

Part C - Decision Under Appeal

The decision under appeal is a reconsideration decision of the Ministry of Social Development and Poverty Reduction (the ministry) dated January 29, 2024, denying the appellant's request for a crisis supplement to pay for repairs or replacement of her roof, skirting, stairs, door, and WETT inspection fee.

Part D - Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (the "Regulation"), section 57, Schedule A section 5(2)(f).

The full text of this section of legislation is set out in the schedule of legislation after this decision.

Part E – Summary of Facts

A written appeal hearing took place on March 4, 2024, at 9:30 AM. No parties were present at the hearing.

Evidence Before the Ministry at Reconsideration

The following information was before the ministry at the time the reconsideration decision was made and is set out in the Appeal Record:

- The appellant is the sole recipient of disability assistance, in the amount of \$1535.50 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.
- Although the appellant owns her current accommodation, a trailer, where she pays pad rent, utilities (including firewood) and storage fees, she resided in another community where she paid rent from December 2021 to November 2023.
- On November 8, 2023, the appellant requested a crisis supplement for home repair by submitting a request form through the ministry's computer portal, My Self Serve, (MYSS). She noted the following:
 - she needed a new roof, new skirting, new front stairs, a door, and a Wood Energy Technical Transfer Inspection ("WETT"), as she could not get house insurance without it.
 - the cost of repairs was \$17,000.
 - the appellant had no money available to her to cover these costs.
 - the imminent danger to her physical health was from the leaky windows, where mold was starting to build up.
- On December 18, 2023, the appellant submitted additional information regarding her request, as follows:
 - she applied for house insurance and was denied based on the following:
 - the roof is too old.
 - the skirting is not adequate.
 - the stairs are flimsy and need to be replaced because they are falling apart.

- with the cold weather it was discovered that the roof has issues.
 - specifically, it is developing cracks around where the chimney comes out of the roof, and in two corners there is water damage and in one corner the wiring has been compromised, one receptacle is malfunctioning and another one started to look like it was going to cause a house fire. The roof to the appellant's knowledge is 28 years old.
 - the skirting has been wearing for years and the appellant has tried over the years to make repairs and patches.
 - the insurance company says it is not adequate and needs to be replaced by a contractor.
 - the appellant's stairs are about 10 years old and are cracking, loose, and they present a hazard to anyone over 200lbs, (the landlord fell through one of them.)
 - with respect to the weather, if sufficient water comes in and it is cold enough, there is a dramatic rise in the amount of mold in the house. When it gets warmer, one can hear water dripping in the wall in the back room. Given that the wiring is old (woven fiberglass over paper), and not the modern plastic-coated wires, there is a great risk of electrocution.
 - there is water damage in the front room walls, the wiring does not always work because of water interfering, and one receptacle has in the past couple of years started to spark, melt, and burn the outlet cover.
 - the appellant states that she also needs a new front door due to black mold growing on it. She indicates that this is a public health issue and could cause her home to be condemned.
 - if there is a fire, the appellant states that she will lose everything and will have no resources or options.
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- On January 15, 2024, the ministry denied the appellant's request. It found that her need for home repairs to the stairs, or replacement of the roof, skirting and door were not unexpected. The appellant had been living in her home for approximately 18 years. General aging, wear and tear is expected when one has a manufactured home from 1973. Further, WETT inspections and funding for them are not eligible items in the legislation. There was nothing unexpected in the appellant's situation.
 - On January 22, 2024, the appellant submitted a request for reconsideration, in which she explains why she disagrees with the ministry's decision and how she believes her request meets the crisis supplement legislation.

