

Part C – Decision Under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Poverty Reduction (the ministry) dated May 22, 2024, which held that the appellant’s request for a crisis supplement for a table and chairs, and a bed does not meet all required criteria set out in section 57 of the Employment and Assistance for Persons with Disabilities Regulation (the Regulation). The ministry was not satisfied that

- the appellant’s need or expense for a table, chairs, or a bed is unexpected; and
- there is an imminent risk to the appellant’s physical health without table and chairs.

The ministry was satisfied that the appellant has no resources available to buy a table and chairs or a bed, and that there is an imminent risk to the appellant’s health by sleeping on the floor. The panel notes that therefor these findings are not at issue in this appeal.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (the Regulation), section 57

This section of the legislation can be found at the end of the decision.

Part E – Summary of Facts

The hearing took place on June 28, 2024, as a written hearing.

Information before the ministry at reconsideration

On April 10, 2024, the appellant signed a form for a crisis supplement for furniture. She indicates:

- She needs a table and chairs.
- The situation that led to her request is unexpected.
- When prompted to explain how the situation is unexpected, she states the cost will be \$300.
- When prompted to state how much money she will need, she states she needs \$400.

From the ministry file:

- The appellant is a sole recipient of disability assistance.
- On January 10, 2024, the appellant received \$150 as a crisis supplement to purchase a bed as she had to throw out her mattress due to mold.
- On April 15, 2024, the appellant contacted the ministry to discuss her request and indicated that she needed a bed as hers had mold.
- On April 19, 2024, the appellant contacted the ministry to discuss her request. She explained that
 - she threw out her bed when she moved into her current address in October 2023 because it had mold, bedbugs, and silver fish.
 - She had been sleeping on the floor and had not purchased a new bed because she could not find anything on Marketplace, but that there was one now.
 - Her current residence has mold on the walls, bed bugs and silver fish.

[The appellant does not dispute any of this.]

In her request for reconsideration dated April 24, 2024, the appellant wrote:

- “I can’t afford to pay for a new bed I get \$563” [sic].

2 FortisBC bills show amounts due on April 3, 2024, and on May 3, 2024.

On April 15, 2024 the appellant submitted:

1. A quote for a queen-size bedframe for \$599.97
 - The upper part is padded and covered with dark grey fabric.

- The photo-image only shows the upper part of the frame.
- 2. A picture of a different bed.
 - Except for the legs, the item is covered with blue fabric and appears to have padding.
- 3. A quote for a full-size bed for \$436.36.
 - The material appears to be wood or imitation wood.
 - It is not clear whether the quote is for the whole bed or for the frame alone.

In her Notice of Appeal dated May 22, 2024, the appellant wrote:

- “Can’t afford to buy a new bed.”

New Information

On June 7, 2024, the appellant provided:

- A quote for “Foundation/Wood Slate Support/Easy Assembly/Blue” for \$ 329.00 for the bed for which the appellant had submitted a picture on April 15, 2024 (see 2.).
- A quote for a full-size bed identical to one submitted on April 15, 2024 (see 3.).

On June 25, 2024, the Tribunal received a late submission from the appellant that stated that the appellant can’t afford a new bed and she is sleeping on the floor. The panel notes that the Tribunal’s Rules of Practice and Procedure require submissions to be provided by a deadline which, in this appeal, was June 11, 2024. However, this submission was provided after the deadline. After the deadline it is up to the panel chair to determine whether to admit new information or not.

Admissibility of New Information

The panel finds that the information provided by the appellant on June 7, 2024, is reasonably required for a full and fair disclosure of all matters related to the decision under appeal because it demonstrates that the appellant is requesting funds for a new bed. The panel therefore admits this information as evidence pursuant to section 22(4) of the Employment and Assistance Act.

The panel did not accept the appellant’s June 25, 2024 submission because it does not contain any new information or evidence that was not already before the Tribunal. This way the hearing could proceed in a timely manner.

