

**PART C – DECISION UNDER APPEAL**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated February 20, 2018 in which the Ministry denied the appellant a crisis supplement for arrears of \$316.35 owing to Telus bill which includes home phone, TV and internet because the request did not meet the necessary criteria as specified under Section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). Specifically, the item requested was not an unexpected expense or an item unexpectedly needed, there were no resources available and that failure to provide the item would not result in imminent danger to her physical health.

**PART D – RELEVANT LEGISLATION**

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

## **PART E – SUMMARY OF FACTS**

### **The information before the Ministry at reconsideration included the following:**

The appellant is in receipt of disability assistance as a sole recipient.

- January 27, 2018 – the appellant requested the ministry pay \$228.77 owed to Telus for home phone, internet and TV.
- January 29, 2018 – the ministry denied the appellant's request because of failure to demonstrate her need for money to pay Telus was unexpected and she did not have resources available and there was no imminent danger to her physical health if she did not have phone, internet or TV.
- January 29, 2018 – the appellant submitted her request for continued assistance (stub) for March 2018 in which she reported starting a new job and expecting her first pay in February.
- February 8, 2018 – the appellant submitted her Request for Reconsideration stating that she relies on her phone and internet because she is fleeing an abusive partner who stalks her, and she might be in danger. Additionally, she indicated there was a shooting at her building and the police would not respond until she contacts a friend through Facebook. She noted it was essential for her safety and she need it to look for work and her most recent bill was for \$316.35 due February 15, 2018.

**Notice of Appeal** received by the ministry on March 2, 2018, the appellant states: I need to pay back my mom for the Telus bill. She paid it since I got a disconnection notice.

### **At the hearing**

The appellant argued that Telus had blocked her calls and she wasn't receiving phone calls or emails. She has since had the block on her phone and emails removed. She argues that she could not secure a job because she could not use her phone and emails, and could not pay her telephone bill, of which she feels is unexpected. She further argues that her physical health is at risk because she needs to be able to contact people. The appellant states that she does have a cell phone, but it is very expensive to use at \$.50/minute. A further argument is that the amount she receives from Canada Pension Plan is lower than the amount the ministry is deducting from her monthly disability assistance cheque.

The ministry relied on the reconsideration decision and further explained the process of deducting the unearned income received from Canada Pension Plan from the monthly disability assistance cheque and explained the criteria to qualify for a crisis supplement.

The panel admitted the appellant's testimony, which either substantiated or further explained information already before the ministry, as being in support of the information and records before the ministry at reconsideration in accordance with section 22(4) of the Employment and Assistance Act.

## **PART F – REASONS FOR PANEL DECISION**

The issue in this appeal is whether the ministry's decision to deny the appellant a crisis supplement for arrears of \$316.35 owing to Telus because the request did not meet the necessary criteria as specified under Section 57 EAPWDR was reasonably supported by the evidence or a reasonable application of the legislation. Specifically, the item requested was not an unexpected expense or an item unexpectedly needed, there were no resources available and that failure to provide the item would not result in imminent danger to her physical health.

### **Relevant Legislation:**

#### *Section 57 EAPWDR 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.*

*(2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.*

*(3) A crisis supplement may not be provided for the purpose of obtaining*

*(a) a supplement described in Schedule C, or*

*(b) any other health care goods or services.*

*(4) A crisis supplement provided for food, shelter or clothing is subject to the following limitations:*

*(a) if for food, the maximum amount that may be provided in a calendar month is \$20 for each person in the family unit,*

*(b) if for shelter, the maximum amount that may be provided in a calendar month is the smaller of*

*(i) the family unit's actual shelter cost, and*

*(ii) the maximum set out in section 4 of Schedule A or Table 2 of Schedule D, as applicable, for a family unit that matches the family unit, and*

*(c) if for clothing, the amount that may be provided must not exceed the smaller of*

*(i) \$100 for each person in the family unit in the 12 calendar month period preceding the date of application for the crisis supplement, and*

*(ii) \$400 for the family unit in the 12 calendar month period preceding the date of application for the crisis supplement.*

*(5) The cumulative amount of crisis supplements that may be provided to or for a family unit in a year must not exceed the amount calculated under subsection (6).*

*(6) In the calendar month in which the application or request for the supplement is made, the amount under subsection (5) is calculated by multiplying by 2 the maximum amount of disability assistance or hardship assistance that may be provided for the month under Schedule A or Schedule D to a family unit that matches the family unit.*

*(7) Despite subsection (4) (b) or (5) or both, a crisis supplement may be provided to or for a family unit for the following:*

*(a) fuel for heating;*

(b) fuel for cooking meals;  
(c) water;  
(d) hydro.  
(BC Reg. 13/2003)

**Panel Decision:**

Relevant to this case is section 57 of the EAPWDR that states there are specific conditions that must be met to qualify for a crisis supplement. The panel must consider the facts of this case as it applies to the legislation.

The first criterion is that the item must be an unexpected expense, or an item unexpectedly needed. The panel finds that the ministry was reasonable in its conclusion under section 57(1)(a) EAPWDR that this criterion was not met as the appellant is requesting a crisis supplement to pay for an overdue bill to Telus for her home phone, internet and TV and these services are required to be paid for monthly and therefore are not unexpected.

The second criterion under section 57(1)(a) EAPWDR is that the appellant is unable to meet the expense or obtain the item because there are no resources available to the family unit. The panel finds that the appellant reported that she started a new job in January, is expecting to receive her first pay cheque in February and receives monthly Canada Pension Plan benefits and has not provided any information to explain why she would be unable to use some of these funds to pay the arrears she owes to Telus. Based on these findings, the ministry reasonably determined that resources were available to the appellant to meet the expense.

The third criterion is that failure to obtain the item will result in imminent danger to the appellant's physical health. The minister acknowledges that having a home phone may provide the appellant with a sense of security given her experience, however, the minister notes that the appellant has a cell phone which provides this sense of security. The panel finds that the minister reasonably concluded that it is not satisfied failure to pay \$316.35 to Telus will result in imminent danger to the appellant's physical health pursuant to section 57(1)(b)(i) EAPWDR. The panel notes that all three criteria must be satisfied to be eligible for a crisis supplement.

The panel finds that the ministry's decision that the appellant was not eligible for a crisis supplement under section 57 EAPWDR was supported by the evidence and was a reasonable application of the legislation in the circumstances of the appellant. The panel confirms the ministry's decision in accordance with section 24(1)(a) and 24(2)(a) of the Employment and Assistance Act.

The appellant is not successful on appeal.