

### Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision, dated October 13, 2022 (the “Reconsideration Decision”), in which the Ministry determined that the Appellant was not eligible for a crisis supplement for utility costs, specifically internet, because the Appellant had not satisfied all the requirements of section 59 of the *Employment and Assistance Regulation* (“EAR”) and, in particular:

- the Ministry was not satisfied that failure to obtain a supplement for an internet connection would result in imminent danger to the Appellant’s physical health;
- the Ministry determined that internet costs are not a utility that is covered by the ministry under the shelter allowance; and
- while internet was required for the Appellant’s business, it was not essential to meet a family’s basic needs.

### Part D – Relevant Legislation

EAR- section 59

**Part E – Summary of Facts**

The Appellant is a sole recipient of income assistance.

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

- an undated notice (the “First Overdue Notice”) from the Appellant’s internet service provider indicating that the Appellant had a balance owing of \$1,221.15, as at September 13, 2022, consisting of \$329.64 in current charges and \$891.51 in overdue charges; and
- the Appellant’s Request for Reconsideration, dated September 23, 2022 (the “RFR”), which included:
  - a handwritten note, in which the Appellant explained:
    - the circumstances which led to the internet account being overdue, including the discontinuance of federal COVID-19 benefits, the Appellant’s lack of transportation, and the fact that a number of business expenses were due between June 1, 2022 and September 1, 2022; and
    - that the Appellant expected to find work shortly and was seeking the supplement on a one time basis to catch up with the internet service provider; and
  - a copy of the First Overdue Notice.

In the Notice of Appeal, dated October 19, 2022, the Appellant explained that he had a complete home office with 500+ files in banker’s boxes and a desk full of files being worked on. The Appellant further stated that having access to the internet and cable TV’s business channel was a necessity for business. The Appellant also attached a number of photographs of his desk, a business card, and banker’s boxes in the Appellant’s home.

Subsequent to filing the Notice of Appeal, the Appellant made a supplemental submission to the tribunal (the “Submission”), which consisted of a note from the internet service provider, indicating that, as of November 13, 2022, the amount due was \$1,730.97, which consisted of \$303.90 in current charges and \$1,427.07 in overdue charges.

At the hearing of the appeal, the Appellant described having been in business for 30 years and having faced some struggles in recent years as a result of an accident that turned the Appellant’s life upside down but that he was trying to turn his life around and was working out every day and trying to rebuild his business. The Appellant described the last few months, especially, as having been a struggle and humbling while he tries to rebuild his life and business. The Appellant described that he is, at this point in time, just trying to catch up on bills and promised to repay any monies advanced by the Ministry.

The Appellant stated that he understood that not all four criteria under section 59 of the EAR had been met but that he has been through a lot in life and is owning up to mistakes which have put him in his current predicament.

The Ministry noted that the Appellant had not shown that the failure to obtain a supplement for an internet connection would result in an imminent danger to the Appellant's health.

The Ministry also stated that an internet connection is not considered a utility for the purpose of calculating a recipient's shelter costs, in any event, pursuant to section 5(1) of Schedule A to the EAR. Likewise, the Ministry pointed out that the maximum that may be paid for a shelter allowance is the lesser of the Recipient's actual shelter costs and the sum of the maximum set out in section 2 of Schedule A and the maximum set out in section 4 of Schedule A to the EAR. In the case of the Appellant, a sole recipient of income assistance, the latter amount is \$935.00 (\$560.00 in income assistance and a \$375.00 shelter allowance). Because the Appellant's outstanding internet account was in excess of that amount, the Ministry stated that, even if the Appellant had met the criteria in section 59 of the EAR, the amount being sought was in excess of the maximum amount that the Ministry provide for a crisis supplement for shelter.

The panel admits the Submission, the admissibility of which was not opposed by the Ministry, and the oral evidence given at the hearing of the Appeal as evidence not part of the record that the panel considers to be reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

**Part F – Reasons for Panel Decision**

The issue in this appeal is whether the Ministry was reasonable in its determination that the Appellant was not eligible for a crisis supplement for utility costs, specifically internet, because the Appellant had not satisfied all the requirements of section 59 of EAR and, in particular:

- that failure to obtain a supplement for an internet connection would result in imminent danger to the Appellant's physical health;
- that internet costs are not a utility that is covered by the ministry under the shelter allowance; and
- that while internet was required for the Appellant's business, it was not essential to meet a family's basic needs.

***Panel Decision***

To be eligible for a crisis supplement, all the criteria in section 59 must be met. In the case of the Appellant, the only criteria that the Ministry found had not been met was the requirement that failure to obtain a supplement for an internet connection would result in imminent danger to the physical health of the Appellant. The Appellant gave a fair bit of evidence about the essential nature of an internet connection to the Appellant's business. However, the evidence given by the Appellant in the RFR and at the hearing did not address the issue of how failure to obtain a supplement for an internet connection would result in imminent danger to the Appellant's physical health. Other than the Appellant's evidence about working out every day and being fit, there was little evidence given about the Appellant's state of health and no explanation as to how failure to obtain a supplement for an internet connection would put his physical health at risk. To that end, the panel finds that the Ministry was reasonable in its determination that the Appellant was not eligible for a crisis supplement for the Appellant's internet connection only because it was not satisfied that the Appellant had demonstrated that failure to obtain the supplement would result in imminent danger to the Appellant's physical health.

In view of all the foregoing, the Appellant is not successful in this appeal.

***Relevant Legislation***

Section 59 of the EAR authorizes the Ministry to pay crisis supplements and sets out how the maximum amounts that are payable are calculated:

**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/November/14

Print Name

Cherri Fitzsimmons

Signature of Member

Date (Year/Month/Day)

2022/November/14

Print Name

John Pickford

Signature of Member

Date (Year/Month/Day)

2022/November/14