

APPEAL NUMBER

PART C – DECISION UNDER APPEAL

The decision under appeal is the Ministry of Social Development and Poverty Reduction's undated and unsigned Reconsideration Decision, which denied the appellant's request for a crisis supplement to pay a Hydro bill on the grounds that although the Appellant

- (i) met the criterion of having no resources available to pay the Hydro bill, and
- (ii) met the criterion that imminent danger to the Appellant's physical health could result,
- (iii) she did not meet the criterion of showing that the need for money was to meet an unexpected expense or obtain an item unexpectedly needed.

PART D – RELEVANT LEGISLATION

Employment and Assistance Act (EAA), section 4
Employment and Assistance Regulation (EAR), section 59 (1)

PART E – SUMMARY OF FACTS**Documents and Information Before the Minister at Reconsideration**

The documents and information before the ministry at the time of the reconsideration decision included:

A. The Decision to be Reconsidered dated May, 2019, which included that:

- On May 21, 2019 the Appellant requested a crisis supplement for Hydro, saying she had only been receiving income assistance and had not gotten her child tax credit this year, which is what she usually pays for bills with,
- Her 11-year-old daughter could be taken from her if she has no Hydro,
- On May 23, 2019 her request for the supplement was denied because she did not meet the condition of having no resources available with which to meet that need,
- The Appellant submitted a Hydro bill for \$1,745 in her landlord's name, and the ministry said it was unable to approve the request because the bill was not in the Appellant's name, and that
- because all required conditions were not satisfied the ministry had no legislative authority to issue a crisis supplement.

B. The Appellant's Request for Reconsideration dated June 17, 2019, in which the Appellant stated:

- She was requesting reconsideration because of her belief that the request was initially denied because the Hydro was not in her name, although she is responsible for paying it,
- She was attaching a signed letter from her landlord saying it is her responsibility, and providing the landlord's contact information if the ministry needed to contact him,
- Saying the Hydro account was in her name because the landlord had had issues with tenants not paying in the past and that caused problems with reconnecting/getting account information because the landlord's name is not on the account, and because the Appellant could not afford the requested deposit,
- That her Hydro's disconnected and she was staying with a friend,
- That she has an 11-year-old daughter and if it is reported to the ministry that she has no Hydro, her daughter could be taken from her,
- That the Appellant has no other means to pay the Hydro and needs immediate assistance to be able to provide the basic necessities for her daughter,
- That her only income is income assistance,
- That she is in the process of getting her child tax credit back, which is what she usually uses to pay her utilities but she has no timeframe on how long that will take and she cannot wait without Hydro.

C. Letter Of from the Appellant's Landlord to dated June 3, 2019

- The Landlord's letter says that the Appellant is the person responsible for paying the Hydro at the Appellant's residence in the Hydro bill is in the landlord's name, and providing a telephone number for the landlord.

D. Request for Crisis Supplement – Utilities dated May 21, 2019

- The appellant's Initial request stated that her Hydro service has been disconnected, stating "N/A", meaning "not applicable" to the question asking if she had attempted to make payment arrangements with the utility company and not advising whether or not she had contacted Hydro to attempt a payment plan as is instructed in the Request form,
- Stating that in answer to the question as to when the last payment was made on account "N/A",

- Stating that the current amount owing was \$1,745 and that her request did not include a security deposit,
- Giving as the reason for non-payment that she had only been receiving income assistance and had not received her child tax credit this year and it is her child tax credit with which she usually pays for bills,
- in answer to the question of what available resources she had, she said she had none and was living month-to-month,
- in answer to the question as to whether she was reliant on medical equipment that requires electricity, she answered "No",
- in answer to the question as to what was the direct threat to the Appellant's health and safety she said that her 11-year-old daughter could be taken from her if there was no Hydro.

E. Disconnection Notice dated May 1, 2019

- The Appellant provided a "*Final Disconnection Notice for Total Amount Owing of \$1,745.49*", in which BC Hydro said that the Appellant could avoid disconnection by paying the total amount owing immediately and reporting that payment online, and
- Advising that there were payment options available such as catch-up payment plans or an equal payment plan, and that the Appellant may qualify for the Customer Crisis Fund available to customers on a one-time basis when customer when the customer is at risk of disconnection due to a temporary financial crisis,
- Advising that if she was disconnected she could pay the total amount owing for reconnection, and pay a reconnection charge of \$30, and that if she was reconnected it was her responsibility to take whatever steps she needed to reduce the likelihood of damage as a result of disconnection.

PART F – REASONS FOR PANEL DECISION**Issue on Appeal**

The issue on appeal is whether the decision of the Ministry of Social Development and Poverty Reduction's undated Reconsideration Decision, which denied the appellant's request for a crisis supplement to pay a Hydro bill, although the Appellant

- (i) met the criterion of having no resources available to pay the Hydro bill, and
- (ii) met the criterion that imminent danger to the Appellant's physical health could result,
- (iii) she did not meet the criterion of showing that the need for money was to meet an unexpected expense or obtain an item unexpectedly needed,

was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the Appellant.

