



### PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the "ministry") dated February 5, 2014 which held that the appellant was not eligible for a crisis supplement for utilities because the ministry determined that the appellant did not meet the eligibility requirements set out in section 59(1) of the Employment Assistance Regulation (EAR). Specifically, the ministry held that utilities are an ongoing expense and cannot be considered an unexpected expense.

### PART D – Relevant Legislation

Employment and Assistance Act (EAA) section 4  
Employment and Assistance Regulation (EAR) section 59(1)

## 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* (EAA).

The documentary evidence before the ministry at reconsideration included the following:

1. A *Residential Tenancy Agreement* dated November 21, 2013 signed by the appellant. The tenancy agreement specified that the appellant agreed to pay rent of \$1150 per month and that the cost of electricity and heat were not included in the rent.
2. A letter dated January 28, 2014 from the agent for the appellant's landlord to the appellant advising that the appellant will be served the *10 Day Notice to End Tenancy for Unpaid Rent or Utilities* by Feb 7, 2014 if the outstanding amount owed by the appellant on the Hydro bill of December 13, 2013 is not paid by February 7, 2014.
3. The appellant's Request for Reconsideration dated January 29, 2014. This submission went to argument (see Part F below).

In addition, the ministry provided an undated one-page summary of ministry file notes on the appellant listing details of phone calls from the appellant to the ministry, and from the ministry to the appellant between January 23, 2014 and January 29, 2014. The notes state that the appellant's landlord lives in a small suite at the back of the house, and that the appellant agreed to pay 75% of the cost of the utilities.

The appellant submitted a Notice of Appeal dated February 10, 2014 that outlined the reasons for his appeal. In particular, the appellant noted that he was in a new place and that his Hydro bill was unexpectedly high.

The ministry provided a response dated March 6, 2014 that advised that the ministry would not provide a written submission as it is relying upon the reconsideration decision.

The panel has considered the new evidence submitted by the appellant and finds that it is admissible under section 22(4) of the EAA as it is evidence in support of the information and records that were before the ministry at reconsideration.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry reasonably denied the appellant's request for a crisis supplement for utilities based upon EAR section 59(1) because it determined that a hydro bill is not an unexpected expense. Specifically, the issue is whether the ministry's decision is reasonably supported by the evidence, or is a reasonable application of the legislation in the circumstances of the appellant.

The relevant legislation is the following:

From the EAA:

### **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.

From the EAR:

### **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*.

The appellant's *Notice of Appeal* states that his Hydro bill was unexpectedly high because he was in a new place. He notes that the ministry had acknowledged that he did not have the resources with which to pay his portion of the Hydro bill, and that the ministry was satisfied that failure to obtain basic utilities will result in imminent danger to the health of his two dependent children or their removal under the *Child, Family and Community Service Act*. In his *Request for Reconsideration*, the appellant stated the following: "*Because I am in receipt of Hardship for the reason being it is a need for me and my kids to have lights and hot water and cooking stove and fridge for the Canadians who have worked and payed taxes for this system to work for Canadian families and new Canadian citizens, I think this decision should be reconsidered.*"

The ministry's Reconsideration Decision notes that under section 59(1) of the EAR, a crisis supplement may only be provided if all three of the following eligibility criteria are met:

1. The supplement is needed for an unexpected item or an unexpected expense and
2. There are no alternate resources available and
3. Failure to obtain the item or meet the expense will result in imminent danger to health or the

removal of a child under the *Child, Family and Community Service Act*.

The ministry acknowledged that the appellant does not have sufficient resources to pay his portion of the outstanding Hydro bill; therefore criterion #2 has been met. As the appellant has two dependent children and it is wintertime, the ministry is satisfied that failure to obtain basic utilities will result in imminent danger to the appellant's health or the removal of his children under the *Child, Family and Community Service Act*. Accordingly, the ministry is satisfied that criterion #3 has been met. Nonetheless, the ministry noted that there is no evidence that the Hydro bill was an unexpected expense and therefore criterion #1 has not been met. The ministry also noted that the appellant receives monthly income assistance of \$1373.61 and that his rent is \$1150 per month. The ministry expects that his monthly utilities would be approximately \$185 and therefore concludes that the appellant's housing costs are unsustainable on his income.

The panel notes that the appellant is not claiming that the Hydro bill was unexpected but rather that the amount of the Hydro bill was unexpectedly high, and that the appellant had only recently moved to his present accommodation so he did not have a history of experience with the amount that the utilities would cost. Nonetheless, the panel notes the ministry's analysis of the appellant's income and living expenses and the panel accepts that the ministry reasonably concluded that the appellant's housing costs are unsustainable on his income. Moreover, there is no evidence that the appellant has made any effort to make alternate payment arrangements, or to explore less expensive housing alternatives. Therefore the panel finds that the ministry reasonably determined that the Hydro bill was not unexpected.

Having reviewed and considered all of the evidence and the relevant legislation, the panel finds that the ministry's decision that the appellant was not eligible for a crisis supplement for utilities was a reasonable application of the legislation in the circumstances of the appellant.

The panel therefore confirms the ministry decision.