

**PART C – Decision under Appeal**

The decision under appeal is the Ministry of Social Development (ministry) reconsideration decision dated March 14, 2013 which denied the appellant's request for a crisis supplement to cover hydro electricity costs. The Ministry held that the requirements of Section 59(1)(a) of the Employment and Assistance Regulation (EAR) were not met as the ministry found that the hydro electricity costs are not an unexpected expense or an item that is unexpectedly needed.

**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) Undated handwritten note by the appellant which states in part that another person shares his hydro cost which has never been more than \$60 per month. The other person has paid in full over the last year;
- 2) Statement of Account dated June 24, 2011 from BC hydro to the appellant indicating a balance from his previous bill of \$224.02 and a total past due amount of \$274.47;
- 3) Statement of Account dated January 25, 2013 from BC hydro to the appellant indicating a balance from his previous bill of \$1,779.50 and a total past due amount of \$2,062.69;
- 4) Patient Discharge Instructions dated February 3, 2013;
- 5) Statement of Account dated February 26, 2013 from BC hydro to the appellant indicating a balance from his previous bill of \$1,887.78 and a total past due amount of \$2,216.36; and,
- 6) Request for Reconsideration- Reasons.

In his Notice of Appeal, the appellant expressed his disagreement with the ministry's reconsideration decision. The appellant wrote that he needs an emergency crisis grant because he needs emergency surgery. In his Request for Reconsideration, the appellant wrote that he was told by the ministry not to make a request until he had a disconnect Notice. The appellant waited and got bills but no disconnect notice. The appellant discovered that the service was disconnected and he immediately took the most recent bill to the ministry. At that time, the ministry told him that they could not help because they "bailed him out" of the same situation in February 2012. They paid \$419.16 towards a bill for \$700 and then continued to pay \$174.91 for a further 10 months, which was over \$3,300 in payments. The appellant wrote that after all those payments, with him only receiving \$70 to live on, he was then told that he had to pay the difference on his bill. The appellant wrote that after all that money paid to BC Hydro, he still got disconnected and an outstanding bill of over \$2,000, which is over 3 times more than the previous year's "bail out" of \$700.

The appellant wrote that there is another account living upstairs who shares the hydro and pays the appellant \$60 per month for her share of the bill. All they have ever paid in this house is an average of \$120 for hydro. The appellant wrote that since a new smart meter was installed the hydro bill is astronomical. Last year, an inspection team came in to inspect the residence because of the unusually high power consumption. The appellant wonders why there has been no inspection this year. The appellant wrote that after his hydro service was cut off the ministry still made a monthly payment to BC Hydro and he wonders why it would not have been paid to him instead.

The appellant wrote that on February 3, 2013 he had to go to the emergency ward by ambulance. He is in need of surgery but he had to cancel it because he has no power in the house. He has a bad hernia in his stomach that keeps "popping out." The appellant wrote that his health is getting worse and he is in need of the surgery. The appellant wrote that he has been waiting for a reply back from disability for over 10 months, and he has a multitude of health issues.

At the hearing, the appellant stated that his surgery for his hernia has now been scheduled for April 24, 2013 and he is supposed to have at least a week of recuperation at home. He does not know what he will do with his power cut off. The appellant stated that he has been to emergency several times and he does not want to cancel this surgery. The appellant stated that it has been almost 3 months without service now and it has been difficult. His neighbour has been kind enough to string a cord from his place so at least the appellant can run his telephone and television. The appellant stated that BC Hydro is being paid far too much money, that the bills used to be about \$120 per month. After all the money paid to BC Hydro, including a monthly payment after the service was disconnected, he is still left with no power and a huge bill. The appellant stated that if he came up with that large amount of money, over \$2,000, the ministry would be wondering where it came from. In response to questions, the appellant agreed that he got notices from BC Hydro but each time they said that the power would be disconnected, nothing happened, which lead him to believe that the service would not be disconnected. The appellant stated that he has not been able to understand the bills that BC Hydro sends with

all the figuring about the equal payment plan. He received \$60 each month from the other occupant of the house but he needed to use that money for food since all he has left each month from his assistance amount is \$70. The appellant has approached the landlord but he will not put the BC Hydro account in his name and he will not include utilities as part of the rent. The appellant has 5 pets so it is not that easy for him to move to a different residence. The appellant is not aware of the other occupant's consumption of electricity but he believes that nothing has changed from before.

