

**PART C – Decision under Appeal**

The decision under appeal is the ministry's reconsideration decision dated February 27, 2012 which denied the appellant's request for a crisis supplement to pay the outstanding amount for utility bills. The Ministry held that the requirements of Section 59 of the Employment and Assistance Regulation (EAR) were not met as the ministry found that the outstanding amount for utility bills is not an unexpected expense and there was not sufficient information to establish that failure to meet the expense will result in imminent danger to the appellant's physical health.

**PART D – Relevant Legislation**

Employment and Assistance Regulation (EAR), Section 59

## PART E – Summary of Facts

The evidence before the ministry at the time of the reconsideration decision consisted of:

- 1) Fax with receipt dated January 6, 2012 which states that \$750.00 was received from a third party as rent for the appellant's residence;
- 2) Notice of Disconnection dated January 18, 2012 from the natural gas supplier to the appellant's residence stating in part that the overdue amount is \$321.25 and that the final payment is due January 25, 2012;
- 3) Final Notice of Disconnection dated January 20, 2012 from the hydro electric supplier to the appellant's residence stating in part that the amount due is \$293.71; and,
- 4) Request for Reconsideration- Reasons.

Prior to the hearing, the appellant provided additional documents as follows:

- 1) Account Statement dated March 1, 2012 from the natural gas supplier to the appellant's residence stating in part that a payment of \$75.00 was made on account, that \$255.37 is overdue and the total amount outstanding is \$342.37;
- 2) Account Statement dated March 2, 2012 from the hydro electric supplier to the appellant's residence stating in part that the total past due amount is \$518.71;
- 3) Letter dated March 12, 2012 from the natural gas supplier to the appellant stating in part that due to arrears on her account, the gas service was disconnected on March 7, 2012 and the outstanding arrears at the time of disconnection was \$251.82; and,
- 4) Written submission by the appellant dated March 20, 2012.

The ministry did not raise an objection to admission of these documents. The panel reviewed the documents, which provided information about the appellant's utility bills, and admitted the statements and letter as evidence, pursuant to Section 22(4) of the Employment and Assistance Act (EAA), as being in support of the information and records before the ministry on its reconsideration. The panel accepted the appellant's written submission as argument.

In her Notice of Appeal, the appellant states that she has obtained part-time employment and will be able to pay back in installments any help she receives. The appellant states she feels it is inhumane to have no heat with winter conditions and she has lost all her food now in her fridge and freezer. The appellant states that she has extreme health conditions and being without heat is not helping.

In her written submission, the appellant adds that she would rather have the ministry pay the hydro electric bill as then she would at least be able to have some heat in the form of electric heaters since her gas has been disconnected. The appellant states that even with the ministry paying the natural gas supplier \$75.00 per month on her behalf, they still disconnected the gas. The appellant states that although she has found a part-time job, it will take another month before she can get back on track. The appellant states that her biggest fear is dying in her sleep from exposure because it gets so cold at night and she has already ended up with bronchitis and she does not want to end up in hospital. The appellant states that she wants the ministry to reconsider which utility it pays, plus she feels it is unjust to allow anyone to go without heat in the winter. The appellant states that she is still trying to find cheaper accommodation and/or a room-mate. The appellant states that she has the possibility of being able to get on full-time at another daycare but it will not be for another month, end of April or early May, and her goal is to get off income assistance as soon as possible. The appellant states that she has worked hard all her life and she has only been on income assistance a few times and she is asking for a little help right now.

In her Request for Reconsideration, the appellant adds that she looked into a cheaper apartment and the rent is \$695.00 per month and heat is included but they need a half month's damage deposit plus \$100.00 pet deposit as she has a small dog and an indoor cat. The appellant states that this is the only other place she has been able to find in her community. The appellant states that she does not know how much longer she can go with no heat or power and what little food she had in her freezers is now gone, that it thawed and

without power she had no way of cooking or reheating any of it.

