

Part C – Decision Under Appeal

The decision under appeal is the Reconsideration Decision of the Ministry of Social Development and Poverty Reduction (“ministry”) dated October 14, 2020, in which the ministry denied the appellant’s request for a crisis supplement under section 57 of the Employment and Assistance for Persons with Disabilities Regulation (“EAPWDR”) to replace a malfunctioning furnace with a heat pump. The ministry was not satisfied that the appellant did not have resources available to pay for the replacement of her furnace.

Part D – Relevant Legislation

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

Part E – Summary of Facts

A teleconference hearing was first set for November 10, 2020.

The teleconference hearing was adjourned 3 times at the appellant's request. It was adjourned twice because the appellant said she needed to find an advocate to assist her in the appeal, she was having health issues and dealing with a family emergency. The third adjournment was due to health issues, and the appellant provided a doctor's letter in support. The ministry consented to the adjournments.

On February 8, 2021, the appellant filed a Request to Change the Type of Hearing from a teleconference to a written hearing for the following reasons: the issues were too complex to be dealt with by phone, health issues, and she needed more than 7 days to provide her written submission.

The tribunal approved the appellant's request, and the hearing was changed to a written hearing scheduled for March 15, 2021.

The appellant requested and received 3 extensions of time to provide her written submission because she said she needed more time to get medical evidence in the form of lab testing done in another country, and because of health issues. The ministry consented to the extensions. As a result of the extensions, the written hearing was adjourned, with the caveat that any further adjournments would require a doctor's note.

The written hearing was rescheduled for August 20, 2021.

The appellant requested a further adjournment of the written hearing to obtain additional lab testing done in another country, to which the ministry did not consent. Under the Tribunal Practises & Procedures an adjournment requires the consent of both parties. The written hearing took place on August 20, 2021.

Evidence Before the Ministry at the Reconsideration:

The appellant is in receipt of benefits under the Employment and Assistance for Persons with Disabilities Act (EAPWDA).

On July 3, 2020, the appellant had requested funds to replace the gas furnace in her home, which was denied. The appellant requested reconsideration, but then withdrew that request on August 13, 2020, and made a new request for a heat pump, rather than a gas furnace, because she said gas made her sick.

Evidence before the ministry at reconsideration included the following documents:

1. Account summary from the appellant's financial institution showing the following accounts and balances on October 12, 2020:

Chequing account:	\$1,693.81
Savings account:	\$2,805.05

Credit card (amount owing):	(\$423.94)
Tax Free Savings Account ("TFSA"):	\$8,012.63
Registered Disability Savings Plan ("RDSP"):	\$45,697.11

2. A written statement, emails and handwritten notes from the appellant stating that funds in the chequing account are needed for daily living expenses, payment of the credit card debt, home repair and maintenance; funds in the savings account are reserved for future income tax on Canada Emergency Response Benefit ("CERB") payments; funds in the TFSA are needed for psychological therapy, physiotherapy, pelvic therapy, exposure therapy and EMDR therapy; and funds in the RDSP are subject to a large penalty on withdrawal.
3. An email from Company A dated July 20, 2020, stating that the furnace in the appellant's home is 31 years old, and the average furnace lasts 25 years. Company A recommends that the appellant replace the furnace with a heat pump and will send a quote for "a top of the line, most reliable and efficient model I can get you."
4. A heat pump installation estimate from Company A dated July 22, 2020, showing a total cost of \$19,109.41.
5. A heat pump installation estimate from Company B dated June 10, 2020, showing a total cost of \$19,165.65.
6. A heat pump installation estimate from Company C dated July 7, 2020, showing a total cost of \$17,386.67, with a subsequent email stating that Company C could not do the work.
7. A gas furnace installation estimate from Company C dated September 4, 2020, showing a total cost of \$10,581.90.
8. A handwritten ledger of the appellant's 2020 business income up to October 2020.
9. A handwritten ledger of the appellant's business expenses from January to September 2020.
10. A handwritten summary of the appellant's 2019 business expenses.
11. A handwritten ledger of the appellant's non-business expenses from January to September 2020.
12. Appellant's 2019 Notice of Assessment from Canada Customs and Revenue Agency ("CRA") showing net income of \$21,848, and a refund of \$344.99; the balance of the information is blacked out.
13. A letter from a financial institution denying the appellant's loan application.
14. An email from a financial institution denying the appellant a commercial line of credit.

