

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (“Ministry”) decision to deny the Appellant’s request for a crisis supplement for her outstanding rent.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act - Section 5 (“Act”)

Employment and Assistance for Persons with Disabilities Regulation - Section 57 (“Regulation”)

Relevant legislation is included in Appendix A.

Part E – Summary of Facts

From Ministry files:

The Appellant is a sole recipient of disability assistance. She receives \$1,535.50 per month for disability assistance and supplements. This amount includes \$983.50 for a support allowance, \$500 for a shelter allowance, and \$52 for supplements.

On June 21, 2023, the Appellant requested a crisis supplement for shelter because she had to travel out of town for a funeral. The Appellant's request was denied because her landlord confirmed that there was no outstanding rent owing.

On November 9, 2023, the Appellant requested a crisis supplement for her outstanding rent of \$1,300 for June 2023. The Appellant said that the passing of a relative in June caused her to miss work, and she had to pay for travel expenses. The Appellant provided a screenshot showing her bank account balance.

On January 10, 2024, the Ministry denied the Appellant's request because it was not unexpected to her. The Appellant requested a crisis supplement in June 2023 for the same reason and was denied because her landlord confirmed she did not have outstanding rent due at that time. Therefore, the Appellant had five months to plan for her expenses.

On January 10, 2024, the Appellant submitted her request for reconsideration. The Appellant explained that she had three family members pass away in June and July and that she has been paying rent one month behind since then. The Appellant said she is not able to work enough hours to catch up. The Appellant is concerned that she may receive an eviction notice if she cannot get her rent payments up to date.

On January 19, 2024, the Ministry attempted to contact the Appellant's landlord to verify her outstanding rent amount and if the Appellant had received an eviction notice. The Ministry could not reach the Appellant's landlord.

On January 19, 2024, the Ministry completed its review of the Appellant's Request for Reconsideration and denied the Appellant's request for a crisis supplement for her outstanding rent.

On January 23, 2024, the Appellant filed a Notice of Appeal. Under the Reasons for Appeal section of the form, the Appellant wrote, "I would like to be considered because of the 3 deaths in my family. I had to attend a funeral out of province. As well as the travel, I wasn't in a state to maintain proper hours at work. The emotions and anxiety were really hard to get through. I am

anxious, adhd, and a recovering addict. I remained sober and went through grief with raw feeling.”

During the hearing, the Appellant clarified that her outstanding rent is for the month of June 2023 and not July 2023. The Appellant explained that she has an arrangement with her landlord to pay her monthly rent after she receives her income assistance payment near the end of the month.

The Appellant paid her May 2023 rent after her income assistance payment was received near the end of May 2023. The Appellant’s grandfather passed away in the first week of June and her aunt passed away approximately one week later. The Appellant borrowed money from her parents to attend her grandfather’s funeral, specifically to pay for return airfare between Victoria and Alberta, as well as for her share of the bill for several nights of accommodation at an air bnb rental home.

The Appellant clarified that when her income assistance funds were received near the end of June 2023, she used these funds to repay her parents for the funeral travel expenses she had incurred in June and this left her financially unable to pay her June 2023 rent near the end of that month.

A member of the panel asked the Appellant if she has been making small payments each month to pay down the outstanding June 2023 rent owing of \$1,300. The Appellant said that she has not made any payments because she does not have any money left after paying for current month’s rent, monthly cellular phone bill, and buying some food.

A member of the panel asked if the Appellant has received an eviction notice from her landlord for the outstanding rent due and the Appellant said she has not received an eviction notice as yet.

A member of the panel asked the Appellant if she and her landlord have discussed the outstanding June 2023 rent since July 2023. The Appellant said that there has not been an opportunity to discuss this situation because her landlord has been out of the country since last fall and will not be returning until winter is over. The Appellant said she had a telephone conversation with her landlord approximately three weeks ago; during this conversation, the landlord reminded the Appellant that her June 2023 rent is still outstanding and needs to be paid. A member of the panel asked the Appellant if her landlord discussed the possibility of evicting her during the telephone conversation and the Appellant said that the landlord did not say anything about eviction during that telephone conversation.

During the hearing, the Ministry representative noted that the Ministry does not have any information on the Appellant’s file about the rent payment arrangement the Appellant has with her landlord to pay rent at the end of the month rather than at the beginning of the month. The

Ministry representative explained that income assistance is sent prior to the end of the month and is intended to pay expenses for the upcoming month. At the time of the original decision and the reconsideration decision, the Ministry would have been operating under the assumption that the income assistance payment the Appellant received in late May 2023 was to pay for her June 2023 rent rather than for her May 2023 rent.

The Ministry representative also stated their records show that a Ministry worker contacted the Appellant's landlord on or before July 17, 2023 to confirm that the Appellant's rent was overdue. During the conversation with the Ministry, the landlord stated that the Appellant did not have any outstanding rent due.

The Ministry representative also noted that they have not been provided with a notice of eviction for the Appellant or any related correspondence from the landlord, nor have they been provided with travel expense receipts to document the Appellant's trip to Alberta in June 2023 for family funerals.

The Ministry's files also show that they attempted to contact the Appellant's landlord in January 2024 to confirm the Appellant has an outstanding rent amount due, but were unable to reach the landlord.

A member of the panel asked the Appellant if she knew why her landlord told the Ministry on or before July 17, 2023 that she did not have any outstanding rent due. The Appellant could only guess that the landlord was being nice and may not have wanted to get the Appellant "into trouble." The Appellant assumes that the Ministry was unable to reach her landlord in January 2024 because she is out of the country for an extended period.

