

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (“Ministry”) reconsideration decision dated March 14, 2024, which held that the Appellant was not eligible for a crisis supplement for funds to pay rent for March 2024 pursuant to Section 59 of the Employment and Assistance Regulation (“Regulation”).

Specifically, the Ministry found that the Appellant does not have the resources to pay for the March 2024 rent but also found that the evidence does not establish that:

- The need for rent money for the month of March 2024 was an unexpected expense or unexpectedly needed as required by section 59(1)(a) of the Regulation; and
- The failure to obtain funds for the March 2024 rent would result in an imminent threat to her physical health as required by section 59(1)(b) of the Regulation.

Part D – Relevant Legislation

Employment and Assistance Regulation - section 59

(Relevant Legislation follows decision in Appendix A)

Part E – Summary of Facts**Evidence At Reconsideration**

- A signed Notice of Eviction from the Appellant's landlord to the Appellant, dated March 2, 2024 with a move-out date of March 15, 2024. Only the first page of the Notice of Eviction was submitted and the actual amount owing to the landlord is unknown.
- Request for Reconsideration signed and dated March 1, 2024, which in part stated that the Appellant is not behind on rent by \$3000.00 only \$1500.00. Help from the Ministry will avoid an eviction and she has a new place lined up for May 1st. Her best friend passed away and she had to pay for travel and hotel to attend the celebration of life. The Appellant also had to pay a fine to receive her driver's licence back and the licence is required for her new job. She has a good job lined up for April 8 which will last for 24 weeks.
- A return trip bus itinerary and confirmation from the Appellant's area to the city where her friend's celebration of life was held.
- A text from the Appellant's best friend's daughter indicating that her mother is not well and will not likely recover.
- A hotel confirmation with a check-in date of February 20, 2024 and check-out date of February 21, 2024.

Evidence At Appeal

A Notice of Appeal dated March 18, 2024, with the 'reason for appeal' section left blank.

Evidence At the Hearing

At the hearing, the Appellant reiterated what was said in her Request for Reconsideration and she added, in part, the following:

- Arrangements were made to move into a new home which was cheaper.
- She is trying to get back into the workforce.
- When she came back from her friend's celebration of life, she found out that the new home would not be available until May 1, 2024 rather than April 1, 2024.
- She had previously arranged with her current landlord payment for the March 2024 rent which consisted of the landlord keeping the security deposit and the Appellant paying the difference for rent.
- She was behind on her rent since November 2023 because of a mix-up that delayed her child tax credit payment. She has been playing catch up since.
- She has borrowed money, but that money has to be paid back.
- She is in imminent danger because she feels threatened by her landlord who beats at her door. She is afraid to open her blinds in fear of what he will do.

When responding to questions, the Appellant stated the following:

- She spent the March rent to attend her friend's celebration of life.

- Her current rent is \$3000.00 and the rent at the new place is \$2400.00 per month. She spent the difference for travel and hotel.
- The security deposit of \$1500.00 was to go toward the March 2024 rent and if she did not have to travel to the celebration of life she could have paid the rent. Going to the celebration of life was unexpected.
- The Ministry made arrangements with her current landlord for her to stay for the month of April 2024 but she still owes money for past rent (March 2024).
- She receives \$1350.00 for the child tax credit and \$1500 from the Ministry. Her rent is \$3000.00 so she always has difficulty paying her rent and providing for her two children, one of whom is autistic and the other has ADHD.
- When she purchased shoes, clothes and ensure in February 2024 it was not an extravagante purchase. She shops at thrift stores.
- She has not requested a crisis supplement until the child tax credit mix up led her to ask for a crisis supplement in December 2023.
- She was not aware that the second page of the Eviction Notice was missing. The Ministry did not ask for it. The Ministry has been in contact with her landlord to make arrangements for April 2024 shelter and could have ask the landlord for the second page.
- Her two children are minors, and the Ministry is aware of this.

At the hearing, the Ministry relied on its Reconsideration Decision. When questioned, the Ministry added the following to its testimony:

- On the My-Self-Serve portal, the Ministry requested the Eviction Notice from the Appellant on March 4, 2024 at 2:42pm.
- The Appellant sent the Eviction Notice to the Ministry via the portal on March 4, 2024 at 3:43pm
- There is no record of any communication with the Appellant regarding the Eviction Notice after this.
- The Ministry communicated with the Appellant's current landlord via telephone to secure shelter for April 2024 and there is no record of the Ministry requesting the Eviction Notice from the landlord during this communication.
- The Ministry did not indicate that it considered the removal of the Appellant's children in its reconsideration decision.

