

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Social Innovation and Poverty Reduction (the ministry) reconsideration decision dated October 10, 2017, which denied the appellant's request for a crisis supplement to cover the cost of an outstanding utility (BC Hydro) bill. The ministry found that all of the requirements of Section 57 of the Employment and Assistance for Persons With Disabilities Regulation (EAPWDR) were not met as:

- the utility cost was not an unexpected expense or an item unexpectedly needed;
- there was insufficient information to establish that there are no resources available to the family unit to obtain the item; and,
- there was insufficient evidence to show that failure to pay the outstanding utility (BC Hydro) bill will result in imminent danger to the physical health of anyone in the appellant's family unit or the removal of a child under the *Child, Family and Community Service Act*.

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 the reconsideration decision consisted of:

- 1) Memorial tribute page;
- 2) Diagram of a bird eating a frog identified as the appellant and with a handwritten note “BC Hydro eating me alive,” “greed, gouging,” and “don’t ever give up”;
- 3) BC Hydro account statement dated August 7, 2013 indicating a credit on the account in the amount of \$114.15;
- 4) BC Hydro account statement dated March 9, 2015 indicating a past due amount of \$77.90;
- 5) BC Hydro Payment History dated May 20, 2015 covering the period December 19, 2012 through April 22, 2015;
- 6) BC Hydro account statement dated August 7, 2015 indicating a past due amount of \$120.71;
- 7) BC Hydro account statement dated November 6, 2015 indicating an amount due of \$57.78;
- 8) BC Hydro account statement dated April 8, 2016 indicating an amount due of \$54.94;
- 9) BC Hydro account statement dated February 7, 2017 indicating an equal payment instalment of \$56.00;
- 10) BC Hydro account statement dated July 10, 2017 indicating an amount due of \$125.97;
- 11) Handwritten letter dated July 30, 2017 to BC Hydro in which:
 - The appellant asks for information to be provided, including: details of the specifications of her meter, all phone calls since April 2008 to present, all letters threatening disconnection, fiscal year charges May to April, and the total for different charges.
 - The appellant wrote that BC Hydro demanded another \$125 replacement meter charge worded as an ultimatum: either pay an additional \$11 per month on a payment plan, or BC Hydro will shut off her electricity on August 1st.
 - She asks for the payment plan of \$125 to be put on hold, for 13 weeks of a grace period to allow her to approach the ministry, the government, the Utility Commission, BC Hydro, and the Ombudsperson’s office.
- 12) Handwritten letter to BC Hydro, stamped received by the ministry on July 31, 2017, in which the appellant wrote:
 - For 5 years, from 2010 to 2014, there was no problem with her account. A payment of \$30.94 was made from her monthly disability pension cheque and her annual actual usage cost of electricity was about \$22, resulting in a monthly credit or overpayment, and an annual credit of \$100.
 - In 2015, there was a betrayal of public trust and safety since 80% of independent electrical engineers call smart meter dangerous, socially irresponsible and toxic.
 - The BC Utility Commission unanimously supported BC Hydro’s bid to force smart meters on everyone. They voted unanimously against the public’s right to free, inclusive monthly service and meter readings. They gave BC Hydro absolute power control. This removed all checks and balances and circumvented the accountability to the grass roots.
 - The BC courts, judges, public officials, radio and newspapers, and even the Ombudsperson’s office engaged complicit silence. There is no choice in the BC Hydro Meter Choice Program when it is forced on people.
 - From 2015 to now, she has been in an emergency since her disability pension cheque is \$35 to \$40 less each month and, over the first year, she is shorted \$500 and this has created a serious crisis.

- A friend advanced her \$40, \$80 or \$100 for food and her monthly arrears are almost \$400. She is in extreme financial straits. She has stopped eating. She began a 40-day water “feast fast.”
- 13) BC Hydro account statement dated August 9, 2017 indicating a past due amount of \$129.97;
- 14) Letter dated August 21, 2017 from the owner of a hardware store who confirmed that the appellant has spent in excess of \$50 to \$75 in renovation-related project materials during July and August;
- 15) Handwritten note stamped received by the ministry on August 21, 2017, in which the appellant wrote that:
- The \$20 emergency is “legit” as it is: 1. Unexpected- imposed on her; 2. Emergency- these expenses came first as her tenancy was at risk, and 3. She exhausted all resources.
 - She practices rigorous fiscal responsibility and bottom line budgeting. She does not need [the ministry] babysitting her and holding back money; and,
- 16) The appellant’s Request for Reconsideration dated September 11, 2017 requesting an extension of time to meet with an advocate.

