

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry)'s Reconsideration Decision dated March 3, 2014 in which the ministry denied the appellant's request for a crisis supplement to pay an outstanding hydro bill.

The ministry's decision states that the appellant's request does not meet all of the criteria set out in Section 59(1) of the *Employment and Assistance Regulation* (EAR) in particular, that the outstanding bill is not an unexpected expense or item needed unexpectedly.

PART D – Relevant Legislation

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

PART E – Summary of Facts

The appellant is a recipient of income assistance as a two parent family with one dependent child. On February 03, 2014 the appellant was advised by the ministry that he was ineligible for the crisis supplement to pay his outstanding hydro bill, and he requested reconsideration of that decision on February 20, 2014.

The evidence before the ministry at the time of the reconsideration decision consisted of:

- A copy of the appellant's bank account activity at Bank A, from December 1, 2013 to January 30, 2014, indicating a closing balance of \$5.67.
- A Notice of Disconnection from the appellant's hydro provider, dated October 10, 2013, stating that the balance due on the account is \$2711.05.
- A banking transaction slip from Bank B, dated October 26, 2013, indicating a payment of \$200 to the hydro provider.
- A copy of the appellant's outstanding hydro bill, dated January 14, 2014, stating that \$2805.71 is due February 6, 2014 and that the last payment made was for \$400.00 on December 24, 2013. The fee for hydro usage for the period of December 9, 2013 to January 9, 2014 was \$1426.39. A stamp from Bank B on the hydro bill, dated January 22, 2014, indicates a payment of \$200.00.
- A copy of the appellant's hydro bill, dated October 7, 2013, stating that \$2711.05 is due October 31, 2013 and that payments were made was for \$200.00 on September 20, 2013 and \$70.00 on September 16, 2013. The fee for hydro usage for the period of September 6, 2013 to October 7, 2013 was \$387.91.
- A banking transaction slip from Bank B, dated October 11, 2013, indicating a payment of \$200 to the hydro provider.
- A copy of the appellant's hydro bill, dated November 12, 2013, stating that \$2563.71 is due December 5, 2013 and that three payments of \$200.00 were made on October 15, October 21 and October 28, 2013. The fee for hydro usage for the period of October 7, 2013 to November 8, 2013 was \$290.43. Two stamps from Bank B on the hydro bill, dated November 20, 2013 and December 23, 2013, indicating payments of \$200.00 and \$400.00, respectively.
- A Notice of Disconnection from the appellant's hydro provider, dated January 22, 2014, stating that the balance due on the account is \$2805.71.
- The appellant's Request for Reconsideration (RFR) dated February 20, 2014 to which the appellant attached copies of the documents noted above and wrote in Section 3, "See attached, if additional info is required please call me."

As set out in the reconsideration decision, the ministry states that their office contacted the hydro

provider and was informed that the total amount required to keep the hydro connected would be \$2805.71 and if the appellant pays \$2675.71 the equal payment plan (EPP) will be \$478 monthly. Alternatively, if the appellant pays \$3390.93 the EPP will be \$413.00 monthly. The ministry states that the combined family income is \$2173.38 which includes income assistance, work earnings and child tax benefit/family bonus. The ministry states that the reason for denial is that the appellant's current outstanding account with the hydro provider is not an unexpected expense or item of need and rather an ongoing issue due the appellant's failure to make the monthly payments of \$421, as part of the previously arranged EPP. Additionally the ministry states that the appellant received a retroactive payment from child tax benefit/family bonus of \$2875.00 on November 20, 2013, demonstrating that other resources were available and were not used to pay the outstanding hydro bill.

In his signed Notice of Appeal the appellant wrote that he disagreed with the ministry's reconsideration decision because he thinks that the ministry is not really seeing what he is asking for.

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).

The ministry relied primarily on its reconsideration decision and provided no new information.

PART F – Reasons for Panel Decision

The issue on appeal is whether the ministry's decision to deny the appellant's crisis supplement to pay an outstanding hydro bill 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

- 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 does not address whether the bill was unexpected in his Notice of Appeal and did not attend the hearing.

The ministry's position, as set out in the reconsideration decision, is that the information does not establish that there was an unexpected expense, or that a supplement was required to purchase an item unexpectedly needed. The ministry states that the outstanding \$2805.71 is the result of the bill accumulating over time due to the appellant's failure to pay the monthly EPP amount of \$421.00, and appears to be an ongoing issue.

The panel finds that the evidence establishes that the outstanding hydro bill had been accumulating over a period of months due to failure to meet the monthly EPP amount of \$421.00; therefore, the panel finds that the ministry's decision, that the appellant's request for a crisis supplement was not for an unexpected expense or to obtain an item unexpectedly needed as required by EAR section 59, was reasonable.

Whether resources available

The ministry's position is that the appellant had received a retroactive payment from child tax credit/family bonus in November 2013 for \$2875.00 and these funds were not applied to the outstanding hydro bill; however, it has not been established that these funds were readily available to the appellant, confirming that alternate resources were available, therefore the ministry is satisfied that this criterion has been met.

Imminent danger to health

The ministry's is satisfied that the failure to obtain electricity will result in imminent danger to the appellant or his family due to current weather conditions, therefore the ministry is satisfied that this criterion has been met.

Conclusion

In conclusion, the panel finds that the ministry's decision to deny the appellant a crisis supplement to pay an outstanding hydro bill, because he did not meet the criteria under Section 59 of the EAR, specifically that there is no evidence that this was an unexpected expense, 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.