

PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the ministry) dated May 28, 2015, which held that the appellant was denied a crisis supplement for utilities. The ministry determined that the appellant's request did not meet the criteria set out in section 59 of the Employment and Assistance Regulation.

The ministry is not satisfied that the need for the requested item was to meet an unexpected expense or obtain an item unexpectedly needed and that there were no resources available to the appellant to pay the hydro bill and that failure to provide the funds would result in imminent danger to the appellant's physical health.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR), Section 59

PART E – Summary of Facts

With the consent of the parties, the appeal hearing was conducted in writing in accordance with section 22(3)(b) of the Employment and Assistance Act.

The evidence before the ministry at reconsideration included the following:

- A letter from an MLA to the CEO of the Utilities Commission dated April 20, 2015, which raised concern about the pricing policy currently being used and its impact on many people in her constituency.
- A media release from the same MLA dated April 20, 2015 which indicated that two tier electricity pricing hits residents in the appellant's location hard.
- The appellant's Request for Reconsideration dated May 19, 2015 in which the appellant indicates that he was referred by the ministry to his MLA regarding exorbitant pricing for hydro. The appellant states that after discussions with the hydro company a deal was struck that if the ministry paid \$500, the rest would be put on a yearlong payment plan. He further states that he is close to a job, waiting for a license and would be willing to pay the money back with interest, if need be. Further, the appellant states that he cannot get a job without power and cannot get off the system without power.

The Reconsideration Decision dated May 28, 2015 stated the following:

The appellant receives monthly assistance as a sole employable recipient with no dependants of \$610 (support - \$235 and shelter - \$375). The appellant's portion of his monthly shared rent is \$525.

On May 11, 2015, the appellant informed the ministry that the week before he had received a disconnection notice and now his hydro has been turned off. The appellant stated that after having made payments, he received an unexpected bill for \$400. He indicated that he had turned off all his power and electronics in order to conserve power but was still having large hydro bills. Further the appellant stated that hydro told him that as long as he was making payments, his power wouldn't be disconnected.

The ministry learned from the hydro company that the disconnection resulted from the appellant being \$1070.85 in arrears, that his payment history was sporadic and that his bill was for usage.

The ministry clarified with the hydro company that the appellant was billed \$400 in January and that he negotiated a payment plan in order to pay the \$400 on top of his equal payment amount; however, he failed to make the payments as agreed. The hydro company confirmed that they had not advised the appellant that as long as he made some kind of payment that he would not have his hydro disconnected.

In the Notice of Appeal dated June 2, 2015, the appellant refers to an assessment which included a bill of \$400 for 2 weeks when previously it had been \$400 for 2 months and states that the bills have tripled while he has been conserving more and more energy. The appellant reports that there is no way to independently verify the numbers and if he was to dispute them he would be slapped with another bill up to \$355 and would have no option but to pay.

APPEAL #

Pursuant to section 22(4) of the Employment and Assistance Act, the panel admits the statements in the notice of appeal as being consistent with and in support of evidence that was before the ministry at the time of reconsideration.

PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision to deny the appellant a crisis supplement for utilities on the basis that he did not meet the legislated criteria pursuant to section 59 of the Employment and Assistance Regulation was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

The ministry is not satisfied that the need for the requested item was required to meet an unexpected expense or obtain an item unexpectedly needed and that there were no resources available to the appellant to pay the hydro bill and that failure to provide the funds would result in imminent danger to the appellant's physical health.

Relevant Legislation, EAR

Crisis supplement

59 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for income 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 income 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. (B.C. Reg. 12/2003).

Unexpected Expense or Item Unexpectedly Needed

The position of the ministry, as set out in the reconsideration decision, is that the ministry had clarified with the hydro company that the appellant was billed \$400 in January and that he negotiated a payment plan in order to pay the \$400 on top of his equal payment amount; however, he failed to make the payments as agreed. The hydro company confirmed that they had not advised the appellant that as long as he made some kind of payment that he would not have his hydro disconnected and that his payments have been sporadic. Therefore, the minister concluded that as the appellant was aware of how much he was required to pay each month and failed to pay that amount, it is not unexpected that his hydro would be disconnected for failing to pay his hydro bill.

The appellant's position is that after discussions with the hydro company a deal was struck that if the ministry paid \$500, the rest would be put on a yearlong payment plan. The appellant states that his hydro assessment included a bill of \$400 for 2 weeks when previously it had been \$400 for 2 months and that the bills have tripled while he has been conserving more and more energy by turning off power and electronics. The appellant reports that there is no way to independently verify the numbers and if he was to dispute them he would be slapped with another bill up to \$355 and would have no option but to pay.

Panel's Findings

The panel finds that the ministry reasonably determined that an outstanding hydro bill, which includes \$1070.85 in arrears, cannot be categorized as an unexpected expense. Further, the panel finds that the appellant knew he was required to make monthly payments to the hydro company and that failing to do so would result in having his hydro disconnected. Therefore, the panel finds that the ministry reasonably determined that the need for a crisis supplement for hydro was not an unexpected expense in the circumstances of the appellant pursuant to section 59(1)(a) of the EAR.

No Available Resources

The ministry's position is that the appellant has not provided any information to confirm that he has exhausted the assistance of family, friends and community resources, and additionally he has not provided any information to confirm the amount that his roommate is paying toward the hydro bill. Therefore, the ministry is not satisfied that the appellant does not have resources to pay his hydro bill.

The appellant's position is that he is close to getting a job, is waiting for a license and would be willing to pay the money back with interest. The appellant argues that he cannot get a job without power and cannot get off the system without power.

Panel's Findings

The panel finds that while the appellant states that he is close to getting a job and would be willing to pay the money back with interest; he has not provided any information that would demonstrate that there are no alternate resources available to him including payments from his roommate. Therefore, the panel finds that the ministry was reasonable to conclude that there are resources

available to the family unit based on the evidence pursuant to section 59(1)(a) of the EAR.

Imminent Danger

The ministry's position is that failure to provide the appellant with the funds requested would not result in imminent danger to his physical health at this time of year.

The appellant does not present an argument regarding imminent danger to his physical health should he not receive the funds to pay his hydro account.

Panel's Findings

The panel finds that given the time of year, the ministry reasonably determined that failure to provide the appellant with a crisis supplement for hydro would not result in imminent danger to his physical health pursuant to section 59(1)(b)(i) of the EAR.

Conclusion

Based on the foregoing, the panel finds that the ministry's decision to deny the appellant's request for a crisis supplement for utilities was reasonably supported by the evidence. The panel therefore confirms the ministry's decision.