

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision dated January 23, 2024, which approved a reconsideration request for a crisis supplement to pay October 2023 rent up to the maximum permitted amount of \$1895.00. However, the Ministry denied the Appellant’s request for the full amount of \$1900.00 saying it was beyond the allowable limit set out in section 59(4)(b) of the Employment and Assistance Regulation.

Part D – Relevant Legislation

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

Relevant sections of the legislation can be found in the Schedule of Legislation at the end of this decision.

Part E – Summary of Facts

The hearing was held orally by telephone on February 29, 2023. 2024, at 1:30 PM. Parties in attendance included:

- Employment and Assistance Appeal Tribunal Panel
 - Charles Schellinck- Chair
 - Kim Louie- Member
 - Margarita Papenbrock- Member
- Ministry Representative
 - [REDACTED]
- Appellant
 - The Appellant did not attend hearing. After confirming that the appellant was notified of the hearing, the hearing proceeded in accordance with section 86(b) of the Regulation.

Summary of key dates and evidence before the Ministry at Reconsideration:

- **October 3, 2023**, the Appellant contacted the Ministry requesting a crisis supplement as her husband had lost the October rent.
- **October 16, 2023**, the Appellant contacted the Ministry to provide an update on her request. The Appellant notified the Ministry that she had not be served with an eviction notice and that she had borrowed \$1900.00 rom a friend to pay the rent for the month of October 2023. The expectation of the lender was the monies were to be paid back.
- **November 2, 2023**, the Appellant submitted a letter to the Ministry from a friend declaring they had lent the Appellant's spouse \$1900 to pay the rent for the month of October 2023.
- **November 7, 2023**, the Ministry denied the Appellant's request for a crisis supplement to pay October 2023 rent. The Ministry determined the failure to provide the requested supplement would not result in an imminent threat to the Appellant's physical health.
- **November 17, 2023**, the Appellant submitted a Request for Reconsideration. In the request, the Appellant explained:
 - Her husband' wallet, which contained the rent money, was stolen.

- She borrowed money from her husband's friend to pay October rent and now his friend is asking for his money back.
- **January 23, 2024**, the Ministry completed its review of the Appellant's Request for Reconsideration and granted the Appellant the crisis supplement because the loan was not a resource and had to be repaid. The Ministry found that, without the funds to repay the loan, the Appellant faced an imminent threat of homelessness. The Ministry provided the maximum allowable supplement amount of \$1895, which was the sum of the support allowance for the appellant's family (\$1055) and the shelter allowance for the Appellant's family (\$840). However, the request for \$1900 was denied as this amount exceeded the amount allowable under the legislation. The decision noted the Appellant's actual shelter expenses were \$3400.

Additional Evidence on Appeal

There was no further evidence submitted by the Appellant in her Notice of Appeal submitted on February 4, 2024.

At the hearing the Ministry representative stated:

- The Appellant had received her crisis supplement of \$1895.
- The amount of \$1895 is the maximum allowable as per section 59 (4) (b) of the Regulation.

Questions addressed at the hearing:

- When asked if there was additional information submitted by the Appellant, as it appeared Section 3 Reason for Request for Reconsideration had a second page which was missing, the Ministry representative stated there was an "arrow" on page 3, but here was no additional page in the case file.

Admissibility of Evidence

The panel finds that much of the oral testimony of the Ministry summarized evidence already stated by the Ministry at reconsideration. However, the panel finds that the information shared by the Ministry representative that there was no second page in section 3 of the Request for

Reconsideration document submitted by the Appellant, was reasonably required for a full and fair disclosure of all matters related to the decision under appeal. Accordingly, the panel admits the new information as evidence pursuant to section 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision

The issue on appeal is whether the Ministry's decision that the Appellant was eligible for a crisis supplement of \$1895 and not \$1900 was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the Appellant. That is, was the Ministry reasonable when determining the Regulation limited the crisis supplement for shelter to \$1895.

Appellant's Position

The Appellant stated in their Request for Reconsideration they required \$1900 as this was the amount they had borrowed from a friend to pay the rent.

Ministry's Position

The Ministry must follow the legislation which directs the Ministry to provide a crisis supplement which is the smaller of either the Appellant's shelter cost or the sum of Table 1 and 2 of Schedule D of the Regulation in terms of the Appellant's support and shelter rate.

Panel Decision

Through the Request for Reconsideration process, the Ministry determined the Appellant was eligible for a crisis supplement based on the eligibility criteria of Section 59 of the Regulation. As well, in section 59 (4), the Regulation clarifies the maximum allowable amount which may be issued to an applicant.

Section 59 (4) (b) of the Regulation states the maximum amount allowable is the smaller of (i) the actual shelter cost (which in this appeal is \$3400) or (ii) (B) the sum of Table 1 and 2 of Schedule D (support and shelter rate of the Appellant which totals \$1895). The panel finds the Ministry was reasonable when it determined the Appellant was eligible for a crisis supplement of \$1895 and not \$1900 because \$1895 is the smaller of the two calculations required by the Regulation.

Conclusion

The panel finds the Ministry's reconsideration decision was reasonably supported by the evidence and therefore confirms the Ministry's reconsideration decision. The Appellant is not successful in her appeal.

Relevant Legislation

Employment and Assistance Regulation

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.

APPEAL NUMBER 2024-0057

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
Charles Schellinck

Signature of Chair

Date (Year/Month/Day)
2024/03/04

Print Name
Kim Louie

Signature of Member

Date (Year/Month/Day)
2024/03/04

Print Name
Margarita Papenbrock

Signature of Member

Date (Year/Month/Day)
2024/03/04