

**Part C - Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (“Ministry”) decision of February 12, 2024 that the Appellant is not eligible for a crisis supplement for a dresser.

The Ministry determined the Appellant has not demonstrated that their request meets all the criteria under Section 57 of the Employment and Assistance for Persons with Disabilities Regulation. Based on the information provided by the Appellant, the Ministry was unable to establish that they had an unexpected expense that prevented them from buying a dresser. The Appellant also did not demonstrate that failure to purchase a dresser would result in imminent danger to their physical health.

**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”)

Applicable legislation is found in Appendix A.

**Part E – Summary of Facts****From the Ministry files**

The Appellant is a sole recipient of disability assistance. They receive \$1708.50 per month for disability assistance and supplements. This amount includes \$983.50 for a support allowance, \$500 for a shelter allowance, and \$220 for supplements.

On January 22, 2024, the Appellant requested a crisis supplement for a dresser. The Appellant stated that they need one big dresser or two mini dressers because the dresser they had broke and cannot be fixed. The Appellant advised that they have no storage for their clothing because the shelves they have are used to store pots and pans. The Appellant reported that they had a plumbing issue in their home, and they had to spend money to fix it immediately, so they have no money to buy a dresser. The Appellant explained that they have severe allergies and fears that they will be sick if they have no place to store their clothing. The Appellant also submitted quotes for dressers.

On January 29, 2024, the Ministry denied the Appellant's request because they had a resource, namely their mid month cheque, available to use to buy a dresser to meet their needs and the Ministry was not satisfied that failing to buy a dresser would result in an imminent danger to the Appellant's physical health.

On January 29, 2024, the Appellant submitted a Request for Reconsideration and wrote in part:

*"I recently had bed bugs, dishwasher, and illness. I have no cash. Spent it on food, bed bugs, illness. Sorry. This application has been submitted for my crisis that I cannot afford to keep clean clothes [in] that condition. This is the same for bedding. I ask "x" landlord [telephone number] for some reason was so surprised Landlord apologizes for his harshness of this descriptive occurrence endured in the corners of my mattress bedspring larvae or bed-like [word not readable] late last year. I have a refurbished box spring, old and used before. Beside my dresser, and drawers unusable, broke finally. I honestly had it for over ten years. You have to understand the plumbing in toilet overflowed, the dishwasher too broke and was replaced by staff in the fourth week of January ... Since December everyone was in bed sick here in the office. I had to get the plumbing done while the dresser was broken. The thing is being tossed out*

*proper by the land lady for the delay and the dishes and kitchen stuff was destroyed. I got even more ill as New Year's passed ... My worker at "x" called the Ministry and told/asked what I need to do for help ... Will you help me? I am in crisis and well but cannot afford a dresser."*

## **Additional Information Submitted after Reconsideration**

### **Notice of Appeal**

In their Notice of Appeal, the Appellant wrote the following in the Reasons for Appeal section: "It does add to my allergies and my financial situation to not have help to buy the dresser and it does cause imminent danger to myself."

### **Hearing**

The appeal hearing was held on April 9, 2024 via teleconference. The Appellant did not attend the hearing. The Panel confirmed that the Appellant had received a Notice of Hearing at least two business days before the hearing was to commence, as required under Section 85 (2) of the Regulation. After standing the hearing down for ten minutes to accommodate the Appellant's attendance, the hearing proceeded in the absence of the Appellant as provided by Section 86 (b) of the Regulation. A Ministry Representative attended the hearing. There were no witnesses or advocates in attendance.

During the hearing, the Ministry Representative relied on the Ministry's Reconsideration Decision and also restated that all criteria in Section 57 (1) must be met in order for the Appellant to be eligible for the Ministry's consideration of their request for a crisis supplement for a dresser.

The Ministry stated in the Reconsideration Decision that the Appellant did not meet part of Section 57 (1) (a) of the Regulation namely that "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."