The ministry's evidence includes that in February 2012, a crisis supplement of \$419.03 was paid to BC Hydro to cover half of the amount of a disconnect notice. At this time, the ministry set up payments directly to BC Hydro of \$174.91 per month. At the hearing the ministry clarified that the amount of the monthly payment was based on information from a past hydro bill provided by the appellant and that the monthly amount can be increased or decreased on direction by the client. The ministry pointed out that this is a re-direction of an amount from the appellant's monthly assistance, and is not in addition to the appellant's monthly support and shelter allowance. The direct payments continued up to March 2013 and have been stopped due to the service disconnection. On January 24, 2013, the appellant called the ministry and stated that he received a call from BC Hydro telling him that there was a disconnection notice in the mail and that he owed \$1,900. On January 30, 2013, the appellant's BC Hydro service was disconnected. On January 31, 2013, the ministry contacted BC Hydro and was advised that the appellant owes \$1,778.36 plus a \$140 reconnection fee. BC Hydro advised the ministry that the appellant was given a notice of disconnection on December 19, 2012, January 3, 2013 and January 24, 2013.

A review by the ministry showed that the monthly payments being made were not meeting the equal payment plan installments set up in April 2012. The appellant submitted a bill to the ministry in June 2012 that showed a past due amount of \$274.47 but he did not advise the ministry that his monthly payments had increased. In addition, the amount deferred from the previous disconnection notice in February 2012 had come due.

## 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 cover hydro electricity costs, 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 the hydro bill was an unexpected expense because BC Hydro had sent notices of disconnection before and had not disconnected his service. The appellant argued that he has not been able to understand the bills that BC Hydro sends with all the figuring about the equal payment plan. The appellant argued that the ministry paid \$419.16 towards a bill for \$700 last year and then continued to pay \$174.91 for a further 10 months, which was over \$3,300 in payments, and he thought this would be enough. The appellant argued that on February 3, 2013 he had to go to the emergency ward by ambulance, that he is in need of surgery but he had to cancel it because he has no power in the house and this is a danger to his health.

The ministry's position is 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 or an item is unexpectedly needed. The ministry argued that an outstanding amount to reconnect service with BC hydro is not an unexpected expense or an item that is unexpectedly needed. The ministry argued that hydro is an ongoing monthly expense and, as demonstrated in February 2012, the appellant was aware of the consequences of not paying for the bill. The ministry argued that the appellant received BC hydro bills showing that there were outstanding amounts owed and he received notice in December 2012 and January 2013 of the pending disconnection.

Pursuant to Section 59(1)(a) of the EAR, a crisis supplement may be provided if the criteria in the section are met, including that the supplement is required to meet an unexpected expense or to obtain an item unexpectedly needed. The appellant stated that although he received the bills sent to him by BC Hydro, he has not been able to understand them. The panel finds that the cost for hydro services is an utility expense for which monthly bills were received by the appellant as the account holder; it was the appellant's responsibility to ensure that he understood the amount outstanding at any time and to seek clarification directly from BC Hydro. The appellant stated that he thought the monthly payments by the ministry should be enough; however, the appellant also admitted that he received \$60 per month from the other occupant of the house for her share of the hydro account and that he did not remit these amounts to BC Hydro on her behalf.

The appellant stated that the costs for hydro have become "astronomical" over the last year and the panel finds that, as the account holder, the appellant was provided bills outlining these costs and it was his responsibility to address possible reasons for these increases directly with BC Hydro. The appellant stated that he only has \$70 remaining each month after payment of his rent and the current equal payment (EP)

amount to BC Hydro and that he cannot afford to increase the EP amount. BC Hydro advised the ministry that the appellant was given notices of disconnection on December 19, 2012, January 3, 2013 and January 24, 2013, and the panel finds that the ministry's determination that the hydro expense was not an "unexpected expense", under Section 59(1)(a) of the EAR, was reasonable.

Although the appellant also argued that he has a hernia in his stomach and that he is facing danger to his physical health if he is forced to cancel the scheduled surgery for lack of hydro electricity services at his residence, the panel finds that the ministry did not deny the appellant's request based on the criteria in Section 59(1)(b) of the EAR.

The panel finds that the ministry's reconsideration decision, which denied the appellant's request for a crisis supplement for the cost of hydro electricity because the requirements of Section 59(1)(a) of the EAR were not met, was reasonably supported by the evidence and the panel confirms the ministry's decision.