

### **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 November 15, 2023, which denied the Appellant’s request for a crisis supplement of \$1000 to purchase a king size bed with frame, box spring, and bedding. The Ministry determined that the supplement was not needed to meet an unexpected expense, or obtain an item unexpectedly needed. As well, it was determined that failure to provide the item would not result in imminent danger to the physical health of any person in the family unit.

### **Part D – Relevant Legislation**

*Employment and Assistance for Persons with Disabilities Act*, Section 5 (Disability assistance and supplements) (the Act)

*Employment and Assistance for Persons with Disabilities Regulation*, Section 57 (Crisis supplement) (the Regulation)

**Full text of the Legislation is in the Schedule of Legislation at the end of the Reasons.**

**Part E – Summary of Facts**

The hearing took place by teleconference.

**Evidence Before the Ministry at Reconsideration:**

- The Appellant is in receipt of disability assistance as a single person with 2 dependent children. Her monthly assistance includes a support allowance of \$1133.50 and a shelter allowance of \$790. She is also in receipt of supplements, including a transportation supplement of \$52, a family bonus top-up of \$93.20 and a natal supplement of \$80. Her monthly rent is \$2000. The Ministry recoups \$20 per month off the Appellant's assistance for debt repayment.
- On October 20, 2023, the Appellant submitted a request for a crisis supplement for a king size bed with frame, box spring, and bedding.
- The Appellant reported that her bed is old and worn with springs sticking out of the mattress. Additionally, she stated her dog recently had puppies on the bed and it is stained with blood.
- The Appellant advised she requires \$1000, and she does not have money or resources available to meet her need, and she cannot sleep on the floor with a baby.
- On October 26, 2023, the ministry denied the Appellant's request as it was unable to determine that anything unexpected had occurred, noting regular wear and tear and her dog having puppies on the bed.
- Additionally, the ministry concluded the Appellant had available resources and did not face imminent danger to the physical health of any person in the family unit.

**The evidence the Ministry had when it made the Decision:**

- On October 26, 2023, the Ministry received the Appellant's request for reconsideration in which she writes:
  - "I'm requesting a reconsideration because the bed I currently have is ruined I could not get the blood out of the bed and it's starting to smell, and I believe that is a health risk for not only me but my son as well. I've had this bed for over 10 years any help would be greatly appreciated".

**Additional Evidence After Reconsideration:**

In the notice of appeal, the Appellant writes: *"I disagree because smelling a moldy bed due to it being covered in dog birth blood and discharge and not being able to get much out I think it is a serious health consirne (sic) and would like another reconsideration."*

### **Evidence Presented at the Hearing:**

#### **Appellant**

The Appellant was afforded some time at the beginning of the hearing to print out the Appeal Record as she had printed another document for the hearing. She was fine to proceed once she had the printed Appeal Record. At the hearing, the Appellant stated:

- she initially thought the ministry made a reasonable decision to deny her the requested crisis supplement, but then her ministry worker suggested that she request a reconsideration of the decision, and then an appeal, if necessary.
- she believes the mold and smell from the birthing of puppies on the bed was creating an immediate health risk to her children and herself.
- the bed was in undamaged shape and did not need replacing, prior to the birth of the puppies, although in her request for a crisis supplement, she stated that her bed was old and worn with springs sticking out of the mattress.
- the need to replace the bed after the birthing of puppies on it was an unexpected need or expense, since the bed was in undamaged shape and did not need replacing.
- she has since disposed of the old bed, due to the smell, and is sleeping with the baby on a two-inch-thick foam pad on the floor.
- In response to a question from the panel, the Appellant stated that the bed frame and box spring were damaged by the birthing of the puppies and that she suspected there was or would be resulting mold.

#### **Ministry**

The ministry representative reviewed the Decision, stating:

- When the Appellant requested the crisis supplement, she stated the bed was old and worn.
- The Ministry was unable to conclude that the condition of the Appellant's bed is the result of her dog having puppies on it.
- The Ministry was therefore unable to determine that anything unexpected had occurred to the bed, including the birth of the puppies, noting regular wear and tear is expected, and that the Appellant had stated that the bed is over 10 years old.

- Additionally, the Ministry concluded the Appellant had available resources from her set amount of assistance income, from which she is expected to budget for the replacement of worn-out household items, such as her bed, although this is not the basis for denial at reconsideration.
- The Appellant has not provided any evidence to suggest that she currently has a medical condition that would be worsened if she continued to sleep on the bed.
- As a result, the Ministry is not satisfied that failure to provide the Appellant with funds to purchase a bed will result in imminent danger to the physical health of any person in the family unit.

### **Admissibility of Additional Evidence**

Section 22(4) of the *Employment and Assistance Act* says that a panel can consider evidence that is not part of the record when the Ministry made its decision. But first the panel must consider if the new information is relevant to the decision. If a panel determines that any new evidence can be admitted, it must decide if the decision was reasonable considering the new information.