Part F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry was reasonable in its determination that the Appellant was not eligible for funds for rent for the month of March 2024 because the evidence did not establish that paying for rent was an unexpected need or expense and that failure to obtain funds for rent would result in an imminent threat to the Appellant's physical health.

The Appellant Position

The Appellant argued that her friend's death was unexpected and that she had to pay for travel related expense to attend the celebration of life service. The Appellant also argued that since her new place was not available until May 1st, 2024, if she did not pay the rent for March 2024, she would be homeless which is an imminent threat to her physical health.

The Ministry's Position

The Ministry argued that there is no evidence to explain how a delayed move-in date prevented the Appellant from paying rent for March 2024 and that the Appellant should have been aware that there would be a requirement to pay rent for March 2024 regardless to where she lives. The ministry argued that the Appellant's unexpected travel for her friend's celebration of life was on February 20, 2024, and it is unclear why this would impact the Appellant's ability to pay her March 2024 rent.

The Ministry also argued that though the Appellant indicated that she is facing eviction and the threat of homelessness if the March 2024 rent is not paid, she did not provide a complete eviction notice that shows the amount of rent that is unpaid for March 2024. As such the Ministry is unable to establish that a failure to receive the requested supplement will result in an imminent threat to the Appellant's physical health.

The Panel's Decision**Unexpected Need**

Section 59(1)(a) states that a crisis supplement may be provided to meet an unexpected expense or to obtain an item that was unexpectedly needed. The panel finds that paying rent is not an unexpected expense or unexpectedly needed. Paying rent is an on-going expense that is required on a specific date every month. The evidence in this case, has not proven otherwise. Additionally, the Appellant states she was expecting to pay less (\$600.00 less) for her March 2024 rent. However, the Appellant failed to provide any evidence confirming this. That is, the Appellant failed to provide evidence that she secured a new home for March 2024, that the new rent will be \$2400.00 per month and that the new home was unexpectedly not available until May 1, 2024. Therefore, it is difficult to establish that the Appellant was expecting to pay less rent and that spending money on travel was justified at that time.

The evidence available for this appeal supports the Ministry's decision that the Appellant's need to pay rent for the month of March 2024 is not unexpected. The panel finds that the Ministry's decision that the criterion of section 59(1)(a) was not met was reasonable.

Imminent Danger

Section 59(1)(b) states that a crisis supplement may be provided if a failure to meet the requested expense would result in imminent danger to the person's physical health or if failure to meet the expense would result in the removal of a child. Upon request, the Appellant provided an Eviction Notice to the Ministry. The Ministry argued that since the second page of the notice was missing, it could not establish that the Appellant was indeed facing eviction and therefore it could not establish that there was an imminent danger to her physical health.

The panel finds that the evidence establishes that the Ministry did not make any attempt to contact the Appellant to request the second page of the Eviction Notice. The panel finds that, although the onus is on the appellant to provide information in support of her request, the evidence establishes that the Ministry had the opportunity to obtain the second page of the Eviction Notice from the Appellant's landlord as the Ministry was in communication with the landlord.

Moreover, the panel finds that the Ministry's reasoning that since the second page of the Eviction Notice was missing it could not establish that the Appellant faced eviction is not reasonable. The information on the first page of the Eviction Notice is enough to show that the Appellant is facing eviction. The only information missing is how much money was owed to the landlord in rent and as previously stated the Ministry could have obtained that information directly from the Appellant's landlord. Therefore, as the Appellant was facing eviction, the Ministry was not reasonable to decide there was no imminent danger to physical health.

The panel also finds that the Ministry failed to apply the legislation in its entirety to the case of the Appellant. That is, there are two parts to section 59(1)(b) of the Regulation. The first part deals with imminent danger to the person's health which was previously discussed. The second part deals with the removal of children. The evidence establishes that the Appellant has two minor children in her care. Though the Ministry established that there was no imminent danger to the Appellant's physical health, it failed to provide an analysis on whether the failure to meet the rent would result in the removal of the Appellant's children.

For these reasons, the panel finds that the Ministry was not reasonable to decide that the criterion of section 59(1)(b) was not met

Conclusion

The panel finds that the evidence establishes that the Ministry was reasonable in its determination that all of the criteria set out in Section 59 of the Regulation were not met. As a result, the panel finds that the Ministry's decision to deny the Appellant's request of a crisis supplement was a reasonable application of the legislation and was reasonably supported by the evidence. The panel confirms the Ministry's decision. The Appellant is not successful at appeal.

Appendix A

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.

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 Neena Keram	
Signature of Chair	Date: 2024/04/05

Print Name Bill Haire	
Signature of Member	Date: 2024/

Print Name Mary Chell	
Signature of Member	Date: 2024/