

**Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision of December 14, 2023, which denied the appellant a crisis supplement for travel expenses to see a lawyer as the request does not meet all the criteria under Section 57 of the Employment and Assistance for Persons with Disabilities Regulation.

Specifically, the ministry was not satisfied that travel expenses to see a lawyer were due to unexpected circumstances and that the appellant faced imminent threat to his physical health or safety if travel expenses were not approved.

**Part D – Relevant Legislation**

Employment and Assistance for Persons with Disabilities Regulation Section 57 (the Regulation)

(The relevant legislation is set out in Appendix A)

**Part E – Summary of Facts**

The appellant is a recipient of disability assistance.

**Information before the ministry at the time of reconsideration**

- In the Reconsideration Decision the adjudicator noted specific contacts between the appellant and the ministry. These are:
  - September 19, 2023, the appellant contacted the ministry to request a crisis supplement to attend a courthouse in another community to see a lawyer. He explained that there is no functioning Supreme Court of Canada, nor a functioning BC Provincial Court in his community. The appellant requested money to pay for travel expenses, including transportation, accommodation, and food to meet with a pro-bono lawyer in a fully functioning courthouse.
  - On September 26, 2023, the ministry denied the request for travel expenses to attend a courthouse to see a lawyer. The ministry denied the request because they determined the need for assistance was not the result of an unexpected circumstance or expense and the appellant had not demonstrated there was a threat to his physical health or safety. The ministry also noted that no information was provided to indicate that the appellant was being compelled to attend court.
  - On September 29, 2023, the appellant contacted the ministry to explain:
    - He had waited decades for housing in BC. After exhausting all avenues his last option is legal action against those responsible for his predicament.
    - The travel expenses are unexpected, and his physical health and safety will be put in imminent danger if unable to get the required help and access to law libraries for filing the required documents.
    - He has an issue in the provincial court and a federal issue in the supreme court.
    - His request is not just for himself, but for the safety of all Canadians.
  - On November 14, 2023, the appellant called the ministry and was advised his request was denied and he was offered the right to a reconsideration of the decision.
- The Request for Reconsideration submitted on November 28, 2023 did not specify the reason why a reconsideration request was made. However, submitted with the Request for Reconsideration were; a copy of a "tweet" from Legal Services Canada stating that "legal deserts" are a problem everywhere, and a copy of a "tweet" from The Daily Record stating that access to justice in "legal deserts" is limited for those who are too poor or have too far to travel to find a lawyer.
- On December 4, 2023, the appellant contacted the ministry to follow up on the reconsideration request. He asked that it be expedited as he has another appeal that is in court, and needs the decision made so he can proceed with the courts before the holidays.

- On December 13, 2023, a copy of a "tweet" tagging provincial politicians states that "the due date for the second reconsideration process for funding to attend BC Provincial Court has passed".

### **Information Submitted After Reconsideration**

On the Notice of Appeal form dated December 14, 2023, the appellant wrote "their interpretation is wrong".

The appellant did not attend the hearing. The appellant called and e-mailed the Tribunal on January 5, 2023 to advise he would not attend the hearing, and that it should proceed without him.

At the hearing, the ministry reviewed the reconsideration decision and clarified that travel to see a lawyer was not considered an unexpected expense nor was there imminent threat to the appellant's health and safety, if it were not provided.

### **Admissibility of Additional Information**

No additional evidence was provided. The panel accepted the appellant's Notice of Appeal submission and the ministry's statements at hearing as argument.

**Part F – Reasons for Panel Decision**

The issue under appeal is whether the ministry decision to deny a crisis supplement for travel expenses to see a lawyer is reasonably supported by the evidence or is a reasonable interpretation of the legislation.

**Appellant's Position**

The appellant's position, based on the information provided in the background information of the decision, is that he does not have legal counsel in his home community and needs to travel to see a lawyer in a different community. The copy of "tweets" he submitted at reconsideration focus on the issue being that this is a common problem for those who are too poor or have too far to travel to find a lawyer. Additionally, based on the Notice of Appeal submission, the appellant appears to argue that the ministry's interpretation of the legislation is wrong.

