

### **Part C – Decision Under Appeal**

The decision under appeal is the Reconsideration Decision of the Ministry of Social Development and Poverty Reduction (“Ministry”) dated November 24, 2025, in which the Ministry denied the Appellant’s request for a crisis supplement for funds to replace a car window.

The Ministry was satisfied that needing a car window replaced was an unexpected situation and that there are no resources available to meet the expense. However, it was not satisfied that:

- failure to meet the expense would result in imminent danger to the Appellant’s health.

As the Appellant’s request did not meet with all the criteria listed under Section 59(1) of the Employment and Assistance Regulation, the Ministry determined that the Appellant was not eligible for a crisis supplement.

### **Part D – Relevant Legislation**

Employment and Assistance Regulation (“the Regulation”) section 59.

*Employment and Assistance Act*, section 22(4)

The relevant legislation is in the Schedule of Legislation at the end of the Reasons.

## Part E – Summary of Facts

With the consent of both parties, the hearing was conducted as a written hearing on January 2, 2026, pursuant to section 22(3)(b) of the *Employment and Assistance Act*.

## Evidence Before the Ministry at Reconsideration

- An estimate from an auto glass company to replace “Q RL and QRR” windows for a total estimate of \$1,687.
- A Request for Reconsideration where the Ministry denied the request for replacing a window in the Appellant’s vehicle. The reasons for the denial are as follows (summarized):
  - The Appellant is not in imminent danger without a window in the vehicle.
  - The Ministry does not consider being exposed to outside weather while driving from one place to another a cause for someone to be in imminent danger. They consider this to be akin to a person walking to a bus stop not being in imminent danger due to weather conditions.
  - Should the Appellant have been eligible for such a supplement, ministry policy is to pay the least expensive option available. The amount of the supplement being denied is for \$22.39, which is the cost of plastic sheeting to cover an open window.
- The Appellant provides the following reasons for requesting a reconsideration of the denial of window replacement (summarized):
  - Subsection 122(1) of the Canada Labour Code defines “danger” as: “any hazard, condition or activity that could reasonably be expected to be an imminent or serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected or the activity altered”.
  - Driving a vehicle with broken windows (quarter glasses) poses imminent danger to him: debris and shards of glass dislodging or flying into the cabin poses a risk of cuts and other injuries; the vehicle’s structure is weakened by the broken quarter glasses which puts him in imminent danger; adverse effects on his health due to weather conditions as high velocities; and vision impairment.
  - The quarter glasses are installed for the safety purposes of protecting vehicle occupants while also providing structural support for the vehicle.
  - A person walking outdoors may not be in imminent danger dependent on weather conditions, whereas a person driving a vehicle at 50km/hr to 80km/hr with broken windows will result in exposure to weather and place them in imminent danger.

- Plastic sheeting is not a solution as it does not eliminate imminent dangers and contravenes section 7.05(4) of the Motor Vehicle Regulations, which requires the replacement of any glass in the window of a motor vehicle with safety glass.
- The most cost-effective solution is that the ministry pays for the least expensive option available for the replacement of the broken windows (quarter glasses) with safety glasses, as per the quote submitted.
- Included with the Request for Reconsideration are five pages of information about the cost of plastic sheets, glues and adhesives.

### Reconsideration Decision

In its Reconsideration Decision, the Ministry notes that the Appellant is a sole recipient of income assistance. The Ministry determined that they are satisfied that the need to repair a car window is an unexpected expense because the Appellant's car was vandalized and he does not have \$1,689 available to cover the cost of the repair.

However, the Ministry is not satisfied that failing to provide the Appellant with the funds to replace the broken window would result in imminent danger to his health. They describe "imminent" as denoting a sense of urgency. They write that while possessing a vehicle and using it for transportation is convenient, the Ministry finds that there is no evidence to support that it is necessary to the Appellant to drive a vehicle, or that his health would be in "imminent" danger without the use of a vehicle. The Ministry finds there is no reason why the Appellant cannot use public transportation when necessary to meet his need for transportation.

### **Evidence Provided After Reconsideration**

With the Notice of Appeal, the Appellant wrote three pages of reasons why he is appealing this decision. They are summarized as follows:

- The October 6, 2025 decision to be reconsidered makes no mention of it not being necessary for the Appellant to drive his vehicle, that his health was not in imminent danger without the use of his vehicle, nor does it recommend the use of public transportation when necessary to meet transportation needs.
- This is the Appellant's first ever crisis "other" supplement request.
- The crisis "other" supplement requested is not for obtaining any health care goods or services, for food, for clothing, for fuel for heating or cooking meals, for water or for hydro.

- The criminal act of mischief to the Appellant's vehicle resulted in him having an unexpected expense of replacing the vehicle's broken windows in accordance with the Motor Vehicle Regulations,
- The Appellant is unable to meet the expense due to lack of resources.
- Failure to meet the expense poses the following imminent dangers to the Appellant:
  - Debris and shards of glass dislodging and flying into the cabin poses a risk of cut and other injuries.
  - Compromised structural integrity.
  - Adverse effects on the Appellant's health due to weather conditions at high velocities.
  - Vision impairment caused by broken glass showing a sharp edge.
- Unsafe means dangerous. This definition reflects that danger is an imminent threat to the life or health of a person exposed to it and establishes that "imminent danger" is a redundant phrase of the word "danger".
- Use of public transportation as a primary mode of transportation is not a solution as it will result in the abandonment of his vehicle.
- The Appellant cites various sections of the *Highway Scenic Improvement Act*, the *Transportation Act* and City Traffic by-laws which all relate to if he cannot drive his vehicle, and leaves it parked on the road unattended, it will result in it being determined as a derelict abandoned vehicle.
- If the Appellant's vehicle was left undriven it will result in corrosion on the brakes, which would then put the vehicle's driver in danger.
- Driving a vehicle with broken windows (broken quarter glasses) poses imminent dangers to the Appellant.

