

### **Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated April 21, 2023, which determined that the appellant was eligible only for a crisis supplement of \$150.00 for April 2023, to be paid to the appellant's landlord for hydro.

### **Part D – Relevant Legislation**

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

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

Relevant sections of the legislation can be found in the Schedule of Legislation at the end of this decision.

**Part E – Summary of Facts****Relevant Evidence Before the Minister at Reconsideration****Ministry Records show:**

The appellant is a sole recipient of disability assistance. She receives \$1358.50/ month for disability assistance and supplements and pays \$850.00/month for rent.

On March 1, 2023, the appellant requested a crisis supplement for hydro stating:

- Her hydro had been cut off, her house is frozen, she is ill and there is imminent risk to her health if she does not have power.
- She does not have any funds.
- The power will not be reconnected until BC Hydro speaks to the ministry.

On March 2, 2023

The ministry contacted BC Hydro and was provided with the following information:

- The appellant owes \$1364.10
- Her power was disconnected at her request but was restored because of the cold weather.
- The appellant is on an equal payment plan, with BC Hydro - \$267.00/ month and has been making payments every second month.
- Her account had no balance as of November 2022 but became overdue in December due to higher consumption.

The appellant spoke with the ministry and stated:

- She needs the ministry's help to pay her hydro.
- Her roommate moved out in November or December.
- Her account is in her landlord's name, her landlord is upset and she had to move out. She would be allowed to stay if her debt was paid off.
- The appellant has to pay \$100.00 every month to her landlord for hydro, in addition to her equal payment plan.

The ministry contacted BC Hydro again and received additional information:

- The appellant requested that her account be closed as she was moving out permanently. She updated her mailing address.
- Someone else called and had the account set up in their name.
- The power was reconnected.
- There is no record of the appellant requesting a BC Hydro crisis fund.

On March 8, 2023

The appellant made another request to the ministry for hydro stating:

- Her hydro was disconnected, her house is frozen and she is sick.
- She had to move out temporarily due to not having power but moved back in, and the power is out again.
- She cannot pay the hydro bill as she has no resources and it is her only heat source.
- She cannot move into a temporary place again.

The ministry denied the appellant's request because:

- The appellant called BC Hydro and closed her account on March 1, 2023.
- She advised BC Hydro that she was moving out permanently and updated her mailing address. The hydro account is now in someone else's name and the account is closed.

On March 15, 2023, the ministry contacted BC Hydro and was advised the appellant has an outstanding balance of \$1042.98.

Upon reconsideration the ministry approved a crisis supplement for a one-time \$150.00 payment to the appellant's landlord for hydro for April 2023, but denied the full amount.

**Request for Reconsideration (April 5, 2023) - summary**

The appellant states she submitted a crisis supplement application months before March 1, 2023. She also states she was advised by the ministry that she qualified for a crisis supplement as her roommate suddenly moved out and she could not afford the hydro bill by herself. The ministry asked her to apply for the BC Hydro crisis fund and told her that if BC Hydro does not approve it, then the ministry will pay the bill. The appellant also states that the ministry advised her that BC Hydro had put her account on hold and would not disconnect her service until it receives her application. However, BC Hydro suddenly disconnected her service without giving her any notice while she was working on the BC Hydro crisis fund application. She states she was sick due to her house freezing and food worth over \$150.00 in the fridge went bad.

The appellant states she called BC Hydro six times and spoke with three supervisors, to no avail. She also states BC Hydro advised her that she does not qualify for the BC Hydro crisis fund because the current bill is over \$1000.00. She told BC Hydro that she applied for the crisis fund before and knew they assessed it by the final notice (not by the current bill), and that her final notice is only about \$800.00.

Furthermore, the appellant states BC Hydro admitted that they made a mistake putting her on an equal payment plan without her permission and forced her to pay \$267.00/month while her bill is only about \$71.00/month. This resulted in the appellant having to pay \$1,364.10 immediately plus \$267.00/month, or they would not reconnect her service,

The appellant states she cannot afford \$1,364.10, and even without power, BC Hydro will still charge her \$267.00/month so she had to tell BC Hydro to close her account.

The appellant also states no power caused the landlord problems, including house surveillance. Her landlord spoke with her and agreed to let her pay an additional \$150.00/month and they would take care of all bills including the BC Hydro, internet, water and other bills. However, the appellant states she cannot afford the \$150.00.

**Letter from the Appellant's Landlord to the Ministry (March 8, 2023) - summary**

The appellant's landlord states the appellant has lived in the residence for about two years and is a very good tenant. Her roommate suddenly moved out and she could not pay the high winter BC Hydro bill by herself. The appellant temporarily moved out for a few days to live with her friend but cannot live there forever.

The appellant's landlord offered a possible solution – if the ministry can pay the additional \$150.00 per month to the landlord as monthly utilities, then they will take care of all the utility bills, including the BC Hydro bill.

**Additional Information**

Appellant

**Notice of Appeal (May 2, 2023)**

The appellant states she has an outstanding BC Hydro bill for over \$1000.00. The ministry advised her previously that she qualified for a utility crisis supplement for this bill. She applied in March and April, but only received \$150.00 for April and nothing for March. The appellant adds that she has to pay \$150.00/month for her utilities, in addition to rent.

