



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) dated August 2, 2016 in which the ministry denied the appellant a crisis supplement for utilities for the payment of the appellant's outstanding electricity bill because the request did not meet all the necessary criteria as specified under Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Specifically the ministry determined the payment of ongoing utilities for electricity was not unexpected.

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 information before the ministry at reconsideration included the following:

- The appellant is in receipt of disability assistance as a sole recipient with one dependent child receiving monthly disability assistance of \$1,242.08. Monthly shelter expenses are \$942.00 including electricity, mortgage, property tax, natural gas and property insurance.
- The appellant was in receipt of an invoice from the utility company for the period ended June 13, 2016 containing the statement “Please be aware that your account is overdue. If we do not receive payment on your account immediately, you may be disconnected.”
- July 11, 2016 – the appellant requested a crisis supplement to pay her electricity bill to reconnect her service.
- July 15, 2016 – the minister determined the appellant was ineligible for a crisis supplement for utilities. The ministry stated that the appellant’s request for a crisis supplement has been denied because the need to pay monthly utility costs is not an unexpected expense. Not paying the monthly electricity bill then receiving a disconnection is not considered unexpected.
- July 19, 2016 – the minister received the appellant’s signed Request for Reconsideration which stated the appellant had a child in her home and had no way of cooking, showering, refrigerating or doing laundry.

Notice of Appeal dated August 3, 2016, the Appellant stated the following:

1. She is a single mother with a child.
2. She is sick and needs to eat several times a day and is unable to do so.
3. She needs power so she is not endangering herself and her son, for hygiene and safety.

The appellant’s submission to the written hearing:

The Notice of Appeal contains the appellant’s submission to the written hearing.

The ministry’s submission to the written hearing:

The ministry’s submission in this matter will be the reconsideration summary provided in the Record of Ministry Decision.”



The panel admitted the appellant's written testimony, which either substantiated or further explained information already before the ministry, as being in support of the information and records before the ministry at reconsideration in accordance with section 22(4) of the Employment and Assistance Act.

PART F – Reasons for Panel Decision

The issue in this appeal is the reasonableness of the ministry's decision to deny the appellant a crisis supplement for utilities for the payment of the appellant's outstanding electricity bill because the request did not meet all the necessary criteria as specified under Section 57 of the EAPWDR. Specifically the ministry determined the payment of ongoing utilities for electricity was not unexpected.

Relevant Legislation:

Section 57 EAPWDR 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*.

(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.

(BC Reg. 13/2003)

There is no dispute by either party that the appellant is a sole recipient with one dependent child receiving disability assistance as a Person with Disabilities (PWD) and is eligible to apply for a crisis supplement as set out in section 57 of the of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR).

The ministry's position is that the appellant was not eligible for a crisis supplement to meet an unexpected expense. The ministry was satisfied that the other two criteria for eligibility to receive a crisis supplement were met, specifically there are no other resources available to the appellant and that failure to provide the item would result in imminent danger to the appellant's health.

Unexpected Need:

The ministry argues that the appellant was not eligible for a crisis supplement as the payment for monthly utility services for electricity is not an unexpected expense or that the item was unexpectedly needed.

The appellant argues in her Notice of Appeal that she is a single mother with a child, she is sick and needs to eat several times a day and she needs power so she is not endangering herself and her child.

The panel finds that the ministry reasonably determined that based on the evidence presented, the requirement to pay for monthly utility costs does not meet the conditions set out in section 57(1)(a) of the EAPWDR as monthly utility costs for electricity is not an unexpected expense and the requirement for electricity in the home is not unexpected. The appellant was made aware of the overdue utility account and that she may be disconnected in her June 13, 2016 utility invoice for electricity.

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 which found the appellant not eligible for a crisis supplement for electricity costs was reasonably supported by the evidence, and confirms the ministry's decision.