

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 28, 2013 which held that the appellant is not eligible for a crisis supplement for a Fortis BC utility bill pursuant to section 57(1)(a) of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) because the requested item is not an unexpected expense or an item unexpectedly needed and the appellant has the resources available to obtain the item on his own.

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 the failure to provide the requested item would result in imminent danger to the appellant's physical health.

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 and 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 dated June 17, 2013 (RFR) stating that the appellant is on disability assistance, had to pay for auto insurance and after food and other bills, has no money left. The appellant also states that his wife lost her job on June 13, 2013 and he had to pay for doctors and to take care of his mother's shopping;
- 2) FortisBC bill dated June 17, 2013 indicating payment due of \$853.44;
- 3) FortisBC Notice of Disconnection dated May 2, 2013 indicating the payment amount due of \$535.03;
- 4) FortisBC bill dated May 16, 2013 indicating payment due of \$693.05;

As set out in the reconsideration decision, the appellant receives monthly disability assistance as a single person with no dependants and that based on the appellant's information he has a spouse who was employed part time until June 13, 2013, but is not on his file as she is not a Canadian citizen. The reconsideration decision states that the appellant requested a crisis supplement on May 9, 2013, that his request was denied on June 5, 2013, that on June 26, 2013 the appellant advised the ministry that he had made a payment of \$100 to his utility bill and that the ministry sent a payment of \$150 directly to Fortis BC from the appellant's July 2013 disability assistance.

The reconsideration decision also states that the appellant previously received a crisis supplement of \$326.43 for utilities in January 2012.

Admissibility of New Information

In his Notice of Appeal the appellant states that he was told by the ministry that if he needed help he could get help once a year. With his Notice of Appeal the appellant submitted a letter dated March 25, 2013 confirming that he was approved for Persons with Disabilities (PWD) designation in 2012 (the PWD Letter).

The ministry did not object to the PWD Letter.

The panel has admitted the PWD Letter into evidence as it is in support of 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*. In particular, the PWD Letter confirms that the appellant was approved for PWD designation in 2012.

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 EAR section 86(b).

PART F – Reasons for Panel Decision

The issue under appeal is whether the ministry's decision to deny the appellant's request for a crisis supplement for his Fortis BC electricity bill, on the basis that he 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)

EAPWDR Section 57(1)(a): 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 dated June 17, 2013 is that his wife lost her job on June 13, 2013, that he had to pay auto insurance, and had to take care of his mother's shopping and that as these were unexpected expenses he has no money left to pay his utility bill. On the RFR under section 2, decision to be reconsidered, it also states that the unexpected event that was provided was that the appellant's father passed away, resulting in a visit to his mother and unexpected funeral costs. In his Notice of Appeal the appellant states that he was told by the ministry that he could get help once a year if he needed it.

The ministry's position is that the appellant has not provided information to demonstrate that he needs the crisis supplement for his electricity bill to meet an unexpected expense or obtain an item unexpectedly needed, as required by EAPWDR section 57(1)(a). The ministry's position is that the appellant is on an equal payment plan and his utility bill is a monthly expense and is not unexpected. The ministry also states that a crisis supplement is not a yearly allowance.

The panel notes that there is no information about the appellant's unexpected expenses regarding the unexpected funeral expenses, his mother's shopping expenses, the appellant's travel costs to visit his mother, his wife's part-time income or the loss of the wife's part-time job. The panel finds that the ministry was reasonable in determining that the appellant's request for a crisis supplement for unexpected events could not be verified and that the appellant had provided several differing unexpected events.

The panel finds that the appellant is on an equal payment plan with Fortis BC therefore his monthly utility bill is not an unexpected expense. The panel notes that the appellant states that his wife lost her part-time job which would reasonably result in decreased resources for the family unit, and while this may be an unexpected event resulting in the appellant's inability to meet his usual monthly expenses, the appellant has not provided any information to confirm his wife's loss of employment. While the appellant states that he also had unexpected expenses related to his mother's shopping, he has not provided any further information or documentation to support this information.

Based on all of the evidence, the panel finds that the ministry's decision to deny the appellant's request for a crisis supplement to meet an unexpected expense or obtain an item unexpectedly as required by this aspect of EAPWDR section 57(1)(a) was reasonable.

Whether resources available

The appellant's position is that he had unexpected costs including funeral costs, auto insurance, mother's shopping and loss of resources as his wife lost her part-time job.

The ministry's position is that the appellant has not provided information to establish that he has no resources available to him to pay his Fortis BC electricity bill. In particular, the ministry notes that the appellant had available funds which were used to renew the appellant's auto insurance.

The panel notes that although the appellant states he had extra unexpected expenses such as funeral costs, travel costs to visit his mother, his mother's shopping costs and loss of his wife's part-time income, he has not provided any information or documentation to indicate how much those extra expenses were or the monthly income that his wife is no longer receiving. In addition, the appellant states that he used funds to renew his auto insurance and it is not clear why he could not have used those funds to pay his Fortis BC bill. As disability assistance is intended to meet basic needs such as food, shelter, utility bills, and clothing the information provided does not establish why the appellant was unable to pay his FortisBC electricity bill with his disability assistance.

Therefore, the panel finds that the ministry was reasonable in determining that the appellant has not established that he does not have resources available to him to obtain the item on his own, as is required by EAPWDR section 57(1)(a).

EAPWDR section 57(1)(b)(i) - imminent danger to health

The appellant does not provide any information to indicate that failure to obtain a crisis supplement to pay his electricity bill will result in imminent danger to his physical health.

The ministry's position is that the appellant has not provided any information to establish that failure to obtain the crisis supplement for his electricity bill will result in imminent danger to the appellant's physical health.

The panel finds that while it may cause some difficulties to the appellant's daily life, particularly cooking and refrigeration of foods and evening lighting if his electricity is disconnected, there is no evidence that failure to obtain the requested crisis supplement will result in imminent danger to the appellant's physical health. The word "imminent" means something is impending or likely to take place at any moment and there is no evidence, such as a medical report from the appellant's physician, to establish any imminent danger to the appellant's physical health. Accordingly, the panel finds that the ministry's determination that the appellant did not meet the criteria of EAPWDR section 57(1)(b)(i) was reasonable.

Conclusion

In conclusion, the panel finds that the ministry's decision to deny the appellant a crisis supplement to pay his Fortis BC electricity bill because he 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.