

**PART C – Decision under Appeal**

The decision under appeal is the Ministry's reconsideration decision dated October 22, 2014, which held that the Appellant was denied a crisis supplement for utilities for wood under the Employment and Assistance for Persons with Disabilities Regulation Section 57 because the firewood was not an unexpected expense or unexpectedly needed, because the Appellant did not provide information on additional resources, and because the Appellant had not demonstrated an imminent danger to his physical health at the time of the reconsideration decision.

**PART D – Relevant Legislation**

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

## PART E – Summary of Facts

The Appellant's representative did not call in when the hearing started. As the Appellant expressed a desire to have a representative join in the hearing, the panel chair contacted the tribunal office in order to contact the representative. The representative was contacted, but was unable to join the hearing at that time. The Appellant decided to proceed with the hearing alone.

The evidence before the Minister at reconsideration was the following:

- A request form for Non-local Medical Transportation Assistance dated April 23, 2014, for travel to another city for medical treatment.
- A cheque allowance summary for a cheque issued on August 29, 2014 in the amount of \$194.00 for medical transportation and food.
- A cheque allowance summary for a cheque issued on September 5, 2014 in the amount of \$229.20 for medical transportation and food.
- A cheque allowance summary for a cheque issued on September 23, 2014 in the amount of \$395.00 for medical transportation shelter.
- A cheque allowance summary for a cheque issued on September 23, 2014 in the amount of \$174.85 for medical transportation shelter.
- A cheque allowance summary for a cheque issued on September 23, 2014 in the amount of \$171.35 for medical transportation shelter.
- Employment and Assistance Request for Reconsideration Section 3, dated October 9, 2014, in which the Appellant states that he had knee replacement surgery on September 8, 2014 and has since been recovering in his home town. He has other people to help him, but they are unable to do much and the Appellant is in no shape to get firewood. Even before his surgery, he was unable to get firewood. In addition, because of ongoing medical appointments, the Appellant has had to spend more money than he received from the Ministry for medical expenses and therefore has no money for groceries.
- A cheque allowance summary for a cheque issued for the month of October indicating a total allowance for support and shelter of \$904.42.

At the hearing, the Appellant provided evidence that he is living in a house rented from his father that is heated by firewood and an oil stove. It is inexpensive accommodation compared to anything else that he can find in town. The Appellant states that he is on medication and that he is stressed out because he is very cold in the house at the current time; the Appellant referred to a doctor's note that indicated that he should not be under stress while recovering from surgery. The Appellant stressed that keeping fed, warm, and housed is impossible on his current income and that he has no firewood. Trips to town to see the doctor and his other expenses are more than he can afford. The Appellant says that he has downsized everything that he can. Friends have been helping him, but he doesn't know anyone who can afford to keep getting him wood and doing things for him. The Appellant priced out a cord of wood at \$130-\$150; a cord will keep the house warm for approximately one month.

The panel determined that the additional oral evidence was admissible under section 22(4) of the Employment and Assistance Act as it was in support of the records before the Minister at reconsideration.

The panel finds that the Appellant is a sole recipient of income assistance with Persons with Disabilities designation. The Appellant has lived in his current residence since last winter, a house

that is heated with wood and oil. The Appellant has had serious knee issues since spring 2014 that led to surgery out of the Appellant's local area in the fall of 2014.

## PART F – Reasons for Panel Decision

The issue to be decided is whether the Ministry's reconsideration decision to deny a crisis supplement for utilities for firewood under the Employment and Assistance for Persons with Disabilities Regulation Section 57 (1)(a) because the firewood was not an unexpected expense or unexpectedly needed, because the Appellant did not provide information on additional resources, and (b) because the Appellant had not demonstrated an imminent danger to his physical health is reasonably supported by the evidence or a reasonable application of the legislation in the circumstances of the Appellant.

The legislation provides the following:

### 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, and
- (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.  
(BC Reg. 13/2003)

The Ministry argues that winter heat is not an unexpected expense. The Ministry argues that the Appellant could have budgeted to buy wood for heat in the spring and summer months. Although the Appellant did receive a crisis supplement for firewood last winter, he is not guaranteed a supplement again this year. Although the Ministry acknowledges that the Appellant had additional medical expenses for treatment out of town, the Ministry argues that the Appellant was given additional income to cover those expenses. The Ministry also argues that the Appellant has given no information to confirm that he does not have a savings account, or other resources such as family, friends or community resources that can provide help or offset the cost of firewood. In addition, the Ministry is not satisfied that wood is the sole source of heat in the Appellant's residence as the Appellant also has an oil stove, and therefore the Appellant did not demonstrate an imminent danger to physical health if the supplement is not obtained at the time of the reconsideration decision.

The Appellant argues that his knee, both before and after surgery, does not allow him to get firewood to heat his house. He argues that although he saw his specialist in the spring of 2014, he had only a couple of weeks notice before his surgery in the fall and it was therefore unexpected. The Appellant argues that his income is insufficient to cover his medical expenses, his living costs, and firewood. He is currently very cold in his house as winter temperatures are currently well below freezing. His friends do help him, but cannot afford to do much more. He is very concerned about how he will heat the house over the next few weeks.

The panel finds that the Ministry's determination that firewood is not an unexpected expense under section 57(1) (a) of the EAPWDR was reasonably supported by the evidence. The Appellant has lived in his current residence since last winter, and he received a crisis supplement for firewood last year. Because he has already spent one winter season in the house and had the spring and summer months to save, the panel finds that the cost of firewood to heat his home was not an unexpected expense.

The panel finds that the Ministry's determination that the Appellant has not demonstrated that there are no other resources available under section 57(1) (a) of the EAPWDR was also reasonably supported by the evidence. The Appellant received additional income to cover medical expenses from the Ministry, and he is currently receiving some limited support from friends and community workers. Although the panel notes that this help may not be available for an extended period of time, the Ministry was not unreasonable in determining that the Appellant had not demonstrated no other resources were available.

Finally, the panel finds that the Ministry's determination that the Appellant has not demonstrated that there was imminent danger to his physical health under section 57 (1) (b) of the EAPWDR was reasonably supported by the evidence. Although the weather at the time of the hearing was well below freezing, the Appellant did say that the oil stove was present and working, therefore the Ministry's argument that failure to assist the Appellant with funds for firewood would not result in imminent danger at the time of the reconsideration decision was reasonable at the time of reconsideration.

Because the Appellant must meet all three criteria under section 57 listed above in order to receive a crisis supplement, the panel finds that the Ministry's decision was a reasonable application of section 57 of the EAPWDR in the circumstances of the Appellant and therefore confirms the Ministry's reconsideration decision.