

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (“Ministry”) decision of March 27, 2024 that the Appellant is not eligible for a crisis supplement for \$826 to pay their rent for February 2024.

The Ministry determined the Appellant has not demonstrated that their request meets all the criteria under Section 59 of the Employment and Assistance Regulation. The Ministry found that the appellant:

- is eligible for income or hardship assistance,
- does not have resources available to meet the expense, and
- would face imminent danger (homelessness) if the expense was not met.

However, based on the information provided by the Appellant, the Ministry was unable to establish they had an unexpected circumstance or expense that prevented them from paying their rent for February 2024.

Part D – Relevant Legislation

Employment and Assistance Act Section 4 (“the Act”)

Employment and Assistance Regulation Section 59 (“the Regulation”)

Applicable legislation is found in Appendix A.

Part E – Summary of Facts

The Appellant requested a written hearing of this appeal. A written appeal hearing took place on May 6, 2024 at 2 pm. All panel members were in attendance.

Background

The Appellant is a sole recipient currently in receipt of income assistance, and they receive \$1060 per month for income assistance. This amount includes \$560 for a support allowance, \$500 for a shelter allowance. In addition, they receive \$992 from CPP disability which is not exempt income and is deducted off their monthly income assistance.

On February 6, 2024, the Appellant was issued \$826 as a crisis supplement to pay their January 2024 rent because the Appellant did not know CPP disability would be deducted from income assistance.

On February 15, 2024, the Appellant requested a crisis supplement for \$826 to pay their February rent and explained that they do not have any income as they only receive \$950 from federal disability and a very small amount from income assistance and so they do not have enough income to pay for rent, hydro, phone, and other bills. The Appellant also stated they did not realize how much of their income assistance would be deducted due to their federal disability payment. The Appellant also mentioned that they applied for help through SAFER and Work Bank but were denied. They also indicated that there is an imminent risk to their physical health as they could be at risk for eviction.

On February 20, 2024, the Ministry denied the Appellant's request because it was determined there was no unexpected expense or need.

On March 15, 2024, the Appellant submitted their Request for Reconsideration. In this request they explained their medical conditions and how these circumstances affect their physical health and ongoing living. The Appellant explained that the money they receive from CPP disability and income assistance is not enough to cover their monthly expenses and that once they paid off some monthly expenses, they did not have enough money for February rent.

The Appellant also included a letter dated December 14, 2023, from BC Housing's SAFER program stating that the Appellant's request to reconsider their eligibility for

Shelter Aid had been denied because their income exceeded the allowed income of \$2446.01.

Additional Information Submitted after Reconsideration

Appellant

The Appellant included a letter with their Notice of Appeal, dated April 11, 2024. The letter reads, in part:

"I am writing this appeal to let you know that I disagree with the Ministry's reconsideration decision on March 27, 2024 to deny my request for a crisis supplement for \$823 to pay for my 2024 February rent.

In light of this unfavourable result, I am going to make a plea to the Appeal Tribunal to take my request into consideration, and I also would appreciate if you could be able to make an exception to help me, because I do not want to get evicted from my home.

I realize there are certain requirements set by the Ministry of Social Service; however, my understanding is that when people, especially seniors like me who are having a dire financial situation, we come to the Ministry of Social Services with the hopes in getting help and support. On the contrary, I am disappointed and in disbelief to learn that my request for February rent assistance got rejected instead.

... I have multiple medical conditions ... I got pneumonia, and I have trouble with unsteady walk and memory. Please see my PWD document on file with the Ministry of Social Services.

Furthermore, prior to my request for financial assistance from the Ministry of Social Services to assist me to pay for my February 2024 rent, I took the initiative and asked for financial rent assistance from the SAFER Program (BC Housing) but they too declined to help me.

As a result of their decision, I then filed for appeal in hoping for the SAFER Program to reconsider my request. Please see my letter of appeal for reconsideration with SAFER on file.

... As a senior, living with disability and medical conditions, I am struggling to make ends meet from a single income \$950 per month from CPP Disability benefits. As I have stated in my appeal letter for reconsideration with the Ministry of Social Services that after I paid for my living expenses and bill payments, I do not have much money left over to pay for my rent. Furthermore, it is also hard to live on a limited \$64 per month from my Income Assistance.

All in all, as you can see these are the challenges situation that I am going through right now. Therefore, I am asking you for your understanding of my financial hardship faced by most lower-income seniors like me, and please reconsider my request to get approved for financial rent assistance so that I can pay for my long overdue rent payment for February, and more importantly, I do not want to be homeless ...”

