

APPEAL #

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development's (the ministry's) reconsideration decision of June 28, 2013 in which the ministry denied the appellant's request for a crisis supplement. The ministry determined that he did not meet the eligibility criteria under section 57(1)(a) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) because the appellant's utility bill was not unexpected.

### PART D – Relevant Legislation

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

## PART E – Summary of Facts

The evidence includes:

- The ministry's reconsideration decision of June 28, 2013 in which the ministry states that the appellant, who receives disability assistance as a sole recipient, requested a crisis supplement on May 3, 2013 to pay an outstanding hydro bill of \$1,691.14.

According to the ministry the appellant stated that BC Hydro had made a mistake and not sent the appellant a bill until the amount owed was over \$1000.

The ministry also states in its reconsideration decision that on May 10, 2013, a ministry worker confirmed, on the basis of the appellant's Shelter Information form that he had been living at his residence since October 2012 and that his utilities were not included in the rent. The ministry also states that it was told by the appellant that he first contacted BC Hydro about his account in February, 2013 and received his first hydro bill on March 11, 2013.

- The appellant's Request for Reconsideration, Section 3, Reason for Request for Reconsideration, signed by the appellant in June 2013 (no day indicated) in which the appellant writes:

"The hydro bill is to[o] high to pay as \$200.00 is taken from my cheque every month. On top of that they want \$150.00 per month for a total of \$350.00. This is putting to[o] much of a strain on me and [I] can't get by...."

- An Installment Plan Notice from BC Hydro dated May 23, 2013, listing the monthly payments required of the appellant from May 29, 2013 to January 2, 2014, to cover the amount owed by the appellant, a total of \$1,191.14.
- The appellant's BC Hydro bill, billing date April 12, 2013 indicating a past due balance payable of \$1,691.14.
- A Ministry of Social Development Shelter Information form with the appellant named as client and signed by the appellant's landlord on September 1, 2012. The start date for the rental is October 1, 2012 and beside the item "Are utilities included in the rental rate?" the "No" box has been chosen.

After the date of the reconsideration decision, additional information was submitted

- The appellant's Reasons for Appeal, signed July 12, 2013. The appellant writes:

"My roommate has started to work and had missed a[n] E.I. cheque. I have spent hundreds on vet bills. I am also payin[g] \$200.00 per month on hydro . . . [They] want \$150.00."

At the hearing the appellant provided the following documents:

- The appellant's hydro bill, billing date February 15 to be paid by March 11, for a total amount of \$1,091.66. The bill includes the following statement: "Due to a delay in preparing your bill, you will notice that it covers a longer than normal billing period [October 2, 2012 to February 8, 2013]." The statement goes on to advise the appellant to contact BC Hydro "if you require assistance paying the

amount owing before the due date." The bill also includes a handwritten amount under "amount paid" of \$217.88 and a stamp on the bill from a bank dated July 16, 2013. There is a number on the stamp but no reference as to whether this is an acknowledgement that the amount written on the bill has been paid to BC hydro.

- A written statement from the appellant, dated July 31, 2013 in which he writes that he has been paying for hydro to heat water for two suites other than his own and that "this will be fixed" by his landlord. He explained at the hearing that his landlord will try to get his hydro bill reduced accordingly. He adds that "there are several factors as to why this situation occurred [hydro bill in arrears] and it all seems to be bad timing."
- A statement written by a friend of the appellant, dated July 28, 2013. The friend appeared as a witness for the appellant at the hearing and read her statement. It states that she and her daughter stayed at the appellant's suite while she looked for a place to live, and as a result his utility and grocery bills increased.
- A statement written by the appellant's room mate, dated July 15, 2013. The room mate appeared as a second witness for the appellant at the hearing and read her statement. It states she was unable to pay her share of rent, hydro and phone because she was cut off from EI and had to "wait for 3 weeks for any money to come in."
- Four veterinary bills from May 31, 2013 to July 2, 2013 for care and cremation of the appellant's cat, totaling \$622.28.

With respect to the veterinary bills and the reference to them in the appellant's Reasons for Appeal, the panel finds this evidence inadmissible because the issue before the minister at reconsideration involved hydro not veterinary expenses. Further, the panel finds the appellant's contention that he was charged too much for hydro inadmissible because it was not in the information and records before the minister at reconsideration or in support of the information and records. The panel finds that the issue before the minister at reconsideration involved whether a hydro bill per se could be considered an unexpected expense, not the determination if the hydro bill the appellant received was the correct amount. As the appellant acknowledged verbally and in the written statement at the hearing, the amount of the hydro bill is a matter for the appellant to work out with his landlord, assuming that the appellant paid too much for hydro because the hydro for a water heater the appellant did not use was hooked up wrong with the landlord's approval. The panel notes that what portion, if any, of the hydro bill was inappropriately charged to the appellant cannot be determined on the basis of the evidence presented at the hearing.

