

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction’s (“ministry”) reconsideration decision dated March 1, 2023, where the ministry found the appellant was not eligible for a crisis supplement for hydro under section 57 (1) of the Employment and Assistance for Persons with Disabilities (EAPWD) Regulation. The ministry acknowledges that the appellant does not have the resources to pay the outstanding hydro bill, but was not satisfied that:

- an unexpected circumstance prevented the appellant from paying the hydro bill as the appellant did not show evidence she was responsible for the hydro instead of the landlord as indicated on the shelter form;
- failure to receive assistance for the outstanding hydro bill would result in imminent danger to her physical health as the ministry file indicates that the utilities are included in the appellant’s rent, and the hydro account is in the landlord’s name.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act (EAPWDA), section 5

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

Part E – Summary of Facts**Information before the ministry at Reconsideration**

The appellant is a sole recipient of disability assistance.

Summary of Key Dates

- May 14, 2012, the appellant submitted a Shelter Information form to the ministry with a rental start date of May 1, 2021. The form stated that the rent was \$800/month, and the utilities were included. The form was signed by the landlord.
- January 10, 2023, the appellant requested a crisis supplement for hydro reporting:
 - She required \$370 to pay hydro.
 - The hydro account is in the landlord's name, but she is responsible to pay the bill.
 - Christmas was expensive, groceries are expensive, rent is high, and she had to purchase a new phone.
 - She supplied a hydro bill dated December 23, 2022, showing the landlord will be cut off if they do not pay \$364.93.
 - She requires power for her c-pap machine for sleeping.
- January 11, 2023, the appellant was advised she was not eligible for a crisis supplement for hydro as she did not meet all the criteria. A ministry worker reported:
 - The appellant does not have an unexpected utility cost as the bill submitted in the request for a crisis supplement was a regular monthly utility bill that was not her responsibility. The shelter document states utilities are included in the rental of her area of the residence for \$800 per month.
 - BC Hydro reported payments in the last few months have been made by the landlord.
 - The ministry is satisfied the appellant does not have the resources to pay the hydro bill.
 - There is no indication the appellant has explored other resources for assistance with this issue such as requesting the account holder pay the bill.
- February 16, 2023, the appellant submitted a Request for Reconsideration stating:
 - Cost of living was so high, and bills were overwhelming.
 - She was depressed.
- February 28, 2023, the appellant contacted the ministry and stated:
 - She had received another disconnect notice from BC Hydro for \$611 due that day.
 - A ministry worker phoned the landlord to confirm whether the appellant was responsible for paying the hydro each month. The landlord was not home.
- March 1, 2023, the ministry completed its review of the appellant's Request for Reconsideration. The appellant's request for a crisis supplement for hydro was denied.

Information provided on Appeal

The appellant supplied two submissions.

- Submission 1, a BC Hydro bill addressed to the landlord, dated February 2, 2023, noting a catch-up payment plan of \$305.83 for February 28 and \$305.84 for March 14.
- Submission 2, a letter from the landlord dated March 14, 2023, stating the appellant was solely at the residence and was responsible for the utilities. A contact number was included.

At the hearing the appellant stated:

- Her shelter form had not been changed but that about 6 months ago the landlord had left the residence explaining to her she had to pay the rent of \$800 per month plus all the utilities.
- Her son has been helping with the hydro payments.
- She is behind in her rent and may be evicted.
- She has not sought help from any other resources but her son.
- She is not willing to share her accommodation with another as she wants her privacy.
- She does not want to move.
- The change in the rental agreement was verbal. She was told by the landlord she would have to pay for all the utilities.

Unfortunately, the ministry was not in attendance so was not able to respond to the appellant's additional submissions or statements. In addition, the panel had key questions to address with the ministry.

The panel admits the testimony of the appellant and the two submissions submitted by the appellant under section 22(4) of the Employment and Assistance Act. The panel finds the additional information admissible because it provides further details about the appellant's situation. The additional information is therefore reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

Part F – Reasons for Panel Decision**Appeal Issue**

The issue on appeal is whether the ministry's decision that the appellant was ineligible for a crisis supplement to pay for hydro was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant. That is, was the ministry reasonable when determining that the requirements of section 57 (1) of the EAPWDR, were not met because:

- the ministry is not satisfied that an unexpected circumstance prevented the appellant from paying the hydro bill;
- the ministry is unable to establish that failure to receive assistance for the outstanding hydro bill would result in imminent danger to the appellant's health.

Appellant's Position

- The appellant requested a crisis supplement as she is now solely responsible for the cost of utilities of her rental as the landlord, who once shared the accommodation, has left the residence. She does not have the resources to meet this additional expense.

Ministry Position

- The ministry acknowledges the appellant is entitled to receive disability assistance and does not have the resources to pay the hydro bill but does question if the appellant has explored all possible resources for assistance.
- The ministry is not satisfied the expense of the hydro bill was unexpected by the appellant as the shelter form completed by the appellant and landlord states utilities are part of the appellant's monthly rental. As the shelter form notes utilities are not part of the appellant's rent, rather the shelter form states all utilities are included.
- Because the hydro billing is in the name of the landlord; the monthly cost of hydro is not the responsibility of the appellant. Therefore, is not an unexpected expense.
- The ministry acknowledges that the appellant would face a threat to her physical health if she was unable to use her c-pap machine however the ministry is unable to establish that failure to receive the crisis assistance would result in imminent danger to the appellant's health as the hydro account is the responsibility of the landlord.

Panel Finding

The panel finds that section 57 (1) of the EAPWDR requires the appellant must meet four requirements. The ministry has accepted two criteria as being met, that being, the appellant is eligible to receive disability assistance and she does not have the resources to pay the hydro bill. However, the ministry confirms the hydro bill is not the responsibility of the appellant according to the written agreement (Shelter Form) and therefore the hydro bill is not an unexpected expense of the appellant. The panel agrees there is no imminent danger to the appellant's physical health as the landlord is expected to pay the utilities.

The panel finds that the information shared by the appellant during the hearing confirms she is willing to pay for utilities since the landlord moved. However, she was unable to say when he moved exactly, only that a verbal agreement was made that she would pay the utilities approximately 6 months ago. As there is no evidence to allow the ministry to determine how and when the rental agreement was changed in order to determine if the hydro bill was an expected

cost the panel finds the ministry was reasonable in its decision at reconsideration that the unexpected criterion was not satisfied.

The panel finds that although the ministry acknowledges the appellant would be in imminent danger if the appellant was unable to use her c-pap machine, the evidence does not establish that if the appellant does not receive assistance for the outstanding hydro bill it would result in the imminent danger to the appellant as the hydro bill is the responsibility of the landlord. Accordingly, the panel finds that the ministry's decision that the appellant would not be in imminent danger if she did not pay the hydro bill is a reasonable decision by the ministry in the appellant's situation.

Conclusion

While the panel has sympathy for the appellant and her situation with regard to financial hardship, it finds that the ministry was reasonable in determining the appellant was not eligible for a crisis supplement to pay the hydro bill. The panel confirms the ministry reconsideration decision. The appellant is not successful in the appeal.

As the ministry was not in attendance to answer questions, the panel would suggest the appellant to contact the ministry about the changes to the appellant's shelter information and circumstances.

Relevant Legislation

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*.

(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;

(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. 2, 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

Charles Schellinck

Signature of Chair

Date (Year/Month/Day)

2023/02/21

Print Name

Elaine Jeffery

Signature of Member

Date (Year/Month/Day)

2023/02/21

Print Name

Glenn Prior

Signature of Member

Date (Year/Month/Day)

2023/02/23