15. An email from the appellant's parent dated August 14, 2020, stating that they are unable to pay for a heat pump and water heater for the appellant.
16. An email from a financial institution stating that the appellant would be permitted to withdraw \$4,560.18 from the RDSP in 2020 but that would trigger a repayment of \$13,680.55 in federal grant contributions.
17. A printout of Mayo Clinic information on "Overactive Bladder" with a handwritten note, "pelvic therapy for certain symptoms. My injury that I am getting treatment from due to my car accident + pelvic therapy."
18. A printout of Mayo Clinic information on "Hypothermia" with a handwritten note, "can cause death."
19. A printout of Mayo Clinic information on Post Traumatic Stress Disorder ["PTSD"] with a handwritten note, "I need: various types of treatment for PTSD cognitive, exposure + EMDR + PTSD treatment for trauma."
20. A printout from RateMDs for the appellant's doctor, with a handwritten note stating that the doctor 'gaslights' the appellant, will not send her for many tests, and provides her with "no treatment the majority of the time," with the result that the appellant has had to go to a naturopath. The note highlights a negative review of the doctor dated December 2012.
21. An email from an insurance adjuster dated July 6, 2020, offering \$5,500 to settle the pain and suffering portion of the appellant's injury claim and stating, "You can still continue your treatments as required as the treatments are here for you as needed. ICBC has made changes and now are focusing on paying directly towards treatments and enhance [sic] your recovery benefits. If you accept and [sic] I will send you the release form and this will not shut down your claim as you can still continue with your treatments." The appellant has added a handwritten note to the copy of the email, stating that the offer is "too low to cover \$15,000 almost yearly costs including gas, not including additional cleaning + gardening help expenses."
22. An email from the appellant's lawyer dated August 14, 2020, recommending that the appellant not accept ICBC's offer at that time.
23. An email from a physiotherapist dated October 8, 2020, stating that the fee for 30-minute appointments is \$85 per session; up to that date the appellant has had 7 appointments with fees totalling \$635; one year of weekly treatments could cost over \$4,000.

Since April 2020 the appellant had received \$2,000 per month in CERB payments.

The appellant told the ministry that the furnace breakdown was not expected and that she would face imminent danger to her health if she did not have heat during the winter. She stated that the amount she received from the ministry for disability benefits was not enough to meet her living expenses. Her business income was reduced because of Covid-19.

Additional Evidence:

The appellant provided additional evidence including the following documents:

1. An email from Company A dated December 8, 2020, providing a receipt for installation of the heat pump on November 16, 2020, showing a \$10,000 deposit paid on October 23, 2020, and a \$9,101.23 balance paid on December 8, 2020; with a handwritten note: "\$19,109.23 borrowed from [appellant's parent] that [the appellant] cannot repay due to being disabled + living in poverty... \$19,109.23 borrowed from [appellant's parent] heat pump receipt after ministry refused to help."
2. An email from the appellant's parent "to whom it may concern" dated July 29, 2021, confirming they paid for the heat pump as a repayable loan to the appellant.
3. A letter from a financial institution dated May 3, 2021, confirming that they had denied the appellant a loan in August 2020; with handwritten note from the appellant, "document government would not permit mercaptan allergy test or respond."
4. A letter from a financial institution dated May 3, 2021, denying the appellant's loan application.
5. A letter from a financial institution dated February 23, 2021, stating that, as of January 1, 2021, the appellant could withdraw \$4,617 from the RDSP, which would trigger a repayment of \$13,851 in government grants.
6. An estimate for roof replacement at a cost of \$11,301 + GST, with a note added, "this quote was from Jan. 20, 2019 – roof, new roof quote."
7. Notice of Deposit of disability benefit dated July 21, 2021, in the amount of \$1,593.42 with a handwritten note, "\$7,000 below the poverty line in Canada."
8. A chequing account statement for the month ending October 16, 2020, showing opening balance \$2,563.41, deposits \$6,641.26, withdrawals \$7,787.09, and closing balance \$1,417.58.
9. A chequing account statement for the month ending November 17, 2020, showing a \$10,000 loan deposit from the appellant's parent, and closing balance \$225.85.
10. A savings account statement for the month ending October 16, 2020, showing a closing balance of \$2,805.05, with a handwritten note, "CERB/CRB taxes savings for Revenue Canada."
11. A savings account statement for the month ending November 17, 2020, showing a closing balance of \$3,005.05, with a handwritten note, "CERB Revenue Canada taxes money savings."

