



PART C – Decision under Appeal

The decision under appeal is the Ministry of Social Development and Social Innovation (the “ministry”) reconsideration decision of November 9, 2015, which denied the appellant’s request for a crisis supplement for hydro on the basis that she did not meet the criteria set out in section 57(1) of the *Employment and Assistance for Persons With Disabilities Regulation* (“EAPWDR”). In particular, the ministry found that the need for the hydro was not unexpected, that failure to obtain hydro would not result in imminent danger to the appellant’s health and that the appellant had not established that there was no alternate resources available to meet her hydro expense.

PART D – Relevant Legislation

Employment and Assistance Act (EAA) section 5
EAPWDR, section 57

PART E – Summary of Facts

The information before the ministry at the time of reconsideration included the following:

- The appellant is a single recipient of disability assistance. The appellant receives disability assistance of \$525.35 per month (\$375 for shelter, \$531.42 for support, \$165 for a nutritional supplement, \$40 for vitamins, minus a CPP amount of \$566.07 and less a repayment of \$20). The ministry notes that the appellant moved to her residence in March 2015 and that the Shelter information submitted at the time indicated that utilities were not included in the rent.
- The ministry notes indicate that on April 1, 2015 the appellant submitted a receipt for a \$100 payment to BC Hydro and requested a top up to her rent to assist with hydro costs. The ministry states that on October 7, 2015 the appellant advised that her hydro was disconnected without notice on October 2, 2015, that she had not paid hydro in a couple months, that she would provide BC Hydro with permission to contact the ministry to discuss her case, and that she would ask BC Hydro to fax a copy of the disconnection notice.
- Ministry notes indicating that on October 13, 2015 the appellant advised that she had not paid her hydro bill as she did not receive a statement from BC Hydro and thought hydro was included in the rent.
- Ministry notes indicating that on October 15, 2015 a ministry worker contacted BC Hydro who advised that no payments had been made since a \$100 payment in March 2015.
- Letter from the appellant dated October 13, 2015 requesting a \$75-\$100 food credit. The appellant states that she has been coming in to the ministry for over one week to report that her hydro has gone out and asking for help to get it restarted. The appellant states that she has been unable to obtain a disconnection notice. The appellant states that she has no means to cook food or keep anything in her freezer or fridge and that she has to eat out which costs more. The appellant stated that she spoke to a worker at BC Hydro who advised her that they have no fax machine and that although BC Hydro indicated they would send her another bill she was not sure when she would receive it. The appellant requested that the ministry call BC Hydro.
- Second letter from the appellant dated October 13, 2015 advising that the hydro is not included in her rent as she is being billed on a monthly system. She also states that she has had mail stolen deliberately
- Letter from the appellant dated October 20, 2015 indicating that she had spoken to a ministry worker who had talked to BC Hydro and that the information from BC Hydro that she had not paid any amount on her account since the initial hook-up was not correct. The appellant states that she will have to find her receipt. The appellant states that she never received a disconnection notice from BC Hydro and she was requesting that the ministry talk to BC Hydro and obtain a copy of the disconnection notice. The appellant states that she has had Crohn's disease for many years, has suffered from trauma, but that she is not delusional.
- Letter from the appellant dated October 26, 2015 regarding another resident or former resident of the apartment building in which she lives describing how he has been causing trouble for her and that her hydro was disconnected deliberately as an act of sabotage. The appellant states that the ministry's refusal of her crisis grant on the basis that she did not provide a disconnection notice was not reasonable. The appellant states that she requested a crisis supplement for \$351.86 not \$754.85 which was for the amount of the hydro bill.
- The appellant's Request for Reconsideration dated October 30, 2015 in which the appellant states that her hydro is out and that her food has gone bad and had to be thrown out. The

appellant states that she has no electric kettle or alternate appliances and no heat. The appellant states that her daily routines have been destroyed and that her health is starting to weaken.

In her Notice of Appeal the appellant states that the ministry's summary of facts is incorrect, that the length of time to reach the reconsideration decision was inappropriate, and that her last letter was not taken into consideration. The appellant states that the "*Supreme Court has told you need not bother me again*". The appellant includes a reference to the R.C.M.P. and a note stating "*please see section 317 of the penal code (workers understand)*".

The appellant did not attend the hearing. Having confirmed that the appellant was notified of the hearing, the panel proceeded with the hearing pursuant to section 86(b) of the *Employment and Assistance Regulation*.