Additional information

In her Notice of Appeal stamped received by the Tribunal on October 23, 2017, the appellant expressed her disagreement with the ministry’s reconsideration decision and wrote that::

- Evidence going missing warrants serious grounds for a right to meet with her counsellor. This has happened 12 times in a row.
- Receipts submitted for current \$20 emergency seems to have gone missing.
- The 13 page document regarding BC Hydro stamped received by the ministry July 31, 2017 hand given to BC Hydro customer service and to BC Hydro security August 7, 2017 after customer service left for the day cost her two separate special trips, and has now gone “missing” from her file.
- She is being forced to deal with multiple serious issues on her own, without due process.
- One of the serious issues includes extreme threats of violence. Two death threats got her short-listed to move to BC Housing in a different community and an emergency moving allowance of \$1,800. There have been many threats since.

Prior to the hearing, the appellant provided the following additional documents:

- 1) Undated handwritten notes by the appellant;
- 2) Undated graph, information about intelligence quotient, “A Simple Experiment” article about Pi, and Graphic titled “Peeling the Sun’s layers”;
- 3) Excerpts from the book, “The 7 Habits of Highly Effective People” by Stephen R Covey;
- 4) Excerpts from an article, “Self-Desensitization Instructions” by Tom G Stevens;
- 5) Excerpts from an article, “The Global Bee Death” by Dan Winter;
- 6) Article about Mitochondria and “Black Spot Mutiny”;
- 7) Letter from a Counsellor dated December 4, 2014 and a Recognition of Success Certificate dated December 4, 2014;
- 8) Memo dated October 20, 2017 to BC Hydro in which a physician wrote that:
 - The introduction of smart meters in 2014 has caused significant psychological stress and financial hardship to the appellant, with consequences for her physical health over a 2-year period.

- The appellant declined the smart meter system citing concerns about the impact on her physical, emotional and spiritual well-being.
 - The conflict surrounding this issue has had a severe impact on the appellant's mental health and the financial hardship has, in recent times, led to her not being able to afford to eat.
 - She went without food for 50 days with a severe weight loss that the physician assessed as potentially life-threatening. She is left with the untenable choice between food or electricity. The absence of either would be detrimental to her health.
 - Given the impact of this issue on the appellant, the request is that the appellant's electricity meter is read manually at no additional charge and past charges are refunded; and,
- 9) Letter dated March 26, 2018 to BC Hydro in which an advocate requested that the appellant continue to pay the base electric usage cost as she awaits the Tribunal decision, and the BC Hydro send a representative to the hearing.

At the hearing, the appellant provided the following additional documents:

- 1) One page from an article, showing a table titled "Information versus Entropy"; and,
- 2) Handwritten notes with information about evil people, specifically "Sheople," who accept what they are told without question or thought, according to their own ideological perspective. Even when presented with irrefutable facts, logic and intelligence to the contrary, their way of thinking is the only one that counts.

At the hearing, the appellant and her advocate stated that:

