

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision dated July 22, 2013, which denied the appellant a crisis supplement for utilities. The ministry relied upon section 59 of the Employment Assistance Regulation (EAR) and specifically determined that the crisis supplement was not required to meet an unexpected expense, or to obtain an item unexpectedly.

PART D – Relevant Legislation

Employment Assistance Act (EAA) –section 4
Employment Assistance Regulation (EAR) –section 59

PART E – Summary of Facts

The following information and records were before the ministry at the time of the reconsideration:

- Confirmation of disconnection dated June 18, 2013 from the appellant's utility provider stating that the appellant owed \$2826.85 + \$115 as security deposit;
- An undated Section 3 of a Request for Reconsideration Form completed by the appellant, received by the ministry on July 10, 2013, which states that the appellant's reasons for reconsideration are that: (a) he is seeking help to pay his power bill as the power has been cut; (b) without a phone and no way to clean up, it is impossible for the appellant to find work; (c) the appellant would consider paying back; and (d) the appellant has not worked since February;
- Sections 1 and 2 of the Request for Reconsideration Form dated July 9, 2013 completed by a ministry worker, which, among other things, states that the appellant's request for a crisis supplement to pay his hydro bill was denied as it did not meet eligibility criteria. Specifically: (a) the hydro bill is an accumulation of unpaid charges and therefore cannot be considered an unexpected expense; and (b) the hydro debt was incurred before the appellant became a recipient of income assistance (file opened June 28, 2013).

Subsequent to the date of reconsideration, the appellant has submitted a Notice of Appeal dated August 7, 2013 in which the appellant states that: (a) he is very close to getting a job; (b) with no power, the appellant would have no phone, no means to clean up and the appellant's landlord may evict him; (c) the appellant needed help to pay his power bill; (d) the appellant did not receive his appeal package until August 7, 2013 and hence the submission of his Notice of Appeal was late.

Neither the appellant nor a representative of the ministry was present at the hearing. After confirming that the appellant and the ministry were notified of the time and place of the hearing, the hearing proceeded under section 86 (b) of the EAR.

In the absence of the appellant and the ministry representative, the panel reviewed the information that was before the ministry at reconsideration and makes the following findings of fact.

The appellant's

- file was opened by the ministry on June 28, 2013;
- request for a crisis supplement for utilities is in respect of a period before the appellant became eligible for income assistance;
- shelter and support allowance from the ministry is \$877.32 (which includes \$570.00 for shelter); and
- actual shelter costs of the appellant are estimated to be \$1100.00 per month (which includes \$800.00 rent per month and \$300.00 per month for utilities (confirmed by the utility provider); and
- spouse has not worked for many years and the appellant has not worked since February 2013 and that the appellant and his spouse are a family unit without any dependants.

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 was reasonably supported by evidence, or a reasonable application of the applicable enactment in the circumstances of the appellant. The ministry determined that the appellant was not eligible to receive a crisis supplement under section 59 of the Employment Assistance Regulation, as it was not required to meet an unexpected expense, or to obtain an item unexpectedly.

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)

Based on the Record of Appeal, the appellant's case is that he is seeking a crisis supplement to pay his hydro bill as his power supply has been cut, and without a phone and no way to clean up, it is impossible for the appellant to find work. The appellant also submitted that he has not worked since February 2013. In support of his request for a crisis supplement to pay the hydro bill, the appellant had submitted a "*Confirmation of Disconnection*" dated June 18, 2013 from his hydro service provider. It indicates an overdue amount of \$2826.85 + \$115 as security deposit.

Based on the same Record, the ministry's case is that the appellant's request for a crisis supplement to pay his hydro bill was denied, as it did not meet eligibility criteria. Specifically: (a) the hydro bill is in respect of a period before the appellant became a recipient of income assistance (the

appellant's file was opened on June 28, 2013); (b) the hydro bill dated June 18, 2013 is an accumulation of unpaid charges and therefore cannot be considered an unexpected expense. The ministry further states that the appellant cannot afford to continue to live at his present residence and should consider seeking someone to share his residence or agree with his landlord a significant reduction in the rent, as his shelter and support allowance from the ministry is \$877.32 (which includes \$570.00 for shelter), and his actual shelter cost is estimated to be \$1100.00 (\$800.00 rent per month and \$300.00 per month for utilities).

Section 4 of the EAA empowers the minister to provide income assistance or a supplement to a family unit that is eligible for it. The eligibility criteria are set out in section 59 (1) (a) of the EAR that, among other things, provide that a crisis supplement could be provided if a family unit requires the supplement to meet an "*unexpected expense*" or to "*obtain an item unexpectedly needed*" and there are no resources available to the family unit to meet the expense or to obtain the item. An additional requirement of the relevant legislation [section 59 (1) (b)] is that the minister must be satisfied that failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person of the family unit.

In the present case, the panel notes that the utility bill is in respect of the period before the appellant became eligible for income assistance. The disconnection notice is dated June 18th and the appellant's file was opened at the ministry on June 28, 2013. The panel is of the view that the general intent of the applicable legislation is to enable the minister to provide assistance or supplement to an applicant or a recipient to meet current needs, and not to assist the applicant or a recipient to pay his or her past debts.

The panel further notes that, between October 2012 and June 2013, the appellant's rent was paid through a vehicle trade with his landlord in exchange for rent. His rent during this period was \$800.00 per month and the cost of utilities was estimated by the hydro service provider to be \$300.00 per month. The appellant was last employed in February 2013 and his spouse had not been employed for many years. This aggregate shelter cost of \$1100.00 indicates that the appellant had some other resources that enabled him to meet this expense.

The panel is of the view that payment of utility costs on a monthly basis is a normal and reasonably anticipated cost, and cannot be regarded or described as an "*unexpected expense*". Therefore, the panel finds that the appellant does not meet the legislative criteria prescribed in section 59 (1) (a) of the EAR.

In view of the foregoing analysis, the panel finds that the decision of the minister to deny a crisis supplement for utilities to the appellant was reasonable. The panel further finds that the reconsideration decision was reasonably supported by the evidence and is a reasonable application of the applicable legislation in the circumstances of the appellant. Therefore the panel confirms the decision of the minister.