

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated December 14, 2018, which denied the appellant's request for a crisis supplement to pay the arrears he owes to BC Hydro because he does not meet all of the eligibility criteria described in section 59(1) of the Employment and Assistance Regulation (EAR). The ministry determined that

- it is not established that there are no resources available; and
- failure to obtain a crisis supplement to pay the arrears owed to B.C. Hydro does not result in imminent danger to the appellant's physical health or the removal of a child under the *Child, Family and Community Service Act (CFCSA)*.

PART D – RELEVANT LEGISLATION

EAR section 59(1).

PART E – SUMMARY OF FACTS

The information before the ministry at reconsideration included the following:

The appellant is a sole recipient with 2 dependent children.

He receives \$ 1246.16 per month for income assistance. This amount includes \$475.58 per month for a support allowance, \$660 for a shelter allowance and \$10.58 for a family bonus top-up. In addition he receives \$1127 per month for Canada Child Benefit.

He pays \$850 per month rent.

On November 1, 2018 the appellant submitted a notice of disconnect from B.C. Hydro that indicated he was required to pay \$519.08. The appellant said the amount was from his previous address because his landlord rented an outbuilding on the property that was hooked up to his hydro account and he is taking him to arbitration because he has not paid him like he agreed.

On November 5, 2018 the ministry denied the appellant's request because his need for money to pay the hydro bill was not considered unexpected to him and there was no imminent danger to his physical health.

On November 23, 2018 the appellant said BC Hydro disconnected his services. The ministry worker called B.C. Hydro. The phone agent advised that when the appellant closed his account at his previous address, he was billed \$428.06 (amount in excess of his Equal Payment Plan). Hydro advised he has not made any payments since opening his new account in August and the last payment was from the ministry in July. The ministry negotiated a payment plan with B.C. Hydro that the appellant agreed to so B.C. Hydro would reconnect his services. The arrangements were:

- The ministry would send a one-time payment of \$310.93 (1/2 of past due amount and reconnection fee) from his January disability assistance on December 19, 2018.
- The ministry set up a direct monthly payment of \$39 to cover his Equal Payment Plan amount starting on December 19.

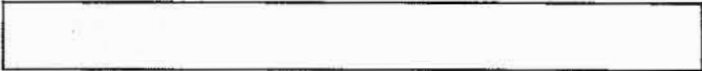
On December 4, 2018 the appellant submitted his request for reconsideration. He advised B.C. Hydro denied his request for their Crisis Fund program and he has no means to pay the bill. He writes; "Now I have been denied the B.C. Hydro crisis fund now they have disconnected my hydro and I have no means of paying this bill. I have submitted the papers to RTB in regards to my extremely high bill."

In his Notice of Appeal dated December 21, 2018 the appellant wrote: "You left me with no support money to feed my kids."

Pursuant to section 22(4) of the *Employment and Assistance Act* the panel admits the appellant's submission on appeal as in support of information that was before the ministry at reconsideration; this information provides additional detail to the appellant's reported financial difficulties.

The appellant did not attend. Upon confirming that the appellant was notified the hearing proceeded in accordance with section 86(b) of the EAR.

At the hearing the ministry reiterated the reconsideration decision and clarified that B.C. Hydro will only reconnect if the ministry confirms that it will arrange payment. The ministry can only do so if they have the appellant's agreement which the ministry obtained from the appellant.



PART F – REASONS FOR PANEL DECISION

The issue in this appeal is the reasonableness of the ministry reconsideration decision that denied the appellant's request for a crisis supplement to pay the arrears the appellant owes to BC Hydro because the appellant does not meet all of the statutory criteria described in section 59(1) of the EAR. Specifically, was the ministry reasonable in its determination that

- it is not established that there are no resources available; and
- failure to obtain a crisis supplement to pay the arrears the appellant owes to B.C. Hydro does not result in imminent danger to his and his children's physical health or the removal of a child under the *Child, Family and Community Service Act*.

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*.

Appellant's Position:

The appellant argues that he should be eligible for a crisis supplement because he has no means to pay the arrears owed to BC hydro, he has been denied the B.C. Hydro crisis fund, his hydro got disconnected, and he has no money left to feed his children.

Ministry Position:

Crisis supplements are intended to address urgent situations that could not have reasonably been planned for or anticipated. Section 59(1) of the EAR states a crisis supplement may be provided to a family unit for income assistance if all three of the following criteria are met:

1. The need for the item is unexpected or there is an unexpected expense;
2. There are no resources available and
3. Failure to obtain the item or meet the expense will result in imminent danger to your physical health or the removal of a child under the *Child, Family and Community Service Act* (CFCSA).

