

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the ministry) reconsideration decision dated April 3, 2017, which held that the appellant was not eligible for a crisis supplement for hydro because she had not demonstrated that all three legislative criteria in section 59(1) of the *Employment and Assistance Regulation* had been met.

The ministry found that the appellant did not have resources to cover the cost on her own and that going without hydro in the colder months would result in imminent danger to physical health. The ministry was not satisfied that the appellant had demonstrated that the need was unexpected.

PART D – Relevant Legislation

Employment and Assistance Act (EAA) Section 4
Employment and Assistance Regulation (EAR) Section 59

PART E – Summary of Facts

The appellant did not attend the hearing. After confirming that the appellant was notified, the hearing proceeded under section 86(b) of the *Employment and Assistance Regulation*.

The information before the ministry at reconsideration included the following:

- A Request for Crisis Supplement – Utilities, Form HR3627, signed by the appellant on March 3, 2017. On that form, the appellant indicated that she does not have a disconnection notice and that she had attempted to make payment arrangements with the utility company. The appellant stated that she did not expect to receive a bill this high. Her previous bill was \$54 and the next one was \$263. She would usually pay her bill on the 20th of the month but her child is now 18 and she won't receive the child tax credit. The appellant states that she has asked family for help and has \$16 in the bank. The appellant states that the direct threat to health and safety is not having heat or a fridge.
- BC Hydro Final Notice email dated March 23, 2017.
- BC Hydro Bill dated January 24, 2017 with a balance of \$264.29 due by February 15, 2017.
- Request for Reconsideration, dated March 27, 2017, in which the appellant indicated that she has received a disconnection notice from BC Hydro as well as a new bill for \$238.39. The appellant states that she has spoken to BC Hydro and her balance is not eligible for the winter payment plan. She has given BC Hydro permission to speak to the ministry for confirmation.

Notice of Appeal

In the Notice of Appeal, dated April 11, 2016, the appellant provided the following information:

- She has a disconnection notice and will be without hydro.
- She believes it is an unexpected expense.
- She agrees that higher hydro bills are to be expected in winter months, but for it to quintuple was very unexpected.
- 1 heater difference.

At the Hearing

Ministry

The ministry relied on its reconsideration decision.

Admissibility of Additional Information

The panel determined that the information provided by the appellant in the Notice of Appeal was admissible under s. 22(4) of the EAA as it was in support of the information and records before the minister at reconsideration.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry reconsideration decision of April 3, 2017 in which the ministry determined that the appellant was not eligible for a crisis supplement for hydro because she did not meet all legislated criteria in section 59 of the EAR. The ministry found that the appellant had demonstrated that there were no resources available to cover the expense and that failure to meet the expense would result in imminent danger to physical health.

The issue on appeal, therefore, is whether the ministry's determination that the appellant had not demonstrated that there was an unexpected expense or item unexpectedly needed is reasonably supported by the evidence or a reasonable application of the legislation in the circumstances of the appellant.

The legislation provides:

Employment and Assistance Act

Income assistance and supplements

4 Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

Employment and Assistance Regulation

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*.

CRISIS SUPPLEMENT

Section 59(1)(a) of the EAR allows the minister to provide a crisis supplement to a family unit that is eligible for income or hardship assistance if the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed. The EAR requires that the following three criteria be met: 1) the item or expense is unexpected, 2) there are no resources available to meet the expense, and 3) failure to meet the expense will result in imminent danger to physical health or removal of a child. In this appeal, the second and third criteria have been met and are not in issue. The only criterion in issue is the unexpected nature of the expense.

Unexpected Expense

The ministry determined in its reconsideration decision that the appellant has not provided any information to indicate that an unexpected expense has left the appellant unable to pay her hydro bill. The ministry stated that hydro bills are based on hydro consumption and it is not unexpected to have higher hydro costs in the winter months when consumption increases to heat one's house. The appellant submitted that she has received a disconnection notice and will be without hydro; she believes it is an unexpected expense. The appellant stated that she agrees that higher hydro bills are to be expected in colder months, but for it to quintuple is very unexpected.

The panel finds that while the appellant's hydro bill was significantly higher than the previous (September to November) billing cycle, the appellant has not demonstrated that the expense was unexpected. The panel notes that the annual usage graph on the appellant's hydro bill and the daily average comparison (January 2016 compared to January 2017) appear to demonstrate that the amount of electricity used in January 2017 is consistent with the amount of electricity used in January 2016. The panel concludes that the ministry's determination that the appellant has not demonstrated that an unexpected expense has left her unable to pay her hydro bill is reasonable.

The ministry also stated in its reconsideration analysis of the unexpected expense criterion that it is not unexpected that the appellant would no longer receive federal benefits when her child ages out of those benefits. The panel notes that the ministry made some similar argument at the hearing in relation to resources that could or should have been accessed by the appellant in order to fund her hydro bill. The panel finds that these arguments relate to the availability of resources to meet the expense and not whether the expense is unexpected. As the ministry determined at reconsideration that the appellant had no resources available to meet the expense, this criterion has been met and is not in issue.

Conclusion

Having reviewed and considered all of the evidence and relevant legislation, the panel concludes that the ministry's reconsideration decision, which held that the appellant was ineligible for a crisis supplement for hydro because she did not meet all of the legislated criteria in section 59 of the EAR, is reasonably supported by the evidence and a reasonable application of the legislation in the circumstances of the appellant. The panel confirms the ministry's reconsideration decision. The appellant is not successful in her appeal.