The ministry did not provide any new information and did not object to the inclusion of the appellant’s June 7, 2024 submission. On June 26, 2024, the Tribunal informed the ministry

that the panel chair had not accepted the appellant's June 25, 2024 submission. The panel notes that it is unlikely that the ministry would have been able to respond to the appellant's late submission prior to the scheduled hearing on June 28, 2024.

Part F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision to deny the appellant a crisis supplement to purchase a table, chairs, and a bed was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

Section 57(1) of the Regulation sets out several criteria all of which the appellant must meet before the ministry may provide a crisis supplement. One criterion is that the appellant requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed. Another criterion is that failure to obtain the item or meet the expense will lead to imminent danger to her physical health.

The appellant's position is that she should receive a crisis supplement for table, chairs and a bed because her need is unexpected. She needs a new bed because she threw out her old bed when she moved into her current residence, because her previous address was infested with mold, bedbugs, and silver fish. Without a new bed she has to sleep on the floor.

The ministry was not satisfied that there is an unexpected expense or need for a table and chairs because in her original request the appellant indicated that she requires a table and chairs but did not provide any information as to an unexpected expense or need which has caused her to require a table and chairs. The ministry was also not satisfied that there is an imminent risk to the appellant's physical health without a table and chairs because she has not provided any evidence to support that there is an imminent risk to her physical health without a table and chairs. Further, the ministry was not satisfied that there is an unexpected need or expense for a new bed, because in her original request the appellant explained that she had to throw away her bed before she moved into her current residence in October 2023 due to bed bugs, silverfish, and mold. While the ministry acknowledged that having to throw away her bed in October 2023 was unexpected, she has not provided any information as to what happened to the bed the ministry issued her funds for on January 10, 2024. Furthermore, she stated that her current address is infested with bedbugs, silverfish and mold but has given no indication if she has tried to fix this situation or when the infestation started. It is not unexpected that a bed would become infested with bed bugs and silverfish if the residence is already infested.

Panel Decision

The panel finds the ministry was reasonable when it denied the appellant's request for a crisis supplement for a table and chairs or a new bed. While the appellant indicated that her need for a table and chair is unexpected, she does not give any explanation on how this need arose or why it is unexpected. In addition, the appellant provided no evidence that, without a new table and chairs, she was facing an imminent risk to her physical health. Consequently, the panel finds that the ministry reasonably determined that the appellant's need or expense for a table and chairs is not unexpected, and that there is no imminent risk to the appellant's physical health without table and chairs.

The panel finds further that the ministry was reasonable when it denied the appellant's request for a crisis supplement for a bed. While the appellant argues that she had to throw away her old bed in October 2023 due to mold, bedbugs, and silver fish, and that she has had to sleep on the floor ever since, according to the statement she made on April 19, 2024 to the ministry, the panel finds that the need for a new bed is not unexpected for someone who has been sleeping on the floor for several months. The appellant remained without a bed and has been sleeping on the floor from October 2023 onwards; therefore, her current need for a bed is not unexpected. Consequently, the panel finds that the ministry reasonably determined that the appellant's need for a new bed is not unexpected.

The panel notes that the appellant did not indicate how she spent the crisis supplement funds she received on January 10, 2024, or if she still has them. She stated that she did not purchase a bed in January 2024 after receiving the earlier crisis supplement because there were no beds available at an online marketplace.

Conclusion:

The panel finds that the ministry's decision to deny the appellant a crisis supplement a table and chair and a bed was reasonably supported by the evidence and a reasonable application of the legislation in the circumstances of the appellant. The ministry's reconsideration decision is confirmed, and the appellant is not successful on appeal.

Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation

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) 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;
- (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) and Section 24(1)(b)

Section 24(2)(a) or Section 24(2)(b)

Part H – Signatures

Print Name

Inge Morrissey

Signature of Chair

Date (Year/Month/Day)

2024/07/03

Print Name

Kevin Ash

Signature of Member

Date (Year/Month/Day)

2024/07/03

Print Name

Neena Keram

Signature of Member

Date (Year/Month/Day)

2024/07/04