

PART C – DECISION UNDER APPEAL

The decision under appeal is the ministry's reconsideration decision dated November 16, 2018. In that decision the ministry decided that the appellant was not entitled to a crisis supplement for utilities to pay an invoice for propane delivered to the residence of the appellant. The ministry found that the appellant met two of the three the requirements set out in section 57 of the Employment and Assistance for Persons with Disabilities Regulation (EAPWDR). The ministry found that the appellant did not have resources available to pay the invoice for propane and that the failure to pay the invoice for propane would result in imminent danger to the health of the appellant. However, the ministry did not find that the invoice for propane was an unexpected expense.

PART D – RELEVANT LEGISLATION

Employment and Assistance for Persons with Disabilities (EAPWD), section 5.

EAPWDR, section 57.

PART E – SUMMARY OF FACTS

Information at Reconsideration

The information before the ministry at reconsideration included the following:

- Invoice dated June 13, 2018, in the name of the appellant's landlord for \$1,298.75 for the delivery of propane to the appellant's address;
- Letter dated Oct 12, 2010, addressed to the appellant's landlord titled "Final Demand and Notice of Equipment Pick Up" stating no further propane would be delivered the appellant's address unless a balance owing of \$1,257.76 was paid;
- A letter dated October 29, 2010, signed by the appellant's landlord and the appellant stating that the landlord was "not responsible for the bill" and that it was in the landlord's name because the appellant "had no visa to get it hooked up";
- A letter titled "Exhibit A" dated November 28, 2018, stating that the appellant "will have no heat at all in her 14 by 70 trailer... without heat her health is also in danger as wall as her pipes in her trailed will freeze and burst";
- A letter dated November 28, 2018, stating that "Propane has been sent to 3rd party collections -- scheduled to pick up tank Monday. Needs full balance paid by Monday. 1257.76";
- That the appellant has made no payments on the propane account; and
- That the ministry sends the appellant's rent directly to the landlord each month.

Information Provided on Appeal:

The panel was provided with an unsigned document dated November 27, 2018. It stated that the propane was an unexpected expense for the appellant because the landlord "who was going to pay the bill, is now in the process of a divorce and all fund have been frozen and she has no access to the funds." (sic)

The panel determined that it was appropriate to admit this document because it was a combination of argument and evidence that was before the ministry at reconsideration in that it stated that the landlord was going to pay the invoice for propane.

PART F – REASONS FOR PANEL DECISION

The issue on this appeal is whether the ministry's determination that the appellant did not meet the eligibility requirements set out in EAPWDR section 57 (1)(a)(b).

EAPWDR section 57

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;

(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.

Appellant's Submissions

The appellant made excellent submissions about the hardship she would experience if she did not have access to propane. The appellant was also able to explain very clearly why she had a landlord, why she expected her landlord to pay for propane heat and why the landlord was unable to pay for propane heat.

Ministry Submissions

The ministry stated that it reaffirmed the reasoning articulated in the Reconsideration Decision. The ministry confirmed that it was satisfied that the appellant had no resources available to pay the propane bill. The ministry also confirmed that it was satisfied that the failure to pay the propane bill would result in imminent danger to the appellant's physical health.

The ministry stated that it was not satisfied the propane invoice was an unexpected expense. The ministry stated that if the appellant knew she was responsible for the payment of the propane invoice that it was not an unexpected expense because that invoice was provided by the supplier in June 2018.

The ministry stated that if the landlord had agreed to provide propane as part of the rental agreement but was not able to fulfill that condition of the rental agreement that the ministry could not provide a crisis supplement to the appellant for the landlord's benefit. The ministry stated that was a landlord and tenant dispute which did not come within the scope of the EAPWD or EAPWDR. Consequently, the ministry stated it could not provide a crisis supplement to the appellant to pay the propane invoice.

The Panel's Decision

The *Employment and Assistance Act*, section 24 provides legislative authority for the Panel to determine whether the decision being appealed is reasonably supported by the evidence and if it is a reasonable application of the legislation in the circumstances of the appellant. The Panel has no legislative authority to exercise any power of discretion to exemption of an appellant from the legislative requirements.

Section 57(1)(a) of the EAPWDR states that the minister may provide a crisis supplement if the supplement is required to "meet an unexpected expense."

The panel finds that the ministry's decision that the propane invoice was not an unexpected expense is reasonably supported by the evidence and confirms the ministry's reconsideration decision.

The panel acknowledges that the landlord's failure to pay the propane invoice will have consequences for the appellant, but finds that the ministry reasonably applied the legislation when it determined that the propane invoice was not the appellant's expense but the landlord's expense.

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

Trevor Morley

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2018/12/23

PRINT NAME

Kent Ashby

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2018/12/23

PRINT NAME

Carman Thompson

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2018/12/23