- By way of introduction, she grew up in an amazing home where everyone was respected, and her parents showed their love.
- In her recent interactions, she has encountered an attitude of 'anathema obedience,' requiring absolute power. This is part of the "yang" external energy, whereas the "yin" energy is hidden. Violence occurs when yang obliterates the yin, and this is evident in emotional as well as psychic and existential abuse. Previously, she has experienced violence first-hand, through death threats, a murder attempt, an assault attempt that was stopped, and also being pepper-sprayed. She would like to see movement of everyone towards 'organic oneness' and the 'syzygy pleroma' of unconditional love.
- In this case, the legislation is seen to be dominating. Some of her evidence was also "lost." She is supported by the information from 80% of electrical engineers who call the "Smart" ("new") meters dangerous. BC Hydro stacked the Utilities Commission and this new initiative was supported. Even the courts and the media would not speak up. This results in a public service that is harmful to the public because of its policies.
- She has fought to maintain her right to monthly readings from her service provider. She did not want the new meter installed. She only consumes about \$20 per month in actual electricity but the charges are \$60 per month, leading to an additional \$40 per month. The cumulative picture must be considered. Over 10 months, this results in a total amount owing of \$400.
- At first, she tried to pay the additional charge with BC Hydro, and that rendered her short of food. She was fiscally in trouble, with no resources to pay the expense.
- She is living on \$400 per month. She pays \$200 per month for psychic advice, \$100 for cancer prevention, \$100 for sacred medicine and \$100 for skin care. She is left with \$50 per month for everything else so she goes one day a week with no food. With her most recent fast, she went 49 days without food.

- The additional charges are not for electricity usage. The additional amount of \$10.81 each month is a surcharge that punishes those who do not take the new meters.
- BC Hydro did not respond to the letters she sent. On August 7, 2017, she had to make a special trip to hand-deliver the documents. She went to the head office and presented them with the duty to accommodate someone with a disability.
- The BC Hydro account statement dated February 7, 2017 shows an equal payment instalment amount of \$56. The appellant had an equal payment plan up to May 2017 when she received a giant bill for the equal payment plan adjustment, and this bill was an unexpected expense for the appellant. There was also an additional fee of \$25.
- The advocate called BC Hydro on the appellant's behalf, in an effort to avoid disconnection of the service, and she suggested a payment plan for the outstanding amount. It turned out that the appellant could not afford to make the first payment on the payment plan but, because an arrangement had been made, the appellant also did not receive a disconnection notice from BC Hydro. The BC Hydro account statement dated July 10, 2017 shows the additional monthly amounts that were payable for July 2017 through January 2018 on top of the regular payments.

The ministry relied on its reconsideration decision as summarized at the hearing. At the hearing, the ministry stated that the appellant receives \$375 for her shelter allowance and the ministry pays her rent of \$344 directly to BC Housing and the balance (\$31) is paid towards BC Hydro for utility costs. The ministry does not consider whether the utility cost is for electricity or some other charge, but takes the BC Hydro account statements as showing the amount due for the service to be provided to the appellant. The appellant had not received a disconnection notice and there was no immediate risk of the electricity services being discontinued.

Admissibility of Additional Information

The ministry did not object to the admissibility of the additional documents but questioned the relevancy of some of the articles. The panel admitted the letter from the counselor and the physician as well as the letter from the advocate to BC Hydro as being information that corroborates the appellant's explanation of her interaction with BC Hydro and is, therefore, in support of information before the ministry on reconsideration, pursuant to Section 22(4) of the *Employment and Assistance Act*. The panel considered the other articles and excerpts to be part of the appellant's overall argument and her suggested approach to this issue.

PART F – REASONS FOR PANEL DECISION

The issue on the appeal is whether the ministry's decision which denied the appellant's request for a crisis supplement to cover the cost of an outstanding utility (BC Hydro) bill, on the basis that the requirements of Section 57 of the EAPWDR were not met, was reasonably supported by the evidence or was a reasonable application of the applicable enactment in the appellant's circumstances.

Section 57(1) of the EAPWDR sets out the eligibility requirements which are at issue on this appeal for providing the crisis supplement, as follows:

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

In the reconsideration decision, the ministry wrote that the provisions of Section 57 of the EAPWDR allow for the ministry to provide a crisis supplement when all of the legislative criteria are met, specifically that the supplement is required to obtain an item unexpectedly needed or for an unexpected expense, the family unit has no resources available to meet the expense or obtain the item, and failure to obtain the item will result in imminent danger to the physical health of any person in the family unit or the removal of a child under the *Child, Family and Community Service Act (CFCSA)*.

