

PART C – Decision under Appeal

The decision being appealed is the Ministry of Social Development and Social Innovation (the “Ministry”) August 15, 2014 reconsideration decision in which the Ministry determined, under section 57 of the Employment and Assistance for Persons with Disabilities Regulation, that the Appellant was not eligible for a crisis supplement for her unpaid electricity bill and subsequent disconnection because the Appellant’s electrical bill was not an unexpected expense. The Ministry was satisfied that the Appellant met the 2 other requirements for a crisis supplement in section 57; that is, she does not have alternate resources available to pay the bill and failure to obtain electricity will result in imminent danger to her physical health.

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 Panel notes that, in its reconsideration decision, the Ministry determined that only one of the criteria for a crisis supplement was not met; that is, that the Appellant did not establish that her unpaid electricity bill and subsequent disconnection was an unexpected expense. Therefore, for this appeal, the Panel has summarized only the evidence relevant to that one issue.

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

1. Information from its files that the Appellant receives disability assistance as a sole recipient.
2. A letter, dated June 27, 2014, from the Appellant to the Ministry in which she wrote that she was facing disconnection of her electricity because she is unable to keep up with her enormously high electrical bills that are about 30% of her income. She stated that for years she has been paying the rent portion that was intentionally calculated incorrectly.
3. A notice of disconnection from the local electricity provider, dated June 25, 2014, indicating a total account balance of \$303.99 of which \$90.03 was the arrears amount. The notice stated that 2 previous notices had been provided to the Appellant but the account still had a balance in arrears. Electrical service to her residence has or may be discontinued without further notice, unless alternate payment arrangements are or have been made.
4. Final reminder notice of an overdue electrical bill dated May 27, 2014, indicating an account balance of \$403.99 of which \$190.03 was the arrears amount.
5. Information from Ministry files that on July 3, 2014 the Appellant told a Ministry representative that she believed that she was being charged for electricity she was not using. The Ministry suggested that she make equal monthly payments on her electricity bills and she did not consider that to be a solution.
6. Letter from the Appellant dated July 30, 2014 to a community resource centre in which she wrote that she had been asked to pay unreasonably high electrical bills. They are unreasonably high because she does not have a washing machine or dryer, she does not use heaters in every room during cold periods, the light in her suite is very dim and for a long period the hot water temperature has been below the temperature it was set at. Sometimes there is no hot water at all.
7. Appellant's August 1, 2014 request for reconsideration with the following statement:
 - She has not been provided with any help, including no advocacy services, information, programs or resources to help resolve her problems.
 - When a city worker arrived to disconnect her electricity she was forced to make an additional payment to the detriment of her other needs and bills.
 - She was exposed to unreasonable hardship as she has been asked to pay unreasonable bills and possibly unlawful charges.
 - She had unexpected extra expenses related to an April 2014 report to police in another city and to injuries she sustained in 2003.

With her notice of appeal dated September 2, 2014 the Appellant sent an email to the Tribunal asking for clarification about the appeal process and the Ministry decision. On October 22, 2014, the Appellant submitted the following for this appeal:

1. A written submission dated October 22, 2014 with her arguments in support of this appeal which are summarized in Part F of this decision and with a description of her difficulties with her electrical

utilities and with trying to get help.

2. A letter dated October 16, 2014 from a housing organization stating that the Appellant must pay off the balance of \$478.02 owing for utilities by October 31, 2014 and provide written proof that her account is current, or she will be served with a Notice to End Tenancy.

3. Four videos described by the Appellant as supporting her position that she has experienced serious problems with electrical services and that her rental suite is very dim.

4. Her letter of October 17, 2014 to the Ministry regarding her disability assistance issues with the Ministry.

5. A letter from a housing organization dated February 5, 2014 responding to the Appellant's concerns about electricity theft, the electrical meter, an electrical heater and her hot water tank.

6. Her letter by email to the police dated September 17, 2014 regarding her electricity issues and enclosing videos.

7. Her letter by email, dated October 1, 2014, to the General Manager of Electrical Services of the city where she lives regarding investigating the electrical services in her suite and her unreasonably high bills.

In its written submission for this appeal, the Ministry made no comments regarding these submissions from the Appellant.

Under section 22(4) of the Employment and Assistance Act, the Panel can only admit evidence that is in support of the evidence that was before the Ministry at reconsideration. The Panel notes that most of the information in the Appellant's appeal submissions are the same as or are consistent with information in the reconsideration record. Therefore the Panel admits the information in those submissions.

For this appeal, the Ministry relied on its reconsideration decision.

PART F – Reasons for Panel Decision

In her written appeal submission, the Appellant stated that she disagreed with the Ministry's reconsideration decision because, according to her, the facts suggest that the reconsideration process and reconsideration decision were unfair. She also argued that the reconsideration decision resulted in endangering her and worsening a hazardous situation, exposed her to severe harassment and subjected her to exploitation or allowing her exploitation.

Section 24(1) of the *Employment and Assistance Act* defines the jurisdiction of this Panel in this appeal; that is, the Panel must determine whether the Ministry's reconsideration decision was reasonably supported by the evidence or was a reasonable application of the applicable enactments in the Appellant's circumstances. In its reconsideration decision, the Ministry determined that the Appellant was not eligible for a crisis supplement because she satisfied only 2 of the 3 of the requirements in section 57(1)(a) of the EAPWDR. Specifically, the Ministry determined that electrical utility bills are an ongoing expense, not an unexpected expense. Therefore, the Panel will consider only whether the Ministry reasonably determined that the Appellant was not eligible for a crisis supplement for her unpaid electricity bill and subsequent disconnection because the Appellant's electrical bill was not an unexpected expense as required by section 57(1)(a) of the EAPWDR.

The following sections of the EAPWDR apply to the Appellant's circumstances in 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.

The Parties' Positions

The Appellant's position is that she is unable to pay unreasonably high bills which dramatically exceed the amount that the Ministry provides and that she satisfied all of the requirements for a crisis supplement. The Ministry's position is that the Appellant satisfied 2 of the 3 criteria for a crisis supplement, but did not demonstrate that unpaid electricity bills and subsequent disconnection are an unexpected expense as required by section 57(1)(a) of the EAPWDR.

The Panel's Findings and Conclusion

The Ministry may provide a crisis supplement to a person receiving disability assistance, such as the Appellant, provided that all 3 of the requirements in section 57(1) of the EAPWDR are met. The Panel finds that, although the Appellant provided information about her financial difficulties and her issues with her electrical service, she did not dispute that her electricity bills are an ongoing regular expense or that she was in arrears and received disconnection notices. Therefore, the Panel finds that the Ministry reasonably determined that the Appellant did not demonstrate that her unpaid electricity bills and subsequent disconnection are an unexpected expense as required by section 57(1)(a) of the EAPWDR and therefore did not meet all 3 requirements for a crisis supplement. Having considered all of the evidence and the legislation applicable to the Appellant's circumstances, the Panel confirms the Ministry's reconsideration decision.