

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development (the ministry)'s Reconsideration Decision dated March 25, 2013 in which the ministry denied the appellant's request for a crisis supplement to pay an outstanding utility bill.

The ministry's decision states that the appellant's request does not meet the criteria set out in Section 59(1)(a) and (b) of the Employment and Assistance Regulation (EAR) in that the requested item is not an unexpected expense or was needed to obtain an item unexpectedly, that the appellant did not provide any indication that he had contacted the utility company regarding payment arrangements for the outstanding amount, or that failure to provide the requested item would result in imminent danger to the appellant's health.

PART D – Relevant Legislation

Employment and Assistance Act (EAA) section 4
Employment and Assistance Regulation (EAR), section 59
Employment and Assistance Regulation (EAR), Schedule A

PART E – Summary of Facts

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

- 1) The appellant's Request for Reconsideration (RFR); and
- 2) Utility bill dated February 20, 2013 with a notice of discontinuance regarding the balance due of \$523.19.

In his Notice of Appeal the appellant states that he is making efforts to pay the outstanding utility bill, went to the bank and made a forty dollar payment with his GST but that the utility company wants the remaining outstanding payment or they will cut off the electricity.

Admissibility of New Information

At the hearing, the appellant provided oral evidence. The appellant stated that he has been without power for five weeks and has nowhere to eat, cook or shower. He stated that he went for a job interview with a security company but a security license is required and he is working with a community resource to try and obtain work but that his income assistance amount does not cover the cost of a license or eating out. The appellant also stated that he has not made any other payments towards his outstanding utility bill as he does not have any funds to do so and that the utility company sent him another bill stating that they want the full amount of approximately \$846. The appellant stated that he has not tried to make any payment arrangements as he does not have any money to make payments.

The panel has admitted the oral testimony into evidence as it relates to is information in support of the information and records that were before the ministry at the time of reconsideration, in accordance with section 22(4) of the *Employment and Assistance Act*.

The ministry relied on the reconsideration decision which included evidence that the appellant received crisis supplements for shelter in February and October 2012.

PART F – Reasons for Panel Decision

The issue on the appeal is whether the ministry's decision to deny the appellant's crisis supplement on the basis that he did not meet the legislated criteria of section 59(1)(a) and (b) was reasonably supported by the evidence or was a reasonable application of the applicable legislation in the circumstances of the appellant.

The relevant sections of the legislation are as follows:

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....

EAR section 59(1)(a) - whether the expense is unexpected

The ministry's position is that utilities are included in the shelter portion of the income assistance amount so the utility bill is not an unexpected expense. The ministry states that although the appellant opened the utility account in November 2011 he has not made any payments since June 2012 but has not provided any information to indicate that there were any unexpected circumstances leading to non-payment of his utility bill.

In addition, the ministry representative stated that the appellant had received a previous crisis supplement in October 2012 and he had advised the ministry that paying the utility bill over non-essential utilities would be his main focus. The ministry also states that the appellant has not provided any indication that he has attempted to make repayment arrangements with the utility company.

The appellant's position is that he worked in September 2012 for approximately two weeks but was laid off and has not had any extra money to make any payments towards his outstanding utility bill. He also states that now, because he has no power, all his money is going towards eating out as he cannot cook at home. He states that he is trying to get a job so that he can make more money but has not had any luck so far.

The panel finds that although the appellant has made one payment, there was no information or documentation indicating that the appellant has made efforts to work out a payment arrangement with the utility company. In addition, there is no information to indicate that the outstanding utility bill is an unexpected expense or that there were unexpected circumstances leading to the non-payment of the appellant's utility bill which lead to the request for the crisis supplement. In addition, the appellant did not provide any explanation for why he told the ministry that he was going to use a previous crisis supplement to pay at least some of the outstanding utility bill but chose not to do so, or why he has not made any payments towards his utility account since June 2012.

Therefore, the panel finds that the ministry reasonably determined that the appellant's request did not meet this criterion.

Imminent danger to health

The ministry's position is that there is no information indicating that failure to obtain the crisis supplement to pay the utility bill will result in imminent danger to the appellant's health.

The appellant's position is that he needs the crisis supplement as he is unable to cook as he does not have any power.

The panel finds that there is no evidence indicating that the appellant's physical health is in imminent danger if he does not receive the requested crisis supplement. The panel finds that the ministry reasonably determined that the appellant's request did not meet this criterion.

Conclusion

In conclusion, the panel finds that the ministry's decision to deny the appellant a crisis supplement for his outstanding utility bill because he did not meet the criteria under Section 59(1)(a) and (b) of the EAR was reasonably supported by the evidence and a reasonable application of the legislation in the circumstances of the appellant. The panel thus confirms the ministry's decision.