12. A savings account statement for the month ending October 16, 2020, showing nil opening and closing balances, with a handwritten note, “[illegible] loan account to repay [appellant’s parent] for saving for that heat pump loan.”
13. A savings account statement for the month ending November 17, 2020, showing nil opening and closing balances, with a handwritten note, “no savings for [appellant’s parent] for heat pump to repay [them] – have barely been able to save much.”
14. A business account statement for the month ending September 30, 2020, showing an opening balance of \$94.96, deposits of \$1,113.15, debits of \$935.63, and a closing balance of \$272.48.
15. A business account statement for the month ending October 30, 2020, showing an opening balance of \$272.48, deposits of \$3,591.20, debits of \$2,951.62, and a closing balance of \$912.06.
16. A credit line statement for the month ending October 30, 2020, showing a credit limit of \$10,000, the \$1,165.62 balance owing is paid in full.
17. A TFSA statement for the 6-month period ending June 30, 2021, showing the value on December 31, 2020, \$8,014.65; a withdrawal of \$3,349.77, and the value on June 30, 2021, \$4,666.19.
18. A credit line statement dated July 30, 2021, showing a balance owing of \$7,629.69, with a handwritten note stating, “debt due to not enough income for living.”
19. RDSP statement for the period October 1, 2020 to December 31, 2020, showing a value of \$45,556.64 on September 30, 2020 and a value of \$46,175.41 on December 31, 2020.
20. A letter from a psychologist dated November 2, 2020, setting out the appellant’s psychological symptoms and cognitive difficulties related to trauma from a motor vehicle accident.
21. A letter from a naturopath dated March 7, 2021, “to whom it may concern,” setting out the appellant’s health concerns and referring the reader to the appellant’s medical doctor for confirmation. The naturopath lists the supplements recommended for the appellant and states that the appellant “seems to have a food sensitivity or intolerance to dairy, spinach and some brands of toothpaste....Recently, she approached me regarding testing for petrochemical allergies. I am pursuing labs in the United States to see if this can be done, as I am not aware of such tests in Canada.”
22. A receipt from the naturopath dated May 31, 2021, for an office visit and a test, for \$382 plus \$94.50 shipping, with a handwritten sticky note stating, “proof of action with [the appellant’s] sensitivities and testing for petrochemical allergies in US.”
23. A printout from a biotechnology company titled “Description of Items,” listing beryllium oxide as the substance tested, and providing a lengthy description of the substance, the

history of its use and exposure, the major source of the substance which is stated to be “the burning of coal and fuel oil.” A handwritten note states, “Proof of [the appellant’s] sensitivity to beryllium oxide present in petrochemicals that [the appellant] is sensitive to.”

24. An email from Fortis BC to the appellant dated July 21, 2021, stating that the only ingredient added to its natural gas is mercaptan, which is “a harmless but pungent smelling gas. The gas is an organic substance made from carbon, hydrogen, and sulphur.”