The new evidence that was not part of the record when the Ministry made its decision includes:

- The notice of appeal indicated that the Appellant believes the continued use of the bed is a serious health concern.
- The Appellant's additional written submission dated December 13, 2023, which provides details of the Appellant's financial circumstances, and her belief that using the bed is unsafe and unhealthy.
- The Appellant's verbal contention at the hearing that the bed was in good shape prior to the birthing of the puppies.

The panel admits this evidence as it might reasonably be required for a full and fair disclosure of all matters relating to the appeal, and the panel will indicate how it assigns weight to the new evidence, in the reasons for its decision.

**Part F – Reasons for Panel Decision**

The issue in this appeal is whether the Ministry was reasonable in denying the Appellant's request for a crisis supplement for a king size bed with frame, box spring, and bedding. More specifically, the issue is whether the following Ministry determination is reasonably supported by the evidence or a reasonable application of the legislation in the circumstances of the Appellant:

- the Appellant does not require the supplement to meet an unexpected expense or obtain an item unexpectedly needed, and,
- the failure to meet the expense or obtain the item will not result in imminent danger to the physical health of any person in the family unit.

**Analysis****Appellant's Position**

The Appellant initially advised that her bed was old and worn with the springs sticking out of the mattress. Then she stated that the bed was unexpectedly damaged when her dog recently had puppies on the bed and stained it with blood. The Appellant advised she required \$1000 and did not have money or resources available to meet the need. She also believes that sleeping on the damaged bed has resulted in imminent danger to the physical health of both she and her children.

**Ministry's Position**

The Ministry is not satisfied that there is evidence to show that:

- the expenses to replace a damaged king size bed with frame, box spring, and bedding are unexpected expenses for items needed unexpectedly, and
- the failure to provide funds to purchase a bed will result in imminent danger to the physical health of any person in the family unit.

**Panel Finding**

For the Appellant to be eligible for a crisis supplement as set out in section 57 of the Regulation, the Appellant must meet three criteria:

1. the expense is unexpected, or the item is unexpectedly needed, and
2. there is a lack of resources to purchase the item(s), and

3. the Ministry considers that the failure to meet the expense or obtain the item(s) will result in imminent danger to the physical health of any person in the family unit.

The Ministry has accepted the Appellant may not have the resources but has denied the Appellant for her failure to meet the other two requirements.

**Expense is unexpected or the item is unexpectedly needed:**

While the Appellant's dog having puppies on her bed may have been unexpected to her, at the time of her request for the crisis supplement, she stated her bed was 10 years old and worn with springs sticking out of it. Regular wear and tear damage is expected as is the associated expense that must be budgeted for. This wear and tear damage did not result from the Appellant's dog having puppies on it. The panel finds the Ministry was reasonable in denying the Appellant's request for a crisis supplement to purchase a bed, box spring, frame, and bedding. The Appellant's need for a new bed or money to purchase one is not unexpected.

In reaching this conclusion, the panel questioned the credibility of the Appellant's evidence that a new bed was needed because of damage caused by the puppies' births and consequently, assigned less weight to this evidence. The panel noted that in the Appellant's request for a crisis supplement and when requesting a reconsideration of the decision, she described her bed as 10-years old and worn with springs sticking out of the mattress. However, in the hearing the Appellant described the bed prior to the birthing of the puppies to be undamaged and in good shape. This inconsistency was not reconciled by the Appellant. She also indicated that the bed frame and box spring were damaged from the puppies' birth, and the moisture arising from the attempt to clean up after the puppies. This damage to the bed frame and box spring did not seem a likely consequence of the puppies' birth, in the panel's view.

**Failure to purchase a bed, frame and bedding will result in an imminent danger to the physical health of any person in the family unit:**

As no evidence was supplied by the Appellant to confirm that any person in the family unit currently has a medical condition that would be worsened if she continued to sleep on her bed, the panel finds the ministry was reasonable in denying the Appellant's request for a crisis supplement. While the Appellant raises concerns about mold on the bed, there is no evidence to support that there was actually mold present. There is no evidence that failure

to meet the expense will result in imminent danger to the physical health of any person in the family unit.

**Conclusion**

Based on the foregoing analysis, the panel finds that the Ministry's reconsideration decision denying the Appellant's request for a crisis supplement is a reasonable application of the legislation in the circumstances of the Appellant. The panel therefore confirms the Ministry's decision. The Appellant's appeal is not successful.

**PPENDIX – APPLICABLE LEGISLATION**

**Employment and Assistance for Persons with Disabilities Regulation**

**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 \$50 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, and  
(c) if for clothing, the maximum amount that maybe provided in the 12 month period preceding the date of application for the crisis supplement is \$110 for each person in the family unit.

(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 24(1)(a)       or Section 24(1)(b)

Section 24(2)(a)       or Section 24(2)(b)

**Part H – Signatures**

Print Name  
Bill Farr

Signature of Chair

Date (Year/Month/Day)  
2023/12/14

Print Name  
Mimi Chang

Signature of Member

Date (Year/Month/Day)  
2023/12/15

Print Name  
Carla Tibbo

Signature of Member

Date (Year/Month/Day)  
2023/12/16