

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (Ministry)'s reconsideration decision dated November 12, 2013, finding the Appellant is not eligible to receive a crisis supplement to help pay a demand for \$4750.23 to bring her home electricity account up to date because one of the three legislated criteria of s. 57 of the Employment and Assistance for Persons with Disability Regulation (EAPWDR) is not met in that the crisis supplement is not required in order to meet an unexpected expense or obtain an item unexpectedly needed.

PART D – Relevant Legislation

The relevant legislation is section 57 of the EAPWDR.

PART E – Summary of Facts

The Appellant is currently receiving disability assistance as a sole recipient.

The Appellant has been in substantial arrears on her home electricity account for a number of years. The ministry has been assisting the Appellant with her monthly payments by paying \$280 directly to the electricity provider for some time. In 2012, the Appellant made two additional payments in the amounts of \$500 and \$550. It is not clear what if any additional payments the Appellant made in 2013. It does appear, however, that the Appellant's actual monthly costs were substantially more than the \$280 being paid by the ministry.

On September 19, the Appellant attended her local ministry offices and submitted a notice of disconnection dated September 10, which included a balance owing of \$4750.23. The Appellant requested the ministry provide her with a crisis supplement of \$1000 towards the payment while she would contribute \$500 by November 15.

The Appellant uses electricity for cooking, hot water and home heating. She has no other source of funds to pay the arrears.

The ministry denied the Appellant a crisis supplement on the basis that one of the three legislated criteria is not met in that the crisis supplement is not required in order to meet an unexpected expense or obtain an item unexpectedly needed.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Ministry's decision finding the Appellant is not eligible to receive a crisis supplement to help pay her home electricity arrears.

The relevant legislation is section 57 of the EAPWDR:

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;
 - (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.

The Ministry in its reconsideration decision found that the Appellant met two of the legislated criteria in that she does not have other resources to pay the arrears and failure to meet the expense will place the Appellant's physical health in imminent danger. However, the ministry states that the need for the Appellant to pay the arrears on her home electricity account does not meet the third legislated

criteria because it is not an "unexpected expense":

"You were aware that the outstanding balance on your account was increasing, but you made only two additional payments of \$500 and \$550 in the previous year. If you fail to make regular payments on your ... account, it is not unexpected that the outstanding balance on your account will continue to increase and you will receive a notice of disconnection. As such, the ministry concludes that the balance owing on your ... account and the subsequent disconnection were not unexpected."

In her appeal application the Appellant states:

"I disagree with the decision because I did not know I would be expected to pay the entire bill off at once."

The question is whether the demand to pay the arrears was an unexpected expense? On the one hand, as the ministry points out, the Appellant was aware that her arrears were mounting and that at some point she would have to pay them. On the other hand, as the Appellant points out, there appears to have been no warning that her home electricity provider would demand full payment at that particular point in time.

The ministry's further point is that it is not unexpected that if the Appellant failed to make regular payments on her account a demand letter would ensue.

The panel finds that the ministry's argument in this case is compelling. Had the Appellant been making regular – or perhaps even sporadic – payments on her account and suddenly received a demand letter, this might qualify as unexpected. In this case, however, the Appellant had failed to make any additional payments in 2013 and so should certainly have expected that a demand for payment would be made at some point.

The legislated requirement that the expense be unexpected has not been met. The Appellant has not met all three legislated criteria as required by section 57 of the EAPWDR.

Accordingly, the panel finds that the Ministry's decision to deny the Appellant a crisis supplement to help pay her home electricity arrears was a reasonable application of the relevant legislation and confirms the Ministry's reconsideration decision.