At the hearing, the appellant stated she first applied for a crisis supplement in November or December 2022 or January 2023 and attached a final notice from BC Hydro – with a disconnection notice. She also stated she should qualify for a crisis supplement for utilities for March 2023 and future months and added that her bill with BC Hydro is still outstanding.

Ministry

At the hearing, the ministry stated that it received the first crisis supplement application on December 22, 2022, with a BC Hydro bill but not a disconnection notice. The ministry spoke with the appellant on January 11, 2023 when her request was marked as withdrawn because the appellant was applying for a BC Hydro crisis grant. There was no further contact with the appellant until March 1, 2023. The ministry also stated that it is not able to address the debt owed to BC Hydro, through a crisis supplement.

When asked why the ministry authorized a \$150.00 crisis supplement for April 2023, when the application was received in March, the ministry stated it was likely because the decision was not made until April 2023.

**Admissibility**

The panel determined the additional information is reasonably required for a full and fair disclosure of all matters related to the decision under appeal and therefore is admissible under section 22(4) of the *Employment and Assistance Act*.

## **Part F – Reasons for Panel Decision**

The issue on appeal is whether the ministry's decision was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Specifically, was the ministry reasonable to decide that the appellant was eligible only for a crisis supplement of \$150.00 for April 2023, to be paid to the appellant's landlord for hydro?

### **Appellant Position**

The appellant argues that her hydro was cut off, her house was frozen, she was ill, food worth over \$150.00 in the fridge went bad and there was imminent risk to her health without power. Her roommate suddenly moved out and she could not afford the hydro bill by herself. She has an outstanding bill from BC Hydro for over \$1000.00, and she maintains that the ministry promised to pay that amount if she did not qualify for the BC Hydro crisis grant. She says she should receive the crisis supplement of \$150.00 for March and April, and the ministry should pay the ongoing hydro costs of \$150.00/month.

### **Ministry Position**

The ministry is satisfied that the appellant's request is the result of an unexpected expense and that she does not have the resources to pay her hydro bill. In addition, the ministry is satisfied that failure to provide the appellant with assistance for her hydro bill will result in imminent danger to her health, as without power she is unable to store or cook food or heat her home.

However, the ministry argues, a crisis supplement is not intended to be provided on an ongoing basis. It can only be provided for the month in which it is requested and not for future months. Additionally, the ministry argues it only provides funding for the most cost-effective option that will prevent imminent danger. Therefore, the ministry has determined that the appellant's landlord's option of the appellant paying an additional \$150.00/month directly to the ministry and not paying the hydro bill herself is the most economical option. However, because the legislation only permits a crisis supplement to be granted for the month in which it was requested, the ministry can only approve \$150.00 for the month of April. As such, under section 57 of the Regulation, the appellant is eligible for a crisis supplement for \$150.00 for April 2023 to be paid to her landlord for hydro.

## **Panel Analysis**

### Section 5, Act – supplements

Section 5 of the Act states, subject to the Regulation, the minister may provide a supplement for a family unit that is eligible for it. The panel notes ministry records show the appellant is a recipient of disability assistance.

### Section 57, Regulation – crisis supplement

Section 57 of the Regulation states the minister may provide a crisis supplement for someone who is eligible for disability assistance if the supplement is required to meet an unexpected expense, is unable to meet the expense because there are no available resources and failure to meet the expense will result in imminent danger to their physical health. The minister was satisfied that the appellant met all these criteria.

However, section 57 of the Regulation also states a crisis supplement may be provided only for the calendar month in which the request is made. The panel notes, ministry records state on March 1, 2023, the appellant requested a crisis supplement for hydro.

As section 57 states a crisis supplement may be provided only for the calendar month in which the request was made, the panel finds the ministry reasonably concluded it could only consider a crisis supplement for March 2023 and not for outstanding BC Hydro bills or other past and future utilities costs. The panel notes although the request was made in March 2023 and the \$150.00 crisis supplement was provided in April, the ministry stated this was likely because April was when the decision was made. The panel finds this to be reasonable.

## **Conclusion**

In conclusion, the panel finds the ministry decision that determined that the appellant was eligible for a crisis supplement of \$150 for April 2023 because a crisis supplement for utilities can only be provided for the month in which the request is made, as per section 57 of the Regulation, was a reasonable application of the legislation in the circumstances of the appellant.

The appellant is not successful on appeal.

## Schedule of Legislation

### Employment and Assistance for Persons with Disabilities Act

#### **Disability assistance and supplements**

**5** Subject to the regulations, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it.

### 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

...

(2)A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made

....

(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.



APPEAL NUMBER 2023-0128

**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

Connie Simonsen

Signature of Chair

Date (Year/Month/Day)

2023/06/21

Print Name

Susan Ferguson

Signature of Member

Date (Year/Month/Day)

2023/06/21

Print Name

Glenn Prior

Signature of Member

Date (2023/06/20)

2023/06/21