

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the ministry) reconsideration decision dated July 22, 2014 which held that the appellant was not eligible for a crisis supplement for utilities because he did not meet the following criteria required by section 57 of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR):

- 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*.

PART D – Relevant Legislation

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

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.

The information the ministry had in its records:

- The appellant is eligible for disability assistance with a dependent spouse with Persons with Disabilities (PWD) designation with one dependent child;
- The appellant receives \$794.56 support, \$660.00 shelter allowance minus a \$20.00 repayment for a total of \$1,434.56 disability assistance each month; plus a \$186.75 BC Family Bonus/National Child Benefit and a \$120.50 Child Tax Benefit for an additional amount of \$307.25 each month;
- On March 25, 2014 the appellant confirmed that as of April 1, 2014 he had secured new accommodation with a rent of \$850.00 a month and utilities were not included. He requested that the ministry cancel his monthly direct payments of \$100.00 to the gas utility;
- On June 9, 2014, the appellant submitted to the ministry a notice of disconnection from the gas utility, Fortis BC, indicating \$334.98 was due by June 13, 2014 to avoid disconnection;
- The ministry confirmed with Fortis that there was an outstanding balance of \$294.56 from the appellant's previous address;
- The appellant was set with a new equal payment plan amount of \$36.00 for the new address and he agreed to pay \$70.00 a month to pay off the arrears;
- The appellant failed to pay the May and June payments and as a result was required to pay \$334.98 to avoid disconnection;
- On June 10, 2014, the ministry advised the appellant that his request for a crisis supplement for utilities to pay his Fortis bill was denied.

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

- 1) The appellant's Request for Reconsideration (RFR) dated July 9, 2014 in which the appellant states that the balance of his previous gas utility bill was prorated and paid directly by the Ministry; gas is required at his new address as it is an essential service for heat and hot water; that the family unit has not reached the annual limit for emergency funds; he cannot afford to cover the arrears from the gas bill at their old address; they had no idea that the house they previously lived in would be sold and therefore they could not plan for the increase cost of gas.
- 2) A copy of the disconnection notice from Fortis B.C. dated June 2, 2014 that states the amount overdue is \$334.98 and must be paid by June 13, 2014 or the service will be disconnected.
- 3) A copy of the ministry's Shelter Information form dated March 3, 2014 which states the appellant's portion of the rental amount is \$850.00; a security deposit is required; the appellant's portion of the security deposit is \$425.00; utilities are not included in the rental rate and there are two adults and two children at the address.

In his Notice of Appeal (NOA), dated July 25, 2014 the appellant stated:

- He cannot afford to pay the utility bill;
- The family unit has not received the maximum for the year;
- The bill is from before the move and is for hot water and heat.

The Panel makes the following finding of facts:

1. The appellant is eligible for disability assistance totaling \$1,434.56 each month plus an additional \$307.25 for a total of \$1,741.81 per month.
2. The appellant did not pay \$334.98 to the gas company.
3. The appellant received a disconnection notice dated June 2, 2014.
4. The appellant provided no information about his resources except that his rent is \$850.00 a month.
5. The appellant provided no information about any danger to the health of anyone in his family unit.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's reconsideration decision which found the appellant ineligible for a crisis supplement for utilities because he did not meet the requirements under section 57 of the EAPWDR was reasonably supported by the evidence or was a reasonable application of the legislation in the appellant's circumstances.

The relevant legislation is as follows:

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, or

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

The ministry's position is that the appellant's requirement to pay the agreed monthly amount on his gas utility bill and to pay it on time was not an unexpected expense, the appellant did not demonstrate that he did not have the resources to pay the bill, and that failure to pay the bill would result in imminent danger to the physical health of anyone in the family or the removal of a child under the *Child, Family and Community Service Act*.

The appellant argued that the balance of the old bill was paid directly by the ministry to Fortis and that he cannot afford to pay the outstanding balance. The appellant states that gas is required at his new address for heat and hot water and he has not reached his annual limit for crisis supplements. Further, the appellant argued that he could not have planned for his move because his previous residence was sold and he did not know this would happen.

Panel Decision

Section 57 of the EAPWDR directs that a crisis supplement may be provided to a family unit who is eligible for disability assistance to pay for an unexpected expense or obtain an item unexpectedly needed and for which they have no other access to resources and failure to meet the expense or obtain the item will result in imminent danger to the physical health of any person in the family unit or removal of a child under the *Child, Family and Community Service Act*.

The Panel finds that the appellant knew that he had to pay \$70 per month to satisfy his outstanding gas bill from his previous residence. He requested that the ministry discontinue the direct monthly payments to Fortis and submitted a form indicating that the utilities were not included in the rent at the new residence. He knew he now has utility payments at this residence. Therefore, the Panel finds that the appellant's knowledge that utilities were not included in the rent and his agreement to the new payment plan with Fortis which included an amount to be paid each month towards the balance owing, indicates that the utility bill was not an unexpected expense. Therefore, the panel finds that the ministry reasonably determined that the appellant did not satisfy this requirement in section 57(1)(a).

While the appellant argued that he could not afford to pay the gas bill, he provided no evidence to indicate that he does not have sufficient funds from his monthly assistance, or that he has exhausted all other sources to assist him in paying the utility bill or any information about what other expenses he may have. Therefore the

panel finds that the ministry reasonably determined that the appellant did not satisfy this requirement in section 57 (1)(a).

The appellant provided no evidence that indicated failure to pay the Fortis bill to avoid disconnection could result in imminent danger to the physical health of any person in the family unit or removal of a child under the *Child, Family and Community Service Act*. Therefore, the panel finds that the ministry reasonably determined that appellant did not satisfy this requirement in section 57(1)(b).

For these reasons, the panel finds that the ministry's decision to deny the appellant a crisis supplement to pay for utilities pursuant to section 57 of the EAPWDR is a reasonable application of the legislation. The ministry's decision is confirmed.

The appellant is not successful in his appeal.