

**Part C – Decision Under Appeal**

The decision under appeal is the Reconsideration Decision, dated June 19, 2024, of the Ministry of Social Development and Poverty Reduction (the “Ministry”). In the Reconsideration Decision, the Ministry held that the Appellant had not demonstrated that there were no other resources with which to pay for a replacement stove and there was no imminent risk to the Appellant’s physical health as the Appellant’s parents had purchased a replacement stove on June 13, 2024.

**Part D – Relevant Legislation**

Employment and Assistance for Persons with Disabilities Regulation (the “Regulation”)-  
section 57

A full text of the above provision appears at the end of this decision.

**Part E – Summary of Facts**

The hearing proceeded by teleconference on July 12, 2024 with the Appellant and a representative of the Ministry in attendance.

The Appellant is a sole recipient of disability assistance and is in receipt of monthly assistance of \$1,535.50, comprised of a support allowance (\$983.50), a shelter allowance (\$500.00), and supplements (\$52.00). The Appellant also receives \$1,058.37 per month in Canada Pension Plan benefits.

The information before the Ministry at the time of the Reconsideration Decision included the following:

- an undated handwritten note (the “Note”) which indicated that a stove was sold to the Appellant on June 11, 2024 for \$375.00 as it was no longer needed by the seller;
- the Appellant’s Request for Home Repair Crisis Supplement, dated May 31, 2024 (the “Request”);
  - described the needed repairs as “the stove needs to be replaced as it got damaged as I left it running and burnt out as I have bad memory and need a timer that has emergency shut off before that helps it shot (sic) off and on as I have a traumatic brain injury and forget all the time”; and
  - described the cost of the repairs as being \$545.00;
  - noted that the situation was unexpected and that he did not have money on hand to pay for the item; and
  - described being unable to cook until he was able to use his stove again; and
- the Appellant’s Request for Reconsideration, dated June 6, 2024.

In the Notice of Appeal, filed June 22, 2024, the Appellant wrote simply that “I need this device for my health and safety.”

*The Hearing*

No new documentation was presented prior to the hearing of the appeal by either party but the panel admits the oral information presented at the hearing as it is reasonably required for a full and fair disclosure of all matters related to the decision under appeal, pursuant to section 22(4) of the *Employment and Assistance Act*.

### The Appellant

The Appellant began by explaining that the Ministry misunderstood what he was requesting. The Appellant explained that he did not need the Ministry to cover the cost of a new stove but, instead, to pay for the cost of a timer device that shuts his stove off as he has suffered a traumatic brain injury, as noted in the Request. The Appellant's parents had been able to purchase a replacement stove for \$375.00, as set out in the Note.

The Appellant explained that the timer device was required and had been recommended by the Appellant's doctor. The Appellant advised that he was afraid that, without the timer device, he was at risk of having another incident like the one that damaged his previous stove, or worse, an incident that could endanger himself and other tenants with a fire in his suite.

The Appellant described providing the Ministry with three quotes for the timing device and documentation from his doctor confirming the need for the device. The Appellant described having had a similar device which had, unbeknownst to him, stopped working, leading to the incident described in the Request where his previous stove was damaged. The Appellant confirmed that he has received a replacement stove from his parents but that his parents do not have sufficient funds to also pay for the cost of the timing device.

### The Ministry

The Ministry indicated that they were not certain under which category of supplement the timer device would fall. The Ministry also noted that a supplement for home repairs would ordinarily only be provided to persons who own their own homes. Ultimately, the Ministry categorized it as a request for a home repairs supplement.

The Ministry agreed that the Appellant has a traumatic brain injury but was not prepared to say that whether they agreed that a failure to obtain the timing device by the Appellant would result in imminent risk to the Appellant's physical health.

**Part F – Reasons for Panel Decision***Issue on Appeal*

The issue is whether the Reconsideration Decision, in which the Ministry denied the Appellant a crisis supplement for a stove because it found that he had other resources to obtain the stove and, having obtained the stove, did not face an imminent risk to his physical health, was reasonable.

*Appellant Position*

The position of the Appellant is that the need for the timer device was unexpected, as his previous timer stopped working without notice. The Appellant does not have other resources to pay for it as his parents are not able to assist him further after purchasing a replacement stove, and that failure to obtain the timer will put his physical health at risk because his traumatic brain injury makes him prone to forgetting to turn his stove off.

*Ministry Position*

The Ministry's position on this appeal was somewhat confusing. With respect to what the Ministry thought was a request for a new stove, the Ministry's position was clear. The Appellant had alternative resources because the Appellant was had been able to obtain a replacement stove.

However, with respect to the timer device which the Appellant had actually intended to request and which was referenced in the Request itself, the Ministry indicated that it wasn't certain whether this could be requested at all, noting that Section 57(4) of the Regulation imposes some limits on what the Ministry may provide by way of a crisis supplement and that it wasn't clear whether or not a crisis supplement even could be provided to the Appellant for the timer device unless it fell under Schedule C of the Regulation as a medical device. The Ministry had no records of or access to other documents and evidence referred to by the Appellant, such as the quotes submitted for the timer device, the supporting doctor's letter, and their interactions on this file.

*Analysis*

The panel's difficulty with this appeal is that the Ministry, both at the initial stage of determining the Appellant's eligibility for a crisis supplement and in the Reconsideration Decision, the Ministry did not address the Appellant's request for the timer device that the

Appellant was requesting and, instead, focused on the stove. In the result, the Ministry has not made a determination about the Appellant's eligibility for the timer device. Instead, the Ministry understood the Appellant to have been requesting a new stove and, understandably, denied the request after being advised that the Appellant had obtained a new stove.

While the Appellant's Request referenced the need to replace the stove, the panel finds that it should have been clear to the Ministry that the Appellant was not requesting a replacement stove, given that:

- he had already obtained one
- the Request specifically set out that the Appellant needed "a timer that has emergency shut off"; and
- the Appellant provided the Ministry with quotes for timer devices.

That neither the quotes provided to the Ministry by the Appellant nor the information from the Appellant's doctor was before this panel in the Reconsideration Decision indicates that the Ministry has not looked at the request for a timer device.

In effect, the panel finds that the Ministry failed to consider the actual item that was being requested by the Appellant and, in doing so, the Ministry did not consider the merits of the application.

### *Conclusion*

In view of the foregoing, the panel finds that the Reconsideration Decision was not reasonable as the Ministry did not consider whether the Appellant met the legislative criteria in respect of the item the Appellant actually requested. Namely, the timer device. As such, the panel rescinds the Reconsideration Decision but makes no finding on whether or not the Appellant has met the eligibility criteria set out in section 57 of the Regulation for a crisis supplement in respect of a timer device for his stove.

The Appellant is successful in this appeal.

## *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.

2024-0246

**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  
Adam Shee

Signature of Chair

Date (Year/Month/Day)  
2024/July/16

Print Name  
Linda Pierre

Signature of Member

Date (Year/Month/Day)  
2024/July/18

Print Name  
Carla Tibbo

Signature of Member

Date (Year/Month/Day)  
2024/07/16