Unexpected Expense

The ministry wrote in the reconsideration decision that the appellant submitted a copy of the BC Hydro bill dated July 10, 2017 indicating an overdue amount of \$125.97, which included a reference to monthly instalment payments in addition to the regular billing amounts. The ministry wrote that the appellant was aware that she was required to pay \$10.81 each month, in addition to her regular charges, to pay an outstanding debt and, therefore, the expense was not "unexpected."

The appellant argued that for years there has been no problem with her BC Hydro account and her annual actual usage cost of electricity was about \$22, resulting in a monthly credit or overpayment, and an annual credit of \$100. The appellant argued that in 2015, there was a betrayal of public trust and safety since 80% of independent electrical engineers call smart

meter dangerous, socially irresponsible and toxic, and yet the BC Utilities Commission permitted the program to go ahead. In a memo dated October 20, 2017 to BC Hydro, a physician wrote that the appellant declined the smart meter system citing concerns about the impact on her physical, emotional and spiritual well-being. The physician requested that, given the impact of this issue on the appellant, the appellant's electricity meter is read manually by BC Hydro at no additional charge and that past charges be refunded. The appellant indicated at the hearing that BC Hydro did not honour this request and the additional amount of \$10.81 each month is a surcharge that punishes those who do not take the new meters and must have the meters read manually. In her letter dated July 30, 2017 to BC Hydro dated July 30, 2017, the appellant wrote that BC Hydro demanded another \$125 replacement meter charge worded as an ultimatum: either pay an additional \$11 per month on a payment plan, or BC Hydro will shut off her electricity on August 1st. The ministry explained at the hearing that the ministry must take the BC Hydro account statements as showing the amount due for the service to be provided to the appellant, and does not consider whether the utility cost is for actual electricity usage or some other charge.

At the hearing, the appellant's advocate clarified that the appellant had an equal payment plan up to May 2017 when she received a giant bill for the equal payment plan adjustment, and this bill, which included an additional fee of \$25, was an unexpected expense for the appellant. The advocate called BC Hydro on the appellant's behalf, in an effort to avoid disconnection of the service, and she suggested a payment plan for the outstanding amount; however, the appellant could not afford to make the additional payments on the payment plan and she fell into arrears. In her letter dated July 30, 2017 to BC Hydro, the appellant requested that the payment plan of \$125 to be put on hold for 13 weeks of a grace period to allow her to approach the ministry, the government, the Utility Commission, BC Hydro, and the Ombudsperson's office. In the reconsideration decision, the ministry wrote that BC Hydro confirmed on August 9, 2017 that the appellant had cancelled the payment arrangement for the outstanding debt portion and that there was a new equal payment plan for \$60 per month. The panel finds that the advocate had set up a payment plan with BC Hydro after the appellant received the equal payment plan adjustment in May 2017 and, at the time that the appellant made a request for a crisis supplement, a payment plan was in place for the appellant, as set out in BC Hydro account statement dated July 10, 2017. Therefore, the panel finds that the ministry reasonably determined that the past due amount of \$125.97 for the BC Hydro utility charge was not an unexpected expense for the appellant.

No resources available to meet the expense

In the reconsideration decision, the ministry wrote that the appellant is in receipt of disability assistance in the total amount of \$1,213.42 per month, which includes \$706.42 for support, \$375 for shelter, \$40 for a diet allowance, \$40 for vitamin supplements, and \$52 for a transportation allowance. At the hearing, the ministry stated that the appellant receives \$375 for her shelter allowance and the ministry pays her rent of \$344 directly to BC Housing and the balance (\$31) is paid towards BC Hydro for utility costs. The ministry wrote that the BC Hydro account statement dated July 10, 2017 showed an overdue amount of \$125.97 to be paid in instalment payments of \$10.81 per month in order to repay an outstanding debt, in addition to

the regular equal payment plan amount of \$56 per month. The ministry wrote that there is no evidence that the appellant would not have been able to budget on a gradual basis to pay the additional \$10.81 for her BC Hydro bill each month.