A Panel Member asked the Ministry Representative to clarify information that was written in the Reconsideration Decision about the plumbing expense that the Appellant incurred in the same month that they determined an immediate need for a new dresser. The Reconsideration Decision passage stated, "Without additional information about the plumbing repairs including what was repaired and if staff was responsible for the repair, the ministry is unable to establish that you had an unexpected expense that prevents you

from buying a dresser.” Yet, in the next line of the Reconsideration Decision, the Ministry wrote: “You have no money, and the Ministry is satisfied that you do not have resources to meet your need for a dresser.” The Panel member noted that these two passages appear to contradict each other.

The Ministry Representative explained that the Ministry determined the Appellant had resources available because they had money to spend on a plumbing issue in their home. The Appellant also had not provided information about how much the plumbing repairs cost, and if the Landlord reimbursed them for this cost.

The Ministry, in its Reconsideration Decision, also determined that the Appellant did not meet Section 57 (1) (b) (i) that states, “the Minister considers that failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit.”

The Ministry noted that the Appellant did not provide any evidence to confirm what they are allergic to and how severe these allergies are.

The Ministry wrote that, “Imminent” denotes a sense of urgency and while the Ministry notes that a dresser may make your room more organized and comfortable to live in, there is no evidence to support your allergies would be worse or your health is currently in urgent danger without a dresser. As a result, the Ministry is not satisfied failure to purchase a dresser will result in *imminent* danger to your physical health.”

### **Admissibility of New Evidence**

The panel admits the Appellant’s statement under the Reasons for Appeal section of their Notice of Appeal application 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 as provided under 22 (4) of the *Employment and Assistance Act*.

**Part F – Reasons for Panel Decision**

The panel is required to determine if the Ministry's Reconsideration Decision was a) reasonably supported by the evidence, or b) a reasonable application of the applicable enactment.

**The Appellant's Position**

The Appellant's position is that their dresser is broken, cannot be repaired, and the Landlord has said that they are going to throw out the dresser. They need to be able to put their clothes in a dresser to keep the clothing clean. The Appellant could not afford to pay for a new dresser because they had to pay for plumbing repairs in their home earlier in the same month. The Appellant stated in a submission to the Ministry with their Request for Reconsideration decision, that they have severe allergies and the lack of a dresser "does add to my allergies and my financial situation to not have help to buy the dresser ... does cause imminent danger to myself."

**The Ministry's Position**

The Ministry's position is that the Appellant has not met all of the required criteria under Section 57 of the Regulation and is not eligible for a crisis supplement for a dresser.

The Ministry stated in the Reconsideration Decision that the Appellant did not meet part of Section 57 (1) (a) of the Regulation namely that "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."

In the Decision section of the Reconsideration Decision the Ministry wrote, "Without additional information about the plumbing repairs including what was repaired and if staff was responsible for the repair, the ministry is unable to establish that you had an unexpected expense that prevents you from buying a dresser."

Section 57 (1) (b) (i) of the Regulation also requires the Appellant to demonstrate that "the Minister considers that failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit."

In its Reconsideration Decision, the Ministry stated that "imminent" denotes a sense of urgency and while the Ministry noted that while a dresser may make your room more organized and comfortable to live in, there is no evidence to support your allergies would be worse or your health is currently in urgent danger without a dresser. As a

result, the Ministry is not satisfied failure to purchase a dresser will result in imminent danger to your physical health.”

### **Panel’s Decision**

The panel is required to determine if the Ministry’s Reconsideration Decision was supported by the evidence or is a reasonable application of the applicable enactment in the circumstances of the Appellant. The panel does not have any discretion to make a decision that would contradict the applicable legislation.

### Legislation

Section 57 of the Regulation identifies the criteria that must be met in order to be eligible for a crisis supplement

### Eligible for Disability Assistance

Section 57 (1) outlines that the Minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship.

The Ministry identified the Appellant as a sole recipient of disability assistance. The Panel concurs that this criterion has been met.

