

PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision of June 14, 2017 wherein the ministry determined the appellant was not eligible for a crisis supplement to pay his outstanding hydro bill because he did not meet all the criteria set out in section 57 *Employment and Assistance for Persons with Disabilities Regulation* (EAPWDR).

The ministry was not satisfied that:

1. the need is an unexpected expense;
2. there are no alternate resources available to the family unit, and
3. failure to meet the expense would result in imminent danger to physical health.

PART D – Relevant Legislation

Employment and Assistance For Persons with Disabilities Regulation (EAPWDR), section 57

PART E – Summary of Facts

The evidence before the ministry at the time of reconsideration:

- Hydro bill dated March 17, 2017 showing a past due balance of \$202.06;
- Hydro bill dated April 3, 2017 showing a past due balance of \$147.06; payment of \$55.00 and electrical consumption from January 18 to March 17 of \$231.76; leaving an outstanding balance of \$440.71;
- Hydro bill dated April 25, 2017 showing a past due balance of \$385.71;
- Request for Reconsideration dated June 9, 2017 with a note from the appellant attached.

On April 18, 2017, the appellant contacted the ministry requesting a crisis supplement to pay his outstanding hydro bill. The appellant provided copies of a past due bill dated March 17, 2017 and a notice of disconnection dated April 3, 2017. The ministry had been making a monthly direct payment of \$55.00 on behalf of the appellant and had instructed the appellant to monitor his electrical consumption and to advise the ministry if the direct payment needed to be increased. The appellant knew a large bill would come every year in the Spring but in the past, he would use his Special Transportation subsidy to pay the bill.

In the note attached to the appellant's Request for Reconsideration he stated that he no longer receives the annual Special Transportation subsidy of \$790.00 and instead receives a monthly transportation allowance of \$52.00. The appellant stated that he relied on the annual transportation subsidy to pay the hydro adjustment bill and to pay his automobile insurance (\$193.00 per quarter). The appellant stated the monthly transportation allowance is \$166.00 less than the annual Special Transportation subsidy which is a large amount of money for him.

At the hearing, the appellant stated he has been without oil, heat and food many times because the ministry does not provide him with sufficient money to live. He stated the ministry wants the panel to believe that he failed to meet the three requirements for a crisis supplement when in fact, (referring to a written article on crisis supplements) it is the ministry that keeps changing their policy and guidelines as unexpected needs can come up in many situations, i.e. being told your electricity will be cut off or having it disconnected. The appellant stated the hydro adjustment bill usually arrives in April of each year and you don't know what to expect. He stated that he has been through this process before and has been trying to facilitate having the ministry pay bills directly on his behalf as he doesn't trust banks because then he has no control on what will be paid by the banks and what amount will be paid.

He stated that when hydro sent him the notice that his hydro would be cut off if his overdue account was not paid he felt that his health would be in imminent danger as he would not have any heat and would not be able to bathe, cook or do anything. The appellant stated when he went to the ministry office to discuss the hydro bill he didn't appreciate their response or their attitude.

The appellant stated he doesn't have any alternate resources to pay the outstanding hydro bill, he doesn't have extra money; he doesn't have any extras, i.e. a phone, internet, cablevision and sometimes will skip a meal to save money. When his hydro was disconnected he lost everything in his fridge and freezer. The appellant stated that he receives his hydro bill every 2/3 months but he doesn't know how much electricity he was consuming. Hydro did cut off his electricity and after 8 days he called the ministry and requested they use part of his next month's shelter allowance to pay his outstanding hydro bill, which they did. The appellant stated he also went to his doctor regarding his health and after the doctor did several tests his doctor told him he was fine. The appellant had asked his doctor to write a letter of support for him but no letter was received.

The panel finds the information from the appellant is admissible as the information regarding his overdue hydro bill provided further clarification on the appellant's position. The panel finds the testimony supports the information and record that was before the ministry at the time of reconsideration and is admissible under Section 22(4) of the Employment and Assistance Act.

The ministry stated the appellant was not on an equal payment plan with hydro. The appellant had requested the ministry make a monthly \$55 direct payment to hydro with the understanding the appellant was responsible for the electrical consumption and his hydro bill. The ministry stated they encouraged the appellant to look at his hydro bills to see what he was using and compare that to what he was paying. The ministry stated the ministry is the payer of last resort and that is why the ministry provided ideas and options for the appellant to consider when he came to the ministry office with his overdue hydro bill. The ministry also stated the article on crisis supplements the appellant referred to was written by a community advocacy group in 2002 and is only that groups interpretation of ministry policy. The ministry relied on the facts in the reconsideration decision.

The panel finds the information by the ministry is admissible as the information further explains the ministry's position regarding the overdue hydro bill and provided clarification on material referred to by the appellant. The panel finds the testimony by the ministry representative supports the information and record that was before the ministry at the time of reconsideration and is admissible under Section 22(4) of the Employment and Assistance Act.

