

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision dated August 12, 2013, which denied the appellant a crisis supplement for utilities. The ministry relied upon section 59 of the Employment Assistance Regulation and specifically determined that the crisis supplement was not required to meet an unexpected expense, or to obtain an item unexpectedly and the failure to provide the funds will not result in imminent danger to physical health.

PART D – Relevant Legislation

Employment Assistance Act (EAA) –section 4
Employment 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) The appellant's Request for Reconsideration (RFR) dated July 29, 2013 in which he states that rent at his current address (Residence B) does not include utilities and that living there will only be temporary. He also states that he will have bad credit if his electricity bill is not paid and that if he does not make any payments to the outstanding account he will not be able to set up an electricity account at his new address or anywhere else in the future. He also indicates that the reason he was evicted from his previous residence (Residence A) was due to the ministry's failure to pay his rent for four months, due to an audit of his account;
- 2) Sections 1 and 2 of the RFR dated July 18, 2013 completed by a ministry worker, which states that the appellant is currently receiving services through a Third Party Administrator. The Administrator had provided the ministry office with the utility disconnection notice and advised the ministry that the appellant had stated that he was behind on his utility bill due to a power increase, medical needs and a cold winter. The Administrator further advised that the appellant stated that he had attempted to resolve the outstanding bill by asking family and friends for assistance or setting up a payment plan. The ministry stated that they had contacted the appellant's utility provider and verified that the amount required to avoid disconnect of the appellant's electricity would be \$1000 with an equal payment plan of \$245 per month thereafter. The ministry states that after a review of the appellant's total monthly assistance of \$590 (Shelter \$375, support \$235, repayment deduction \$20), and his current rent being \$550 per month, they determined that his current living situation is not sustainable. The ministry also finds that the Shelter Document submitted on the appellant's behalf states that he moved to Residence B on July 5, 2013 and his utilities are included in the rent, meaning that the appellant no longer lives at the residence cited in the disconnection notice and there is no imminent danger to him, therefore, his request for a crisis supplement to pay his utility bill was denied as it did not meet eligibility criteria. Specifically: (a) the utility bill is not considered an unexpected expense; and (b) there is no imminent danger to him if the utilities are disconnected.
- 3) Disconnection notice dated June 12, 2013 from the appellant's utility provider stating that the appellant owes \$1,550.63;
- 4) Notice of eviction respecting Residence A dated May 22, 2013, indicating that he had to pay his outstanding rent or utilities within 5 days; and
- 5) A Shelter Information Form dated July 5, 2013, for Residence B, indicating that his rent is \$550 per month plus \$300 security deposit and that his utilities are included in the rental rate.

In his Notice of Appeal the appellant states that he disagrees with the ministry's decision because he will be moving into a new place at the end of the month and will need to have power hooked up. He adds that if the outstanding bill is not paid he will have no power, and it will be bad for his credit rating, which means he will not be allowed to get a loan and it will disable him from getting a phone.

The appellant did not attend the hearing. Having confirmed that the appellant was notified of the hearing, the panel proceeded with the hearing pursuant to EAA section 86(b).

APPEAL #

The ministry relied on the reconsideration decision and submitted no new information. The ministry confirmed that on July 31, 2013 they had contacted the appellant's mother to confirm that he was sharing accommodations with her in Residence B.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision to deny the appellant's request for crisis supplement for utilities on the basis that he did not meet the legislated criteria of Employment and Assistance Act section 4 and Employment Assistance Regulation section 59 was reasonably supported by the evidence, or was a reasonable application of the applicable legislation in the circumstances of the appellant.

In arriving at its reconsideration decision, the ministry relied upon the following legislation:

Employment Assistance Act

Income assistance and supplements

4. Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

Employment assistance Regulation

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*.

(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 income 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.

(B.C. Reg. 12/2003)

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

The appellant's position, as set out in the RFR and documents at the time of reconsideration state that the appellant was behind on his utility bill due to a power increase, medical needs and a cold winter.

The ministry's position, as set out in the reconsideration decision, is that the information does not establish that there was an unexpected expense, as it is not unexpected that the cost of power increases in the winter and winter is not unexpected. The ministry adds that the appellant had not provided any information to support that he had any unexpected medical expenses. The ministry also stated that it is not unexpected that failing to pay a utility bill would result in the power being disconnected.

The panel finds that as the utility bill is an ongoing monthly expense which can be expected to increase in the winter and it is not an unexpected expense or an unexpected need.

The panel finds that the outstanding utility bill was not unexpected and that the ministry reasonably determined that the appellant's request did not meet this criterion as required by section 59 of the EAR.

Whether resources available

The appellant's position is that he has attempted to resolve the outstanding bill by asking for assistance from friends and family and setting up a payment plan.

The ministry's reconsideration decision does not address whether there are any resources available to the appellant to meet the expense. It appears to the panel that the ministry was satisfied that the appellant met this criteria and had no other resources available.

Imminent danger to health

The appellant's position is the outstanding utility bill will cause him to have bad credit and will make it impossible for him to set up an electricity account in any future residence and hinder his ability to get things such as a loan or a phone.

The ministry's position is that there was no evidence that there is imminent danger to the physical health of the appellant because he no longer lives at the address to which the disconnection notice was served and utilities are included in the rent for his current residence, Residence B

The panel finds that there is no evidence indicating that the physical health of the appellant is in imminent danger.

Accordingly, the panel finds that the ministry reasonably determined that the appellant's request did not meet the criteria required of the EAR section 59.

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 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.