

APPEAL NUMBER

PART C – DECISION UNDER APPEAL

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Poverty Reduction (the ministry) dated July 5, 2019, which held that the appellant was not eligible for a crisis supplement for a balance owing on her hydro account. Specifically, the ministry found:

1. that the balance owing on the hydro account was not an unexpected expense;
2. that the appellant did not have any resources to satisfy the balance owing; and
3. that the failure to satisfy the balance owing would not result in imminent danger to the physical health of the appellant or the removal of a child under the *Child, Family and Community Service Act* as the hydro was not going to be disconnected.

PART D – RELEVANT LEGISLATION

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

PART E – SUMMARY OF FACTS*Information Before The Ministry at Reconsideration*

1. The appellant is a single parent receiving income assistance with three dependents;
2. The appellant was a tenant in rental accommodation and her landlord informed her that the BC Hydro expense would be approximately \$200 per month;
3. The appellant chose not to participate in the BC Hydro Equal Payment Plan;
4. The appellant incurred a BC Hydro expense of \$1274.92 in 4 months, which is an average of \$318.73 per month;
5. The appellant received a final disconnection notice from BC Hydro with a total amount owing of \$1,274.92 on or around May 28, 2019;
6. The appellant had been refused participation in the BC Hydro Customer Crisis Fund Program because the account balance was more than \$1,000 and the appellant had not demonstrated any prior attempt to pay an invoice;
7. On June 6, 2019, the BC Hydro account had a balance owing of \$1,489.99 and no payment had been made since the account had been opened;
8. The appellant made a payment of \$450 on her BC Hydro account on June 10, 2019;
9. The appellant receives Canada Child Benefits;
10. If the appellant was denied BC Hydro food and insulin would be spoiled.

Information Provided on Appeal

1. The appellant's Notice of Appeal dated July 5, 2019. In that Notice, the appellant stated that she is a type 1 diabetic and that her ■ year old child requires a nebulizer. The appellant stated that without electricity she would have no way to cook, feed, store food or bathe her children.
2. The panel notes that neither the appellant nor a representative of the ministry participated in the hearing, even though notice of the hearing was provided as required by the legislation.

Summary of Relevant Evidence

1. The appellant is a recipient of income assistance;
2. The appellant has an outstanding balance on her BC Hydro account;
3. The appellant's average monthly BC Hydro expense was approximately \$120 per month more than anticipated; and
4. The appellant has been able to make a payment of \$450 on her BC Hydro account;
1. BC Hydro no longer intends to disconnect the electrical service.

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

The issue on appeal is whether the ministry's decisions that:

1. the BC Hydro expense was not unexpected; and
2. that if the appellant did not receive a crisis supplement that there was no imminent danger to the health of any person in the family unit nor any removal of a child under the Child, Family and Community Service Act,

is reasonably supported by the evidence or was a reasonable application of the applicable enactment in the circumstances of the appellant.

Relevant Legislation

EAR, section 59 states:

Crisis supplement

- 59** (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 \$40 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) and (6) Repealed. [B.C. Reg. 248/2018, App. 2, s. 2.]

(7) Despite subsection (4) (b), 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.

Ministry's Position

The ministry's position, consistent with the legislation cited above, is that there are three criteria that must be satisfied before the ministry may provide a crisis supplement under EAPWDR s. 59:

1. The applicant must be eligible for disability or hardship allowance;
2. The crisis supplement is required to meet an unexpected expense;
3. There are no other resources available to the family;
4. The failure to meet the expense will result in either imminent danger to physical health or the removal of a child under the *Child, Family and Community Service Act*.

The ministry did not dispute that the appellant was eligible for disability or hardship allowance.

The ministry did not accept that the appellant's BC Hydro expense was unexpected. The appellant had been told that the average expense was \$200 per month and, although the actual expense was \$318.73 per month, the appellant had not been paying the expected \$200 per month.

The ministry accepted that the appellant did not have the resources available to pay the outstanding BC Hydro account.

The ministry was not satisfied that the failure to meet the expense would result in imminent danger to the physical health of the appellant. The ministry noted that once the appellant had made a payment of \$450.00 that BC Hydro rescinded the disconnection notice.

In summary, the ministry determined the appellant was not eligible for a crisis supplement for two reasons:

1. The BC Hydro expense was not an unexpected expense; and
2. The failure to pay the complete balance owing on the BC Hydro account would not result in imminent danger to the physical health of the appellant.

Appellant's Position

The appellant's position was that if her electricity was disconnected that she would suffer imminent danger to her health because as a type 1 diabetic she requires insulin and her █-year-old child requires a nebulizer to assist with his breathing.

Panel Decision

The panel considered the four criteria required for the appellant to be eligible for a crisis supplement.

There is no dispute that the appellant satisfies the criterion that she is eligible for disability or hardship assistance.

The panel considered whether the BC Hydro expense was an "unexpected expense". The panel finds that incurring an expense for electricity is not unexpected. The panel further considered whether the difference between the

anticipated expense of \$200 per month and the actual expense of \$318.73 per month is unexpected. The panel finds that this difference is not great enough to be an unexpected expense. Furthermore, the panel found no evidence that the amount of electricity consumed by the appellant was increased because of an unusual or unexpected circumstance. The panel finds that the BC Hydro expense was not an unexpected expense.

The panel accepts that at the time of the appellant's application for a crisis supplement that there were no resources available to her to pay the remaining balance owing on the BC Hydro account.

The panel considered if the failure to pay the balance owing on the BC Hydro account would result in imminent danger to the appellant's physical health or the physical health of any person in the family unit. The panel notes that BC Hydro, at the time of reconsideration, had rescinded the Disconnection Notice because the appellant had made a \$450 payment on June 10, 2019. Consequently, the panel finds that there is insufficient evidence that the failure to pay the balance owing on the BC Hydro account constituted imminent danger to the physical health of the appellant or any person in the family unit.

In conclusion, the panel finds that the ministry's decision that the appellant was not entitled to a crisis supplement for the balance owing on her BC Hydro account was reasonably supported by the evidence and was a reasonable application of the enactment in the circumstances of the appellant.

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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)

2019/08/08

PRINT NAME

Dawn Martin

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/07/22

PRINT NAME

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2019/07/22