

### PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (“Ministry”) July 25, 2014 reconsideration decision denying the Appellant a crisis supplement to pay for furnace servicing and repairs because the Appellant did not meet all of the requirements in section 57 of the Employment and Assistance for Persons with Disabilities Regulation.

### PART D – Relevant Legislation

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

## PART E – Summary of Facts

With the oral consent of the Appellant, a Ministry observer attended but did not participate in the hearing.

In her notice of appeal and in an additional written statement dated August 18, 2014 that she submitted for this appeal, the Appellant wrote that the review process did not include the fact that her shelter costs had increased. At the hearing, the Appellant submitted that the reconsideration decision and her appeal were not restricted to just the Ministry's decision denying her a crisis supplement for her furnace repairs. They should also include her requests for back payments for increased property taxes and for medical transportation. At the hearing, the Ministry responded that the only decision it made in its July 25, 2014 reconsideration decision was its denial of a crisis supplement for the Appellant's furnace bill. The Ministry indicated that the Appellant's shelter costs were increased on July 1, 2014 because of the property tax increase and the Appellant should apply to the Ministry for any future medical transportation needs.

The Panel finds that the Ministry's July 25, 2014 reconsideration decision clearly states that it is specific to its denial of crisis supplement assistance for furnace repairs. Therefore, the Panel will summarize only the evidence relevant to that denial of a crisis supplement for the furnace bill.

For its reconsideration decision, the Ministry had the following evidence:

1. Information from its records that the Appellant receives disability assistance as a sole recipient. In July 2014 she was receiving the maximum assistance of \$906.42 (\$375 shelter plus \$531.42 support), as well as a \$40 diet allowance and a \$40 nutritional supplement for vitamins, for a total of \$986.42.
2. Invoice dated January 25, 2014 for \$136.05 for servicing the Appellant's furnace and replacing a circuit breaker, with a handwritten note that this invoice was paid on February 5, 2014.
3. Fax transmittal dated June 12, 2014 from the Appellant to the Ministry submitting the furnace bill.
4. Fax transmittal dated June 30, 2014 from the Appellant to the Ministry, regarding several matters, including a note that she would like to know why her costs for repairing her furnace this winter was not reimbursed to her. She wrote that the bill was sent in twice to the local Ministry office.
5. Appellant's request for reconsideration dated July 15, 2014 for furnace repairs with her statement that the repair was needed in the cold of winter. Her house was 50 degrees in the morning. She also wrote that she worked most of the day putting wood in (which is expensive as well) to get the temperature up to 66-68 degrees by evening. The electric furnace is and was important. She stated that she did not send the furnace bill in earlier because she was dealing with a medical condition. Also, it was extremely difficult to face the challenges of a cold home in the winter. She referred to an attached fax transmittal dated July 17, 2014 from her to the Ministry.
6. Fax transmittal dated July 17, 2014 supporting her reconsideration request and stating that she phoned the Ministry to find out about reimbursement for the furnace bill. She wrote that anyone facing a big hit with a bill will seek any solution available to gather money to pay the debt and she thought the extra money would be in her July assistance check. The Appellant also stated that she has suffered over the past winter. It was a hard winter, cold with extra increases in power-electric bills, firewood and especially groceries. As for imminent danger to her physical health, she wrote that she is alone. Her property may go up for tax sale and she will be homeless which puts her life in jeopardy and in imminent danger.

In the written submissions for this appeal, the Appellant wrote that the Tribunal had not received all the documents she had faxed for the reconsideration review. When asked about this at the hearing, the Appellant referred to events from 2009 to 2011, which were not related to the decision under appeal.

At the hearing, the Appellant said that she paid the furnace repair bill from her February assistance check. She said that she did not send the bill to the Ministry last winter because it was too complicated. The Appellant also described her home as not winterized because insulation had to be removed due to poor repairs and mold. During the past winter she worked until 8 p.m. to get her home heated to 68 degrees by using the furnace as well as wood heat. The Appellant also described her financial difficulties, including how her food costs are extremely high and her shelter costs have gone up.

Pursuant to section 22(4) of the Employment and Assistance Act, the Panel admits the Appellant's testimony regarding the condition of her home, the furnace repair bill and her financial situation as being consistent with and in support of the evidence the Ministry had at reconsideration. As for the Appellant's other testimony at the hearing, regarding incidents that occurred in 2009 to 2011, her issues with a municipality regarding her taxes and her medical transportation matters, the Panel finds that testimony is not related to the issue of the crisis supplement or the Ministry's reconsideration decision, and therefore does not admit that evidence.

At the hearing, the Ministry relied on and reaffirmed its reconsideration decision.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably denied the Appellant a crisis supplement to pay for furnace servicing and repairs because the Appellant did not meet all of the requirements in section 57 of the EAPWDR.

The following legislation is relevant to the Appellant's circumstances in this appeal.

### *EAPWDR*

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 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.

### *The Parties' Positions*

The Ministry's position is the Appellant's request did not meet all of the eligibility criteria for a crisis supplement. In its reconsideration decision, the Ministry wrote that although the furnace repair may have been an unexpected expense, the Appellant had the resources to pay the bill within 10 days.

The Appellant's position is that the furnace repair was an unexpected expense and she did not have the resources to pay for that repair because her living expenses have increased. Also, failing to fix the furnace in winter would have resulted in imminent danger to her physical health.

### *The Panel's Findings and Conclusion*

The Ministry may provide a crisis supplement to a person eligible for disability assistance, such as the Appellant, if all of the requirements in section 57(1) of the EAPWDR are met. The Ministry acknowledged that the Appellant had an unexpected expense when she had her furnace repaired in January 2014. Therefore, the first requirement for a crisis supplement was satisfied.

With respect to the requirement that there are no resources available to pay for the unexpected expense, the Panel notes that, although the Appellant submitted that her living costs increased, she admitted that she paid the furnace bill in February 2014. She also did not submit the invoice to the Ministry for reimbursement until June 2014. Therefore, the Panel finds that the Ministry reasonably determined that the Appellant did not establish that she had no resources available to pay for the unexpected furnace repair expense.

As for establishing that the failure to meet the expense or obtain the item will result in imminent danger to her health, the Panel finds that the Appellant needed the furnace to heat her home in January 2014. However, the Appellant did not ask for reimbursement from the Ministry until June 2014, well after her winter heating needs. Also, she provided no medical evidence that her physical health was in imminent danger from lack of heat in January 2014. Therefore, the Ministry reasonably determined that the Appellant did not meet this requirement in section 57(1)(b)(i).

The Panel finds that the Ministry's reconsideration decision denying the Appellant a crisis supplement for her furnace repair bill was reasonably supported by the evidence. Therefore, the Panel confirms that decision.