The ministry is satisfied that requirement #1 has been met because the appellant's need for money to pay the arrears to hydro was unexpected as his previous landlord agreed to help with the bill and then did not follow through.

However, the ministry has made payment arrangements with B.C. Hydro on his behalf in order to get his hydro connected. The ministry notes that his monthly income is \$2273.16. After paying rent and the agreed upon payments to B.C Hydro on December 19, he will still have \$1073.23 remaining from his ~~January assistance and Canada Child Benefits to meet his family's needs. As he has not indicated that~~ he has any upcoming extraordinary expenses that he would not be able to pay for with his remaining income, the ministry considers this a reasonable amount. Accordingly, the ministry has determined that he has the resources available to meet the payment arrangements made for his past due amount with B.C. Hydro. Requirement #2 has not been met.

B.C. Hydro has reconnected his services and he is no longer at risk of being disconnected. As he and his children's health is no longer at risk, the ministry is not satisfied that failure to pay the arrears he owes to B.C. Hydro will result in imminent danger to his physical health. Requirement #3 has not been met.

Panel Decision:

No resources:

While the appellant argues that he has no resources available because he has no means of paying the amount owing to BC Hydro because he now has no money left to feed his children, the panel finds that the ministry was reasonable when it concluded that the appellant did not satisfy the legislative criterion that he has no resources available to meet the payment arrangements made for his past due amount with B.C. Hydro pursuant to section 57(1)(a); the ministry has made payment arrangements with B.C. Hydro on the appellant's behalf in order to get his hydro connected. After paying rent and the agreed upon payments to B.C Hydro on December 19, the appellant will still have \$1073.23 remaining from his January assistance and Canada Child Benefits to meet his family's needs. The panel finds that there is insufficient evidence that the appellant cannot to meet his family needs with his remaining income; furthermore, the panel finds that there is no evidence of any upcoming extraordinary expenses that the appellant would not be able to pay for with his remaining income.

Imminent Danger to physical health:

In the panel's view the word "imminent" connotes a degree of immediacy that has not been demonstrated in the appellant's circumstances. While the appellant argues that he was left with no money to feed his children the panel finds that there is no evidence that the appellant or his children's physical health in imminent danger. While B.C. Hydro was disconnected on November 23, 2018 it was also reconnected on the same day. The panel notes that the appellant has not provided any information from a physician regarding imminent danger to physical health.

Additionally, there is no indication that the appellant is at risk of having his children removed from his care. As a result, the panel finds that the ministry reasonably determined that failure to pay the arrears owed to B.C. Hydro will not result in imminent danger to the appellant's or his children's physical health or removal of a child under the Child, Family and Community Service Act.

Thus, the panel finds that the ministry reasonably established that the appellant has not satisfied the legislative criterion related to "imminent danger to health" in accordance with section 59(1)(b)(i). The panel finds further that there is no evidence that failure to pay the arrears owed to B.C. Hydro will result in the removal of a child under the Child, Family and Community Service Act pursuant to section 59(1)(b)(ii).

Conclusion:

As not all of the criteria of section 59(1) of the EAR have been satisfied, the panel finds that the ministry's decision to deny the appellant a crisis supplement to pay the arrears owed to BC Hydro was reasonably supported by the evidence and a reasonable application of the legislation in the appellant's circumstances. The ministry's reconsideration decision is confirmed and the appellant is not successful on appeal.

PARTG-ORDER	
THE PANEL DECISION IS: (Check one) <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> BY MAJORITY	
THE PANEL <input checked="" type="checkbox"/> CONFIRMS THE MINISTRY DECISION <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No	
LEGISLATIVE AUTHORITY FOR THE DECISION: <i>Employment and Assistance Act</i> Section 24(1)(a) <input checked="" type="checkbox"/> or Section 24(1)(b) <input checked="" type="checkbox"/> and Section 24(2)(a) <input checked="" type="checkbox"/> or Section 24(2)(b) <input type="checkbox"/>	

PARTH-SIGNATURES	
PRINT NAME Inge Morrissey	
SIGNATURE OF CHAIR	DATE (YEAR/MONTH/DAY) 2019/01/18

PRINT NAME Keith Lacroix	
SIGNATURE OF MEMBER	DATE (YEAR/MONTH/DAY) 2019/01/19

PRINT NAME Barbara Thompson	
SIGNATURE OF MEMBER	DATE (YEAR/MONTH/DAY) 2019/01/20