

APPEAL #

PART C – Decision under Appeal

The decision under appeal is the June 25, 2014 reconsideration decision of the Ministry of Social Development and Social Innovation (“Ministry”) in which the Ministry denied the Appellant’s request for a crisis supplement for utilities to avoid a disconnection on the basis that the Appellant’s charges for gas were not unexpected, as required by section 57(1)(b) of the *Employment and Assistance for Persons with Disabilities Regulation* (“EAPWDR”).

PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) section 57(1).

PART E – Summary of Facts

With the consent of the parties, the appeal hearing was conducted in writing in accordance with s. 22(3)(b) of the *Employment and Assistance Act*.

The Appellant has been designated a person with disabilities and receives monthly disability assistance.

The information before the Ministry at reconsideration included the following:

- A copy of a letter dated June 17, 2014 from the Appellant's doctor in which he indicates that he understands that because of the Appellant's outstanding bill payment to Fortis BC and her lack of funds, she has been unable to provide three daily meals for herself and "has suffered a great deal of stress with concerns about her lack of funds to pay for the bill, inability to purchase food and the impact this has on her medical situation" and that he "cannot emphasize enough the importance of diet and reduced stress";
- A copy of a letter dated June 17, 2014 from a social worker at the hospital where the Appellant received a kidney transplant in August 2013 in which the social worker writes that the Appellant's struggle with her finances "has left my client with a tremendous struggle with stress, poor nutrition and worry about her transplanted kidney. A healthy diet is imperative for successful transplantation. Recipients of kidney transplant are counseled to reduce stress as it can, in the long run, negatively impact transplantation";
- A copy of a Fortis BC notice of disconnection to the Appellant dated November 23, 2012 indicating a balance of \$432.56 due on the account with a handwritten note on the notice "please pay direct";
- A copy of a Fortis BC bill for the Appellant dated January 9, 2014 for the billing period from November 7 to November 25, 2013. In the payment information section of this bill, it indicates a \$45.00 credit, as well as "adjustments to equal payment plan" of \$770.23 and "equal payment amount due" of \$319.25. The bill indicates payment due of \$962.18 with a due date of February 3, 2014. The bill also indicates "total new charges" of \$236.95;
- A handwritten note from the Appellant dated January 31, 2014 stating that when she moved from one location to another, Fortis BC advised her that she would not be able to go back on an equal payment plan for 8 months;
- A copy of a Fortis BC notice of disconnection to the Appellant dated May 8, 2014 indicating a balance of \$1,103.15 due on the account; and
- The Appellant's handwritten submission on reconsideration in which she wrote that she thinks "not having hydro" would be an imminent danger to her physical health and the stress is making her sick as well as lack of funds for food.

In her Notice of Appeal dated July 2, 2014, the Appellant writes that she disagrees with the Ministry's reconsideration decision because, when she was on the equal payment plan every month, she received a bill that indicated she had a \$45 credit and "it didn't say anything about any amount owing." The Appellant writes that she is a transplant patient with an eye disease and as a result, she is legally blind. She indicates that she moved in with a roommate at the urging of the Ministry but he did not help with the bills and now she is destitute.

The Appellant attached a 3-page handwritten submission dated July 16, 2014 with her Notice of Appeal, together with a copy of a Fortis BC notice of disconnection to her dated July 10, 2014 indicating a balance of \$959.41 due on her account. The Appellant also included with her

submissions on appeal a copy of the June 17, 2014 letter from the social worker that was before the Ministry at reconsideration. In her handwritten submission, the Appellant sets out the following testimony related to her appeal:

- When she was living at her previous accommodation, she was on an equal payment plan paying \$90 per month. When she received her bill every month, "it just kept saying [she] had a \$45 credit." The Appellant writes that "if there was a balance owing [she] didn't see it as [she has] an eye disease called Rhetinitis Pigmentosa for which [she is] legally blind."
- When she moved from her previous residence to her shared residence, she was "shocked to see a bill for \$950" – she writes that during the time she lived in the shared residence, her roommate did not help her with the bills and she was trying to pay the bills herself, but couldn't.
- The Appellant is now living at a new residence and her gas bill is still \$950 and she has "so far put \$500 on it." The Appellant writes that she thinks she is just paying interest on her gas bill and that the rates are increasing and her disability assistance is not increasing.
- The Appellant had a kidney transplant in August 2013 and, as per the letter from her doctor, she has been under a great deal of stress over this bill and that fact that she can't get to her medical appointments on time because she doesn't receive her assistance cheques on time and she can't keep her bill payments on the date she set with Fortis BC because the Ministry doesn't send her disability assistance on time. The Appellant writes that she believes that the inability to pay her Fortis BC bill results in imminent danger to her health because she would not be able to cook or put food in the fridge.
- The Appellant referred to the July 10, 2014 notice of disconnection from Fortis BC she attached, writing that she was supposed to put \$150 towards the bill on June 25, 2014 but couldn't meet the payment so the disconnection is the result.

