

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (ministry) reconsideration decision dated October 23, 2015 which denied the appellant's request for a crisis supplement to cover the cost of an outstanding hydro bill. The Ministry held that the requirements of Section 57 of the *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR) were not met as the ministry found that:

- the cost of the hydro bill was not an unexpected expense;
- there was insufficient information to establish that there are no resources available to the appellant to pay the hydro bill; and,
- there was insufficient evidence to show that failure to pay the outstanding hydro bill will result in imminent danger to the appellant's physical health.

## PART D – Relevant Legislation

*Employment and Assistance for Persons With Disabilities Regulation* (EAPWDR), Section 57

## PART E – Summary of Facts

The evidence before the ministry at the time of the reconsideration decision included:

- 1) 10-Day Notice To End Tenancy for Unpaid Rent or Utilities dated August 3, 2015 stating in part that the appellant failed to pay rent in the amount of \$875 that was due on August 1, 2015 and that notice is given to move out of the rental unit by August 13, 2015;
- 2) Service BC receipt dated August 6, 2015;
- 3) Tenant's Application for Dispute Resolution dated August 6, 2015 indicating the nature of the dispute includes a request to cancel a Notice to End Tenancy issued for unpaid rent or utilities and for money owed in the sum of \$441.98;
- 4) Written statement dated August 11, 2015 in which the appellant wrote that:
  - He requests that the ministry approve moving expenses for him to leave his residence due to problems with his landlord, which include safety concerns;
  - He had to pay \$314.15 from his support for August 2015 to retrieve his vehicle from a repair shop although his landlord had agreed to pay for it;
  - His landlord had agreed to deduct \$200 from the rent for August 2015 for the appellant to care for his animals while the landlord was in a detox program;
  - He filed a notice of dispute with the residential tenancy branch regarding the eviction notice;
  - Attached invoice dated July 23, 2015 for car repairs and towing for a total of \$314.15 plus an undated receipt for a payment made of \$50 and another receipt dated August 1, 2015 for \$675 paid noted "payment made on 3<sup>rd</sup>" and "\$200 owing;"
- 5) Shelter Information form dated August 18, 2015 indicating a rental start date of September 1, 2015 and a total rent of \$875, with utilities included in the rent;
- 6) Letter dated September 23, 2015 to the appellant in which BC Hydro advised that the total amount of \$1,460.69 must be paid to avoid disconnection of the hydro services; and,
- 7) Request for Reconsideration- Reasons dated October 14, 2015.

In his Request for Reconsideration, the appellant wrote that:

- He was not aware of the outstanding debt to BC Hydro until he moved into his new place on October 1, 2015 and so therefore the bill was unexpected.
- He has no resources available.
- As a person with disabilities, having to go without hydro during the winter months would put his health in imminent danger and physical health. Without hydro, his phone would not work and, in an emergency, he would not be able to call for help. He would not be able to cook or to stay warm. This would affect his safety and health.
- He needs the ministry to work out a payment plan with BC Hydro or pay BC Hydro the money owed and then deduct the money from his monthly cheque.
- He has had many things on his mind in the past 5 years and has experienced memory loss. He cannot remember owing BC Hydro.
- He was told by BC Hydro that the money owing originated from when he lived in another community. He believes that the ministry had set up an equal payment plan with BC Hydro and was paying them directly and deducting the payments from his cheque.
- BC Hydro has him scheduled for disconnection at any time.

In his Notice of Appeal dated October 31, 2015, the appellant wrote that:

- It was his understanding that the ministry was deducting money from his monthly cheque in 2012 to pay off this debt to BC Hydro.

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- He has asked all his family and friends for help with this debt.
  - If he is unable to cook or keep warm, this would affect his health. Without a phone, his safety would be compromised.
  - On December 12, 2012, he attended at the ministry office with his room-mate and they were told that the ministry would set up a payment plan and deduct monies from both of their cheques to cover this. He was under the impression that the ministry had done this.
  - It was not until he recently moved that he became aware that this debt still existed.
  - If he had known about this debt beforehand, he would have made payments toward it himself.
  - Without hydro, he cannot keep the food that he purchases for the month fresh and frozen. Without hydro he will not be able to keep warm or keep his hygiene in a healthy condition.

At the hearing, the appellant stated that:

- In 2012, he and his room-mate went to the ministry about the hydro bill and the ministry said they would set up a payment plan and deduct the payments from each of their monthly cheques.
- BC Hydro had his email address and his phone number and they never contacted him or sent him another bill. He has had no contact with BC Hydro since 2012.
- He would not have waited to deal with the hydro bill if he had known about it.
- Since 2012, he has lived at places where the utilities are included with the rent so he has not had a hydro account in his name. He did not know that there was this amount outstanding.
- He has asked his family and friends for help with the bill, but no one can help. He does not know of any community organizations that help with paying bills.
- Without hydro, he cannot cook and cannot keep his food fresh and frozen and his phone does not work. He has a phone application that provides him service over the internet for \$45 per year but he needs an internet connection for the phone to work. In areas where there is free WiFi he can get phone service.
- His hydro has been disconnected and he has been staying at a friend's place for the last 2 weeks. He has been looking for another place that includes utilities but has not found a place.
- When he contacted BC Hydro they told him that the full amount has to be paid and they will not enter into a payment arrangement with him.
- The \$25 currently being deducted from his monthly assistance is part of a repayment plan with the ministry for a security deposit that they provided to him.

### ***Admissibility of additional information***

The ministry did not raise an objection to the admissibility of the information in the appellant's oral testimony. The panel finds that his testimony tends to corroborate information provided by the appellant at reconsideration and is, therefore, in support of information and records before the ministry at reconsideration, pursuant to Section 22(4) of the *Employment and Assistance Act*.