### Unexpected Expense and No Resources Available to the Family Unit

Section 57 (1) (a) states that 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 items because there are no resources available to the family unit.”

In its Reconsideration Decision, the Ministry concluded that the Appellant’s ability to pay for plumbing repairs showed that they did have resources that could have been used to buy a dresser.” Yet, elsewhere in the Reconsideration Decision, the Ministry wrote: “You have no money, and the Ministry is satisfied that you do not have resources to meet your need for a dresser.” The Panel sees these statements as contradictory. While the Ministry Representative attempted to explain this contradiction their explanation does not override what was written in the Reconsideration Decision.

The Panel wanted to hear testimony from the Appellant about the cost of the plumbing repairs and if the Property Manager had reimbursed the Appellant for this cost. Unfortunately, the Appellant did not attend the hearing.

Even without the benefit of clarification from the Appellant about the plumbing repairs, the Panel finds that the Appellant was facing an unexpected expense to replace the broken dresser because the Property Manager said they were going to throw it out.

The Ministry had determined that the Appellant was in a position to pay for an unexpected expense because they had done so already that month to pay for plumbing expenses in their home.

It is unknown if the Appellant was able to absorb the cost of the plumbing repairs or if they had paid the plumbing bill expecting reimbursement from the Property Manager. It still can be concluded that the Appellant did not have the resources to buy a new dresser because they continued to use a dresser with four broken shelves despite their concerns about improperly stored clothes potentially triggering their self-described severe allergies.

Further, despite the Ministry's questions about whether or not the Appellant was reimbursed by the Property Manager for the plumbing bill, the Ministry wrote in its Reconsideration Decision that, "You have no money, and the Ministry is satisfied that you do not have resources to meet your need for a dresser."

The Panel determines that the Ministry was not reasonable in its decision that the Appellant did not meet the requirements of Section 57 (1) (a) of the Regulation.

#### Failure to Meet the Expense or Obtain the Item Will Result in Imminent Danger to Physical Health

Section 57 (1) (c) (i) of the Regulation states that "The Minister considers that failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit."

The Panel reviewed the statement that the Appellant made in their Notice of Appeal: "It does add to my allergies and my financial situation to not have help to buy the dresser and it does cause imminent danger to myself."

The Ministry, in its Reconsideration Decision, noted the Appellant did not provide any evidence to show that their allergies would cause imminent danger to their physical health without a new dresser.

As the Appellant did not attend the hearing, the Panel was unable to ask questions about the severity of the Appellant's allergies. The Panel also noted that the Appellant did not provide any documentation from a medical practitioner to confirm the type of allergies they suffer from and that their allergies are severe enough to cause imminent danger to their physical health.

Without the benefit of evidence, the Panel determined that the Appellant did not prove that they could have an allergic reaction that would be severe enough so as to cause imminent danger to their physical health if they did not receive a crisis supplement to purchase a new dresser.

### **Conclusion**

The panel confirms the Ministry's Reconsideration Decision. The Appellant's request for a crisis supplement for a dresser is denied because they have not met one of the required criterion under Regulation 57. The Appellant did not prove that failing to replace the broken dresser would create a situation that would cause imminent danger to their physical health.

The Appellant is not successful in their appeal.



**Appendix A**  
**Applicable Legislation**

***Employment and Assistance for Persons with Disabilities Act Section 5***

**Disability assistance and supplements**

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

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

**Section 57 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;

(c) if for clothing, the maximum amount that may be provided in the 12 calendar 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, App. 2]

(6) Repealed. [B.C. Reg. 248/2018, App. 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;

(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

Melissa McLean

Signature of Chair

Date (Year/Month/Day)

2024/04/29

Print Name

Glenn Prior

Signature of Member

Date (Year/Month/Day)

2024/04/29

Print Name

Bob Fenske

Signature of Member

Date (Year/Month/Day)

2024/04/29