- The appellant notes in her request for reconsideration:
 - she stated that many of the stairs are rotted, and her landlord fell through one step. She did repair that one step, but now the frame of the landing and the rest of it are rotted and dangerous.
 - she alleges this is unexpected because she did not realize that beneath the coat of paint, that the wood had completely rotted.
 - she states that she does not have the money to remedy this need, and that it poses a dangerous situation for both of her and anyone who comes to the house.
 - the appellant only received \$375 for her monthly shelter allowance from 2006 to 2023, and she was unable to save up money for replacing a roof which is only now an issue. There was no problem until now, and therefore this is unexpected because she did not know that the insurance company would not like the roof. She has not had the means to save for anything close to these expenses.
 - it is a very dangerous situation when electricity and water mix, and when a person tries to use the electrical receptacle, there is an imminent threat to life.
 - the appellant has repaired the skirting as much as she could over the years, but this has been inadequate, as her pipes are currently frozen and she has not had running hot water in the trailer for five days.
 - the front door is growing black mold on the inside, and it keeps icing up. Although the appellant has cleaned it, she cannot remove the mold and it seems to have grown into the wood. This is a health crisis and is unexpected. Further exposure may be very serious to the appellant's health.
 - the appellant has made numerous repairs over time using her shelter and employment proceeds.
 - the appellant states that she knows there is normal wear and tear that is expected, but she has been trying to maintain her trailer and has spent as much as she could when working, with her income and limited assistance.
 - the appellant feels she has shown how her situation is within the applicable legislation, for:
 - a) unexpected need,
 - b) inability or lack of resources to make repairs myself, and
 - c) needed to prevent imminent threat of physical health of persons in the unit.

New Evidence Submitted on Appeal

This was a written hearing and therefore no additional evidence was submitted at the hearing. However, there were two additional submissions prior to the hearing, one from each party as follows:

On February 4, 2024, the appellant submitted her Notice of Appeal in which she stated:

- only very recently, the appellant's monthly shelter allowance increased from \$375 to \$500.
- she was told that her aluminum roof would last 30-60 years. Therefore, it is a complete surprise (unexpected) that it needs to be replaced now.
- she did keep up with the skirting's wear and tear, replacing it as needed. It is completely unexpected that the insurance company would require this work to be done by a contractor.
- the stairs were repaired because they were cracking and loose. It was unexpected that under the lovely paint on the stairs that the wood was rotten.
- she asks how she could have expected black mold to develop on her door when it had not formed in the previous 17 years?
- She has attempted to clean the door of mold, but it keeps coming back. As she was told mold was a health hazard, she has kept on top of it, but if it is on the inside of the door, there is nothing she can do about it. This is not only unexpected, but it is dangerous to her health.
- She understands that she will have to continue to meet the needs of wear and tear of the premises and bear the expenses of maintaining her home and obtaining the WETT inspection.
- She believes that she has shown that the expenses in question here are unexpected or unexpectedly needed.

On February 23, 2024, the ministry submitted that:

It does not consider the repairs unexpected. As the appellant has owned this mobile home since 2005, it is expected that the appellant would be required to complete ongoing maintenance, repairs, and preventative maintenance of the roof, the skirting, and the stairs of the home. This would also include repairing or replacing a door if mold has developed, due to the ongoing condition of the home.

Admissibility of the New Evidence

Neither the ministry nor appellant objected to the submission of further evidence.

The panel finds that the new evidence provided by both the ministry and appellant was reasonably required for a full and fair disclosure of all matters related to the decision under appeal. Accordingly, the panel admits all the new information as evidence pursuant to section 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision**Issue on Appeal**

The issue that must be decided is whether the ministry's decision to deny the appellant a crisis supplement to repair her home was reasonable. The issuance of crisis supplements is governed under section 57 of Regulation. Section 57 requires the following criteria to be met before a crisis supplement may be issued:

1. The applicant must be eligible for disability assistance or hardship assistance;
2. The supplement must be required because of an unexpected expense;
3. There must be no resources available to cover the expense; and
4. Failure to meet the expense will result in an imminent danger to the physical health of a person in the family unit or removal of a child under the Child Family and Community Service Act.