Applicable Legislation

Employment and Assistance Act, section 4

Income assistance and supplements

- 4 Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

Employment and Assistance Regulation, section 59 (1)

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 Submission

The Appellant submitted that the reason she could not pay her Hydro bill was that due to a postal strike she did not receive her T-5 slip and then her accountant was ill, and so she could not file her 2018 income tax return on time. Because she could not file her income tax return on time, and now she is being audited, she did not receive her child tax refund and it is with that that she usually pays for utilities.

The Appellant advised that she has been living in her current residence since 2014, and has not updated or sheltered document for the ministry, and that her BC Hydro account was never included in the rent, but was always something she was expected to pay.

The Appellant says that since the original application for a crisis supplement she has paid \$100 to BC Hydro.

Ministry Submission

Although the ministry was satisfied that the Appellant did not have resources available to pay the Hydro bill, the ministry representative explained that the Appellant could still request a supplement of \$195 per month for 4 months, which the Appellant had not done. The ministry representative also explained that

under some circumstances a security deposit can be supplied to the ministry and with the proper consents, the ministry can deal with BC Hydro to make arrangements to avoid termination of service or for restoration service.

The panel does not consider the foregoing to be additional evidence, because the ministry was satisfied that the Appellant did not have resources available; rather the panel considers the foregoing to be advice for the Appellant and an explanation concerning resources that can be available.

The ministry also pointed out that because the Hydro bill is in the Appellant's landlord's name, the ministry is unable to get details on it from

The ministry stated that as the BC Hydro bill is in the Appellant's landlord's name, the ministry is unable to get details off it from BC Hydro and therefore unable to deal with BC Hydro on behalf of the Appellant, at least without consent from the landlord.

The ministry also pointed out that of the 3 conditions necessary for the Appellant to satisfy in order to qualify for a crisis supplement, 2 of them were satisfied. Those were whether or not the Appellant was unable to meet the expense and whether or not failure to meet the expense would result in imminent danger to physical health, specifically that of the Appellant's child due to the BC Hydro service disconnection.

The ministry pointed out that the only condition unsatisfied was that the Appellant had not demonstrated that the Hydro expense is unexpected.

Panel Finding

The panel finds that the purpose of the legislation is simply stated in its language: to provide a crisis supplement

- when there is an unexpected expense, and
- that there are no resources with which to meet such an expense, and
- that failing to meet that expense it will result in imminent danger to the appellant's physical health.

In the Reconsideration decision the Reconsideration officer noted that the Appellant received a monthly benefit of \$525.58 support, \$570 shelter allowance and \$65 is a one-parent family unit, and that the \$700 monthly rental was paid directly to the Appellant's landlord from the ministry.

There was no issue that the Appellant had satisfied 2 of the 3 criteria; specifically that the appellant had no resources available with which to pay the Hydro bill, and no issue that failure to pay the Hydro bill would result in imminent danger to the Appellant's child's health due to the disconnection of her Hydro service.

The criterion upon which the ministry grounded its denial decision was the first criterion, specifically whether or not the Appellant had demonstrated that the BC Hydro bill was an unexpected expense.

Although the Reconsideration officer stated in the decision that the original request was denied because (a) the Hydro bill was not in the Appellant's name and (b) it was determined that the Appellant had other resources available to her, the Reconsideration officer's decision was not based on either of those reasons.

The Reconsideration officer was satisfied that the Appellant had met 2 of the 3 criteria, but said that the Appellant had failed to demonstrate what is unexpected about having to pay a Hydro bill and what about

the Hydro bill constituted an unexpected expense. The Reconsideration officer reiterated the Appellant's explanation that not paying the bill was due to her not receiving the child tax benefit, and accepted that as a reason for not paying the Hydro bill, but did not find that was sufficient reason to say that the Hydro bill was unexpected.

Panel Finding

The panel finds that the criterion is that the expense Appellant was unable to meet must be unexpected. It is not that inability to pay is unexpected but rather that the expense is unexpected. In this case, although the Appellant's inability paying the expense was due to factors outside her control, the panel finds that having to pay a Hydro bill was not unexpected.

The panel finds that the reconsideration decision was reasonably supported by the evidence and was a reasonable application of the applicable enactment, namely the *Employment and Assistance Act* and the *Employment and Assistance Regulation* in the circumstances of the Appellant.

The Appellant is not successful in her appeal.

APPEAL NUMBER

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

DONALD (DAN) McLEOD

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2019/JULY/19

PRINT NAME

ROBERT (BOB) FENSKE

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/JULY/19

PRINT NAME

JIM JONES

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/JULY/19