In addition, the appellant provided emails, an annotated index of documents and handwritten notes on documents stating:

1. After the ministry refused to fund the installation of the heat pump, the appellant’s parent had loaned her \$10,000 in October 2020 and a further \$9,101.23 in December 2020, for installation of the heat pump by Company A.
2. She did not have an easy way to repay that loan due to her low disability and employment income, high business expenses and reduced business income. Her parent had asked her to repay the loan at \$170 per month.
3. She was receiving Canada Recovery Benefit (“CRB”) payments, but those payments were only temporary.
4. The trust fund referred to in the reconsideration decision has been transferred into the TFSA “years ago.”
5. The money in her savings account that totaled \$3,005.07 in November 2020 was set aside to pay income tax she expected would be owing on the CERB and CRB benefits received in 2020.
6. She needs the rest of her savings to pay for roof repairs and other home emergencies.
7. She needs the funds in her business account to pay her monthly business expenses.
8. She is having trouble repaying the \$7,629.69 currently owing on her line of credit.
9. She could ask her doctor to give her a note that she was receiving physiotherapy and counselling for severe PTSD due to a car accident, but she did not think she would get the note because her doctor was not willing to assist her with the issue of the heat pump. The appellant was very dissatisfied with the treatment the doctor was providing.
10. Her current health care costs are over \$15,000 per year and “ICBC will not be paying for it forever.”
11. She cannot have gas in her home because of her sensitivity to beryllium oxide found in petrochemicals.

12. The testing she had done in May 2021 did not include testing for a sensitivity or allergy to mercaptan. The appellant believes that she is also sensitive or allergic to mercaptan but says the ministry will not allow testing to see if she is allergic.

13. The appellant lives in an area with heavy snow. Without the heat pump she would have frozen to death this past winter.

The ministry did not object to any of the additional evidence submitted by the appellant.

The Panel determined that the additional written and documentary evidence was admissible under s. 22(4) of the Employment and Assistance Act ("EAA") because it provides further details about the appellant's finances and her reasons for requesting a heat pump and is therefore reasonably required for the full and fair disclosure of all matters relating to the decision under appeal.

Part F – Reasons for Panel Decision

The issue to be decided is whether the ministry was reasonable in its decision to deny the appellant a crisis supplement to install a heat pump in her residence at a cost of \$19,109.41.

Legislation:

Under the EAPWDR section 57(1) the ministry may provide a crisis supplement if:

1. the supplement is needed to meet an unexpected expense or obtain an item unexpectedly needed;
2. there are no resources available to meet that need; and
3. failure to meet the expense or obtain the item will result in imminent danger to physical health.

The legislation requires all these criteria to be met. At the reconsideration, the ministry accepted that the appellant's need to replace the furnace is an unexpected expense and that failure to have heat in her house in the winter would result in imminent danger to her physical health. However, the ministry was not satisfied that the appellant lacked resources to pay for a replacement furnace. The ministry did not accept that the appellant needs the heat pump rather than a gas furnace, which would be less expensive.

Appellant's Position

Resources Available:

The appellant says that the monthly disability benefits she receives are not sufficient to meet her regular living expenses. While she has savings, she needs to preserve them to use for other purposes: a roof and other home repairs and maintenance; income tax on CERB and CRB payments; an emergency fund; and treatment for injuries she suffered in a car accident. Those injuries include PTSD, for which she needs psychological therapy, and bladder and pelvic floor dysfunction, for which she needs physiotherapy. The appellant says that her physiotherapy costs are \$4,000 per year if she had weekly treatments, and sessions with her psychologist cost \$10,400 per year (weekly treatments at \$200 per session). The appellant says that the ministry has ignored the statements from the physiotherapist and psychologist about how much her therapy costs.

The appellant maintains that she should not have to withdraw money from the RDSP because there will be a high penalty in the form of repayment of federal grants, and the RDSP is intended to support people with disabilities in their retirement.

