

## PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation's (the Ministry) reconsideration decision made under section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation dated April 24, 2017, that denied the appellant's request for a crisis supplement for utilities. The request was denied on the grounds that while the appellant satisfied the criterion that failure to pay the hydro bill will result in termination of hydro services and will result in imminent danger to the appellant's health, the appellant did not satisfy the 2 other criteria required. Specifically the appellant did not give significant evidence that the need to pay for hydro was an unexpected need or an unexpected expense, nor did the appellant show that there were no alternate resources available with which to meet the need.

## PART D – Relevant Legislation

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

## PART E – Summary of Facts

The appellant is a single person in receipt of Employment and Assistance for Persons with Disabilities benefits.

On February 15, 2017 the appellant contacted the ministry to request assistance with BC Hydro. The appellant submitted a disconnect notice for total amount owing of \$82.25. The appellant had stated she had tried to contact BC Hydro to negotiate payment. A service request was created for the consideration of a crisis supplement.

March 7, 2017 a ministry worker attempted to contact the appellant to determine why she was in need of the funds and whether she had tried to access all available resources. A phone message was left.

March 13, 2017 the appellant contacted the ministry and explained she had not paid the hydro bill as she had not been working and couldn't afford the payment; she had some medical issues and had to spend funds on doctor appointments and, that she had asked her daughter for help and she had paid the cable bill.

March 15, 2017 the appellant had contacted the ministry to inquire about her request. She stated her power would be disconnected on March 17 and the ministry had not contacted hydro. The appellant had been advised workers had been trying to contact her and confirmed she would be available for a call any time after 11am.

March 17, 2017 the appellant contacted the ministry to inquire about her request. The appellant confirmed she had the ability to meet this need with financial assistance from her daughter. The appellant paid \$100 towards her cable bill instead of the hydro.

March 20, 2017 the ministry denied the appellant's request for a crisis supplement for utilities.

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

- BC Hydro final disconnection notice for \$82.25
- Request for reconsideration dated April 13, 2017

In the appellant's Request for Reconsideration, she wrote she:

- was in hospital
- is trying to find a place which includes utilities
- had to travel back and forth to Ladysmith as her grandmother had died
- doesn't live a luxury life
- has had 7 family members pass away, depression is here

In the appellant's Notice of Appeal, she wrote that she:

- had deaths in the family
- had transportation to family
- was admitted to hospital
- has no food and walks with a walker

In the appellant's Submission, she wrote that she:

- almost had her hydro cut off
- had always had hydro included in her rent
- was hoping to get into subsidized housing

- can no longer work at what she was doing
- can hardly write anymore

In the appellant's Late Submission, she wrote that she:

- could not afford the hydro that month
- owes her daughter for money that she borrowed for the bill
- is trying to get into subsidized housing
- has been bed-ridden and not able to obtain an advocate

Notes written by appellant included in the Notice of Appeal included:

- her daughter lent her money to pay the hydro bill which she intends to pay back when she is given the funds by the ministry
- she was admitted to hospital for 10 days and was released April 12
- she is not feeling well so writing is wobbly
- she has had a break down with her bills catching up on her

The ministry response to the appellant's late submission was to rely on the reconsideration summary provided in the Record of the Ministry.

***Admissibility of Additional Information***

The panel considered the information provided in the letter from the appellant in her Late Submission and the notes in her Submission as being in support of, and tending to corroborate, the appellant's crisis supplement application which were before the ministry at reconsideration. Therefore, the panel admitted the documentation in accordance with Section 22(4)(b) of the *Employment and Assistance Act*.

## PART F – Reasons for Panel Decision

The issue is whether the Ministry of Social Development and Social Innovation's (the Ministry) reconsideration decision made under section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation dated April 24, 2017, that denied the appellant's request for a crisis supplement for utilities was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

### Relevant Legislation

#### EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

##### **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*.

The general scheme of Section 57 of the EAPWDR is that an individual may receive a crisis supplement if three criteria are met. The first is that the Minister may provide a supplement if it is required to meet an unexpected expense or to obtain an item unexpectedly needed (section 57(1)(a) EAPWDR). The second is that the person is unable to meet the expense or obtain the item because there are no resources available to the family unit (section 57(1)(a) EAPWDR). The third is that the Minister must consider that failure to meet the expense or obtain the item will result in either imminent danger to the person's physical health or removal of a child under the Child, Family and Community Service Act (section 57(1)(b)(i)(ii) EAPWDR).

##### **Section 57(1)(a) EAPWDR – First Criterion - Unexpected Expense**

(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

##### **Ministry's Position**

There was no evidence before the reconsideration officer that the appellant unexpectedly received a hydro bill as hydro is an ongoing monthly expense. The appellant's bill reflects her consumption and therefore, the cost of hydro billed is not unexpected.

##### **Appellant's Position**

The appellant has stated that due to travel for family deaths, not working and medical issues she is unable to pay her hydro bill. As well, she is not use to paying for her utilities as they have been part of her rent at other locations.

##### **Panel Finding**

The panel finds there was insufficient evidence before the reconsideration officer to indicate whether or not the appellant's hydro bill was or was not an unexpected expense.

The panel finds therefore that the Ministry's determination at reconsideration that the appellant had no unexpected expense or to obtain an item unexpectedly needed was a reasonable application of the first criterion of section 57(1)(a) of the EAPWDR in the circumstances of the appellant and was reasonably supported by the evidence.

### **Section 57(1)(a) EAPWDR – Second Criterion - Inability to Meet the Expense**

The appellant is unable to meet the expense or obtain the item because there are no resources available to the family unit

#### **Ministry's Position**

The ministry recognizes the appellant borrowed funds from her daughter to address her financial issues. There was no evidence before the reconsideration officer that the appellant sought alternative resources in her community to help her meet the need to pay back her daughter.

#### **Appellant's Position**

The appellant states she borrowed money from her daughter to address the need to pay for her hydro but requires the crisis supplement to pay her daughter back the funds borrowed.

#### **Panel Finding**

The Panel finds that there was evidence the appellant was able to find assistance through her daughter to pay her outstanding hydro bill but, there was insignificant evidence before the Reconsideration officer as to what other resources the appellant had or did not have at her disposal with which to pay for her hydro.

The panel finds therefore that the Ministry's determination at reconsideration that the appellant had not shown what resources were or were not available to her with which to pay her hydro bill was a reasonable application of the second criterion of section 57(1)(a) of the EAPWDR in the circumstances of the appellant and was reasonably supported by the evidence.

### **Section 57(1)(b)(i)(ii) EAPWDR- Third Criterion – Failing to Meet an Unexpected Expense Will Result in Imminent Danger to Physical Health**

The ministry stated the appellant satisfied the third criterion, that failure to pay the hydro bill will result in termination of hydro services and will result in imminent danger to the appellant's health.

#### **CONCLUSION**

The panel finds that the Ministry's decision in denying the appellant a crisis supplement to pay her hydro bill was a reasonable application of the evidence in the circumstances of the appellant and was reasonably supported by the evidence.

The panel confirms the Ministry decision and the appellant is not successful in her appeal.