

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the "ministry") Reconsideration Decision of September 6, 2018 in which the ministry determined that the appellant was not eligible for a crisis supplement to pay an outstanding hydro bill, pursuant to Section 59(1) of the Employment and Assistance Regulation (EAR) because the amount of the bill that had accrued was not unexpected as it was over a lengthy period of time and the appellant had missed multiple payments throughout the year.

PART D – RELEVANT LEGISLATION

Employment and Assistance Regulation (EAR) section 59(1)

PART E – SUMMARY OF FACTS

The information before the ministry at reconsideration included:

- A request for reconsideration dated August 23, 2018 which noted that:
 - the appellant had requested a crisis supplement to pay an annual adjustment from BC Hydro in the amount of \$4,377.84 on June 21, 2018;
 - the ministry worker called BC Hydro and were informed that multiple bills throughout the year had not been paid sufficiently, causing a large bill to accrue;
 - the appellant stated she had been monitoring the hydro amount by calling BC Hydro monthly but that she had never received a “total amount owing”;
 - the ministry denied the request for a crisis supplement and informed her of her right to a reconsideration of that decision which was due by June 26, 2018;
 - the appellant next contacted the ministry on August 23, 2018 again requesting a crisis supplement to pay BC Hydro, this time in the amount of \$4,581.00 and that BC Hydro would no longer accept her monthly payment of \$199;
 - the appellant wrote as her reasons for requesting the reconsideration: that her hydro was about to be cut off; that she has 2 children to care for; that she had no access to hydro to know she was so in debt; and that hydro is an expected bill which she has been paying but that this amount was unexpected.

On the Notice of Appeal form signed by the appellant on September 11, 2018 she wrote, “I read the last application and the reason being so high was an unpaid bill that went long term since 2016. You guys have been paying since I do not have a computer at home and hydro did not mail me bills like I asked so was unaware of my large bill. When I was asked about payment I had thought the ministry was making sufficient.”

At the hearing, the appellant stated that the ministry pays her BC hydro payments on her behalf and that BC Hydro contacted her in April 2018 because the payments the ministry had been sending on her behalf were being credited to a closed account. The appellant stated that in April she got her new account all straightened out and was told by BC Hydro that she had a credit on her account. The appellant explained that she told BC Hydro that she could not access online services and that they needed to mail her any billings as she did not have internet access however, they never did so. The appellant stated that BC Hydro called her in June 2018 and informed her that she had \$3800 owing and that they wouldn't tell her why that amount was owing because the ministry was making the payments on her behalf. The appellant contacted the ministry who called BC Hydro and then informed the appellant that the amount was the total from multiple bills throughout the years as well as an amount from a previous account. The appellant argued that this was a surprise to her because she had been told in April she had a credit on her account. The appellant stated that BC Hydro informed her that her usage had been increasing and that they had sent a notification to her online account, but she argued that she did not have access to that and she was surprised by the high amount. The appellant commented that BC Hydro told her she should've asked the ministry to increase the monthly payment and that BC Hydro requires payment for half of the total amount owing and are willing to accept payments for the remainder. The appellant stated that she is now receiving the bills and is aware that she needs to notify the ministry of any changes.

During questioning about how often she had been in recent contact with BC Hydro she stated that she had spoken to them around December 2017 as they told her she needed her address changed and that they didn't give her any information about the total amount owing but told her that the amount she was using was actually closer to \$500 per month. The appellant was next in contact with them monthly from about March 2018 to June 2018 to straighten out the old account. The appellant explained that she had moved from one trailer to another in April 2017.

At the hearing, the ministry relied on its reconsideration decision and also emphasized that it is the person's responsibility to know the amount of their BC Hydro bill and to notify them of any change in account number or the amount that is to be paid. The ministry clarified that the worker did call BC Hydro and that the overdue amount owing was from an annual adjustment from the previous year of usage. When asked for clarification about why the request for reconsideration indicated that several payments had been missed although the ministry was paying directly, the ministry suggested that the wording may have been incorrect and that the higher amount owing at the end of the year was due to the monthly amount being paid was not enough to cover the higher usage being billed.

Additional Information

There was no additional information provided in writing or in the oral presentation that was not before the ministry at the time of reconsideration.

PART F – REASONS FOR PANEL DECISION

The issue under appeal is the reasonableness of the ministry reconsideration decision of September 6, 2018 in which the ministry determined that the appellant was not eligible for a crisis supplement to pay an outstanding hydro bill, pursuant to Section 59(1) of the EAR because the amount of the bill that had accrued was not unexpected as it was over a lengthy period of time and the appellant had missed multiple payments throughout the year.

The applicable legislation is:

Crisis supplement

59 (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](#).

The appellant's position is that because she had spoken to BC Hydro in April, 2018 and was told that she had a credit on her account, she was surprised to be told that she owed \$3800 in June, 2018 and that this amount was unexpected for her and that she does not have any ability to pay the approximately \$2,000 down payment they require to keep her electricity connected.

The ministry's position is that in order to be eligible for a crisis supplement the request must meet all the criteria set out in section 59(1) of the EAR. The ministry agrees that the appellant met the criteria of section 59(1)(b) and that there are no resources available to her. However, the ministry argues that she does not meet section 59(1)(a) which requires that the crisis supplement is for an unexpected expense or to obtain an item unexpectedly needed because the appellant was aware that monthly costs for hydro were accruing yet she did not follow up with BC Hydro to ensure the amount being sent by the ministry was sufficient to cover the costs being incurred.

Panel Decision

Section 59(1) of the EAR states that a crisis supplement may be issued if the supplement is to meet an unexpected expense or to obtain an item unexpectedly needed. The appellant has had BC Hydro service since at least April, 2017 and the ministry had been making payments on her behalf with her knowledge. The appellant explained that she had numerous conversations with BC Hydro, including one in December 2017 where they mentioned that her hydro consumption was higher than the amount being paid yet she did not follow up on that. The panel notes that the appellant had many opportunities to question BC Hydro about the exact amount owing and to make arrangements to have the monthly amount adjusted, so this demonstrates that it was not an unexpected expense and therefore finds that the ministry reasonably determined that the requirements of section 59(1)(a) have not been met.

Conclusion

The panel finds that the ministry's determination that the appellant was ineligible for a crisis supplement under section 59(1) of the EAR because she did not meet eligible criteria was a reasonable application of the legislation.

The panel therefore confirms the ministry's decision. The appellant is not successful on her appeal.

PART G – ORDER

THE PANEL DECISION IS: (Check one)

UNANIMOUS

BY MAJORITY

THE PANEL

CONFIRMS THE MINISTRY DECISION

RESCINDS THE MINISTRY DECISION

If the ministry decision is rescinded, is the panel decision referred back to the Minister for a decision as to amount? Yes No

LEGISLATIVE AUTHORITY FOR THE DECISION:

Employment and Assistance Act

Section 24(1)(a) or Section 24(1)(b)

and

Section 24(2)(a) or Section 24(2)(b)

PART H – SIGNATURES

PRINT NAME

Janet Ward

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2018/10/04

PRINT NAME

Margarita Papenbrock

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2018/10/04

PRINT NAME

Donald Storch

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2018/10/04