While the appellant acknowledges that she has been receiving CERB and then CRB payments, she points out that these payments are temporary, and her business income is reduced due to Covid-19. The appellant says that she needs any funds in her business account to pay her monthly expenses and she was not able to borrow the money for the heat pump from a financial institution. While she has been able to borrow the money from her parent, she says that repaying this amount, even at \$170 per month, will not be easy with the low monthly disability

benefit she receives from the ministry.

The appellant argues that if she used all the money she had available on October 14, 2020 from her chequing account, savings account which was to cover income tax owing, her business chequing account, TFSA, and the money she was allowed to withdraw from the RDSP, it would total \$17,722.04, which was still not enough to cover the costs for the heat pump. She says she would then have been in debt \$31,573.04 and would have only \$33,000 left in the RDSP for retirement. She also says that she often must contribute to her elderly parent's expenses.

For all of these reasons, the appellant says that she does not have resources to pay for the heat pump.

Need for Heat Pump:

The appellant argues that she needs to replace the gas furnace with a heat pump because she has an allergy or sensitivity to the fuel for the furnace. She says that an electrical furnace would cost more than the heat pump.

The appellant had testing done in May 2021 to determine sensitivity to petrochemical products, and says the testing shows sensitivity to beryllium oxide, found in coal and oil.

The appellant believes that she is also sensitive to mercaptan, which is an additive in natural gas supplied by Fortis BC.

Ministry's Position:

Resources Available:

The ministry relied on its reconsideration decision as its submission for the written hearing.

The ministry agrees that the funds in the RDSP are not resources available to the appellant for home repair because they are intended for retirement. The ministry says that its file shows a disability trust in addition to the RDSP, and that the disability trust is also not considered to be available resources for home repair.

The ministry argues that the appellant has resources available to replace her heating system including approximately \$8,000 in her TFSA and, as of October 2020, \$8,000 in CERB income support. The ministry acknowledged that the appellant's business income was reduced because of Covid-19; however, the ministry noted that the amount of the CERB payments was more than the net business income had been.

The ministry maintained that, while the appellant listed disability expenses she expected to incur in the future, she had not provided evidence that she needed those services or what those services would cost. As a result, the ministry could not determine that those expenses could not be met through disability assistance, health supplements, the ICBC claim or the disability trust. The ministry gave the example of the weekly physiotherapy treatments which the appellant says would cost \$4,000 per year. The ministry says that the appellant had not provided information to

show that she has a medical condition that requires those treatments or that she would have to pay that amount herself.

The ministry noted that the combined balance of the appellant's chequing, savings and TFSA accounts on October 12, 2020 was \$12,511.49. The ministry was not satisfied that the appellant could not have used some of those funds to replace the furnace.

Need for Heat Pump:

The ministry argues that the appellant has not shown that she needs a heat pump rather than a natural gas furnace or other less expensive heating system.

The ministry says that, while the appellant has told the ministry that she could not afford a new electrical furnace, the appellant did not provide information about the cost of an electrical furnace. The ministry also says that the appellant has not provided evidence of the cost of a replacement gas furnace. The ministry notes the statements in the estimate from Company A, which describes the heat pump as "top of the line, most reliable and efficient model [they] can get." The ministry argues that the appellant has not demonstrated that her need for a replacement furnace could not be met more economically.

While the appellant maintained that she was allergic to gas, the ministry found that there was no medical evidence to confirm that the appellant was not able to use gas appliances or needed a heat pump to meet a medical need. Further, the ministry pointed out that, in the appellant's expense ledger, she had itemized "gas (kitchen and heating)" as an expense, which indicated that she could use gas appliances. The ministry maintained that a replacement gas furnace would meet the appellant's need for heat, and would cost significantly less than the heat pump proposed by Company A.

Therefore, because the appellant has not established that the heat pump, rather than a replacement gas furnace, was necessary to meet a medical need, and because the appellant had funds available to her that could have been used for a less expensive furnace, the ministry submitted that the appellant had not established that she did not have resources to meet the unexpected need to replace her furnace.

