairs on their own, the Ministry acknowledges. Another criterion for crisis supplement is imminent danger to the Appellant's health, and the Ministry is not satisfied that any such danger will result.

The Ministry cannot provide a crisis supplement for a residence that the Appellant does not own, and the residence in question is not owned by the Appellant.

In summary, the criteria for granting a crisis supplement for home repairs for the Appellant are not all met, so the supplement was denied.

Panel Decision:

The Reconsideration Decision under appeal is the decision about the Appellant's application for a crisis supplement for home repairs for the residence they were renting.

The criteria for Crisis Supplements are set out in Section 59 (1) of the Employment and Assistance Regulation, including that the Appellant or their family unit require the supplement to meet an unexpected expense, and that failure to meet this expense will result in imminent danger to health. The Panel is satisfied that neither of these criteria are met. The damages were done by the Appellant, and they would have known that it was their responsibility to repair them. No danger to health will result from these repairs not being made, as the damages are not ones that cause physical effects, and Appellant has secured other housing.

While the Appellant meets two of the criteria, specifically that the Appellant is eligible for income assistance, and that there are no resources available to undertake the repairs, the legislation requires that all four of the criteria be met to grant the supplement.

The Panel also accepts that the Ministry cannot provide a crisis supplement for repairs to a residence that the Appellant does not own.

Conclusion:

The Panel finds that the Ministry's Reconsideration Decision that the appellant is not eligible for a crisis supplement for home repair 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 Act Section 4

Income assistance and supplements

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

Employment and Assistance Regulation 59

Crisis supplement

59 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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 56.2 [pre-natal shelter supplement] or Division 8 [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 56.2 or Division 8 of Part 5 of this regulation,

as applicable, for a family unit that matches the family unit, and

- (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.

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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 4

Employment and Assistance Regulation - Section 59 (1), (4)

Part H – Signatures

Print Name
Carla Gail Tibbo

Signature of Chair

Date (Year/Month/Day)
2023/08/25

Print Name
Wesley Nelson

Signature of Member

Date (Year/Month/Day)
2023/08/25

Print Name
Rick Bizarro

Signature of Member

Date (Year/Month/Day)
2023/08/25