

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (“Ministry”) Reconsideration Decision of July 18, 2024 that the Appellant is not eligible for a crisis supplement to pay her towing bill.

The Ministry determined the Appellant has not demonstrated that her request meets all the criteria under Section 59 of the Employment and Assistance Regulation.

The Ministry found that the Appellant meets two of the criteria, as follows:

- She faced an unexpected expense when her vehicle broke down, and
- She does not have resources available to pay for towing her vehicle.

The Ministry found that the Appellant did not meet two of the criteria, as follows:

- Her family unit was not eligible for income assistance or hardship assistance in July 2024 because the Appellant’s May 2024 income was more than the rate of assistance for her family unit size.
- Failure to meet the expense will lead to imminent danger to the Appellant’s physical health or a child being removed under the *Child, Family and Community Service Act*.

Part D – Relevant Legislation

Employment and Assistance Act Section 4 ("the Act")

Employment and Assistance Regulation Section 59 ("the Regulation")

Section 1 (1) and Section 2 (1) of Schedule A of the Regulation

Applicable legislation is found in Appendix A.

Part E – Summary of Facts

The Appellant requested a telephone hearing of this appeal. A telephone hearing took place on September 6, 2024 at 1 pm. The Appellant, a Ministry Representative, and all Panel Members were in attendance.

Information available at the time of Reconsideration

On June 18, 2024, the Ministry reviewed the Appellant's Request for Reconsideration and determined that she is not eligible for July income assistance because her income was more than the rate of assistance for a family of three.

On July 2, 2024, the Appellant requested a crisis supplement to pay her towing bill and provided a towing quote for \$3250 plus GST from a towing company in her home community. The Appellant explained that she became stranded over 600 kilometres from home due to her vehicle having malfunctioned and she needs funds to tow her vehicle and for vehicle repairs.

On July 3, 2024, the Ministry denied the Appellant's request because she was found ineligible for July 2024 income assistance due to having income more than Ministry rates. Additionally, the Appellant did not provide sufficient evidence of Imminent danger to her physical health.

On July 9, 2024, the Appellant submitted her Request for Reconsideration, including the following information:

- The Appellant needed to get home immediately, or her children would not have a babysitter, and there was damage done to her door frame while she was away.
- The Appellant does not feel safe at the access centre in her home community.
- The Appellant is concerned that the Ministry did not address her request faster when she was stranded far away from her home community.
- The Appellant is concerned about the removal of child statement in the crisis supplement legislation due to her past personal experiences.
- Her family's health is at risk without a vehicle as she was involved in a hit and run; the Appellant and her daughter have injuries as a result. The Appellant's daughter is in summer school and is unable to walk there due to knee injuries from the car accident, and has fainted due to the extreme summer heat in the family unit's home community
- The Appellant is unable to look for work without a vehicle.
- The Appellant had a bailiff come to pick up her vehicle due to an issue with her vehicle coverage. She is concerned about the potential for it to be impounded, and

further debts that would result from this. ICBC said her vehicle must be returned to the same garage that worked on her vehicle after a “hit and run” accident earlier this year, and this garage is located in her home community that is over 600 kilometres away from where the car remains broken down.

- The Appellant may need to leave her residence due to safety concerns.
- She is waiting for a separate hardship request to be processed by the Ministry and is late on rent and bills.

On July 11, 2024, the Appellant was advised that she was not eligible for July hardship assistance and offered the right to reconsideration, which the Appellant initially declined.

On July 15, 2024, the Appellant’s Third-Party Administrator emailed the Ministry and requested reconsideration of the denial of the Appellant’s July hardship assistance.

Additional Information Submitted after Reconsideration

Appellant

In her Notice of Appeal, received at the Tribunal office on August 27, 2024, the Appellant stated that she did not agree with the Ministry’s Reconsideration Decision and that there was some incorrect information in the decision document.

In a letter attached to her Notice of Appeal, the Appellant explained that a bailiff has not picked up her vehicle; her vehicle remains broken down and is still located approximately 600 kilometres from her home community. The Appellant also clarified that her family unit is behind on rent and may need to move; she has safety concerns because of the wildfires that have been burning around her home community this summer, and because she is a victim of past abuse and someone damaged her door frame while banging on her door.

The Appellant also noted that she was approved for a hardship request but the hardship money was not enough to cover the towing bill; she used the hardship request funds to cover her overdue rent but is late again to pay her rent for this month.

