

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction’s (the “ministry”) Reconsideration Decision of March 13th, 2018 in which the ministry determined that the appellant was not eligible for a crisis supplement to pay for an outstanding gas bill, pursuant to Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation because the bill was outstanding from a few months previous, and was not considered an unexpected expense.

PART D – RELEVANT LEGISLATION

EAPWD - *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) **February 7th, 2018** – the ministry notes that the appellant request for a crisis supplement to pay the arrears owing on a gas bill was denied because the account in arrears was not considered an unexpected expense or circumstance. The ministry notes that on the same date, the ministry had contacted the gas company to discuss the account, and at that time it was confirmed that disconnection was not an immediate risk. The gas company had also advised that a monthly installment plan could be established.
- 2) The appellant had made a previous request for a crisis supplement to pay the gas bill and was advised on November 30th, 2017 that the request was denied due to the bill not being unforeseen. The appellant requested a reconsideration of the decision at that time, however, she did not follow through with it so it was abandoned.
- 3) **March 1st, 2018** – the appellant requested a reconsideration of the decision to deny the crisis supplement, and the ministry notes that on page 3 of the request, the appellant indicates that her move in June 2017 was unexpected, and that the higher rent she pays was not something that her family expected.

Additional Information

At the hearing, the appellant provided an updated (April 2018) gas bill with a total owing amount of \$1621.32 as evidence for the panel to consider its admissibility. The ministry did not object to the admissibility of the bill. The panel admitted the one-page gas bill pursuant to Section 22(4) of the Employment and Assistance Act as the appellant had provided previous gas bills to the ministry and the bill reflected current February and March 2018 usage, and therefore it was determined to be in support of what was before the reconsideration officer at the time the decision was made.

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

PART F – REASONS FOR PANEL DECISION

The issue under appeal is the Ministry of Social Development and Poverty Reduction's (the "ministry") Reconsideration Decision of March 13th, 2018 in which the ministry determined that the appellant was not eligible for a crisis supplement to pay for an outstanding gas bill, pursuant to Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation because the bill was outstanding from a few months previous, and was not considered an unexpected expense.

The relevant sections of the legislation are 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

The ministry's position, as set out in the reconsideration decision, is that the appellant does not meet the legislative criteria under Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation. The ministry notes that the utility bill is not considered an unexpected expense due to the fact that it has been outstanding since October of 2017, and the need to pay monthly utilities is not unexpected. Further, the ministry notes that the appellant's family unit receives regular disability benefits, and that it was confirmed with the gas company that a monthly installment arrangement could be made with the appellant if she chose to contact the company. Further, the ministry does not consider a disconnection of the gas service to present as an imminent danger to physical health, and too - that when the ministry contacted the gas company to discuss the account, the company confirmed that there was no risk of disconnection at that time.

Section 57 (1) of the Employment and Assistance for Persons with Disabilities Act stipulates 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**.

The panel finds that the evidence establishes the ministry was reasonable in its determination to not consider the outstanding utility bill as an unexpected expense. The panel considers that the appellant knew, or ought to have known that the expense was/is an ongoing part of her monthly expenses, that the bill was in arrears, and therefore the expense cannot be considered unexpected. Further, the panel finds that the evidence establishes that the gas company does provide options for individuals when an account is in arrears; such as a monthly installment arrangement on outstanding amounts. The panel finds that the ministry was reasonable to determine that the family unit has the resources available through the regular disability benefits it receives, and that given the gas company has other options for the appellant to pay the amount outstanding, the appellant is not without options.

Section 57(1) of the Employment and Assistance for Persons with Disabilities Regulation stipulates that the minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if **(b) a 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 panel finds that ministry was reasonable to determine that the evidence does not support the appellant's claim that there is an imminent risk to health given a risk of a disconnection of gas services. The panel considers that the ministry established, via contact with the gas company that there was no risk at that time of the reconsideration decision that the utility services would be disconnected. Lastly, the panel considers the April 2018 gas bill that was submitted by the appellant at the hearing. The panel considered that the bill indicated that there had been usage amounts for February and March 2018. The panel considered that the April 2018 gas bill had no notice of disconnection noted on the bill. Rather, that an outstanding amount remained in addition to the current usage. At the hearing, the appellant maintained that her services had been disconnected when confronted with the fact that the February and March usage was highlighted on the April bill, as well as with the information provided by the ministry that the ministry had been in contact with the gas company – and there was no risk of disconnection. The panel finds that the evidence in this instance did not support the claim of the appellant that her gas service had been disconnected and that as a result of that disconnection, it posed a risk of imminent danger, under section 57(1)(b) of the EAPDR.

Accordingly, the panel finds that the decision of the ministry to deny a crisis supplement to pay an outstanding gas bill, pursuant to 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)(a) and section 24(2)(a) of the Employment and Assistance Act. The appellant therefore is not successful in her appeal.