The panel admits the Appellant's written testimony in her July 16, 2014 submission, together with the July 10, 2014 Fortis BC disconnection notice, under section 22(4)(b) of the *Employment and Assistance Act* as written testimony and information in support of information that was before the Ministry at the time the decision under appeal was made.

In the reconsideration decision, the Ministry notes that the Appellant receives \$941.42 per month in disability assistance – of this, \$375 is shelter allowance – and that her shelter costs are currently \$550 per month plus utilities. The Ministry also notes that it provided a crisis supplement to the Appellant in December 2012 to re-establish the Appellant's Fortis BC services and set up direct payments to Fortis BC on the Appellant's behalf. The Ministry notes that the Appellant said she received a \$950 Fortis bill in February 2014. In March 2014, the Ministry provided a crisis supplement to the Appellant of \$500 to Fortis plus a \$270 repayable security deposit due to a disconnect of the Appellant's gas and set up payments direct to Fortis of \$93/month on the Appellant's behalf. The Ministry notes the Appellant moved on May 1, 2014 to her new accommodation and the direct payments to Fortis were stopped because of the move. The Ministry notes that the Appellant requested a crisis supplement on May 21, 2014 to avoid disconnection and that Fortis has indicated the equal payment plan must be increased to \$200/month based on the Appellant's usage over the past 12 months.

PART F – Reasons for Panel Decision

The issue to be decided is whether the Ministry's decision to deny the Appellant's request for a crisis supplement for utilities to avoid a disconnection on the basis that she did not meet the criteria set out in section 57(1)(a) of the *EAPWDR* is reasonable.

The criteria to be applied by the Ministry on a request for a crisis supplement are set out in section 57(1) of the *EAPWDR* as follows:

- (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 ...

Submissions

The Appellant's position is that she meets the eligibility criteria to receive a crisis supplement for utilities. In her written submissions on appeal, the Appellant argued that she did not see the outstanding amount owing to Fortis BC on her bill, only that she had a \$45 credit, and blames her eye sight. She writes that she was shocked by the amount of \$950 due to Fortis BC in February 2014, that the roommate she had briefly did not help her pay her bills, and she was trying to pay the outstanding amount on her own. She also argues that because she has had a kidney transplant, failure to pay the crisis supplement to reconnect her gas will result in imminent danger to her health as she will not be able to cook food for herself or use her refrigerator. The Appellant points to the information from her doctor and her social worker that her financial situation is causing her stress, which is harming her health. The Appellant argues that she was unable to pay a pre-arranged amount to Fortis BC in late June 2014 and that she has difficulty meeting her bill payments because of the timing of her disability assistance cheques from the Ministry.

The Ministry stood by its reconsideration decision. In the reconsideration decision, the Ministry acknowledged that it was satisfied that the Appellant does not have resources available to her to pay Fortis BC the outstanding amount and that failure to maintain her Fortis services may result in imminent danger to her health (the criteria set out in subs. 57(1)(a) and (b)(i)). However, the Ministry determined that the Appellant's need for the crisis supplement for utilities to avoid disconnection was not unexpected – the criteria set out in subs. 57(1)(a). The Ministry notes that it provided the Appellant a crisis supplement of \$500 in March 2014 to re-establish her Fortis BC services, with the expectation that the Appellant would also make payments towards her outstanding Fortis BC debt. The Ministry notes that the Appellant moved on May 1, 2014, but her shelter costs of \$825/month "are still way too high for a sole recipient" and crisis supplements cannot be used as a way to increase the shelter allowance when ongoing shelter costs are proving to be unmanageable.

Decision

In order to receive a crisis supplement under section 57 of the *EAPWDR*, an applicant must meet all three of the criteria set out in subs. 57(1) – if the applicant does not meet one of the three criteria, the

crisis supplement will not be provided.

The panel notes that the Ministry had provided the Appellant a \$500 crisis supplement for utilities for Fortis arrears and to avoid a disconnection in March 2014. Although the Appellant argues that she thought she had a \$45 credit and did not see the amount owing on her Fortis BC bill, the panel notes that the Appellant was aware of the outstanding balance to Fortis BC of \$950 by at least February 2014 as she states in her submissions on appeal that she was "shocked" by it. The panel finds reasonable the Ministry's determination that the Appellant has not established that the expense of her outstanding Fortis BC arrears is an unexpected expense as required by subs. 57(1)(a) of the EAPWDR.

The panel finds that the Ministry's determination that the Appellant did not meet the requirements of subs. 57(1)(a) was reasonable, as the expense of the Fortis BC arrears was not unexpected. The panel therefore confirms the Ministry's reconsideration decision.