PART F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the ministry's reconsideration wherein the ministry determined the appellant was not eligible for a crisis supplement to pay his outstanding hydro bill because he did not meet all the criteria set out in section 57 EAPWDR.

The ministry was not satisfied that:

1. the need is an unexpected expense;
2. there are no alternate resources available to the family unit, and
3. failure to meet the expense would result in imminent danger to physical health.

The legislation considered: EAPWDR

Crisis supplement

Section 57

(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](#).

Unexpected Expense

Ministry's Position

The ministry argued the appellant's need for hydro and the expectation to pay for that hydro should not be considered unexpected or an unexpected expense. The ministry stated the appellant has received yearly adjustment bills from hydro and has had to pay them. The ministry argued the appellant is not on an equal payment plan and receives his hydro bill at billing time and which clearly shows his monthly consumption and how much he was paying towards that consumption.

Appellant's Position

The appellant argued he didn't know how much electricity he was consuming versus how much was being paid. He argued that he has no control on how much hydro charges for electricity and it is unreasonable for hydro and the ministry to expect people on disability to pay such high rates.

Panel Decision

The evidence is the appellant has received hydro adjustment bills in the past and, in the past, he paid them utilizing his annual transportation subsidy, a subsidy he now receives monthly. The appellant receives his bi-monthly hydro bill which clearly showed how much electricity he had consumed in that period, how much was paid towards that amount, and how much of the bill remained outstanding so it is not reasonable for the appellant to say he didn't know how much electricity he was consuming. Also, the fact the appellant knew that there is always an adjustment bill in the Spring of the year does not support his argument that the bill would be unexpected. The fact that he received these adjustment bills in the past and that he paid them supports the ministry's decision in determining the overdue hydro bill was not an unexpected expense. Therefore, the panel finds the ministry's decision that the appellant's overdue hydro bill was not an unexpected expense was reasonable.

Alternate Resources

Ministry's Position

The ministry's position is that the appellant is provided a shelter allowance which is intended to be used for his daily living expenses, i.e. utilities - hydro.

Appellant's Position

The appellant argued that he does not have any alternate resources and the money he receives from the ministry to cover his daily living expenses is not adequate. He argued he doesn't have a phone, internet or cablevision and will do without meals and other things to live.

Panel Decision

The ministry provides the appellant a monthly shelter allowance to cover his daily living expenses, i.e. hydro, etc. and the appellant states the allowance is not sufficient. The appellant argued that the annual transportation subsidy that he once received is now paid at a rate of \$52 per month which is \$166 less than what he received before. The appellant stated he utilizes this monthly supplement to pay his car insurance which is \$193 every 3 months. There is no evidence how the appellant paid his car insurance in the past. The evidence is the appellant paid his outstanding hydro bill from his next month's shelter allowance and there is insufficient evidence before the panel to support the appellant's position that he does not have alternate resources available to assist him.

The panel finds the ministry's decision that the appellant had alternate resources available to pay his outstanding hydro bill was reasonable.

Failure to Obtain the Item will result in Imminent Danger to Appellant's health

Ministry's Position

The ministry position is that there was insufficient information to establish that if the ministry did not provide him a crisis supplement to pay his outstanding hydro bill that this will result in imminent danger to the appellant's physical health.

Appellant's Position

The appellant's position is that he lost hydro for 8 days and if his outstanding hydro bill was not paid and the landlord knew he didn't have hydro he would be evicted and out on the street. The appellant argued that without hydro he would not have heat, could not cook, bathe or take care of his personal hygiene which would put his health in imminent danger.

Panel Decision

The ministry's position is they do not have sufficient information to determine that if a crisis supplement is not provided to the appellant to pay his outstanding hydro bill that this will result in imminent danger to the physical health of the appellant. The evidence from the appellant and the letter of support from a friend that the loss of hydro (disconnection) would result in imminent danger to his physical health because he would not have proper utilities to cook, to bathe and take care of his personal hygiene was not supported by his doctor. The appellant testified that when he went to see his doctor and after being examined and undergoing tests his doctor told him no major organs had been affected by the hydro disconnect, that he was fine.

The panel finds there is insufficient evidence to support that failure by the ministry to provide the appellant a crisis supplement to pay his outstanding hydro bill will result in imminent danger to the appellant's physical health.

Accordingly, the panel finds that the ministry's decision that failure to provide the appellant a crisis supplement to pay his outstanding hydro bill will not result in imminent danger to the physical health of the appellant was reasonable.

Conclusion

Since all the criteria in section 57 EAPWDR have not been satisfied, the panel finds that the ministry's decision to deny the appellant a crisis supplement to pay his outstanding hydro bill was a reasonable application of the applicable enactment in the circumstances of the appellant. The ministry's decision is confirmed.