



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 November 24, 2015 in which the Ministry denied the Appellant a crisis supplement for the purchase of a replacement breaker panel in the Appellant's mobile home because the request did not meet the necessary criteria as specified under Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Specifically the Ministry determined the need for the breaker panel was not unexpected, and no evidence was provided to confirm that there were no other resources available to obtain the breaker panel, and the Ministry was not able to determine if the appellant has or doesn't have electricity and therefore cannot determine if failure to obtain the breaker panel would result in imminent danger to the health of the Appellant.

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 reconsideration was as follows:

- The appellant is a single recipient of disability assistance.
- On September 3, 2015 - the appellant's income assistance was re-opened. Currently, Canada Pension Plan (CPP) monthly payments of \$166.81 is being deducted from the appellant's monthly assistance amount.
- On May 13, 2014 - the appellant requested a crisis supplement to replace the breaker panel and furnace in her mobile home.
- On July 7, 2014 – the Minister denied the appellant's request because the request was not unexpected for an unexpected situation or regarding an item unexpectedly needed.
- On October 5, 2015: the appellant requested a crisis supplement to replace the breaker panel in her mobile home because the main electricity to the mobile home could not be hooked up until a new breaker panel was installed.
- On October 29, 2015: the Minister denied the request for a crisis supplement because all of the legislated criteria in Section 57 of the EAPWDR were not met, specifically, the need was not unexpected and it did not appear that alternative resources were accessed.
- On November 4, 2015: the appellant requested a reconsideration of the Ministry's decision to deny the crisis supplement.
- On November 6, 2015: you advised the Minister that your electrical has been upgraded and, dated the same day, the Ministry received a letter from the appellant's physician which communicated the appellant's concerns of no electricity in the home and the ability of the appellant to live in her home. The Minister was not able to determine if the appellant did or didn't have electricity at that time.
- On November 13, 2015: the Request for Consideration was submitted and contained the following information –
 1. the electrical breaker box has quit working and must be replaced because the mobile home is heated by baseboard and electric space heaters, and
 2. the Appellant would submit additional information at a later date.
- On November 19, 2015: the appellant submitted the following additional information –
 1. has owned, lived in and maintained the mobile home for 20 plus years, and
 2. has set some things aside to attend to some urgent health problems, and
 3. the mobile home is structurally sound and the insulation, siding and wood skirting was replaced over the last few months, and
 4. the BC Hydro service has been upgraded, and
 5. the equity in the home is now worth at least double its current net worth, and
 6. the appellant is content in her home and does not wish to move anytime soon.
- On December 4, 2015: the appellant writes in the Notice of Appeal, "Since applying for the crisis supplement to replace an electrical breaker panel, and subsequent to being denied reconsideration, the temperature has dropped to -18 degrees and I contracted hypothermia, which fits the criteria whereas it has posed imminent danger to my health; my situation with the breaker box became unexpected when I was not informed to the hydro being upgraded when the power was out this summer, the electrical inspector declined reconnection."

At the hearing:

The appellant did not attend the hearing. The panel received confirmation from the Tribunal that the appellant had been duly notified of the date, time and location of the hearing. Accordingly, under section 86(b) of the Employment and Assistance Regulation, the panel heard the appeal in the appellant's absence.

At the hearing the Ministry stood by the record and reiterated that the need to replace the breaker panel was not unexpected because on May 13, 2014 the appellant requested a crisis supplement to replace the breaker panel as well as replace her furnace, which confirms the appellant was aware of the need at that time.

The panel made the following findings of fact:

- The appellant is a single Person with Disabilities recipient, and
- On July 7, 2014 the Appellant was denied a crisis supplement for the replacement of a breaker panel in her home, and
- The Appellant did not provide evidence that she attempted to access alternative resources to pay for the replacement of the breaker panel, and
- The Appellant did not provide verification that there was, or was not, electricity in the home as at November 24, 2015, the date of the Reconsideration Decision, and
- The Appellant has owned, lived in and maintained her mobile home for 20 plus years and has no desire to move.

PART F – Reasons for Panel Decision

The issue on this appeal is whether the Ministry reasonably denied the appellant a crisis supplement for the purchase of a breaker panel in her mobile home because the need did not meet the criteria as set out in Section 57 of the EAPWDR, specifically, the need for a breaker panel was not unexpected, that there are no alternate resources available to obtain the breaker panel, and that failure to obtain the breaker panel would not result in imminent danger to the health of the appellant.

The legislation applicable in this appeal is as follows:

EAPWDR Section 57

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.

There is no dispute by either party that the appellant is a single Person with Disabilities (PWD) recipient of income assistance and is eligible to apply for a crisis supplement as set out in section 4 of the Employment and Assistance Act (EAA) and section 59(1) of the Employment and Assistance Regulation (EAR).

The ministry's position is that the appellant was not eligible for a crisis supplement to meet an unexpected expense or that the item was unexpectedly needed and that alternative resources were available to the appellant to purchase the item. The Ministry further determined that failure to provide the item would not result in imminent danger to the Appellant's health.

The Appellant did not attend the hearing and did not provide any additional evidence or argument to support the position taken in the Notice of Appeal.

Unexpected Need:

The Ministry argues that the appellant was not eligible for a crisis supplement as it is not an unexpected expense or that the item was unexpectedly needed supported by the July 7, 2014 denial for the same breaker panel.

The appellant argues in her Notice of Appeal that the requirement to replace the breaker box became unexpected when she was not informed that hydro was upgraded when the power was out in the summer and the electrical inspector declined reconnection.

The Panel finds that based on the evidence presented, the requirement to replace the breaker box does not meet the conditions set out in s.57(1)(a) of the EAPWDR as the replacement need had been a consideration for many months prior to November 24, 2015, the date of the Reconsideration Decision.

Alternative Resources:

The Ministry argues that there are alternative resources available to assist in replacing the breaker box, but the appellant chose not to access these resources.

The appellant did not present an argument regarding alternative resources in her Notice of Appeal.

The Panel finds that based on the fact that the appellant didn't provide evidence that alternative resources were not available, the panel has determined that the conditions set out in s.57(1)(a) of the EAPWDR has not been met.

Imminent Danger:

The Ministry argues it was unable to determine if the appellant did or did not have electricity as of November 24, 2015, the date of the Reconsideration Decision, and therefore was not satisfied that failure to provide a crisis supplement to replace the breaker panel would result in imminent danger to the Appellant's health.

The appellant argues in her Notice of Appeal that the temperature dropped to -18 degrees and she contracted hypothermia, a condition that posed imminent danger to her health.

The Panel finds that based on the evidence presented, the requirement to replace the breaker box does not meet the conditions set out in s.57(1)(b) of the EAPWDR as there is no verification of the lack of electricity in the appellant's home as at November 24, 2015, the date of the Reconsideration Decision. The panel has determined that the conditions set out in s.57(1)(b) of the EAPWDR has not been met.

Decision of the panel:

As all three of the legislative requirements set out in section 57(1) of the EAPWDR must be met by the appellant in order to receive a crisis supplement, the panel finds the Reconsideration Decision of November 24, 2015 was reasonably supported by the evidence, and confirms the Ministry's decision.