The ministry's evidence is that the appellant has been in continuous receipt of income assistance as a single employable person and her file most recently opened in September 2011. The appellant's support and shelter allowance total \$610.00 per month, being \$375.00 for shelter allowance plus \$235.00 in support. The appellant's total shelter costs are \$939.00 per month, being \$750.00 in rent and \$189.00 for utilities. The ministry discussed with the appellant her high shelter costs and the appellant stated that she was looking for a room-mate. In October 2011, the ministry dealt with a disconnection for the natural gas supplier and paid \$215.56 in a crisis grant to avoid disconnection. On January 31, 2012, the appellant stated that a friend had paid her rent as she did not have sufficient funds and she was requested to provide verification. On February 16, 2012, the appellant stated that her hydro electric had been disconnected and that her natural gas supply would soon be disconnected. On February 20, 2012, the appellant requested a crisis supplement to pay her outstanding utility bills, being hydro electric and natural gas supply, and her request was denied.

## PART F – Reasons for Panel Decision

The issue on the appeal is whether the ministry's decision which denied the appellant's request for a crisis supplement to pay the amount outstanding for utility bills, as the requirements of Section 59 of the Employment and Assistance Regulation (EAR) were not met, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the appellant's circumstances.

Section 59(1) of the EAR sets out the eligibility requirements which are at issue on this appeal for providing the crisis supplement, as follows:

### **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*.

The appellant's position is that she has obtained part-time employment and will be able to pay back in installments any help she receives. The appellant argues that she is still trying to find cheaper accommodation and/or a room-mate. The appellant argues that it is inhumane to have no heat with winter conditions and she has lost all her food now in her fridge and freezer, that it thawed and without power she had no way of cooking or reheating any of it. The appellant argues that she has extreme health conditions, that her biggest fear is dying in her sleep from exposure because it gets so cold at night and she has already ended up with bronchitis and she does not want to end up in hospital. The appellant argues that failure to have gas supply for heat and hydro electric for power will result in imminent danger to her physical health and that she is in need of a crisis supplement to pay for these costs.

The ministry argues that the provisions of Section 59 of the EAR allow for the ministry to provide a crisis supplement when all of the legislative criteria are met, including that the supplement is required to meet an unexpected expense, there are no alternate resources available to the family unit to meet the expense, and failure to meet the expense will result in imminent danger to the physical health of any person in the family unit. The ministry argues that utility bills cannot be considered as an unexpected expense as they are a regularly occurring expense. The ministry points out that the appellant was advised in September 2011 to consider alternatives to her high shelter costs and that crisis supplements could not be provided as a general supplement to her income assistance because her shelter costs are high. The ministry argues that the appellant has not provided sufficient information to establish that failure to pay the outstanding bills will result in imminent danger to the appellant's physical health.

The panel finds that the appellant acknowledges that she has regular costs for utilities, being natural gas supply and hydro electric, which she has been unable to pay since her current rent of \$750 per month exceeds her total of shelter and support allowance of \$610 per month. The ministry points out that the appellant was aware that she needed to consider alternatives to her high shelter costs in September 2011 and the appellant acknowledges that she has been trying to find cheaper accommodation and/or a room-mate to reduce her shelter costs but she has not been successful with either to date. The panel finds that the utility bills for hydro electric and natural gas supply for the appellant's residence are a regular utility expense of which the appellant has been aware and that the ministry's determination that utility bills are not an "unexpected expense", under Section 59(1)(a) of the EAR, was reasonable. The appellant argues that she has lost all her food now in her

fridge and freezer, that it thawed and without power she had no way of cooking or reheating any of it. The appellant also argues that she has extreme health conditions, that she has already ended up with bronchitis and she does not want to end up in hospital because it gets so cold at night. However, the panel finds that there was no evidence provided by the appellant from a health professional to provide specifics of her health conditions or to support her claim that failure to cover the cost of utility bills "will" result in danger to the appellant's physical health, either by loss of heat or electric power, and that this danger is "imminent", or about to occur. Therefore, the panel finds that the ministry's conclusion that there is not sufficient information to establish that failure to meet the utility bills expense will result in imminent danger to the appellant's physical health, pursuant to Section 59(1)(b) of the EAR, was reasonable.

The panel finds that the ministry's reconsideration decision, which denied the appellant's request for a crisis supplement to pay the outstanding amount for utility bills because the requirements of Section 59 of the EAR were not met, was reasonably supported by the evidence and the panel confirms the ministry's decision.