

**PART C – DECISION UNDER APPEAL**

The decision under appeal is the Ministry of Social Development and Poverty Reduction’s (the “ministry”) Reconsideration Decision of March 18, 2020 in which the ministry denied a request for a crisis supplement for an outstanding utilities (hydro) balance pursuant to section 57 of the *Employment and Assistance for Persons with Disabilities Regulation*.

**PART D – RELEVANT LEGISLATION**

EAPWDR *Employment and Assistance for Persons with Disabilities Regulation, section 57*

## **PART E – SUMMARY OF FACTS**

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

- 1) **February 25, 2020** – the appellant contacted the ministry to request a crisis supplement for BC Hydro. The appellant provided a document detailing their catch-up payment plan arrangements.
- 2) **February 28, 2020** – the ministry informed you that your request was denied for the following reasons:
  - o They had not demonstrated an unexpected expense. The ministry spoke to BC Hydro and was advised that they had made several arrangements dating back to 2018 and none of them had been followed through with. The ministry found that the arrangements dating back to 2018 were indicative of the expense not being unexpected.
  - o The ministry found that the appellant had resources to pay the hydro expense – relying on the fact that the appellant had made the payment arrangements.
  - o The ministry found that the appellant had not demonstrated an imminent danger to physical health due to the fact that they were moving in 2 days, and there was uncertainty whether the new residence had electric heat.
- 3) A review of the appellant’s hydro document, dated January 30, 2020, indicates that the appellant has an installment of \$100.00 due February 19, 2020 and another installment of \$100.23 due March 27, 2020.

### **Additional Information:**

At the hearing, the panel waiting for ten (10) minutes past the time of the start of the teleconference hearing so as to allow for the appellant to join. After the ten minutes, and after confirming that the Notice of Hearing was delivered on April 9, 2020 at 4:20 pm, the panel proceeded in the absence of the appellant, pursuant to section 87 of the *Employment and Assistance Regulation*.

Additionally, the appellant had submitted additional evidence on April 8, 2020 for the panel to consider at the hearing. This evidence was found to be not relevant to the reconsideration decision before the panel. This document included a (1) one page moving invoice and was not objected to by the ministry. However, the panel found this document to be inadmissible, pursuant to section 22 of the *Employment and Assistance Act*.

## **PART F – REASONS FOR PANEL DECISION**

The decision under appeal is the reasonableness of the Ministry of Social Development and Poverty Reduction's (the "ministry") Reconsideration Decision of March 18, 2020 in which the ministry denied a request for a crisis supplement for an outstanding utilities (hydro) balance pursuant to section 57 of the Employment and Assistance for Persons with Disabilities Regulation.

The relevant section of the legislation is as follows:

### **Employment and Assistance for Persons with Disabilities Regulation**

#### **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.**

(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.**

#### **Panel Decision**

The ministry's position, as set out in the Reconsideration Decision, is that the appellant is not eligible for a crisis supplement for (hydro) due to not meeting one of the three criteria necessary to be eligible.

The appellant's position, as was indicated in the appellant's Notice of Appeal, is that they do not have the means necessary to pay the outstanding hydro balance.

As per section 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.

The ministry argued that the appellant did meet two of the three criteria outlined, such as; the need was imminent, and the appellant had no resources to pay, however the ministry determined that the appellant did not demonstrate how the need was unexpected. Specifically, the ministry determined that the fact that the expense was ongoing from 2018, and the appellant had made multiple payment plan arrangements, of which they did not follow through was evidence that the need for a crisis supplement was not an unexpected one.

The panel finds that the evidence establishes that the appellant did have an on-going arrangement with BC Hydro to pay the expense from as far back as 2018. The panel finds that the ministry was reasonable and fair when it determined this fact as being indicative of the appellant knowing the expense was outstanding and not an unexpected one.

Accordingly, the panel finds that the decision of the ministry to deny the crisis supplement is reasonably supported by the evidence in this case. Therefore, the panel confirms the ministry's decision pursuant to section 24(1)(a) and section 24(2)(a) of the Employment and Assistance Act. The appellant therefore is not successful in this appeal.

APPEAL NUMBER  
2020-00109

**PARTG-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)

**PARTH-SIGNATURES**

PRINT NAME

Jennifer Armstrong

SIGNATURE OF CHAIR

DATE (YEAR/MONTH/DAY)

2020/05/02

PRINT NAME

Vivienne Chin

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2020/05/02

PRINT NAME

Patrick Cooper

SIGNATURE OF MEMBER

DATE (YEAR/MONTH/DAY)

2020/05/02