In the reconsideration decision, the ministry found that all these criteria, except #2 above, (namely, that the supplement must be required because of an unexpected expense) were met for a crisis supplement to pay for repairs of the roof, skirting, stairs, and the door. With respect to the funds required by the appellant for the WETT inspection, only the first criterion was met, namely, the appellant is a recipient of disability assistance. Accordingly, the issues to be decided are whether the ministry reasonably determined that:

1. The appellant's request for a crisis supplement to pay for repairs of the roof, skirting, stairs, and door, failed to meet the criterion in the Regulation, that the repairs must be an unexpected expense, and
2. The appellant's request for a crisis supplement to pay for a WETT inspection failed to meet all the criteria in the Regulation, except for the appellant being eligible for disability assistance.

Panel Decision

Appellant's Position

The appellant's position is that she meets all the criteria. In particular, the appellant submits that:

1. the need is unexpected:
 - as the roof was supposed to last 30-60 years and it is only 28 years old.
 - the coat of paint on the stairs hid the fact that the wood had completely rotted.
 - unknown water damage was discovered in one spot where the wiring has been compromised.
 - the appellant did try to maintain the skirting but it was unexpected that the insurance company found this work inadequate and needed to be done by a contractor.
 - The door did not develop mold for 17 years, hence it was unexpected when it did appear. This health concern was also unexpected.
2. the appellant has no resources available to pay for the upkeep of her home, as she only received \$375 per month for her shelter allowance from 2006 to 2023, and she was unable to save up money for replacing a roof and undertaking the needed repairs. She has not had the means to save for anything close to these expenses.
3. the imminent danger to the appellant's physical health arose from the leaky windows where mold was building up. She could not remove the mold and further exposure could be very serious to her health.

Ministry's Position

The ministry relied on its reasons in the reconsideration decision and upon its written submission of February 23, 2024. The ministry submitted that:

1. It does not consider the repairs unexpected. As the appellant has owned this mobile home since 2005, it is expected that the appellant would be required to complete ongoing maintenance, repairs, and preventative maintenance of the roof, the skirting, and the stairs of the home. This would also include repairing or replacing a door if mold has developed, due to the condition of the home.
2. There was insufficient evidence presented to assess whether the required WETT inspection could qualify to be funded under section 57 of the Regulation. The

ministry could not determine whether resources are available, since the cost of the WETT inspection was not provided.

3. Finally, on the available evidence, the ministry is satisfied that the appellant does not have the funds available to repair or replace her roof, stairs, skirting, and front door. The ministry is also satisfied that failure to provide the appellant with the funds to do these repairs may lead to imminent danger to her physical health.

Decision

The panel considered all evidence submitted in this appeal. While the panel is sympathetic to the plight the appellant finds herself in with respect to her home, the panel finds the ministry's decision to deny the crisis supplement is reasonable. How the panel addressed the legislated criteria in making this decision is set out below.

Eligible for Disability Assistance

It is uncontested and not disputed that the appellant meets the criterion of receiving disability assistance.

Unexpected Expense

The panel agrees with the ministry's finding that the descriptions of the home provided by the appellant are signs of wear and tear. According to the ministry on page 12 of the appeal record, roofs typically have a life span of a maximum of 25 years. Therefore, the panel agrees that the appellant's need to repair or replace the roof is not unexpectedly needed or an unexpected expense, given the appellant's roof is about 28 years old.

The appellant noted that the skirting has been wearing for years. She tried over the years to make repairs, but the insurance company says that this work is not adequate and the skirting needs to be replaced by a contractor. Though the appellant may have found her work on the skirting to be adequate, the main point is that the insurance company was of the view that the appellant was unable to keep up with the general wear and tear of the skirting. Given that it is a long running and current issue, the panel finds the need to repair the skirting is not unexpectedly needed or an unexpected expense.

The appellant noted that the stairs were approximately 10 years old, were cracking and were loose, and she repaired the step which her landlord fell through. She was unaware the rest of the stairs were rotten. The panel finds that it is reasonable to anticipate wood

exposed to the elements would require ongoing maintenance, especially if it is 10 years old, and one stair was found to be rotten causing an accident. Therefore, the panel finds the appellant's need to replace her stairs is not unexpectedly needed or an unexpected expense.