Panel Decision:

The ministry has agreed that the breakdown of the furnace was unexpected and that failure to replace the furnace would result in imminent danger to the appellant's physical health. Therefore, the panel must decide if the ministry was reasonable in deciding that the appellant has not met the remaining criterion for the crisis supplement: that the appellant did not have resources to pay for a heating system.

Resources Available:

RDSP

The ministry agrees that the funds in the RDSP are not taken into account in determining the

appellant's resources, and the panel does not consider the RDSP funds to be resources available to the appellant to meet the need for replacement of the heating system.

Loan

The appellant has detailed her unsuccessful efforts to borrow money from financial institutions to pay for the heat pump, and the eventual loan from her parent to pay for the heat pump. The panel finds that being able to find a source from which to borrow money does not constitute having 'resources available' and is not relevant to determining whether the appellant had resources to pay for this item.

Chequing, savings and business accounts

There is evidence that the appellant has funds in her various accounts, other than the RDSP, but the appellant says that she should not have to use that money for the heat pump because she needs it for other purposes. Specifically, the appellant has provided bank statements for her chequing, savings, and business accounts, as well as detailed ledgers of all her expenses. At the time of the reconsideration decision, the appellant had \$2,805.05 in a savings account that she says she has set aside to pay income tax on CERB and CRB payments. In November 2020 the savings account balance increased to \$3,005.07.

The appellant has not provided her 2020 income tax assessment, or confirmed that she did in fact owe, or pay, any amount for tax on CERB and CRB payments for the 2020 tax year, although she confirms that she has received those benefits. Therefore, the panel finds that it was reasonable for the ministry to consider those savings to be resources the appellant had to meet the need for furnace replacement.

TFSA

At the time of the reconsideration decision the appellant had \$8,014.65 in a TFSA, which she said she needed to reserve for a roof and other home repairs, and as an emergency fund. In February 2021 she withdrew \$3,349.77, but there is no information on the reason for the withdrawal, or how those funds were used. The value of the TFSA on June 30, 2021 was \$4,666.19.

The appellant provided a January 2019 estimate for replacement of the roof of her house but provided no confirmation that the roof has been replaced since then, or that it is in urgent need of replacement. The appellant provided no evidence of other home repairs that would be urgent or would present an imminent risk to her physical health.

The appellant has indicated that she has an open claim with ICBC for injuries suffered in a car accident, and that she has many medical expenses because of those injuries. ICBC has offered her \$5,500 in settlement of her claim for pain and suffering. She has been advised by her lawyer not to accept that offer. The appellant has also maintained that the amount offered is not enough to pay for her expenses of "\$15,000 almost yearly costs including gas, not including additional cleaning + gardening help expenses."

However, the panel notes that the ICBC adjuster specifically states in the email of July 6, 2020, that the appellant “can still continue your treatments as required” and that ICBC is “focusing on paying directly towards treatments.” The panel also notes that, in the detailed expense ledgers the appellant has provided, there are no entries for physiotherapy, other than \$69 for a physiotherapy examination on July 14, 2020 and a \$4 fee to the physiotherapist on September 15, 2020. There are no expense entries in the ledger or other evidence that the appellant is paying for psychological counselling, or any other medical expenses related to injuries from a car accident. It is reasonable to conclude that ICBC is paying for any treatment required because of injuries suffered in the car accident, and that ICBC will continue to pay for necessary treatment.

The panel finds it was reasonable for the ministry to conclude that the appellant would have resources other than her TFSA to meet medical expenses to treat injuries arising out of the car accident. Therefore, the panel finds that it was reasonable for the ministry to include the TFSA as resources the appellant had to meet the need for furnace replacement.

