

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development's (the "Ministry's") December 14, 2012 reconsideration decision denying the Appellant's application for a crisis supplement to pay an outstanding and large hydro bill because he did not meet all of the criteria for a crisis supplement in section 57 of the Employment and Assistance for Persons with Disabilities Regulation, and specifically because he did not establish that:

1. He needed the supplement to meet an unexpected expense or to obtain an item unexpectedly needed;
2. He had no resources available to him to meet the expense; and,
3. The failure to provide the supplement for the hydro bill would result in imminent danger to his physical health.

PART D – Relevant Legislation

Employment and Assistance for Persons With Disabilities Act ("EAPWDA") Section 5.

Employment and Assistance for Persons with Disabilities Regulation ("EAPWDR") Section 57.

PART E – Summary of Facts

For its reconsideration decision the Ministry had the following evidence:

1. Information from its records that:

- The Appellant is a single recipient of disability assistance.
- On December 26, 2012, the Appellant asked for assistance to pay an outstanding Hydro bill that he split with two roommates. His landlord was to provide the Ministry with the Hydro bill.
- On November 5, 2012, the Appellant told the Ministry the hydro bill was for over \$700 and was to be split between him and his two roommates.
- On November 8, 2012, the Ministry concluded that the hydro bill was in his roommate's name, the balance owing was \$727 (to be split 3 ways), and the bill was an annual adjustment to an equal payment plan of \$64 a month to cover actual hydro usage.

2. Appellant's request for reconsideration in which he stated that the cost of hydro has gone up 12% and there had been a slight increase in usage. The Appellant indicated that he was responsible for 1/3 of the bills, including phone, cable, hydro, firewood, propane and his share of the food. Without the money, he will not have winter clothes and will be unable to pay other bills or for his share of the groceries. The Appellant also stated that he is not able to let the bill get to disconnection because it would affect his landlord's credit and the landlord would not allow that. The Appellant indicated that every time payment bill is late, 10% is added to the bill. The Appellant submitted a copy of a credit union bill payment slip showing an offset of \$400, a bill payment of \$60.70 and an available balance of \$132.29.

At the hearing, the Appellant explained that this hydro bill was not a past due bill. All bills in his household are paid on time and he is responsible for paying one-third of the amount of the bills. He lives with his landlord and one other roommate. The hydro bill was in his roommate's name. He said that none of them was aware of a 12% increase in hydro rates. The Appellant also stated that his roommate made a deal with hydro and they paid the \$727 bill in two installments to avoid another 10% being added to that bill and to avoid disconnection. The Appellant explained that disconnection would result in a reconnection fee and would negatively impact his landlord's credit.

The Appellant also described his numerous medical conditions, including a stroke from which he is still recovering. He stated that he has no family, no savings and no RRSP to help pay a bill like this. He also has no car and is unable to work. Because he had to pay his portion of this Hydro bill as well as a Hydro bill due on January 7 for \$238.93 he could not afford winter clothes, the vitamins he needs, ferry transportation or food. The Appellant said he was not about to panhandle or rob someplace for the money. He also submitted that the Ministry's position would force him to leave a good home, a good landlord and a place with a garden.

The Panel finds that the Appellant's testimony is related to and in support of evidence about the Appellant's financial and living situation that the Ministry had at reconsideration. Therefore, the Panel admits that testimony in accordance with section 22(4) of the Employment and Assistance Act.

The Ministry relied on its reconsideration decision.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonable denied the Appellant a crisis supplement to pay an outstanding and large hydro bill because he did not meet all of the criteria for a crisis supplement in section 57 of the EAPWDR, and specifically because he did not establish that:

1. He needed the supplement to meet an unexpected expense or to obtain an item unexpectedly needed;
2. He had no resources available to him to meet the expense; and,
3. The failure to provide the supplement for the hydro bill would result in imminent danger to his physical health.

The following section of the EAPWDA applies to the Appellant's circumstances in this appeal:

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

The following section of the EAPWDR applies to the Appellant's circumstances in this appeal:

57(1) The minister may provide a crisis supplement to or for a family unit that is eligible for disability 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 to 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 Parties' Positions

The Ministry's position is that the Appellant did not meet the legislated criteria for a crisis supplement. First, the Ministry determined that the Appellant did not satisfy the requirement that the supplement was needed to meet an unexpected expense or to obtain an item unexpectedly needed. The Ministry found that the annual adjustment in the hydro bill was caused because the equal monthly payment was not enough to cover actual hydro usage. The Ministry stated that the usage and shortage in payment would have been noted on the Appellant's monthly hydro bills. Therefore, the Ministry determined that the annual adjustment in the bill with that amount was not unexpected.

The Ministry also could not conclude that the Appellant has no resources available to him to pay for the item. There was no indication that the Appellant had explored alternative payment options with his roommates.

In addition, the Ministry could not conclude that failure to meet this expense or provide this item would result in imminent danger to the Appellant's physical health. There was no indication that if he did not receive supplementary funds to cover the hydro bill that his physical safety would be in imminent danger.

The Appellant's position is that neither he nor his roommates were aware that the cost of hydro had gone up by 12%. Therefore, the amount of the adjustment bill was unexpected since there was only a slight increase in hydro usage. Also, disconnection was not an option as the Ministry suggested. That would have added another 10% to the bill and negatively impacted his landlord's credit. The

Appellant also submitted that he has no resources to pay for this bill. He has numerous medical conditions, no savings, no RRSP, no family and he cannot work. In addition, he is responsible for one third of all the bills in the household, including for food. The Appellant argued that the Ministry's decision has taken away his food and vitamin money, as well as affected his ferry trips. Without the supplement he also is not be able to get winter clothes, or pay his share of the bills and groceries.

The Panel's Findings

The Panel finds that to be eligible for a crisis supplement, the Appellant must establish that he meets all three of the applicable requirements in section 57 of the EAPWDR. The Panel notes that the Appellant submitted that the cost of hydro has gone up 12% and that there had been a slight increase in usage. However, he provided no evidence that he or his roommates kept track of their hydro usage or what portion of usage the equal payments were covering. Therefore, the Panel finds that the Ministry reasonably determined that the annual hydro bill adjustment was not unexpected and it reasonably concluded that the Appellant's request for the supplement was not needed to meet an unexpected need.

With respect to the requirement that the Appellant establish that he has no resources available to him to meet the unexpected need, the Panel finds that the Appellant submitted that he is responsible for one third of the bills and he needs money for winter clothes, groceries, vitamins and transportation. He also stated that he cannot work, has no savings and no family who can help. However, the Panel finds that the \$727 hydro bill was paid by the roommates and him in installments, an alternative payment option. Therefore, based on the evidence, the Panel finds that the Ministry reasonably concluded that the Appellant did not establish that he has no resources available to him to pay his portion of the adjusted hydro bill.

As for an imminent danger to the Appellant's physical health, the Panel finds that there is no evidence of actual effects on the Appellant's health if the supplement is not provided to him. The Appellant described his various medical conditions and submitted that the Ministry's decision took away his winter clothes, food and vitamin money, but he provided no information that he faces imminent danger to his physical health if he does not receive the supplement. Therefore, the Panel finds that the Ministry reasonably concluded that the Appellant did not establish that he met this requirement.

In conclusion, the Panel confirms the Ministry's reconsideration decision because it was reasonably supported by the evidence and was a reasonable application of the applicable enactments in the Appellant's circumstances.