The appellant noted that her door is black with mold and she attempted to clean it, however, the mold has grown into the wood which she cannot get rid of. The panel finds the mold that has grown into the wood of the front door would not have occurred unexpectedly; it would be expected to grow over time in the appellant's wet climate. A certain amount of time must have passed from when the mold first started growing to it taking hold completely. Therefore, the panel finds the appellant's need to replace the door due to mold is not unexpectedly needed or an unexpected expense.

No Resources

It is uncontested and not disputed that the appellant meets the criterion of lacking the resources to complete the required repairs. The ministry agreed that the appellant does not have the funds available to repair or replace her roof, stairs, skirting, and front door.

Imminent Danger to Physical Health/Removal of the Appellant

It is uncontested and not disputed that the appellant meets the criterion that failure to provide the appellant with the funds to do these repairs may lead to imminent danger to her physical health. The ministry agreed that the appellant does face imminent danger to her physical health if the crisis supplement is not available to repair or replace her roof, stairs, skirting, and front door.

The panel finds that the appellant's requests for a crisis supplement to pay for repairs of her roof, skirting, stairs, and the door do not meet all the criteria set out in Section 57 of the Regulation. Specifically, the repairs are not unexpected given the reasons provided above. Therefore, the appellant is not eligible for a crisis supplement to pay for repairs or to replace the roof, skirting, stairs, and door. As she already receives the monthly \$500 maximum shelter allowance available for her family unit, the costs for repairs cannot be added to her monthly shelter allowance as set out in Schedule A section 5(2)(f) of the Regulation.

WETT Inspection

Further, the panel finds that the appellant's request for a crisis supplement to pay for a WETT inspection fee does not meet all the criteria set out in Section 57 of the Regulation, given the lack of evidence relevant to this issue. While there is evidence that an inspection was requested by the Appellant's insurer, no further evidence was provided as to the cost of such inspection. Accordingly, it is impossible for the panel to find that the ministry did not reasonably determine that the appellant is not eligible for this crisis supplement.

Further, on page 16 of the appeal package, from the Reconsideration Decision, the ministry states: "...WETT inspections and funding for them are not eligible items in our legislation." This raises the question of whether the WETT inspection is something that could be funded under a crisis supplement? The panel does not need to make a finding on this question. Neither party made submissions on this point and the appellant seemed to concede this point in her Notice of Appeal on page 6 of the appeal package. Even if the legislation covered the WETT inspection, there was inadequate evidence presented for the panel to decide on eligibility of the appellant for a supplement to cover the WETT inspection. Moreover, the ministry's opinion that WETT is not covered under the legislation was not relevant to or relied upon for their decision not to cover the WETT inspection.

The appellant is not eligible for a crisis supplement to pay for the WETT inspection fee.

Accordingly, the panel finds that the ministry was reasonable when it determined that the criterion of section 57 of the Regulation were not met.

Conclusion

For the reasons set out above, the panel finds that the ministry reasonably determined that the appellant was not eligible for a crisis supplement to repair her roof, skirting, stairs, door and the WETT inspection fee.

The panel confirms the ministry's decision. The appellant is unsuccessful in her appeal.

Schedule of Legislation

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, 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;

(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) and (6) Repealed. [B.C. Reg. 248/2018, App. 2, s. 2.]

(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;

Schedule A

How actual shelter costs are calculated

5 (2) When calculating the actual monthly shelter costs of a family unit, only the following items are included:...

(f) the actual cost of maintenance and repairs for the family unit's place of residence if owned by a person in the family unit and if these costs have received the minister's prior approval....

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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)

2024/03/02

Print Name

Kevin Ash

Signature of Member

Date (Year/Month/Day)

2024/03/02

Print Name

Carla Tibbo

Signature of Member

Date (Year/Month/Day)

2024/03/03