The ministry relied on its reconsideration decision. At the hearing, the ministry stated that:

- When there is a disconnection notice and the client qualifies for a crisis grant, the ministry will contact BC Hydro and look at a repayment plan. In many cases, BC Hydro will agree to half of the bill being paid through the crisis grant and then the balance paid monthly on a payment plan out of the client's assistance.
- There is no record on the appellant's file for 2012 that a payment plan was entered into. It may be that there was no disconnection notice at that time.

## PART F – Reasons for Panel Decision

The issue on the appeal is whether the ministry's decision which denied the appellant's request for a crisis supplement to cover the cost of an outstanding hydro bill, as the requirements of Section 57 of the EAPWDR were not met, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the appellant's circumstances.

Section 57(1) of the EAPWDR sets out the eligibility requirements which are at issue on this appeal for providing the crisis supplement, 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*.

### *Ministry's position*

The ministry argues that the provisions of Section 57 of the EAPWDR allow for the ministry to provide a crisis supplement when all of the legislative criteria are met, including that the item or expense is unexpected, there are no alternate resources available, and failure to meet the expense will result in imminent danger to physical health. The ministry argued that while the appellant stated that he has memory issues, the ministry's file indicated that the appellant and his roommate attended at the ministry on December 12, 2012 and submitted a hydro bill showing \$1,460.69 was due. The ministry argued that there is nothing unexpected about needing to pay a hydro debt 3 years after being aware of it. The ministry argued that the appellant had resources to cover his hydro bill since funds were issued in September for his October disability assistance, including \$531.42 for support which is intended to be used for day-to-day items including paying bills. The ministry argued that the appellant has not provided confirmation of the resources he tried to access to get help, such as friends or community organizations. The ministry argued that there is insufficient evidence to support "imminent" danger to the appellant's health as a result of failure to provide a crisis supplement to pay the outstanding hydro bill.

### *Appellant's position*

The appellant's position is that his request for a crisis supplement to cover the cost of his outstanding hydro bill meets all of the requirements in Section 57 of the EAPWDR. The appellant argued that he was not aware of the outstanding debt to BC Hydro until he moved into his new place on October 1, 2015 and this was unexpected. The appellant argued that he has had many things on his mind in the past 5 years and has experienced memory loss and he cannot remember owing BC Hydro. The appellant argued that it was his understanding that the ministry was deducting money from his monthly cheque in 2012 to pay off this debt to BC Hydro. The appellant argued that BC Hydro had his email address and his phone number and they never contacted him or sent him another bill and he has had no contact with BC Hydro since 2012. The appellant argued that he has asked his family and friends for help with the bill, but no one can help and he does not know of any community organizations that help with paying bills. The appellant argued that having to go without hydro during

the winter months would put his physical health in imminent danger. The appellant argued that without hydro, his phone would not work and, in an emergency, he would not be able to call for help and he would not be able to cook or to stay warm. The appellant argued that without hydro, he cannot keep the food that he purchases for the month fresh and frozen and he would not be able to keep his hygiene in a healthy condition.

*Panel decision*

The appellant does not dispute that he and his roommate attended at the ministry on December 12, 2012 and submitted a hydro bill showing that the sum of \$1,460.69 was then due, but the appellant argued that he understood that the ministry had entered into a payment arrangement with BC Hydro at that time and was deducting funds from his monthly assistance to pay off the debt and, therefore, the recent disconnection notice was unexpected. The ministry stated that there was no record in the ministry's file of a payment arrangement being entered into with BC Hydro in 2012 and the appellant was not aware of specific amounts having been deducted from his monthly assistance payments over the past several years to pay the hydro debt. The panel finds that the ministry reasonably determined that the appellant was aware of the hydro bill in 2012 and, therefore, the recent hydro bill for \$1,460.69 is not an unexpected expense.

Given that the ministry issued assistance to the appellant over the years which included an amount for his support, and the appellant did not provide specific information about the friends and family or other resources he had approached for help in paying the hydro bill, the panel finds that the ministry reasonably concluded that there is insufficient information to show that there are no resources available to the appellant to pay the recent hydro bill. Although the appellant stated that he had contacted BC Hydro as a possible resource and they would not accept partial or monthly payments towards the amount outstanding, there was no evidence of a letter being sent by the appellant to BC Hydro requesting a payment arrangement and a corresponding written response from BC Hydro refusing to accept any terms for payment of the balance outstanding.

The appellant argued that failure to pay the hydro bill has resulted in disconnection of his hydro services and, without hydro during the winter months, this would cause imminent danger to his physical health as a result of his phone not working, having no heat to stay warm or refrigeration for his food, and no ability to keep his hygiene in a healthy condition. The appellant stated at the hearing that his hydro service has been disconnected for 2 weeks and he is currently living with a friend and looking for another place to live that includes the utilities in the rent amount. There was no information before the panel to show that the lack of hydro during the fall months will result in imminent danger to the appellant's physical health, as a result of an existing or developing medical condition or vulnerability as a result of a particular disability, for example. The appellant requested the crisis supplement for hydro in September 2015 and the panel finds that the ministry reasonably required evidence that the failure to meet the hydro expense places the appellant himself at imminent danger to his physical health at the time of his request.

*Conclusion*

The panel finds that the ministry's reconsideration decision, which denied the appellant's request for a crisis supplement for the cost of an outstanding hydro bill because the requirements of Section 57 of the EAPWDR were not met, was reasonably supported by the evidence and the panel confirms the ministry's decision.