In her note stamped received by the ministry on August 21, 2017, the appellant wrote that she exhausted all resources and she practices rigorous fiscal responsibility and bottom line budgeting. The appellant stated at the hearing that she tried to pay the additional charge with BC Hydro, and that rendered her short of food. She was fiscally in trouble, with no resources to pay the expense. She is living on \$400 per month and she pays \$200 per month for psychic advice, \$100 for cancer prevention, \$100 for sacred medicine and \$100 for skin care. The appellant argued that she also had additional costs in July to make her unit ready for renovations, and she provided a letter dated August 21, 2017 from the owner of a hardware store who wrote that the appellant had spent in excess of \$50 to \$75 in renovation-related project materials during July and August. The appellant stated that she is left with \$50 per month for everything else so she goes one day a week with no food. The appellant stated that she recently went 49 days without food. In the memo dated October 20, 2017 to BC Hydro, a physician wrote that the conflict surrounding the new meter program has had a severe impact on the appellant's mental health and the financial hardship has, in recent times, led to her not being able to afford to eat.

In her letter to BC Hydro, received by the ministry on July 31, 2017, the appellant wrote that since the beginning of the new meter program in 2015, she has been in an emergency as her disability pension cheque is \$35 to \$40 less each month and, over the first year, she is shorted \$500 and this has created a serious crisis. The appellant wrote that a friend advanced her \$40, \$80 or \$100 for food and still her monthly arrears cumulatively total almost \$400.

Given that the ministry directs a portion of the appellant's shelter allowance directly to BC Hydro each month and also provides monthly support of \$706.42 per month, the panel finds that the ministry reasonably concluded that there was insufficient evidence that the appellant could not have budgeted to pay the additional \$10.81 per month for the BC hydro bill. While the appellant argued that she had additional costs in July and August to prepare her unit for renovations, the request for a crisis supplement was not made for the additional expenses at the hardware store.

The appellant stated that a friend had helped by providing funds for food in the past and the panel finds that there was no other evidence provided to show that the appellant had approached other possible resources for help in paying the additional monthly amount for the hydro bill. Therefore, the panel finds that the ministry reasonably concluded that there was insufficient evidence to demonstrate that the family unit has no resources available to meet the hydro expense.

Imminent danger to physical health

The ministry wrote in the reconsideration decision that there was insufficient evidence to support the probability of immediacy that failure to obtain funds to pay the outstanding hydro bill would place the appellant's physical health in imminent/immediate danger, or the removal of a child. At the hearing, the ministry pointed out that the appellant had not received a disconnection notice and there was no immediate risk of the electricity services being discontinued.

The advocate explained at the hearing that she had called BC Hydro on the appellant's behalf and she suggested a payment plan for the outstanding amount. It turned out that the appellant could not afford to make the payments but, because an arrangement had been made, the appellant also did not receive a disconnection notice from BC Hydro. At the hearing, the appellant stated that she is left with \$50 per month for "everything else," which includes food, so she goes one day a week with no food. The appellant stated that with her most recent fast, she went 49 days without food. A physician wrote in a memo to BC Hydro dated October 20, 2017 that the introduction of smart meters had caused significant psychological stress and financial hardship to the appellant, with consequences for her physical health over a 2-year period. The physician wrote that the appellant went without food for 50 days with a severe weight loss that the physician assessed as potentially life-threatening. The physician wrote that the appellant is left with the untenable choice between food or electricity, and the absence of either would be detrimental to her health.

While the physician confirmed that the appellant's going without food for 50 days and the associated weight loss was potentially life-threatening, there was no information before the panel to show that the discontinuance of hydro services by BC Hydro was imminent. Rather, the BC Hydro account statement dated July 10, 2017 and August 9, 2017 showed a payment arrangement and a new equal payment plan in place, respectively, and there was no notice for disconnection provided to the appellant. The appellant requested the crisis supplement for an outstanding hydro bill in July 2017 and the panel finds that the ministry reasonably concluded that there was insufficient evidence that failure to meet the hydro expense would have resulted in imminent danger to the appellant's physical health.

Conclusion

The panel finds that the ministry's reconsideration decision, which denied the appellant's request for a crisis supplement for the cost of an outstanding utility (BC hydro) bill because the requirements of Section 57 of the EAPWDR were not met, was reasonably supported by the evidence and the panel confirms the ministry's decision. The appellant's appeal, therefore, is not successful.