Apart from the evidence related to veterinary bills and the appellant's claim that he was charged too much for hydro, the panel finds that the appellant's Reasons for Appeal and the documents presented at the hearing contain information in support of the information and records that were before the minister when the decision being appealed was made; and therefore the panel finds that the documents are admissible as evidence in accordance with the Employment and Assistance Act (EAA), Section 22 (4).

## PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's decision to deny the appellant's request for a crisis supplement because the ministry determined that he did not meet the eligibility criteria under section 57(1)(a) of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) was a reasonable application of the legislation in the circumstances of the appellant or was reasonably supported by the evidence.

Employment and Assistance for Persons with Disabilities Regulation, Section 57

### Crisis supplement

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 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*.

(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 \$20 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 maximum set out in section 4 of Schedule A or Table 2 of Schedule D, as applicable, for a family unit that matches the family unit;

(c) if for clothing, the amount that may be provided must not exceed the smaller of

- (i) \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and
  - (ii) \$400 for the family unit in the 12 calendar month period preceding the date of application for the crisis supplement.
- (5) The cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount calculated under subsection (6).
- (6) In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of disability assistance or hardship assistance that may be provided for the month under Schedule A or Schedule D to a family unit that matches the family unit.
- (7) Despite subsection (4) (b) or (5) or both, 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.

[am. B.C. Reg. 13/2003.]

With respect to the provisions under EAPDR, Section 57(1), the panel notes that in its reconsideration decision the ministry was satisfied that the appellant did not have sufficient resources to pay his outstanding hydro bill and that failure to obtain adequate hydro will result in imminent danger to the appellant's health.

With respect to the provision under EAPDR 57(1)(a) that the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed, the ministry's position is that this provision has not been met. The ministry contends that utilities are an ongoing expense and are not considered unexpected. The ministry states that the appellant knew he was responsible for paying his utility bills when he moved into his residence and finds there is no evidence that hydro was an unexpected expense.

The appellant's position is:

- a) That, as stated by the appellant's friend at the hearing, the appellant provided room and board for his friend and her daughter and this "put a financial strain" on the appellant, using up electricity in the course of living at the appellant's residence.
- b) That the appellant's roommate was unable to pay her portion of the utilities bill for a period

because she was cut off from EI when she found work and had to wait for weeks until she was paid. This was confirmed at the hearing by a statement from his roommate, who specified a period of "over 3 weeks" when she was without money to contribute to her share of the hydro.

c) That BC hydro "made a mistake" according to the appellant and did not send him a bill for hydro until March 11, 2013, several months after he moved into his residence.

The panel notes that ministry based its reconsideration decision on its determination the appellant did not meet the provision under EAPDR, section 57 (1)(a), requiring that the supplement meet an unexpected expense or obtain an item unexpectedly needed. The panel finds that the appellant was aware, as shown on the Shelter Information form dated September 1, 2012, that utilities were not included in his rental rate.

With respect to a) above the panel notes that the appellant to his credit decided to help out his friend and her daughter by giving them a place to live. In doing so, he knowingly took on additional expenses for hydro and other items. Therefore the panel finds that the evidence does not establish unexpected hydro expenses, insofar as the appellant would have known that such expenses would result from the use of hydro by additional occupants in his suite.

With respect to b) the panel notes that the ministry acknowledged in its reconsideration decision that the appellant lacked the resources to pay his hydro bill. As noted above, the ministry's decision is based on its determination that the hydro bill was not an unexpected expense. The panel finds that in b) the evidence does not establish an unexpected expense, though there is evidence of the inability of the appellant's roommate to pay her share of the expected hydro bill.

With respect to c), though the evidence shows that BC hydro did not bill the appellant until several months after he moved in, the evidence also shows that the appellant acknowledged when he moved in that utilities would not be included and therefore that he could expect hydro expenses. Therefore the evidence does not establish that the hydro expenses he incurred were unexpected.

In summary, the panel finds that the evidence does not establish that the appellant required the supplement to meet an unexpected expense or to obtain an item unexpectedly needed. The panel therefore finds that the ministry's decision that the appellant did not meet the provision under EAPDR, section 57 (1)(a), requiring that the supplement meet an unexpected expense or obtain an item unexpectedly needed was reasonable. Therefore the panel confirms the ministry's decision.