The Appellant wrote that her vehicle breaking down was an unexpected expense and there are no resources available to pay for towing the vehicle to her home community. Her daughter’s knee injury from an earlier car accident has been negatively impacted because of having to walk with a bad knee; the Appellant’s mental health has been negatively impacted trying to figure out what she needs to do to get her vehicle back, and while trying to figure out how to get her family unit to places that are farther away than they can walk. The entire family unit’s health has been negatively affected by the extreme heat waves in their community this summer; the family unit is spending money on cabs to go to

locations that are beyond walking distance and the family unit cannot afford this added expense.

Hearing

At the hearing, the Appellant provided more details to help explain what happened when her vehicle broke down in July 2024. She was driving at highway speed approximately 600 kilometres from her home community when the vehicle “sputtered” and lost all power as she steered it off to the side of the highway. The Appellant did not know what to do and contacted the Ministry, ICBC and the RCMP for assistance.

The Appellant said the Ministry told her she would need to return to her home community and visit her local access centre to seek a crisis supplement for vehicle towing. The Appellant said the Ministry was not helpful during this crisis situation where she was stranded alone and far away from her home community.

The Appellant contacted the RCMP to let them know her vehicle was broken down and it was parked on the side of the highway. The Appellant also spoke with an ICBC representative who said her vehicle break down could be related to the “hit and run” accident she had earlier this year. With this as a possibility, ICBC needed the Appellant to have her vehicle towed to her home community, to the same garage that had completed repairs on her vehicle after the earlier “hit and run” accident.

The Appellant hitchhiked and also received a ride from friends to her home community approximately 600 kilometers away. She has been banned from visiting any Ministry access office and has found it very difficult to resolve this request for the Ministry to provide her with a crisis supplement to pay for her vehicle towing, as well as a separate request to the Ministry to provide her with hardship assistance.

The Appellant explained that this has been a very confusing situation for her because the Ministry used her May income to determine her July income assistance, and because they have requested the same paperwork on multiple occasions. She has recently provided the Ministry with documentation to clarify the sources of her May income. The Appellant also explained that she has been struggling with the long term effects of a concussion that she suffered during the “hit and run” accident in July 2024 and the longer term effects of a previous concussion.

In response to a question from a Panel Member, the Appellant advised that she does not know where her vehicle is now. The Appellant spoke with an ICBC representative and thought she had arranged for them to tow her vehicle either to a nearby ICBC office or to the closest vehicle dealership. The Appellant was surprised to receive a telephone call

sometime later from an RCMP officer who said her vehicle was still parked on the side of the road where it broke down

The Appellant acknowledged that, in a later conversation with ICBC, she was told it could be possible to have her vehicle towed to a nearby community, assessed, and for the vehicle repairs to be completed in that community.

The Appellant explained that she has still gone through with this Appeal because she believes that the Ministry needs to make changes to how they handle emergency situations for their clients, especially when a client is stranded alone far away from their home community.

The Ministry Representative relied on the Ministry's Reconsideration Decision during the hearing and clarified that the Appellant had been denied a crisis supplement for towing her vehicle because she did not qualify for income assistance in July 2024 when her car broke down. This is one of the requirements needed for the Ministry to consider providing a crisis supplement.

The Ministry Representative also noted that the legislation does not allow for a crisis supplement to be used for towing expenses.

Admissibility of New Evidence

The Panel admits the Appellant's "Reasons for Appeal" comments from her Notice of Appeal and accompanying letter received by the Tribunal August 27, 2024, and the Appellant's testimony during the hearing as evidence that is reasonably required for a full and fair disclosure of all matters related to the decision under appeal as provided under Section 22 (4) of the *Act*.

The Ministry did not present new evidence during the hearing.

Part F – Reasons for Panel Decision

The Panel is required to determine if the Ministry's Reconsideration Decision was a) reasonably supported by the evidence, or b) a reasonable application of the applicable enactment in the circumstances of the Appellant.

The Appellant's Position

The Appellant asserts that her vehicle broke down unexpectedly more than 600 kilometers from her home community and that she does not have \$3250 to pay for towing the vehicle to her home community.

Being without a vehicle is having a negative effect on the Appellant's mental health and her daughter's physical health, and she also is worried that this unresolved situation could lead to her children being removed under the *Child, Family and Community Service Act*.

The Ministry's Position

The Ministry asserts that the Appellant has not met all of the required criteria for a crisis supplement to pay for towing her vehicle.

In its Reconsideration Decision, the Ministry stated that they are satisfied the Appellant had an unexpected expense when her vehicle broke down, and that she does not have resources to pay the towing bill.

