

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) June 6, 2014 reconsideration decision denying the appellant's request for a crisis supplement for utilities because the ministry finds that information has not been provided to establish that the appellant requires a crisis supplement to meet an unexpected expense or obtain an item that is unexpectedly needed in accordance with section 57(a) 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.

PART E – Summary of Facts

The information before the ministry at reconsideration included the following:

From ministry files:

- On April 28, 2014 the appellant requested a crisis supplement for utilities and stated that she has an outstanding Fortis BC bill of approximately \$6000, no confirmation is submitted.
- This debt has been accumulating. Previously, on September 19, 2013 the appellant had requested a crisis supplement when her outstanding balance was \$4750.23.
- The ministry has been sending \$280 per month since March 2012 from the appellant's benefits to Fortis BC.
- The appellant's landlord uses electricity on the appellant's account for his workshop. The landlord was contacted to inquire if he could pay the outstanding balance and stated that he is on a fixed income and is unable to pay the bill.
- On May 9, 2014 the ministry contacted Fortis BC who informed them that the appellant's equal payment plan has been cancelled and based on the appellant's usage her monthly utility amount would be \$500-\$600.
- The ministry was informed by Fortis BC that the appellant's current bill was \$7383.00 and the last payment, besides the monthly \$280 from the ministry, was an additional \$280 on April 24, 2014. Fortis BC confirmed that the appellant's hydro is still connected because her file is under review with the ministry for payment but utilities will be disconnected immediately after the 20th business day if no payment or arrangements are made.
A new 2 block rate is effective since January 2014: it is 9 cents up to 1600 kilowatts and 13.54 cents between 1600-2500 kilowatts. The previous flat rate was 10.56 cents per kilowatt. Fortis BC indicated that the appellant's file signals high each month and her bills have been high for the past couple years – some months \$1000, \$800 back in 2012. Nearly \$5000 were outstanding before January 2014.
- No disconnection notice and no outstanding bill from Fortis BC have been submitted by the appellant.

In her request for reconsideration dated June 5, 2014 the appellant states that she disagrees with the ministry's statement that the expense is not unexpected, because Fortis rates continue to increase, and her income is fixed. She writes that the possibility of disconnection is stressful and detrimental to her mental health. The ability to cook, wash, bathe, do laundry, clean, and heat the home help her to maintain some stability in her life, and losing those abilities would be detrimental to her physical and mental health.

In her Notice of Appeal dated June 24, 2014 the appellant states that she disagrees with the decision because a Fortis representative has told her that they only require \$1000 payment, then \$500 monthly payments which she will arrange to have paid directly from her cheques. This way she won't be disconnected.

Further information was provided:

The appellant provided a written submission dated July 14, 2014 stating that without this emergency assistance her power will be cut off this week. Not having power available to use in the home will be detrimental to her health, physical and mental, and cause a great deal of emotional stress. She is

asking the ministry to pay \$1,000 directly to Fortis, so she can continue to have power while making payments of \$500.00/month, which is what she is paying now, and what Fortis has requested.

The ministry provided a written submission dated July 29, 2014 saying that its submission will be its reconsideration decision summary.

Pursuant to section 22(4) of the Employment and Assistance Act the panel admits the appellant's statements in her Notice of Appeal and her July 14, 2014 submission as being in support of the information that was before the ministry at reconsideration. These statements provide additional details and background regarding the appellant's request for a crisis supplement for utilities.

PART F – Reasons for Panel Decision

The issue under appeal is whether it was reasonable of the ministry to deny the appellant's request for a crisis supplement for utilities in accordance with section 57(a) of the EAPWDR; specifically, did the ministry reasonably determine that information has not been provided to establish that the appellant requires a crisis supplement to meet an unexpected expense or obtain an item that is unexpectedly needed?

The following section of the EAR applies to this appeal:

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,...

(2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made....

(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.

Unexpected expense or obtain an item unexpectedly needed:

The appellant argues that she is entitled to a crisis supplement because the expense she is facing for BC Fortis is unexpected; Fortis rates continue to increase and her income is fixed.

The ministry argues that Fortis BC services are an ongoing expense: The ministry is sending \$280 every month to Fortis BC on an ongoing basis. The appellant was also aware that the outstanding balance on her account was increasing because she already had been denied a crisis supplement in the past and her outstanding balance has continued to accumulate. If she fails to make payments it is not unexpected that the outstanding amount increases and she will receive notice of disconnection.

The ministry further argues that the increase in Fortis BC rates as claimed by the appellant is not confirmed: Had the appellant conserved energy and used less than 1600 kilowatts her rates would have actually decreased because of the January 2014 decrease in Fortis rates for users who preserve energy.

The panel finds that the appellant was aware that she had to pay for Fortis BC because she used their services on an ongoing basis and made a payment in April 2014. While the appellant spoke of an on-going increase of Fortis rates she provided no details on how this increase and/or decrease affected her. Since her outstanding balance on her account has been accumulating over time the amount of \$7383.00 cannot reasonably come as a surprise - previously, in September 2013 the appellant had been denied a crisis supplement when her outstanding balance was \$4750.23. For these reasons the panel finds the ministry was reasonable in determining that the \$7383.00 she is owing to Fortis BC are not an unexpected expense pursuant to section 57 (1)(a) EAR.

For these reasons the panel finds that the ministry's decision was a reasonable application of the legislation in the circumstances of the appellant and confirms the decision.