

Part C – Decision Under Appeal

The decision under appeal is the decision of the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision, dated March 30, 2022 (the “Reconsideration Decision”), which denied the Appellant a crisis supplement, under section 59 of the *Employment and Assistance Regulation* (“EAR”) for utilities because the Appellant had not satisfied the Ministry that:

- the Appellant’s phone bill, for which the crisis supplement had been sought, was unexpected; and
- failure to receive the supplement requested would result in an imminent danger to the Appellant’s health.

Part D – Relevant Legislation

EAR, section 59

Part E – Summary of Facts

The Appellant is a recipient of income assistance.

The information before the Ministry at the time of the Reconsideration Decision included the following:

- The Appellant’s Request for Crisis Supplement – Utilities, dated March 16, 2022 (“the: Request”), in which the Appellant wrote, among other things:
 - “I have been unemployed and had no way to pay my bill in full”; and
 - “Can’t get a job without a phone for employers to contact me. Cannot call for help if need assistance”;
- A copy of the Appellant’s February 16, 2022, cell phone invoice (the “February Invoice”), which showed charges of \$96.43 for the current period and previously unpaid charges of \$265.06, leaving a balance owing of \$361.49; and
- The Appellant’s Request for Reconsideration (“RFR”) dated March 17, 2022, wherein the Appellant again stated that a phone was required to receive calls from potential employers and that the request for a supplement to pay the phone bill would be a one-time request.

The Appellant filed a Notice of Appeal, dated April 4, 2022, to which was attached a typed letter in which the Appellant:

- reiterated that a phone was necessary for safety reasons and to obtain appointments;
- set out that persons with disability application had recently been due to the Appellant having Cerebral Palsy; and
- described having also recently had internet service disconnected.

The appeal was conducted as a written appeal, but both the Appellant and the Ministry provided written submissions to the tribunal in advance of the appeal.

In the Ministry submission, the Ministry confirmed that it was relying on the Reconsideration Decision itself.

The Appellant’s submission was a two-page typed letter, dated April 20, 2022 (the “Appellant’s Submission”). In the Appellant’s Submission, the Appellant addressed several issues and provided more detail on the background that led to the phone bill going into arrears. The Appellant also described having started part-time work in February, 2022.

The Appellant also described having paid down the outstanding phone bill by \$100.00, resulting in the phone provider agreeing to defer deactivation of the Appellant’s phone for a short time.

The Appellant stated that not having an active phone would result in an endangerment to health, as the Appellant has cerebral palsy and requires a phone to call for assistance in emergency situations. The Appellant cited a recent experience where a chiropractor needed to be called. The Appellant also noted that a cell phone was required to admit visitors into the building.

Finally, the Appellant reiterated the importance of having a phone in order to communicate with prospective employers.

The panel admits the information to the Notice of Appeal and the Appellant’s Submission, pursuant to section 22 (4) of the *Employment and Assistance Act*, as evidence that is not part of the record but that

is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

The panel admits the Ministry's submission as argument.

Part F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry reasonably determined that the Appellant was not eligible for a crisis supplement because the Appellant had not satisfied the Ministry that:

- the Appellant’s phone bill, for which the crisis supplement had been sought, was unexpected; and
- failure to receive the supplement requested would result in an imminent danger to the Appellant’s health

as required by section 59 of the EAR.

Panel Decision

The eligibility criteria for crisis supplements are clearly set out in section 59 of the EAR. In short, a crisis supplement can be provided to a family unit if:

- the family unit is eligible for income or hardship assistance;
- the supplement is needed to meet an unexpected expense or to obtain an item unexpectedly needed;
- the family unit is unable to meet the expense or obtain the item due to a lack of resources available to the family unit; and
- the Ministry considers that failure to meet the expense or obtain the item will result in either:
 - imminent danger to the physical health of any person in the family unit, or
 - removal of a child under the *Child, Family, and Community Service Act*.

In the Appellant’s case, the Ministry determined that the Appellant was eligible for income or hardship assistance and, in the Reconsideration Decision (although not the initial Ministry determination), that the Appellant was unable to meet the expense of the outstanding phone bill due to a lack of resources.

The Ministry determined that the Appellant did not meet the remaining criteria for eligibility for a crisis supplement.

With respect to the requirement that the expense (in the Appellant’s case, the outstanding phone bill) be unexpected, the Ministry noted that a phone bill was not unexpected, citing that it is a recurring expense. The panel also notes that the February Invoice also does not appear to include any extra charges or unexpected usage for which the Appellant was charged extra. Instead, the February Invoice appears to reflect the Appellant’s monthly plan charge, a late payment charge, and taxes. It is not clear whether the pre-existing balance was the result of unexpected charges levied by the Appellant’s phone provider but, in the absence of evidence that charges to the Appellant for the use of a phone were unexpected, the panel finds that the Ministry was reasonable in its determination that a recurring expense, like the Appellant’s phone bill, was not unexpected.

With respect to the Ministry’s finding that the Appellant had not met the final criteria, the panel notes that there is no reference to any children being in the care of the Appellant, making the second part of the last criteria irrelevant.

In respect of the requirement that inability to meet the expense or absence of the item will result in imminent danger to the Appellant’s physical health, for the purpose of section 59, the Ministry has interpreted “imminent” to denote a sense of urgency. This is consistent with dictionary definitions of

“imminent.” For example, the Merriam-Webster dictionary defines “imminent” to mean “ready to take place” or “happening soon.” The Cambridge Dictionary defines “imminent” as “coming or likely to happen very soon.” While the evidence provided by the Appellant in the Notice of Appeal and the Appellant’s Submission references how not having a phone *could* result in imminent danger to the Appellant’s physical health, the evidence before the Ministry and before the panel did not point to any specific way in which the lack of a phone *would* result in a danger to the Appellant’s physical health that was likely to occur very soon or imminently. In the result, the panel finds that the Ministry was reasonable in its determination that the Appellant did not meet the requirements of section 59(1)(b) of the EAR.

For the foregoing, reasons the Appellant is not successful in this appeal.

Legislation

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*.

(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 sum of
 - (A) the maximum set out in section 2 of Schedule A and the maximum set out in section 4 of Schedule A, or
 - (B) the maximum set out in Table 1 of Schedule D and the maximum set out in Table 2 of Schedule D,

- as applicable, for a family unit that matches the family unit, and
- (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. 1, 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.

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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) ☒

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

Part H – Signatures

Print Name

Adam Shee

Signature of Chair

Date (Year/Month/Day)

2022/May/2

Print Name

Anil Aggarwal

Signature of Member

Date (Year/Month/Day)

2022/05/02

Print Name

Kulwant Bal

Signature of Member

Date (Year/Month/Day)

2022/05/03