

Appeal Number 2023-0392

Part C – Decision Under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Poverty Reduction (“Ministry”) dated December 7, 2023, in which the Ministry determined that the Appellant was not eligible for a crisis supplement for food in November 2023. The Ministry determined that the Appellant had received one crisis supplement for food in November, in the maximum amount permitted under the legislation, and therefore the Appellant was not eligible to receive a second crisis supplement for food in the same month.

Part D – Relevant Legislation

Employment and Assistance Act (“Act”), section 4

Employment and Assistance Regulation (“Regulation”), section 59

Full text of the legislation is provided at the end of the decision.

Part E – Summary of Facts

The Appellant, his spouse and two children came to Canada on October 16, 2023. The reconsideration decision states that the Appellant applied for income assistance following a sponsorship breakdown (corrected information appears below under “Additional Evidence”). On October 23, 2023, the Ministry determined that the family was eligible to receive income assistance. The family received pro-rated income assistance and a full shelter allowance for October 2023, and the full income assistance rate of \$1,895 per month for November and December 2023.

The Appellant asked for a crisis supplement for food, and on November 1, 2023, the family received a crisis supplement of \$200. On November 16, 2023, the Appellant asked for a further crisis supplement for food. The Appellant told the Ministry that he had used the income assistance to pay rent, which is \$3,000 per month, and the income assistance was not enough to pay rent and other expenses for the family. The Appellant had applied for the Canada Child Benefit, but he was told it would take eleven weeks for that application to be processed.

On December 5, 2023, the Ministry provided a further crisis supplement for food in the amount of \$200. The Ministry determined that the Appellant had received the maximum crisis supplement for food for November and December and denied a further crisis supplement for food for those months.

Additional Evidence:

The Appellant provided further written evidence before the hearing:

1. Tenancy Agreement for the family's residence, showing monthly rent of \$3,000.
2. Monthly Report form submitted to the Ministry, dated January 5, 2024, showing zero income.
3. Release of Personal Information of the Appellant and his spouse for the purpose of income verification.

At the hearing, the Appellant provided an email from BC Hydro dated January 11, 2024, stating that the Appellant's utilities bill is \$838.50, due January 31, 2024.

At the hearing, the Appellant stated:

- The family did not come to Canada through a sponsorship that broke down on arrival, as stated in the reconsideration decision; he and his children are Canadian citizens, and he sponsored his spouse, who is a citizen of another country.
- He has not been able to find work in his profession yet.

- His spouse does not speak English, and so is not able to be employed in Canada.
- The family will be evicted from their residence at the end of January because the landlord knows they cannot pay the February rent.
- He has tried to find other accommodation but they cannot afford anywhere that will accept four people as tenants.
- He is trained and experienced in his profession, and expected to work in his profession when he came to Canada, but he has been unable to find employment, despite his best efforts.
- The shelter allowance of \$800 is not enough to rent accommodation for a family of four.
- All their money goes to rent, they are still short \$1,200 for rent, and they have no money left for food or utilities.
- They need \$1,000 a month for food.

Admissibility of Additional Evidence:

The Ministry did not object to the additional written and oral evidence of the Appellant. The additional evidence provides further information about the Appellant's circumstances giving rise to the request for the crisis supplement. The Panel finds that the additional evidence is reasonably required for a full and fair disclosure of all matters related to the decision under appeal, and therefore it is admissible under section 22(4) of the Act.

Part F – Reasons for Panel Decision

The issue on appeal is whether the reconsideration decision of the Ministry, that the Appellant was not eligible for a second crisis supplement for food in November 2023, is reasonably supported by the evidence, or is a reasonable application of the legislation in the Appellant's circumstances.

Appellant's Position:

The Appellant says that the income assistance rate is not enough to support a family of four. He says that if he does not receive more money from the Ministry, his family will be homeless and he will not be able to provide food for his children. If he cannot feed his children, he is afraid the government would remove them from the home, which would cost the government more than if they gave him enough money to live on. He says that the government is creating homelessness by forcing him and his family onto the street, because he cannot afford rent and food with the amount of income assistance the Ministry provides. The Appellant also said that they faced eviction at the end of January 2023, because the landlord knew they would not be able to pay the rent.