No further written submissions were received by either the Appellant or the Ministry.

### **Admissibility of New Evidence**

The statements provided in the Notice of Appeal consists of the Appellant's argument. The Ministry did not provide any additional information or object to the Appellant's statements. I accept and admit the additional statements as evidence under section 22(4) of the *Employment and Assistance Act*, which allows for the admission of evidence reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

## Part F – Reasons for Panel Decision

The issue on appeal is whether the Ministry's Reconsideration Decision, in which it denied the Appellant a crisis supplement to pay to replace a car window is reasonably supported by the evidence or is a reasonable application of the legislation in the circumstances of the Appellant.

At reconsideration, the Ministry was satisfied that the expense was unexpected and the Appellant does not have resources available to meet the expense. However, was not satisfied that:

- failure to meet the expense would result in imminent danger to the Appellant's health.

### Appellant's Position

The Appellant's position is that he is in imminent danger if he were to drive his car without having the windows replaced, and if he were to not drive it and use public transportation as the Ministry has suggested, it would be considered a derelict, abandoned vehicle.

### Ministry's Position

The Ministry's position is that they are not satisfied that failing to provide the Appellant with the funds to replace a broken window in his vehicle would result in imminent danger to his health. The Ministry found that while possessing a vehicle and using it for transportation is convenient, there is no evidence to support that it is necessary for the Appellant to drive a vehicle or that his health would be in imminent danger without the use of a vehicle. The Ministry finds that because not all the criteria set out under section 59 of the Regulation have been met, the Appellant is not eligible for a crisis supplement to replace the car window.

### Panel's Decision

Under section 59(1) of the Regulation, the criteria for eligibility for a crisis supplement are:

- The family unit is eligible for disability assistance or hardship assistance;
- The supplement is needed to meet an unexpected expense or an item unexpectedly needed;
- There are no resources available to meet the expense or obtain the item; and
- Failure to meet the expense or obtain the item will result in imminent danger to the health of any person in the family unit.

I note that all requirements listed above must be met for the Ministry to issue a crisis supplement. The Ministry determined that the Appellant receives income assistance, requires an unexpected item of need and has no resources available to meet the need. However, the remaining criterion has not been met.

*Imminent danger to health*

The Ministry determined that there is no evidence to support that it is necessary for the Appellant to drive a vehicle, or that his health would be in imminent danger without the use of a vehicle. The Ministry also found there is no reason why the Appellant could not use public transportation when necessary to meet his need for transportation.

The Appellant submits that if he does not replace the quarter windows in his vehicle that he cannot drive it at all, based on Motor Vehicle Regulations. If he were to drive it, his health is at risk because: debris and shards of glass dislodging and flying into the cabin poses a risk of cuts and other injuries; compromised structural integrity; adverse effects on his health due to weather conditions at high velocities; and vision impairment caused by broken glass showing a sharp edge.

Although the Appellant has submitted that various Motor Vehicle and Transportation Acts require all windows to be intact to operate, this is outside the scope of my review. I must focus on the Employment Assistance Regulation and whether the Ministry is reasonable in their decision that the Appellant is not in imminent danger to his health or safety if the crisis supplement were not approved.

The word “imminent” denotes something that will happen very soon or is happening now as opposed to an undefined time in the future. The Appellant is concerned that he faces danger if he were to drive the vehicle without the windows in place. I found no evidence to suggest that the Appellant is obligated to enter and drive the vehicle. The Appellant is suggesting that if he does not repair the window and leaves his vehicle to sit it could be impounded. I find that although the Appellant’s vehicle may indeed be towed or impounded, this does not cause or create an imminent danger to his health. For these reasons, I find that the Ministry was reasonable to determine that the Appellant faces no imminent danger to his health.

All criteria under section 57(1) of the Regulation must be met to be eligible for a crisis supplement. Therefore, I find that because the Appellant has not met the requirement of imminent danger to physical health that the Ministry was reasonable to deny the request for a crisis supplement to pay to replace a car window.

## **Conclusion**

I find the Ministry's Reconsideration Decision that determined the Appellant's request for a crisis supplement to pay to replace a car window was a reasonable application of the legislation in the circumstances of the Appellant. I confirm the Ministry's decision. The Appellant is not successful in the appeal.

Schedule of Legislation**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 imminent danger to the health of any person in the family unit.

(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;
- (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.

***Employment and Assistance Act***

**Panels of the tribunal to conduct appeals**

22 (1) If a person commences an appeal in accordance with section 21 (1), the chair must appoint a panel consisting of up to 3 members of the tribunal to hear and determine the appeal.

(2) If a panel consists of more than one member, the chair must designate a chair of the panel from among the members of the panel, and if a panel consists of one member, that member is the chair of the panel.

(3) A panel must conduct a hearing into the decision being appealed within the prescribed period either

- (a) orally, or
- (b) with the consent of the parties, in writing.

(4) A panel may consider evidence that is not part of the record as the panel considers is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

APPEAL NUMBER 2025-0403

**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

Janet Ward

Signature of Chair

Date (Year/Month/Day)

2026/01/02

Print Name

Signature of Member

Date (Year/Month/Day)

Print Name

Signature of Member

Date (Year/Month/Day)