The ministry relied on the reconsideration decision.

PART F – Reasons for Panel Decision

The issue on this appeal is whether the ministry's decision to deny the appellant a crisis supplement for hydro on the basis that she did not meet the criteria set out in EAPWDR section 57(1). In particular, was the ministry reasonable in determining that the need for a crisis supplement to pay her hydro was not unexpected, that failure to obtain the supplement for hydro would not result in imminent danger to the appellant's health, and that the appellant had not established that there was no alternate resources available to pay her hydro bill.

The relevant legislation is as follows:

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.

The panel notes that in her Notice of Appeal the appellant states that the "*Supreme Court has told you need not bother me again*" but the panel does not understand what this means and the appellant did not provide a copy of or any reference to a Supreme Court decision supporting this reference. The panel also notes that the appellant notes "*please see section 317 of the penal code (workers understand)*" but that the appellant has not provided any further information about how this legislation may support her appeal. The panel notes as per section 24(1) of the Employment and Assistance Act (EAA), its jurisdiction is limited to determining whether the ministry's reconsideration decision was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

The appellant's position is that she requires the crisis supplement for hydro as she does not have the financial means to pay her hydro bill, that it has been disconnected, and that she has no heat, no ability to cook and no way to keep food refrigerated or frozen. The appellant states that without hydro her health is starting to weaken. The appellant states that she was unable to obtain information about the disconnection from BC Hydro.

The ministry's position, as set out in the reconsideration decision is that the appellant does not meet the criteria set out in EAPWDR section 57(1) and is not eligible for a crisis supplement. The ministry's position is that as the appellant had discussed a top up for ongoing hydro costs with the ministry in March 2015 and the Shelter information form submitted indicated that utilities were not included in the rent, the appellant was aware that hydro needed to be paid; therefore, the need for the item or expense is not unexpected as required by EAPWDR section 57(1)(a). The ministry also states that as the appellant had not made any payments to BC Hydro since March 2015 it is not unexpected that BC Hydro would take action and disconnect service.

The ministry also states that the appellant has not indicated any attempts to explore alternate resources, is receiving a monthly top up of \$25 to be paid towards her hydro account, she has not used the \$25 monthly amount for her hydro bill as she has not made a payment since March 2015 and has not demonstrated any efforts to keep up with her bill or contact BC Hydro to make arrangements for payment so she has not met the criteria of EAPWDR section 57(1).

The ministry's position is that the appellant has not indicated any reasons why failure to obtain hydro would pose an imminent danger to her health as required by EAPWDR section 57(1)(b)(i).

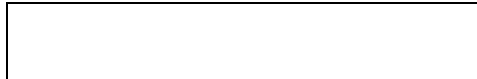
As the appellant submitted Shelter information indicating that hydro was not included in the rent, that the appellant had made a previous hydro payment, and had previously discussed obtaining a top-up for hydro, the panel finds that the ministry was reasonable in determining that the appellant has not demonstrated that the requested crisis supplement for hydro is to meet an unexpected need as required by EAPWDR section 57(1).

Although the appellant states that she never received a disconnection notice from BC Hydro, and although the appellant states that she could not obtain a copy of the disconnection notice, the appellant did not provide any indication that she made attempts to explore alternate resources, what she had done with the \$25 that she receives each month that is meant to pay her hydro account, or that she had contacted BC Hydro to make arrangements for payment. The panel finds that the ministry's reconsideration decision that the appellant did not demonstrate that there are no alternate resources available to meet the hydro bill as required by EAPWDR section 57(1) was reasonable.

Although the appellant states that she has Crohn's disease, suffers from past trauma, and that her health was starting to weaken because her hydro was disconnected, the appellant did not provide information to demonstrate that failure to obtain the requested crisis supplement to pay hydro would result in imminent danger to her health. The word "imminent" requires some degree of immediacy and there is insufficient information from the appellant and none from a medical practitioner regarding danger to her health. Accordingly, the panel finds that the ministry's decision that the appellant did not meet the criteria of EAPWDR section 57(1)(b)(i) was reasonable.

Conclusion

The panel acknowledges that it would be difficult for the appellant to live without hydro and not be able to cook or keep items refrigerated or frozen. However, having reviewed and considered all of the evidence and the relevant legislation, the panel finds that the ministry's reconsideration decision



finding the appellant ineligible for a crisis supplement for hydro is a reasonable application of the legislation in the circumstances of the appellant. The panel therefore confirms the ministry's decision.