The Ministry acknowledged that having a vehicle makes searching for employment and getting around more convenient. However, "imminent" implies a sense of urgency and the Ministry found no evidence to confirm that the Appellant is unable to use other means of transportation, such as public transit, to get around. There is insufficient evidence to show that the Appellant's physical health or her children's physical health will worsen or is in urgent danger without a vehicle. The Ministry is not satisfied that failure to pay her towing bill will result in an imminent danger to the Appellant's physical health.

The Ministry states that they are not authorized to provide a crisis supplement to a family unit who is not eligible for income assistance or hardship assistance. As the Appellant was determined not to be eligible for July assistance, she is not eligible for a crisis supplement to pay her towing bill in accordance with Section 59 of the Employment and Assistance Regulation

As the Appellant's request does not meet all the criteria under Section 59 of the Regulation, she is not eligible for a crisis supplement to pay her towing bill.

Panel's Decision

Section 59 (1) of the Regulation states a crisis supplement may only be provided if all the following eligibility criteria are met:

- The family unit is eligible for income assistance or hardship assistance **and**
- Is required to meet an unexpected expense, or an item unexpectedly needed **and**
- There are no resources available **and**
- Failure to obtain the item or meet the expense will lead to imminent danger to your physical health or a child being removed under the *Child, Family and Community Service Act*.

In its Reconsideration Decision, the Ministry acknowledged that the Appellant had an unexpected expense when her vehicle broke down, and that the family unit has no resources available to pay the \$3250 towing expense.

The Panel has determined that these two eligibility requirements are not in dispute and have been met.

Eligible for Income Assistance or Hardship Assistance

The Ministry found that the Appellant did not qualify for income assistance or hardship assistance for July 2024 because the family unit had an excess of income for May 2024 above the rate of assistance for her family unit size. While the Appellant advised that the Ministry has reversed their decision and has given the Appellant hardship assistance for July 2024, no information was provided to support this claim.

On June 17, 2024, the Appellant filed her monthly report and reported \$7046.71 of income in May 2024. The Appeal record also includes a monthly report dated June 11, 2024 that includes a handwritten note as follows: "Amend employment income to all pay received in May 2024 \$2487.64. Declare all gifts/loans and indicate which are which and provide info about them." The Appellant also included a handwritten list detailing the sources of deposits made in May 2024. There is no indication in the Appeal Record if the Ministry accepted the Appellant's report of lowered income for May 2024.

Section 1 (1) of Schedule A of the Regulation states:

“1 (1) Subject to this section and sections 3 and 6 to 10 of this Schedule, the amount of income assistance referred to in section 28 (a) [*amount of income assistance*] of this regulation is the sum of

(a) the monthly support allowance under section 2 of this Schedule for a family unit matching the family unit of the applicant or recipient, plus

(b) the shelter allowance calculated under sections 4 and 5 of this Schedule.”

Section 2 (1) of Schedule A of the Regulation shows that the monthly support allowance for a sole applicant under 65 with more than one dependent is \$710:

Sole applicant/recipient and one or more dependent children	Applicant/recipient is under 65 years of age	\$710.00
---	--	----------

Section 4 (2) of Schedule A of the Regulation shows that:

“The monthly shelter allowance for a family unit other than a family unit described in section 15.2 (1) of the Act is the greater of

(a) the minimum set out in the following table for the family unit, and

(b) the lesser of

(i) the family unit's actual shelter costs, and

(ii) the maximum set out in the following table for the family unit.

Item	Column 1 Family Unit Size	Column 2 Minimum	Column 3 Maximum
1	1 person	\$75	\$500
2	2 persons	\$150	\$695
3	3 persons	\$200	\$790
4	4 persons	\$225	\$840
5	5 persons	\$250	\$890
6	6 persons	\$275	\$940
7	7 persons	\$300	\$990

8	8 persons	\$325	\$1 040
9	9 persons	\$350	\$1 090
10	10 persons	\$375	\$1 140

The table shows that a family unit of three is entitled to a monthly shelter allowance of a minimum of \$200 and a maximum of \$790.

A monthly support allowance for a family unit of three people is \$710. Assuming that the Appellant qualifies for the maximum monthly shelter allowance of \$790, the Appellant would be eligible for a monthly maximum income assistance of \$1500.