**Ministry's Position**

The ministry's position is that they do not consider travel to see a lawyer to be an unexpected expense nor was there any evidence that the appellant's health or safety was in imminent danger if he were not to travel.

**Panel's Decision**

Section 57(1) states, in addition to the requirement that the person must be in receipt of assistance, that there are specific conditions that must all be met to qualify for a crisis supplement. These conditions are: the supplement must be for an unexpected expense or an item unexpectedly needed; there are no resources available to the family; and there must be imminent danger to health if the expense was not met or the item was not provided. The appellant is a recipient of disability assistance and the ministry has determined the appellant does not have resources available to him. The panel will review the remaining two criteria.

**The requirement that the appellant has an unexpected expense or an item unexpectedly needed**

The ministry found that travel to see a lawyer in a different community is not an unexpected expense or an item unexpectedly needed because the appellant provided no evidence to address why he cannot schedule this travel for a later date so that he can financially plan ahead for his travel expenses. The panel found no information or documentation in the record of appeal to establish that the appellant was unexpectedly required to travel, only that there was no legal counsel available to him locally and he needed to explore resources available at a courthouse. The appellant provided no explanation or evidence as to why he could not arrange

to see a lawyer at a later date, so that he could make plans to pay for his own travel arrangements. The panel acknowledges that seeking resources in person can be helpful, but the appellant provided no information as to why he could not seek out legal resources available online. The ministry argues that the appellant provided no evidence that he was compelled to attend court on a specific date. The appellant did not provide any documentation to indicate he was compelled to attend court on a specific date. The background information provided in the decision indicates the appellant informed the ministry that he had several matters before the court, however, no dates were provided to indicate whether these matters were immediate, or would take place at some time in the future. The appellant provided no information to support his specific request, only that it is a common problem for people who have too far to travel to seek legal counsel. The panel finds the ministry was reasonable to find the appellant did not have a need for an unexpected expense or item unexpectedly needed.

### **The requirement that failure to meet the expense or obtain the item will result in imminent danger to physical health**

The ministry found that there is no imminent danger to the appellant's health if travel expenses were not provided. The panel notes, from the history of contacts between the appellant and the ministry, that the appellant explained he is pursuing legal action regarding his housing and that he has provincial and federal court issues. No further information was provided as to whether he was facing imminent eviction, or if seeking legal counsel was for some other reason. Losing one's housing could result in danger to physical health, however, the panel found no evidence was provided to suggest that the appellant was facing imminent loss of housing, or that failure to see a lawyer meant he would lose his housing. The panel finds the ministry was reasonable in their interpretation that the word "imminent" denotes a sense of urgency. There was no evidence to suggest that the appellant urgently needed to travel, only that he would like to see a lawyer before the holidays, which was a future time, not immediate. The panel finds the ministry was reasonable to find the appellant did not meet the imminent danger to physical health requirement.

### **Conclusion**

The panel finds that the Ministry's decision that the appellant was not eligible for a crisis supplement for travel expenses to see a lawyer was a reasonable application of the legislation in the circumstances of the appellant. The appellant is not successful on appeal.

## Appendix A

### 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 \$20 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 maximum set out in section 4 of Schedule A or 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) The cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount calculated under subsection (6).

(6) In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of disability assistance or hardship assistance that may be provided for the month under Schedule A or Schedule D to a family unit that matches the family unit.

(7) Despite subsection (4) (b) or (5) or both, 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 2023-0387

**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  
Janet Ward

Signature of Chair

Date (Year/Month/Day)  
2024 January 8

Print Name  
Kevin Ash

Signature of Member

Date (Year/Month/Day)  
2024 January 8

Print Name  
Bill Haire

Signature of Member

Date (Year/Month/Day)