

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the "ministry") Reconsideration Decision of April 24th, 2017 in which the ministry deemed the appellant not eligible for a crisis supplement because the legislative criteria had not been met; pursuant to Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPDR).

PART D – Relevant Legislation

EAPDR - *Employment and Assistance for Persons with Disabilities Regulation, Section 57(1)*

PART E – Summary of Facts

The information before the ministry at the time of reconsideration included the following:

- 1) The appellant is a sole recipient of disability assistance in the amount of \$1,033.42 per month.
- 2) **November 29th, 2016** – A dated account summary from the utility company indicating a security deposit of \$690.00 was required and that the account was in arrears \$264.75. A security deposit was issued in March 2017, after the appellant signed a Repayment Agreement.
- 3) Appellant advised on **March 29th, 2017** that he had been sent a disconnection notice from the utility company due to the account being in arrears of \$1,259.22. The appellant advised that the utility company was not willing to set up an equal payment plan, and that he was in need of a crisis supplement to pay the utility bill in full.
- 4) Appellant advised on **April 6th, 2017** that the outstanding utility bill is from 2004 and the amount is the outstanding interest. The utility company was contacted, and had advised that they could not locate the account from 2004.
- 5) A dated **April 13th, 2017** reconsideration package; the appellant submits that the disconnection notice was sent on March 16th, 2017 and that the arrears of \$249.01 from 2004 was added to the bill, and that the new bill is \$1,259.22 and too - if the service is disconnected, he will not be able to heat his residence or cook. Lastly, the appellant submits that he attempted to negotiate a lower payment with the utility company, and that the utility company requires \$464.15 by the end of April.

Additional Information

May 4th, 2017 - The appellant stated on his Notice to Appeal that he tried to access utility relief funds through CMHA, and was denied due to the fact that the program only runs through the winter months. The appellant submits that he has exhausted all possible avenues to pay the utility bill, and that he faces possible homelessness.

At the hearing, the ministry relied on the reconsideration decision and did not introduce any additional evidence.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Ministry of Social Development and Social Innovation's (the "ministry") Reconsideration Decision of April 24th, 2017 in which the ministry deemed the appellant not eligible for a crisis supplement because all of the legislative criteria had not been met; pursuant to Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation (EAPDR).

The relevant sections of the legislation are as follows:

EAPDR - *Employment and Assistance for Persons with Disabilities Regulation, Section 57(1)*

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*.

Panel Decision

The ministry's position, as set out in the reconsideration decision, is that the appellant is not eligible for a crisis supplement to pay his outstanding utility bill pursuant to Section 57(1) of the EAPDR. In his Notice of Appeal dated May 4th, 2017 the appellant stated that he has exhausted all additional avenues to pay for the outstanding utility bill balance and that if he does not receive the crisis supplement, he faces possible homelessness.

The ministry notes that the purpose of a crisis supplement is to address unexpected emergency needs to prevent imminent danger to health and not intended to augment monthly assistance. Further, the ministry notes that under Section 57(1) of the EAPDR, a crisis supplement can be provided if all three of the following criteria are met; **1) The need for the item is unexpected**, however; the ministry notes that the appellant knew that his account was in arrears for \$264.76 when he established the account for his new residence. Further, that the appellant had not provided a copy of the disconnection notice or an account summary to explain why the minimum payment is now \$464.15 and or why the total outstanding balance is \$1,259.22. The ministry's position is that the need to pay an outstanding bill is not considered an unexpected expense and therefore, the eligibility requirement has not been met. Referring to the second criteria, **2) Failure to obtain the necessary supplement will result in imminent danger to health or the removal of a child under the *Child, and Family Community Service Act***. The ministry notes that; the appellant did not provide sufficient evidence to support the probability of immediacy that failure to obtain funds to pay the outstanding utility bill will place the appellant's physical health at risk or in imminent danger, therefore, this eligibility requirement has not been met.

Thirdly, **3) There are no alternate resources available to obtain the item or meet the expense**. The ministry notes that; the appellant's shelter allowance is intended to be used for shelter including utilities, and that the appellant states that he does not have any alternate resources to assist with the outstanding balance, and has determined that this eligibility requirement has been met.

The ministry's position is that because the appellant's request does not meet all three of the required eligibility criteria, approval for a crisis supplement cannot be granted.

Section 57(1) of the EAPDR states that 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*.

Accordingly, the panel finds, that the evidence establishes that the appellant would have, or ought to have known that the outstanding balance of \$264.75 from 2004 was in arrears when he established his utility account at his new residence. The panel finds that the evidence establishes that the appellant did not provide further documentation to the ministry to support the claim of his utilities being at risk of disconnection in the form of a disconnection notice or to explain further, the varied utility account balances. The panel finds that the evidence does support the appellant having met one criteria of eligibility indicated in Section 57(1)(a) of the EAPDR, where the appellant had evidenced that he has no alternate resources to pay the outstanding balance. Finally, the panel finds that the appellant did not provide sufficient evidence to support his claim of probable risk or threat of imminent danger to his physical health if the crisis supplement was not granted.

Overall, the panel finds that the ministry reasonably determined that the appellant is not eligible for a crisis supplement as not all of the eligibility requirements pursuant to Section 57(1)(a) & (b)(i)(ii) of the EAPDR had been met.

Accordingly, the panel finds that the decision of the ministry to deem the appellant not eligible for a crisis supplement due to not meeting all of the eligibility requirements of Section 57(1) of the *Employment and Assistance for Persons with Disabilities Regulation*, a reasonable application of the applicable enactment in the circumstances of the appellant. Therefore, the panel confirms the ministry's decision pursuant to section 24(1)(b) and section 24(2)(a) of the Employment and Assistance Act. The appellant therefore is not successful in his appeal.