It is not clear if the Ministry accepted the Appellant's revised income amount of \$2487.64 in May 2024 for July 2024 income assistance, or the originally reported income in May 2024 of \$7046.71 for July 2024 income assistance. Regardless of this, \$2487.64 is above the Appellant's monthly maximum possible income assistance of \$1500. Based on this information, the Appellant had an excess of income for May 2024 above the rate of assistance for her family unit size.

The Panel finds that the Appellant has not met this eligibility criterion because she had an excess of income in May 2024 for July 2024 income assistance.

Failure to Meet the Expense will Lead to Imminent Danger to the Appellant's Physical Health or Child Being Removed

The Appellant explained during the hearing that she is suffering from the effects of at least two concussions and that this is negatively impacting her physical health. Her daughter also is suffering from the effects of a knee injury in a "hit and run" vehicle accident earlier this year, and her knee injury has been worsened by having to walk everywhere instead of travel in the family's vehicle. The Appellant said that her mental health also has suffered as she tries to find a solution to getting her car towed and repaired.

The Panel empathizes with the inconvenience and difficulties that the Appellant and her family have experienced without the use of their vehicle. However, the Appellant has not addressed if the family unit could travel by bus or other means instead. The Appellant also has not provided evidence to indicate the extent of her physical and mental situation, or the physical health of her daughter. Without information from a medical practitioner, the Panel cannot determine if these health concerns present an "imminent" danger to the Appellant and her daughter.

The Appellant also discussed difficulties she has faced in the past due to domestic abuse and expressed her concern that being unable to pay the July 2024 towing bill and being behind on rent as a result may lead to the “imminent” danger of a child being removed under the *Child, Family and Community Service Act* because the Appellant’s family unit could become at risk of losing its accommodation.

The Panel empathizes with the Appellant’s concerns but there has been no evidence presented to indicate that there is “imminent danger” of her children being removed from her under the *Child, Family and Community Service Act*.

In the absence of evidence pointing to an imminent danger or children being removed under the *Child, Family and Community Service Act* , the Panel finds that the Appellant has not met this eligibility criterion.

Conclusion

The Panel confirms the Ministry’s Reconsideration Decision. The Appellant’s request for a crisis supplement to pay for is denied because she does not meet all of the required criteria under Section 59 of the Regulation.

The Panel also notes the Appellant testified that she may not need to have her vehicle towed to her home community after all, and that ICBC may agree to it being towed locally for a much lower cost. The Panel encourages the Appellant to pursue this option further.

The Ministry’s decision is confirmed and Appellant is not successful in her appeal.

Appendix A Applicable Legislation

Employment and Assistance Act Section 4

Income assistance and supplements

4 Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

Employment and Assistance Regulation Section 59

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.

(5) and (6) Repealed. [BC Reg. 248/2018, App. 1, 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.

Income Assistance Rates

Maximum amount of income assistance before deduction of net income

1 (1) Subject to this section and sections 3 and 6 to 10 of this Schedule, the amount of income assistance referred to in section 28 (a) [*amount of income assistance*] of this regulation is the sum of

(a) the monthly support allowance under section 2 of this Schedule for a family unit matching the family unit of the applicant or recipient, plus

(b) the shelter allowance calculated under sections 4 and 5 of this Schedule.

Monthly support allowance

2 (1) A monthly support allowance for the purpose of section 1 (a) is the sum of
 (a) the amount set out in Column 3 of the following table for a family unit described in Column 1 of an applicant or a recipient described in Column 2, plus
 (b) the amount calculated in accordance with subsections (2) to (4) for each dependent child in the family unit.

Item	Column 1 Family unit composition	Column 2 Age or status of applicant or recipient	Column 3 Amount of Support
4	Sole applicant/recipient and one or more dependent children	Applicant/recipient is under 65 years of age	\$710.00

Monthly Shelter Allowance

(2) The monthly shelter allowance for a family unit other than a family unit described in section 15.2 (1) of the Act is the greater of
 (a) the minimum set out in the following table for the family unit, and
 (b) the lesser of
 (i) the family unit's actual shelter costs, and
 (ii) the maximum set out in the following table for the family unit.

Item	Column 1 Family Unit Size	Column 2 Minimum	Column 3 Maximum
3	3 persons	\$200	\$790

APPEAL NUMBER 2024-0296

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

Melissa McLean

Signature of Chair

Date (Year/Month/Day)

2024/09/19

Print Name

Robert Fenske

Signature of Member

Date (Year/Month/Day)

2024/09/19

Print Name

Glenn Prior

Signature of Member

Date (Year/Month/Day)

2024/09/19