

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry)'s Reconsideration Decision dated June 18, 2013 in which the ministry denied the appellant's request for a crisis supplement to pay an outstanding BC Hydro bill.

The ministry's decision states that the appellant's request does not meet the criteria set out in Section 57(1)(a) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) in that although the requested item is an unexpected expense, arrangements have been made to meet this expense with resources available. The reconsideration decision also states that the appellant's request does not meet the criteria of EAPWDR section 57(1)(b) as there is no information to establish that failure to provide the requested item would result in imminent danger to the physical health of any person in the family unit or removal of a child under the *Child, Family and Community Service Act* (CFCSA).

## 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

With the consent of both parties, the hearing was conducted as a written hearing, pursuant to section 22(3)(b) of the Employment and Assistance Act.

The appellant is a single recipient with Persons with Disabilities designation who receives \$531.42 support and \$375 shelter minus a \$20.00 repayment for a total of \$886.42 disability assistance each month.

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

- 1) The appellant's Request for Reconsideration (RFR) dated June 10, 2013 in which the appellant states that her BC Hydro bill is at \$2230.75 in addition to the equal payment plan (EPP) monthly rate of \$312.63. She indicates that BC Hydro requires \$501 per month which she feels is unaffordable. She feels that this amount is quite outrageous, considering that her suite is only 900 square feet and she is careful about her hydro usage, especially heating sources.
- 2) Notice from BC Hydro, dated April 22, 2013, indicating that the appellant has an outstanding balance on her account of \$1915.75 and hydro charges of \$414.23 for the period of March 21 to April 22, 2013. The total payable balance is \$2230.75.

In the appellant's Notice of Appeal she states that she has always kept her hydro bills paid up. She is struggling, but understands her new EPP of \$315 per month, although she has concerns because she indicates that her neighbors only pay \$60-\$90 per month. The appellant feels that after paying rent of \$250 and hydro of \$315, it will be very difficult for her to purchase clothes and food. She also states that she didn't agree with BC Hydro about having to pay an additional \$185 per month to pay off the outstanding account.

The ministry relied on its reconsideration decision.

## PART F – Reasons for Panel Decision

The issue on this appeal is whether the ministry's decision to deny the appellant's crisis supplement on the basis that she did not meet the legislated criteria of EAPWDR section 57(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:

### **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, and
  - (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.

(BC Reg. 13/2003)

Whether the expense is unexpected or whether the request is required to obtain an item unexpectedly needed

The ministry acknowledges that the appellant was on an equal payment plan (EPP) with BC Hydro and due to delayed invoicing and adjustments based on increased usage, the appellant received an unexpected bill on April 22, 2013 for \$2230.75.

It appears to the panel that the ministry was satisfied that the appellant met this criteria of EAPWDR section 57(1)(a) as the ministry concluded that the amount of the appellant's BC Hydro bill was an unexpected expense.

Whether resources are available

Although the appellant stated in her Notice of Appeal that she did not agree with BC Hydro to pay an additional \$185 towards the outstanding balance, the ministry confirmed with BC Hydro that the appellant had made arrangements with them to pay a revised EPP of \$315 each month, as well as pay an additional \$185 per month toward the outstanding bill. The appellant informed the ministry that the \$500 monthly payment to BC Hydro would be shared with a room-mate, each paying \$250.

The panel finds that the appellant had made arrangements and has the resources available to pay the outstanding balance, therefore the panel finds that the ministry reasonably determined that the appellant's request did not meet this criterion of EAPWDR section 57(1)(a).

Imminent danger to health

The appellant's position is that if she is unable to cook, her health will be in danger.

The ministry confirmed that under the current payment arrangement with BC Hydro the appellant is not at risk of having the hydro disconnected, and the panel found no documentation to establish a threat of disconnection of service.

Accordingly, the panel finds that the ministry reasonably determined that the appellant's request did not meet the criteria required of EAPWDR section 57(1)(b).

#### Conclusion

In conclusion, the panel finds that the ministry's decision to deny the appellant a crisis supplement for her outstanding Hydro BC bill, because she did not meet the criteria under Section 57(1)(a) and (b) of the EAPWDR, 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.