

### **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 June 6, 2024, which held that the appellant is not eligible for a crisis supplement for food for the following reasons:

- The ministry was not satisfied that the appellant’s need for food is due to unexpected circumstances.
- The appellant has already received the maximum crisis supplement for food.

The ministry was satisfied that the appellant has no resources available to purchase food, and that without food there is risk to her physical health. The panel notes that 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 July 10, 2024, as a written hearing.

### Information before the ministry at reconsideration

On May 28, 2024, the appellant signed a form for a crisis supplement for food. She indicated that

- She needs \$50 for food.
- The situation that led to her request is not unexpected.
- She has no money in her bank account.

From the ministry file:

- The appellant is a sole recipient of disability assistance.
- On May 8, 2024, the appellant received \$50 for a crisis supplement for food. The appellant does not dispute this.
- On May 28, 2024, after the appellant had submitted her request for a crisis supplement for food, the ministry sent her a message through the online portal My Self Serve to get more information regarding her circumstances and asked if there was an unexpected expense or need in the month of May that prevented her from having enough money for food. The appellant responded to the message and indicated that she had a large gas bill. She included an image of her Fortis B.C. gas bill which shows \$1271.78 is owing.
- On May 29, 2024, the appellant was advised that she was not eligible for a crisis supplement for food.

In her request for reconsideration dated May 29, 2024, the appellant wrote that:

- She cannot afford food because she has to spend all her money on her gas bill.

With her request for reconsideration the appellant included:

- an image of her FortisBC gas bill.

A FortisBC bill shows that on May 3, 2024, the appellant owed \$1271.78.

### New information submitted after reconsideration

In her Notice of Appeal dated June 7, 2024, the appellant writes that:

- She cannot afford food because she has to pay a big gas bill.

On June 8, 2024, the appellant writes that she needs a bed, and she cannot afford a new bed because she has to pay a big gas bill.

In a submission dated June 27, 2024, the ministry wrote that:

- The reconsideration decision at appeal was completed on June 6, 2024, denying the appellant a crisis supplement for food.
- The ministry acknowledges the appellant's submission dated June 7, 2024; however, this has no impact on the outcome of the decision.
- On May 8, 2024 the appellant received a \$50 crisis supplement for food; therefore, she has received the maximum allowable amount for food for May 2024.
- On June 13, 2024 the appellant received a \$50 crisis supplement for food for June under a separate request.

#### Admissibility of New Information

The panel finds that the appellant's June 7, 2024 submission and the ministry's June 27, 2024 submission are reasonably required for a full and fair disclosure of all matters related to the decision under appeal. The new information provides additional information and background on the appellant's request and eligibility for a crisis supplement for food. Consequently, the panel admits this information as evidence pursuant to section 22(4) of the *Employment and Assistance Act*.

The panel does not admit the appellant's June 8, 2024 submission where she states she needs a new bed but cannot afford it. The panel finds that this information is not related to the ministry's decision that the appellant is not eligible for a crisis supplement for food.

## Part F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision to deny the appellant a crisis supplement for food was reasonably supported by the evidence or was a reasonable application of the legislation 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.

Section 57(4)(a) of the Regulation sets out that the maximum amount that may be provided for food in a calendar month is \$50 for each person in the family unit.

The appellant's position is that she should receive a crisis supplement for food because she has no money in her account and cannot afford to buy food because she has to pay a large gas bill.

The ministry's position is that there is no unexpected need or expense. In the appellant's May 28, 2024 request, the appellant indicated that there was no unexpected expense or need, and, when the ministry reached out for more information, the appellant explained that she was short on funds for food due to a gas bill. She did not provide any information as to why this gas bill was unexpected. Her Fortis BC gas bill showed there has been a carry forward balance of \$1126.38 from her previous billing period in April. It is not unexpected that the amount owed will accrue if the bills are not paid as bills are a reoccurring expense. The ministry also found the appellant is ineligible for a crisis supplement for food because she already received \$50 for food on May 8, 2024, which is the maximum she can receive in a 1-month period for a crisis supplement for food.

### **Panel Decision**

The panel finds the ministry was reasonable when it denied the appellant a crisis supplement for food. As there is no evidence of unexpectedness, the appellant does not meet the requirement that is set out in section 57(1)(a) of the Regulation. The appellant herself had indicated that the situation that led to her request was not unexpected. While the appellant argues she cannot buy food because she has to pay her overdue gas bill, the panel finds the ministry reasonably determined that gas bills are regular expenses, and, if left unpaid, it is not unexpected that the amount owing accrues.

In addition, the panel finds that the appellant does not qualify for a crisis supplement for food as set out in section 57(4)(a) because the appellant has already reached the maximum limit of \$50 for a crisis supplement for food for the month of May. The appellant does not dispute this.

Consequently, the panel finds the ministry was reasonable when it found the appellant ineligible for a crisis supplement for food because there is no evidence that her need for food is unexpected, and because she had already received the maximum amount for a crisis supplement for food.

Conclusion:

The panel finds that the ministry's decision to deny the appellant a crisis supplement for food 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.

APPEAL NUMBER 2024-0217

**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)

2024/07/10

Print Name

Kevin Ash

Signature of Member

Date (Year/Month/Day)

2024/07/10

Print Name

Neena Keram

Signature of Member

Date (Year/Month/Day)

2024/07/12