Ministry's Position:

The Ministry says that it is bound by the legislation, and it can only provide a crisis supplement that is authorized by the Act and Regulation. The Ministry maintains that it can only give one crisis supplement for food in a month. As it has given the Appellant crisis supplements for food in November and December 2023, it is not authorized to provide another crisis supplement for food for those months. The Ministry says that it cannot give more money than the legislation allows.

Panel Reasons:

At the beginning of the hearing, the Appellant explained that his major issue was not about the \$200 crisis supplement for food, but the larger question of how to pay his rent, utilities, and other expenses, given the high cost of housing compared to the monthly income assistance rates. The Panel explained at the hearing, and clarifies now, that the Panel only has jurisdiction to consider the reasonableness of the reconsideration decision, which is about the denial of a second crisis supplement for food in November 2023. The Panel does not have jurisdiction to consider other requests that are not part of the reconsideration decision, or the sufficiency of income assistance rates, and the Panel cannot change the legislation.

The Panel finds that the Ministry was reasonable in its determination that the Appellant was not eligible to receive a second crisis supplement for food in November. Section 59 of the Regulation sets out when the Ministry may provide a crisis supplement. Under section 59(1), the Ministry is authorized to provide a crisis supplement to a family receiving income assistance if:

- the family needs the supplement to meet an unexpected expense or obtain an item unexpectedly needed;
- the family is unable to meet the expense or obtain the item because there are no resources available; and
- failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family, or removal of a child under the Child, Family and Community Service Act.

Under section 59(2), a crisis supplement may only be provided for the calendar month in which the request is made. Under section 59(4) of the Regulation, if the crisis supplement is for food, the maximum amount that may be provided in a calendar month is \$50 for each person in the family unit (\$200 for a family of four).

The Ministry was satisfied that the Appellant met the criteria in section 59(1). However, the Appellant had already requested and received a crisis supplement of \$200 for the month of November 2023. As the Ministry had already given the maximum crisis supplement for food allowed for a family of four in one month, the Ministry was not permitted to give a second crisis supplement for food in November.

Although the decision under reconsideration was about a crisis supplement requested in November, at reconsideration the Ministry also considered whether the Appellant was eligible for a further crisis supplement in December. The Ministry had already provided a crisis supplement for food in December, in the maximum amount allowed under the legislation, so the Ministry also determined that the Appellant was not eligible for another crisis supplement for food in December.

The Ministry cannot give the Appellant more than the amount set out in the legislation, and the legislation allows no more than one crisis supplement for food in a calendar month. For a family of four, the maximum amount the Ministry can give for a crisis supplement for food in one month is \$200. As the Ministry had given the Appellant the maximum it is authorized to give as a crisis supplement for food, the Ministry was reasonable in its determination that it could not give the Appellant a second crisis supplement for food in the same month. While the Panel understands the Appellant's very difficult situation, neither the Ministry nor the Panel can change or disregard the legislation.

Conclusion:

The Panel finds that the Ministry's reconsideration decision was a reasonable application of the legislation in the Appellant's circumstances. The Panel confirms the reconsideration decision. The Appellant is not successful in the appeal.

Schedule of Legislation

Employment and Assistance Act

Income assistance and supplements

s. 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

Crisis supplement

s. 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 amount that may be provided must not exceed the smaller of

- (i) \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and
- (ii) \$400 for the family unit in the 12 calendar month period preceding the date of application for the crisis supplement.

(5) and (6) Repealed. [B.C. 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.

APPEAL NUMBER 2023-0392

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

Susan Ferguson

Signature of Chair

Date (Year/Month/Day)

2024/01/12

Print Name

Warren Fox

Signature of Member

Date (Year/Month/Day)

2024/01/14

Print Name

Julie Iuvancigh

Signature of Member

Date (Year/Month/Day)

2024/01/12