

## PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (Ministry) dated September 29, 2014 in which the Ministry denied the Appellant's request for a crisis supplement for utilities. Section 57 of the Employment and Assistance for Persons with Disabilities Regulation states that the minister may provide a crisis supplement to or for a family unit that is eligible for disability or hardship assistance if the supplement is required 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 the minister considers that 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 Ministry determined that the Appellant's application met the requirement that she is eligible for disability assistance, but did not meet the requirements that the expense is unexpectedly needed or that she is unable to meet the expense or obtain the item because there are no resources available to the family unit. The Ministry determined that failure to meet the expense 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*.

## PART D – Relevant Legislation

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

## PART E – Summary of Facts

Information before the Ministry at reconsideration included:

- A page titled “Discretionary Grant”, listing three payments, two dated 2014 FEB in the amounts of \$700.00 and \$500.00 and one dated 2013 FEB in the amount of \$30.10.
- A final notice of disconnection from BC Hydro in the Appellant’s name, dated February 13, 2013, showing an amount now due of \$442.85, and a balance payable of \$4,862.72.
- A copy of a Decision Report dated September 4, 2014, stating that the family unit is not eligible for a supplement for crisis.
- A copy of the Appellant’s Request for Reconsideration, dated September 15, 2014, with an attachment.

At the hearing, the Appellant submitted five documents:

1. A copy of a Bank statement of account in the Appellant’s name dated October 22, 2014, showing available funds balance of \$1,184.16.
2. A letter from the Appellant’s landlord dated October 21, 2014, stating that he is not willing to pay the Appellant’s hydro bill.
3. A letter from the Appellant’s mother-in-law dated October 20, 2014, stating that she cannot assist with the Appellant’s hydro bill.
4. A letter, in the form of an email, from the Appellant’s parents dated October 21, 2014, stating that they are unable to help with the Appellant’s hydro bill.
5. A letter from a community agency dated October 20, 2014, stating that the Appellant asked for assistance with her hydro bill, but they have denied the Appellant’s request for assistance.

The Ministry had no objection to the admission of the documents listed above. The Panel admitted the documents under section 22(4) of the Employment and Assistance Act as written testimony in support of the information and records that were before the minister when the decision being appealed was made.

The Appellant stated that she had conversations with two supervisors at B.C. Hydro who told her that the overdue amount of her bill, \$3,700, was to be deferred until she was no longer in receipt of disability assistance, when she would be required to pay it. She stated that the B.C. Hydro supervisors both told her that she would remain on an equal payment plan as long as the Ministry called them every six months to confirm that she was still on assistance. She stated that she was told that the Ministry had called in January and July, 2013, but failed to do so in January, 2014, therefore B.C. Hydro applied the deferred amount to her bill. She stated that the Ministry continued to make payments to B.C. Hydro in the amount of the equal payment plan, but the bill became overdue and subject to disconnection. The Appellant stated that she is in her current position because the Ministry did not call B.C. Hydro to confirm the she is still on assistance. In response to questions from the Ministry, the Appellant stated that she does not think her usage has increased, but hydro rates have gone up. The Appellant confirmed that she does receive regular bills in her name from B.C. Hydro.

The Ministry responded that there is no Ministry policy of informing B.C. Hydro when a person is on assistance, and the issue appears to be that the Appellant’s usage went up, and when B.C. Hydro reexamined the equal payment plan, which is done regularly, they found that the monthly payments were insufficient to cover actual usage. The Ministry noted that a crisis grant in the amount of \$1,200 had been issued to the Appellant in February, 2014 to avoid disconnection, and an equal payment plan was set up. The Ministry stated that it is the Appellant’s responsibility to pay the bills. The Ministry referred to the Reconsideration Decision, in which the Ministry stated that the equal payment plan was cancelled because the payments were not enough to cover the usage.

## PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the reconsideration decision of the Ministry of Social Development and Social Innovation (Ministry) dated September 29, 2014 in which the Ministry denied the Appellant's request for a crisis supplement for utilities. Section 57 of the Employment and Assistance for Persons with Disabilities Regulation states that the minister may provide a crisis supplement to or for a family unit that is eligible for disability or hardship assistance if the supplement is required 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 the minister considers that 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 Ministry determined that the Appellant's application met the requirement that she is eligible for disability assistance, but did not meet the requirements that the expense is unexpectedly needed or that she is unable to meet the expense or obtain the item because there are no resources available to the family unit. The Ministry determined that failure to meet the expense 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*.

### Legislation

#### EAPWDR

#### **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*.
- (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;
  - (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.

The Appellant's position is that she was unaware of the change in billing by BC Hydro and she did not know that the amount in arrears had become payable. She argued that the Ministry put her in this position because they failed to inform B.C. Hydro that she is still receiving disability assistance. She also argued that the Ministry was in error concerning her ability to pay for the expense. The Appellant stated that although she receives bills from B.C. Hydro, she is living a difficult life with a husband in prison and several children to look after, and her circumstances should be taken into consideration.

The Ministry's position is that they do not have a policy of informing B.C. Hydro about recipients, and in any case, it is the Appellant's responsibility to ensure that the bills are paid. The Ministry argued that the reason the Appellant is in this position is that her hydro usage exceeded the amount of her equal payments and B.C. Hydro cancelled her equal payment plan. The Ministry argued in the Reconsideration Decision that the Appellant failed to inform them that the amount of the equal payment plan payments did not cover her hydro usage.

The Panel accepts the Appellant's evidence of her inability to pay the arrears of her hydro bill or to find a means of having it paid. Therefore the Panel finds that the Ministry's determination that the Appellant's information did not confirm that she has exhausted all available resources was not reasonable.

With respect to the unexpected nature of the expense, the Panel notes that the Appellant stated that she receives regular bills from B.C. Hydro. The Appellant provided no evidence to confirm whether the Ministry has a policy of informing B.C. Hydro about persons in receipt of disability assistance and the Ministry denied having such a policy. As the Appellant has previously in 2013 been in a similar position and she was receiving bills regularly, the Panel finds that the Ministry reasonably determined that the requirement to pay hydro bills was not unexpected, and the Appellant's request does not meet the requirements of section 57, EAPWDR. The Panel therefore confirms the Ministry's decision.