

Reasons for Decision:

Order # AP1718-0674

On <date removed>, the appellant filed three appeals related to a number of items:

1. Emergency home repair request denied;
2. Annual home repair amount request denied; and
3. Inadequate budget for food, annual home repair, transportation and communication costs.

Prior to the hearing, the appellant indicated that they wanted their lawyer to be present at the hearing, because they intended to base their appeal of the budget amounts on Charter grounds. After consulting with Board staff, the appellant agreed to proceed on the first two appeals, and have the third appeal related to budget adequacy separated out into a separate file [AP1718-0736].

The Department stated the issue of emergency home repairs for the appellant's house first arose in <year removed>. The appellant approached the Department in <date removed> about funds for home repair. The Department advised the appellant at that time that the Residential Rehabilitation Assistance Program for Homeowners (RRAP) would have to be accessed first. If the costs of the repairs were more than the amount the RRAP program could cover, then the Employment and Income Assistance Program could cover it.

The appellant appealed the decision to the Board [AP1213-0269]. The Board determined that the Department properly administered the appellant's request for funds to do home repairs in accordance with the Act, Regulations, and policies of the Department.

The appellant returned to the Department in <date removed>, stating that heavy rains were causing significant damage to his house. The Department again advised the appellant that their first point of contact needed to be the RRAP program.

In <date removed>, the appellant presented the Department with receipts for lumber they had purchased to repair a hole in the rear of their house. They confirmed they had not applied to RRAP by that time. The Department advised the appellant by letter on <date removed> that the lumber reimbursement was considered part of a major home repair and would not be reimbursed, and again directed them to the RRAP program.

The Department stated the appellant presented receipts for the purchase of copper pipe in <date removed>, and asked for reimbursement as part of the <amount removed> annual home repair amount. The Department advised the appellant had accessed their <years removed> amount on <date removed>, and that they would have to wait until <date removed> for the <years removed> amount.

The appellant told the Board that this appeal was a new appeal, not a continuation of the <year removed> appeal, based on the changing circumstances surrounding the house. The appellant stated they had met with their replacement worker and supervisor to develop a plan, but they have not followed up on the initial discussion to date.

The appellant recounted the history of their house. They purchased it in <year removed>, and over the years invested approximately <amount removed> in renovations. They did the work themselves, in addition to working full time.

In <year removed>, a series of events began, leading to this situation. They lost their long-term job, their marriage ended, and they developed health issues. The appellant mostly completed the interior work, but the exterior work was unfinished, and their health and financial situation prevented them from completing the work. In recent years the house began to deteriorate.

Recent issues with the house include an invasion of carpenter ants and water ingress due to foundation issues, a leaky roof and a leaky skylight. As a result of the carpenter ants, they had to remove parts of the building to get at the ants, and the building structure deteriorated. Currently, the house has a hole in the back, the kitchen is torn out and lacks water, and the main bathroom is dismantled.

The appellant asserted that their previous worker supported the need for repairs, but the worker retired and the new worker rejected their repair plan. The appellant attributed their difficulty in getting the Department to agree with them to animosity arising from other appeals they had filed.

With winter approaching, the appellant undertook some temporary repairs and submitted some of the bills to the Department.

The appellant stated they do not want to access the RRAP program because it has an "all or nothing" approach to funding. The appellant believes that if RRAP assesses the repairs necessary to their entire home it will cost tens of thousands of dollars. They are concerned that there will be insufficient funding from RRAP and the Department, placing a burden on the appellant.

The appellant noted the City of Winnipeg was now issuing offence notices to them for by-law infractions. The appellant has already accumulated <amount removed> in notices, and faces the prospect of significantly higher fines. The appellant

tendered two notices as an example, which the Board accepted into the record.

With respect to the annual home repair allowance, they stated the amount has not increased in many years, and no longer represents a reasonable amount for maintenance. The appellant also objected to having to wait until <date removed> to claim next year's annual home repair amount, calling it an unnecessary bureaucratic delay.

In summary, the appellant suggested the best way forward was to fund them to hire an engineer to assess what repairs are necessary. The Chair noted funding for an engineer was not part of this appeal.

In response to a question from the Board, the appellant stated they had not reported any of the damage to their insurance company. They had a break-in in <year removed> and the insurance company dropped them for a few years. The appellant is concerned that their insurer will want to inspect the home. As well, they believe they are not covered for insects or consequential damages from neglect.

In response to a question from the Board, the Department confirmed that the appellant can submit receipts in <month removed> in anticipation of claiming the annual home repair amount for <years removed> in <month removed>. The appellant cannot claim the amount in both <month removed> and <month removed>, because the <years removed> amount was paid out in <date removed>.

The appellant stated they were open to accessing RRAP, but notes it is a binding contract and the entire house has to be brought to code. They are worried that RRAP will not have enough funds. The appellant just wants enough repairs done so the home does not collapse.

The Department's understanding is that hiring an engineer was part of the appellant's discussion with the supervisor. In addition to needing three quotes, the engineering study would be considered part of the larger repair program, which requires special approval. As well, RRAP assesses the house, which may cover the engineering study.

The Department reiterated it would cover expenses above the RRAP limit.

The appellant stated they understood that they needed to access all available sources of funds, but wanted to ensure their concerns were addressed.

The Board noted the appellant's stated willingness to work with the Department on a solution to their repair issues, and encouraged them to work within the Department's policy framework. In order to determine any eligibility for funds for major repairs for the appellant's home, the Department must be presented with a full picture of all the needed repairs and the total costs of these repairs. The Department can make a

decision regarding what it is and is not willing to fund once it has documentation showing the total scope of the needed repairs.

The Board observes that, while much of the discussion revolved around the costs of the necessary repairs, no receipts were entered into evidence. Ultimately, the Board's decision does not turn on the actual amounts being requested, focusing on the Department's policy instead. However, the Board notes for the record that appellants who appeal a funding decision should provide evidence for their appeal.

After carefully considering all the written and verbal information, the Board has determined that the program has properly administered the appellant's request for funds to do emergency and annual home repairs in accordance with the Act, Regulations, and policies of the Department. Therefore the Board confirms the decision of the Director and both appeals are dismissed.

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