Admissibility of New Evidence

The panel admits the Appellant's statement under the Reasons for Appeal section of her Notice of Appeal application and her testimony during the hearing, along with the Ministry's testimony during the hearing as evidence that is reasonably required for a full and fair disclosure of all matters related to the decision under appeal, and the panel has weighed that evidence in making its decision.

Part F – Reasons for Panel Decision

The panel is required to determine if the Ministry's reconsideration decision was a) supported by the evidence, and b) a reasonable application of the applicable enactment.

Relevant Legislation

Section 57 (1) of the Regulation states a crisis supplement may only be provided if all the following eligibility criteria are met:

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. (ii) removal of a child under the *Child, Family and Community Service Act*.

Appellant's Position

The Appellant's position is that she could not pay her June 2023 rent because she used her June 2023 income assistance to reimburse her parents for travel expenses incurred earlier that month due to deaths in her family.

The Appellant has been going through a grieving process due to the deaths in her family in June 2023 and has not been able to work since then as much as she had hoped would be possible. The Appellant's income assistance is used to pay her rent, cellular phone bill, and buy some food. There is no money left over in any given month to pay down her overdue rent for June 2023.

The Appellant is concerned that she is going to be evicted from her home if the overdue June 2023 rent remains unpaid.

Ministry's Position

In her November 2023 application for a crisis supplement for rent, the Appellant advised the Ministry that she is behind one month of rent for June 2023 because of funeral expenses she incurred and reimbursed her parents for that month.

In its reconsideration decision, the Ministry acknowledged it had established in its original decision that the Appellant does not have the resources to pay her overdue rent.

The Ministry also acknowledged in its reconsideration decision that when the Appellant incurred the expenses in June these expenses were unexpected to her. However, the Ministry asserted that the Appellant would have known, since her previous request was denied by the Ministry, that she still owes rent for the month of June 2023. Based on this logic, the Appellant's November 2023 request for a crisis supplement would not be considered an unexpected expense.

The Ministry also noted that the Appellant has not provided information or travel expense receipts for her attendance at family funerals or for any unexpected expenses she has incurred since then that have prevented the Appellant from paying her outstanding rent for November [sic]. Therefore, the Ministry could not conclude that the Appellant's outstanding rent amount was unexpected to her at the time of her November 2023 application for a crisis supplement.

The Ministry acknowledged that the Appellant is concerned about being evicted if she is not able to pay her outstanding rent, and that the Appellant's health could be worsened if she is evicted. However, the Appellant has not provided the Ministry with any receipts for the unexpected travel expenses she incurred in June 2023, and has not provided evidence that she is being evicted from her home due to nonpayment of her rent. The Ministry attempted to contact the Appellant's landlord in 2024 to verify that the Appellant is currently facing eviction but could not reach her landlord. Therefore, the Ministry was unable to determine if the Appellant is being evicted and potentially currently facing imminent danger to her health.

The Ministry concluded that because the Appellant's request does not meet all the criteria under Section 57 of the Regulation, she is not eligible for a crisis supplement for her overdue rent.

Panel Decision

The panel's decision-making power is limited to determining if the Ministry's reconsideration decision was a) supported by the evidence, or b) a reasonable application of the applicable enactment in the circumstances of the Appellant.

Section 57 (1) of the Regulation states that 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.

The Ministry acknowledged in its original decision that the Appellant did not have resources to pay her rent and that being evicted from her home could result in imminent danger to her health; however, there was no evidence provided in June 2023 or in the Appellant's November 2023 application for a crisis supplement that she is facing eviction from her home due to the unpaid rent for June 2023.

In its reconsideration decision, the Ministry also argued that because the outstanding rent is for June 2023, the Appellant had known about the amount owing for several months and thus, this was not an unexpected expense at the time of the Appellant's new application for a crisis supplement in November 2023.

The panel finds that the overdue rent for June 2023 can no longer be considered an unexpected expense approximately five months later when the Appellant made the new application for a crisis supplement for rent.

The panel agrees that being evicted could create imminent danger to the physical health of the Appellant as she is a person with disabilities who also is coping with the grief of losing three family members; however there has been no evidence provided to suggest that the Appellant is facing eviction at this time. The Appellant testified that the landlord reminded her of the need to pay the outstanding June 2023 rent in a telephone conversation in January 2024, but the Appellant acknowledges that the landlord did not threaten her with eviction at that time.

The panel finds the Appellant has not demonstrated that she is currently facing eviction. Section 57 of the Regulation requires that a crisis supplement may only be provided if all conditions in the section are met.

Section 57 (1) (a) requires that the crisis supplement is needed to meet an unexpected expense and that the applicant does not have the resources to meet this expense. While the panel accepts that the Appellant's claim that she does not have the resources to pay the outstanding June 2023 rent, this can no longer be considered as an unexpected expense approximately five months later when a new application was made in November 2023.

Section 57 (1) (b) (i) requires that failure to meet the expense would result in imminent danger to the applicant's health. While the panel agrees that eviction could cause the Appellant to endure imminent danger to her health, there has been no evidence provided to demonstrate that the Appellant has been facing eviction because of the outstanding June 2023 rent.

Conclusion

Based on these findings, the panel confirms the Ministry's reconsideration decision. The Appellant is not successful in her appeal.

Appendix A
Relevant Legislation

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*.

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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
Melissa McLean

Signature of Chair

Date (Year/Month/Day)
2024/02/15

Print Name
Katherine Wellburn

Signature of Member

Date (Year/Month/Day)
2024/02/15

Print Name
Daniel Chow

Signature of Member

Date (Year/Month/Day)
2024/02/14