

Part C – Decision Under Appeal

The decision under appeal is the Reconsideration Decision of the Ministry of Social Development and Poverty Reduction (“ministry”) dated April 27, 2022, in which the ministry decided that the appellant was not eligible for a crisis supplement to pay a gas bill, under section 59 of the Employment and Assistance Regulation (“EAR”). The ministry was not satisfied that the supplement was required to meet an unexpected expense or obtain an item unexpectedly needed.

Part D – Relevant Legislation

EAR section 59

Part E – Summary of Facts

The appellant and their two dependent children are a family unit in receipt of income assistance under the Employment and Assistance Act.

Evidence Before the Ministry at Reconsideration:

The appellant receives a shelter allowance of \$665 and a support allowance of \$710, for a total of \$1375 income assistance each month. They moved in to their current accommodation in September 2021, where their rent is \$1375, not including utilities. The appellant knew when they moved in that utilities were not included in the rent.

The ministry sends the amount of the rent directly to the landlord on behalf of the appellant. The appellant receives a National Child Benefit of approximately \$1200 to pay all other expenses.

On March 14, 2022, the appellant asked for a crisis supplement to pay an outstanding bill for natural gas, in the amount of \$988.33. In the Request for Crisis Supplement – Utilities form, the appellant stated that they had “received a notice of disconnection or an important notice” and that the last gas utility payment they made was on November 20, 2021. They also stated that they had tried to make a payment arrangement with the gas utility company. The appellant said that they had not paid the gas utility bill because they were trying to catch up on other bills. The appellant also stated that they had no resources to pay the outstanding bill.

The appellant gave the ministry a copy of their February gas utility bill, which showed that the January invoice was \$729.39, there had been no previous payments, and February charges were \$258.94. The total of \$988.33 was due March 8, 2022.

The gas utility company told the ministry that the appellant had not made a payment on the gas utility account since it was set up on September 23, 2021. The company also told the ministry that, in January 2022, the appellant had agreed to pay \$300 per month towards the outstanding account and continuing services, but the appellant did not make any payments. \$250 of the outstanding account was for a security deposit.

As the reason for their request for reconsideration the appellant wrote: “Because I’m scared it will shut off and have kids.”

Additional Evidence:

In the Notice of Appeal, the appellant stated that they had been laid off from their job and one of their children had Covid.

The panel finds the additional evidence in the Notice of Appeal to be admissible under section 22(4) of the Employment and Assistance Act. The evidence provides additional information about the appellant’s resources and their reasons for not paying the gas utility bill, and therefore that evidence is reasonably necessary for the full and fair disclosure of all matters relating to the decision under appeal.

Part F – Reasons for Panel Decision

The issue on appeal is whether the ministry was reasonable in its decision to deny the appellant a crisis supplement to pay their gas utility bill.

Legislation:

Under EAR section 59, the ministry may provide a crisis supplement to a family unit that is eligible for income assistance if:

1. they need the supplement to meet an unexpected expense or obtain an item unexpectedly needed;
2. they have no resources available to meet the need; and
3. failure to meet the expense or obtain the item will result in imminent danger to the physical health of someone in the family unit, or removal of a child under the Child, Family and Community Service Act.

The legislation requires all 3 criteria to be met. At the reconsideration, the ministry accepted that the appellant did not have resources available to meet the need. The ministry also accepted that failure to pay the gas utility bill would result in imminent danger to the health of the appellant and their family, or removal of a child under the Child, Family and Community Service Act. The ministry noted that failure to pay the gas utility bill will result in the gas being cut off, and gas may be necessary to heat the home and provide hot water, and for cooking, if the appellant has a gas stove. However, the ministry was not satisfied that the gas utility bill was an unexpected expense, or an item unexpectedly needed.

Appellant's Position:

The appellant says that "bills were piling up" and it had been a difficult few months because a child had been ill with Covid 19, and the appellant had lost their job. The appellant says that they did not pay the gas utility bill because they had to pay other bills. They are afraid the gas will be cut off and their children's health might be in jeopardy if the bill is not paid.

Ministry Position:

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

The ministry was not satisfied that the gas utility bill is an unexpected expense, or an item unexpectedly needed. Therefore, the ministry maintains that the appellant's request for a crisis supplement does not meet the criteria under section 59 of the EAR.

Panel Decision:

The ministry has agreed that the appellant did not have resources available to pay the gas utility bill. The ministry has also agreed that failure to pay the bill will mean that the gas will be cut off, which will result in imminent danger to the health of the appellant and their family, or removal of a child under the Child, Family and Community Service Act. 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 gas utility bill was an unexpected expense, or an item unexpectedly needed.

The appellant has said that they had other bills that they paid in priority to the gas utility bill. However, the panel does not have any information about those other bills, to determine if they were an unexpected expense or for an item unexpectedly needed. The panel can place little weight on the evidence of the child's illness, or the loss of a job and no documentation was provided by the appellant to support that evidence. While those occurrences may have been unexpected, they do not help to explain how an ongoing gas utility bill, or other expenses, were unexpected.

Conclusion:

The panel finds that the ministry's decision to deny the appellant a crisis supplement to pay the gas utility bill because the appellant did not meet the EAR requirement that the supplement is needed "to meet an unexpected expense or obtain an item unexpectedly needed," was reasonably supported by the evidence.

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

Schedule A

Employment and Assistance Regulation

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.

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)

2022/05/31

Print Name

Inge Morrissey

Signature of Member

Date (Year/Month/Day)

2022/05/25

Print Name

Adam Shee

Signature of Member

Date (Year/Month/Day)

2022/May/27