

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 February 16, 2016 that denied the appellant's request for a crisis supplement to cover the cost of electricity to avoid disconnection scheduled for February 12, 2016. While the ministry determined that the appellant's request met the criteria set out in section 59(1)(b)(i) of the Employment and Assistance Regulation (EAR) that the absence of electricity in the home could result in imminent danger to the physical health of any person in the family, the ministry found that the request did not meet the requirements of section 59(1)(a) of the regulation. The ministry held that the crisis supplement is not required to meet an unexpected expense or obtain an item unexpectedly needed, and therefore does not meet the legislative criteria.

PART D – Relevant Legislation

Employment and Assistance Regulation (EAR) Section 59(1)

PART E – Summary of Facts

The Appellant was not in attendance at the hearing. After confirming that she was notified, the hearing proceeded under s. 86 of the Employment and Assistance Regulation (EAR).

The evidence before the ministry at reconsideration was as follows:

1. The appellant is an employable couple in receipt of income assistance and live in a house that the spouse co-owns with his sister.
2. The appellant's income assistance file was closed in July 2015 and reopened August 6, 2015.
3. The appellant established an account with the electricity provider in January 2015 and made no payments for 6 months until the electricity was disconnected. In September 2015 the appellant paid \$862.19 which left a balance owing of \$420.56. Additional payments were made in November of \$100, December of \$100, and January 2016 of \$300. The electricity provider calculated average monthly consumption over the past year of approximately \$210 per month. On February 2, 2016 the appellant owed \$1,402.70 to the electricity provider which included \$1,022.70 for usage and a \$380 security deposit..
4. On February 23, 2015 – the electricity provider was expected to disconnect the electricity to the home.
5. In the appellant's Request for Reconsideration, dated February 10, 2016, the appellant writes, in part, that she is requesting a critical emergency for help with her electricity bill as their electricity will be disconnected on February 12, 2016. The appellant states "please help, for we will be cold and with no lights and anything in our fridge and freezer will go bad."

Notice of Appeal dated February 25, 2016, the Appellant stated the following:

She argues that she disagrees with the ministry's decision because this is a crisis situation that she didn't see coming. "It was unexpected for the bill to go up that high and this will cause problems with our health and well-being. I have health issues already that I am trying to deal with."

Position of the ministry:

The ministry re-stated the information and reasons contained in the reconsideration decision and further argues that there is no evidence to indicate that the Appellant has attempted to reduce her shelter costs by earning rental or boarder income, nor is there evidence the alternate financial resources are not available from family members..

PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry's decision was reasonable, which denied the appellant's request for a crisis supplement to cover unpaid electricity costs of \$1,402.70 under section 59(1)(a) of the EAR because the crisis supplement is not required to meet an unexpected expense or obtain an item unexpectedly needed, therefore does not meet the legislative criteria.

The legislation applicable in this appeal is as follows:

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.

Position of the Appellant:

The Appellant argues that she disagrees with the ministry's decision because this is a crisis situation that is unexpected and not receiving a crisis supplement to cover the cost of utilities will result in her having no electricity which will cause problems with her health and well-being.

Position of the ministry:

The ministry argues that crisis supplements are available to recipients of income assistance, disability assistance, and hardship. The position of the ministry is that the appellant has met only one of the three criteria set out in legislation, specifically:

1. The need for the item or expense is unexpected – the ministry acknowledges that the Appellant does not have sufficient financial resources available to meet her current need and ongoing needs due to her high shelter costs, however, the Appellant has unpaid utility costs for electricity spanning a period of several months, so the expense is not unexpected, and
2. The family unit has no resources available to meet the need – the Appellant's spouse owns the home jointly with his sister. There is no evidence that the Appellant has attempted to earn rental or boarder income or evidence that there are no other financial resources available to the Appellant from family members, to assist in reducing the shelter costs, and
3. Failure to obtain the item will result in imminent danger to health – the ministry acknowledges that failure to have electricity in the home may result in imminent danger to her physical health.

Panel Decision:

Relevant to this case is section 59 of the EAR that states there are specific conditions that must be met in order to qualify for a crisis supplement. The panel must consider the facts of this case as it applies to the legislation.

1. The first criterion are that the item must be an unexpected expense or an item unexpectedly needed. The panel finds that the ministry was reasonable in its conclusion that this criteria was not met, as the Appellant is requesting financial assistance to pay for electricity costs that have accumulated over several months and these electricity costs are not unexpected.
2. The second criterion are that the Appellant does not have available resources to meet the need. The panel finds that the ministry was reasonable in its determination that the Appellant has not attempted to reduce utility costs for electricity by earning rental or boarder income nor is there evidence that there are no other financial resources available to the Appellant from family members.

All three criteria must be satisfied in order to be eligible for a crisis supplement.



The Panel finds that the ministry's reconsideration decision denying the Appellant a crisis supplement is a reasonable application of the legislation and is supported by the evidence in the Appellant's circumstances. The Panel confirms the ministry's reconsideration decision.