

**PART C – Decision under Appeal**

This is an appeal of the reconsideration decision of the Ministry of Social Development (Ministry) dated January 4, 2013, in which the Ministry denied the appellant's request for a crisis supplement to cover the cost of his hydro bill on the basis that the appellant did not meet the required criteria set out in section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR). The Ministry determined that the appellant did not require the crisis supplement for hydro to meet an unexpected expense as required by subs. 57(1)(a).

**PART D – Relevant Legislation**

*Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) section 57(1).

**PART E – Summary of Facts**

With the consent of the parties, the appeal hearing was conducted in writing in accordance with s. 22(3)(b) of the *Employment and Assistance Act*.

The appellant has been designated a person with disabilities ("PWD"). He receives monthly disability assistance as a sole recipient with no dependents in the amount of \$286.52 (\$906.42 disability assistance, less \$609.90 CPP and less a \$10 monthly repayment), which the Ministry pays directly to the appellant's landlord, a subsidized housing cooperative.

The information before the Ministry at reconsideration included the appellant's hand written submission, which stated the following:

- "slow in fixing co-op unit ... windows broken open"
- "now repaired"
- "single dad son adopted volunteer for handicap x-wife in wheelchair"
- "caused chest cold and other serious health problems at age 63 [and appellant's date of birth]"

In his hand-written submissions in the notice of appeal of the reconsideration decision, the appellant wrote, "window not fixed in unit and new meter to make bill higher than normal" and the appellant also wrote his age and date of birth, as well as his address (the unit number he lives in at the housing cooperative). Attached to the notice of appeal was also a handwritten note stating, "appeal for repayment of large hydro bill" and "arthritis and other health troubles."

The Ministry relied on the reconsideration decision, which states that the appellant resides in subsidized housing (a housing cooperative) and that his housing charge at the housing cooperative is \$318 per month and this includes a subsidy for hydro. The panel notes that there is a typographical error in the reconsideration decision – in one paragraph, it indicates the appellant's hydro subsidy is \$57 per month, but in the next paragraph it indicates that the hydro subsidy is \$75 per month, which is repeated twice. The reconsideration decision states that the appellant has been unable to afford the ongoing hydro charges at his residence, which are noted as approximately \$179 per month, and that as a result of not paying his hydro bill, the appellant's hydro bill has grown to \$1768.57. The reconsideration decision states that the appellant received a crisis supplement in April 2012 (and the Ministry's original decision notes an April 2012 "crisis grant utilities to reconnect services").

## PART F – Reasons for Panel Decision

The issue on this appeal is whether the Ministry's decision to deny the appellant's request for a crisis supplement for hydro on the basis that he did not meet the criteria set out in section 57(1)(a) of the EAPWDR is reasonable.

The criteria to be applied by the Ministry on a request for a crisis supplement are set out in section 57(1) of the EAPWDR as follows, emphasized by the panel:

- (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 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 ...

The appellant's submissions indicate that due to a broken window in his housing unit that was not fixed, he requires a crisis supplement to pay his hydro bill.

In an email to the Tribunal dated 7 February 2013, the Ministry stated that it stood by its reconsideration decision. In its reconsideration decision, the Ministry determined that the appellant is seeking a crisis supplement for hydro, which the Ministry contends is not an unexpected cost for which the crisis supplement is intended as required by subs. 57(1)(a). The Ministry also says in the reconsideration decision that the appellant has not provided confirmation from the housing cooperative regarding the length of time that the window was broken – there is no evidence of when the window was broken and when it was fixed. The Ministry also says in the reconsideration decision that there is no confirmation of the impact of the broken window on the appellant's monthly hydro charges (whether there was an increase in hydro charges during the time the window was broken and not fixed). Further, in the reconsideration decision, the Ministry acknowledges the appellant's submissions of "single dad son adopted" and "x-wife in wheelchair and hospitalized with pneumonia" but states that "if your x-wife and an adopted son reside with you they should be assisting to meet their own shelter and support costs."

In order to receive a crisis supplement under section 57 of the EAPWDR, an applicant must meet all three of the criteria set out in subs. 57(1) – if the applicant does not meet one of the three criteria, the crisis supplement will not be provided. The panel finds that the Ministry reasonably determined that the appellant does not meet the first criteria required for a crisis supplement under subs. 57(1)(a) of the EAPWDR, namely that the requested crisis supplement is "to meet an unexpected expense". The appellant's position is that he requires the crisis supplement to cover his hydro bill that he says increased as a result of a broken window, but there is no evidence before the Ministry or this panel of how long the window was broken or whether the broken window caused an increase in the appellant's hydro charges. Accordingly, the panel finds that the Ministry's determination that the appellant has not met the first requirement of subs. 57(1)(a), that is, that the requested crisis supplement is "to meet an unexpected expense" was reasonable.

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As the panel has found that the Ministry's determination that the appellant does not meet the criteria set out in subs. 57(1) was reasonable, the panel concludes that the Ministry's decision to deny the appellant's request for a crisis supplement cover the cost of his hydro bill was a reasonable application of the legislation in the circumstances. The panel therefore confirms the Ministry's decision.