The Ministry, in its April 26, 2024, written submission for this Appeal, advised that it is relying on the Reconsideration Decision and also noted that the Appellant “was recently approved for the PWD designation effective April 1, 2024.”

Hearing

Admissibility of New Evidence

The panel admits the Appellant’s April 11, 2024 letter and the Ministry’s April 26, 2024 letter 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 Section 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 believes that an exception should be made to Ministry requirements because they are in a dire financial situation and do not want to be evicted. Lower-income seniors come to the Ministry for support, and the appellant is disappointed and in disbelief that the Ministry has rejected his request for rent assistance. The Appellant struggles to make ends meet on \$950 from Canada Pension Plan disability benefits and \$64 from income assistance. They are a senior citizen with multiple health issues, which are further explained in their disability application with the Ministry. They took the initiative to apply for rental assistance from the SAFER Program (BC Housing), but BC Housing also declined to help. They would like to be approved for financial assistance to pay overdue rent for February 2024 and, more importantly, so that they will not be homeless.

The Ministry's Position

In its Reconsideration Decision of March 27, 2024, the Ministry outlined it is satisfied that the Appellant receives income assistance, does not have the resources to pay February rent and failure to do so would result in imminent danger to the Appellant's health.

The Ministry acknowledges that the appellant's monthly income from CPP disability and income assistance make it difficult to meet all expenses. However, crisis supplements are not intended to be used as a means of support to cover high ongoing monthly expenses. Rather, they are intended to address unexpected circumstances or expenses.

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

- The family unit is eligible for income assistance or hardship assistance **and**
- Is required to meet an unexpected expense, or an item unexpectedly needed **and**
- There are no resources available **and**
- Failure to obtain the item or meet the expense will lead to imminent danger to your physical health or a child being removed under the *Child, Family and Community Service Act*.

In its Reconsideration Decision, the Ministry acknowledged that the Appellant meets three of the four eligibility requirements. The Appellant is a current sole recipient of income assistance, there are no resources available to the Appellant, and failure to meet the expense will lead to imminent danger to the Appellant's physical health because they are at risk of losing their accommodation. The Panel determined that these three eligibility requirements are not in dispute and have been met.

Required to meet an unexpected expense or an item unexpectedly needed

In its Reconsideration Decision, the Ministry determined that this request for a crisis supplement was not an unexpected expense because the Appellant had applied for a crisis supplement for their January 2024 rent on January 30, 2024. On February 6, 2024, the Ministry provided the Appellant with a crisis supplement for \$826 for their January 2024 rent after the Appellant explained that they were not aware their CPP disability income would be deducted from their income assistance.

When the Appellant made a request on February 15, 2024, for a crisis supplement for \$826 for their February rent, the Appellant would have known that their CPP disability income is deducted from their income assistance. This factor could no longer be seen as an unexpected expense.

The Panel finds that the Ministry was reasonable in its determination that the Appellant did not have an unexpected expense or need in February 2024.

Under Section 59 (1) of the Regulation, all four eligibility criteria must be met in order for an applicant to be considered for a crisis supplement. The Appellant did not meet one of

four eligibility requirements and based on this legislative requirement, is not eligible to request a crisis supplement for \$826 for their February rent.

The Panel is empathetic to the Appellant's situation as a low-income senior who also has physical health issues. The Panel notes the Appeal Record shows that BC Housing's SAFER program denied the Appellant's request for assistance because their monthly income exceeded \$2446.01 in December 2023. While eligibility for the SAFER program is firmly outside of the Tribunal's jurisdiction, based on the information provided by the Appellant and shown in the Appeal Record, the Panel also notes that the Appellant's monthly income may be less than \$2446.01.

Conclusion

The panel confirms the Ministry's Reconsideration Decision. The Appellant's request for a crisis supplement for \$826 for rent for February 2024 is denied because they have not demonstrated that they incurred an unexpected expense or need in February 2024 that caused them to be unable to pay their rent.

The Appellant is not successful in their appeal.

Appendix A Applicable Legislation

Employment and Assistance Act Section 4

Income assistance and supplements

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

Employment and Assistance Regulation Section 59

Crisis supplement

59 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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 56.2 [*pre-natal shelter supplement*] or Division 8 [*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 56.2 or Division 8 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 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) and (6) Repealed. [B.C. Reg. 248/2018, App. 1, 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;

(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)

2024/05/13

Print Name

Richard Franklin

Signature of Member

Date (Year/Month/Day)

2024/05/13

Print Name

Margarita Papenbrock

Signature of Member

Date (Year/Month/Day)

2024/05/13