Appellant argument on debt

The appellant argues that if she had to use all the money she had on October 14, 2020, to pay for the heat pump, she would now be \$31,573.04 in debt, with only \$33,000 left for her retirement. The appellant does not provide the calculation of how she arrived at that amount, but it appears to be the amount of money she had on October 14, 2020, plus the amount of federal grants to be repaid from the RDSP ($\$17,722.04 + \$13,851.00 = \$31,573.04$). The panel notes that, if the appellant used the money on hand to pay for the heat pump, she would not also be in debt for that amount. (Similarly, if grants were repaid from money in the RDSP, the balance would be reduced to approximately \$33,000, but there would not also be an additional debt to the appellant.)

Conclusion regarding Resources Available

The panel accepts that some of the money the appellant had on hand in October 2020 would be needed for living expenses. While not all her funds could reasonably be expected to go towards furnace replacement, the panel finds that it was reasonable for the ministry to determine that the appellant had resources available for furnace replacement.

Need for Heat Pump:

The appellant requested a crisis supplement for a specific type of heating system, a heat pump, rather than a replacement gas furnace. The heat pump is considerably more expensive than a gas furnace. The panel notes that, although the ministry says that the appellant had not provided any evidence of the cost of other types of furnaces, or that the need to replace the furnace could not be met more economically, the appellant has provided an estimate for a gas furnace from Company C. While Company C could not carry out the heat pump installation, its gas furnace estimate is useful in determining the cost of a gas furnace (\$10,581.90) compared to the heat pump installed by Company A (\$19,109.41). The appellant provided no information on the cost of an electric furnace, which would also be an alternative to a gas furnace.

While the legislation does not say specifically that the item for which the crisis supplement is requested must be the most economical way of meeting the need, it is reasonable for the ministry, in administering public funds, to consider whether there is an acceptable, more cost-effective means to meet the client's need. Therefore, the panel finds that it was reasonable for the ministry to consider whether a less expensive gas heating system would meet the appellant's need for home heating.

The appellant maintains that she must have the heat pump because she has "a sensitivity to Beryllium Oxide from exposure of burning of coal and fuel oil like natural gas (on my stove) sensitivity." The naturopath reports only food sensitivities or intolerance. Lab testing indicates a sensitivity to beryllium oxide, found in coal and fuel oil. However, there is no evidence that beryllium oxide is found in natural gas.

The email from Fortis BC confirms that mercaptan is the only additive in the natural gas it supplies. Mercaptan is a "harmless but pungent smelling gas" made up of carbon, hydrogen, and sulphur. Although the appellant was pursuing further allergy tests for mercaptan, there is no reason to expect, based on the information from Fortis BC, that mercaptan or its components are associated with allergies or sensitivities.

The evidence indicates the appellant has been using natural gas to heat her house and in her kitchen since 2017, when she bought the house. In the appellant's document titled Summary of 2019 Annual Business Expenses, she lists "Heating Gas/Kitchen Fortis BC." In the table of contents, the appellant also mentions "fuel oil like natural gas (on my stove)."

While it is accepted that the appellant needed to replace the heating system in her home, the information provided does not show that a gas furnace would be harmful to the appellant's health. The appellant has not demonstrated that she needed the specific heating system for which she requested the crisis supplement, that is, the heat pump. The panel therefore finds that it was reasonable for the ministry to conclude that the appellant had not established a medical need for a heat pump.

Conclusion:

The panel finds that the ministry's decision to deny the appellant a crisis supplement for a replacement heating system because the EAPWDR requirement of "no resources available" was not met, was reasonably supported by the evidence.

The panel confirms the ministry reconsideration decision. The appellant is not successful in the appeal.

APPEAL NUMBER 2020-00242

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)

Section 24(2)(a) or Section 24(2)(b)

Part H – Signatures

Print Name

Susan Ferguson

Signature of Chair

Date (Year/Month/Day)

2021/09/03

Print Name

Margaret Koren

Signature of Member

Date (Year/Month/Day)

2021/09/03

Print Name

Diane O'Connor

Signature of Member

Date (Year/Month/Day)

2021/09/03