

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the “Ministry”) reconsideration decision, dated July 17, 2023 (the “Reconsideration Decision”). In the Reconsideration Decision, the Ministry determined that the Appellant was not eligible for a crisis supplement for utilities. In particular, the Appellant had sought a crisis supplement for an outstanding phone bill in the amount of \$400.00.

The Ministry determined that the Appellant had satisfied all of the requirements for a crisis supplement except for demonstrating that the supplement was needed to meet an unexpected expense or to obtain an item that was unexpectedly needed.

Part D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (the “Regulation”)- section 57

A full text of the above legislative provision appears at the end of Part F of this decision.

Part E – Summary of Facts

The Appellant's family unit consist of the Appellant and his spouse, one of whom is in receipt of disability 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 July 2, 2023;
- three (3) colour photographs of the Appellant's spouse's injuries from an attack on her;
- a photocopy of the Appellant's spouse's driver's licence;
- an undated screenshot, showing the balance in the Appellant's bank account as being -\$23.21;
- an undated screenshot indicating that an application made by the Appellant had been declined by the Appellant's bank;
- an undated screenshot showing the balance owing on the Appellant's cell phone account;
- the Appellant's Request for Reconsideration, dated July 7, 2023, in which the Appellant wrote the following:
 - the Appellant was appreciative to the Ministry for having provided support after the attack on the Appellant's spouse on October 2, 2021;
 - the Appellant's spouse has been terrified since the attack;
 - the Appellant and his spouse have had bills in arrears for quite some time since the attack;
 - the amount that the Appellant got from the Ministry was barely enough to squeeze by every month;
 - the Appellant and his spouse were simply requesting enough to get the phone bill down to zero;
 - the Appellant's spouse gets night terrors; and
 - the Appellant and his spouse would also be needing counselling;

In the Appellant's Notice of Appeal, the Appellant stated that he disagreed with the Reconsideration Decision on a few key points, including the safety of his partner. The Appellant indicated that cameras are needed for the Appellant's spouse's safety. The Appellant also stated that he needed Wi-Fi to search for a job and had to sell belongings to get the phone bill down to \$400.00. The Appellant also attached pictures of the Appellant's spouse's injuries to the Notice of Appeal.

The Appellant also submitted documents immediately prior to the hearing of the Appeal. The Appellant's submission included:

- receipts from various hotel stays from the period shortly after the attack on the Appellant's spouse;
- receipts for storage;
- a BC Hydro invoice in the amount of \$218.23; and
- a screenshot of a cell phone calculator with a total of \$7,131.3 on the screen;

At the hearing of the appeal, the Appellant described the attack on his spouse, which occurred in October 2021. The Appellant described his spouse as having been in hospital for a few days and receiving 64 staples in her head to stitch up her lacerations. The Appellant stated that she continues to suffer night terrors. The Appellant stated that of the two male attackers, one man was captured and charged with attempted murder but the other assailant is still at large. The Appellant stated he and his spouse did not feel safe in their home at the time of the attack and therefore moved to another city.

As a result of the attack and its aftermath, the Appellant and his spouse were required to spend \$7,131.30 on various items such as hotel stays, eating out, and storage of their property. The Appellant stated that the Ministry had covered some of these expenses and that he was grateful for that.

The Appellant stated that the phone bill is an ongoing debt that originated around the time of the attack. The Appellant stated that monies received from the Ministry had been used to repay individuals who had helped him and his spouse after the attack.

The Appellant described the steps he has taken to get the outstanding cell phone bill paid down and cut his cell phone costs, including switching to a different cell phone provider and selling personal items to reduce the balance owing to \$400.00.

The Appellant noted that the outstanding phone bill is owed to the same company which provides the security cameras at the home he shares with his spouse. The cameras are essential for his spouse's sense of safety. The Appellant also stated that he and his spouse had an outstanding bill from BC Hydro incurred at their prior residence. That debt, however, is not impacting their current access to electricity as their hydro is included in their rent and paid by their landlord.

The Ministry representative re-stated that, from the Ministry's perspective, the outstanding phone bill was not an unexpected expense as it is an ongoing expense that

should be budgeted for. The Ministry representative also submitted that section 59(7) of the Regulation allows the Ministry to pay out a crisis supplement for utilities for heating and cooking fuel, water, or hydro but does not provide the Ministry with the authority to pay a crisis supplement for utilities in respect of a telephone bill.

The above documents and the evidence given at the hearing formed part of the Appellant's arguments regarding the unexpected nature of the cell phone bill. The Ministry did not object to the admissibility of the Appellant's submission.

The panel accepts into evidence the oral evidence given at the hearing of the appeal and the Appellant's submission prior to the appeal as oral and written evidence that is not part of the record under section 22(4) of the *Employment and Assistance Act*. The panel considers the new information reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

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

The issue in this appeal is whether the Ministry was reasonable in its determination that the Appellant had not demonstrated that the need for a supplement to pay the cell phone bill was unexpected.

Panel Decision

The Ministry's authority to issue crisis supplements to family units where one of the recipients is receiving disability assistance is governed by section 57 of the Regulation.

Section 57(1) requires the following criteria to be met for the Ministry to be able to issue a crisis supplement:

- the family unit must be eligible for disability or hardship assistance;
- the expense must be unexpected or required to obtain an item that was unexpectedly needed;
- the family unit has no other resources to meet the expenses; and
- the expense must, in the opinion of the Ministry, be needed to prevent imminent danger to the physical health of a person in the family unit *or* the removal of a child under the *Child, Family, and Community Service Act*.

The Ministry is also restricted in the types of items in respect of which it can provide a crisis supplement and how much it may provide for certain types of crisis supplements.

Crisis supplements are not available in respect of the health care items set out in Schedule C to the Regulation or any other health care goods and services. Crisis supplements for food, shelter, and clothing are governed by specific monetary limits. As a cell phone bill does not fall into these categories, these categories are inapplicable to the Appellant's request. Finally, a crisis supplement can be issued in respect of utilities in respect of:

- fuel for heating;
- fuel for cooking;
- water; or
- hydro.

In the Reconsideration Decision, the Ministry determined that the Appellant had met all of the criteria set out in section 57(1) of the Regulation, except for the requirement that the supplement was required to meet an unexpected expense or to obtain an item unexpectedly. The Ministry was satisfied that the Appellant had met the remaining criteria in section 57(1) of the Regulation.

In this case, the Appellant confirmed that the expense had first been incurred approximately 2 years ago. Specifically, at the time of the attack on the Appellant's spouse. The bill has been outstanding since that time. The Appellant has made admirable efforts to reduce the balance owing on the outstanding cell phone bill. However, the panel's jurisdiction is limited to a determination of whether or not the Reconsideration Decision was unreasonable. In these circumstances, the expense has been outstanding for over a year and is an ongoing and recurring expense to begin with. While the attack on the Appellant's spouse was certainly unexpected and while the Appellant and his spouse appear to have had numerous other expenses that were unexpected because of the attack, the panel concludes that the Ministry's determination that the cell phone bill itself was not unexpected cannot be said to be unreasonable.

Conclusion

In view of the foregoing, the panel finds that the Ministry reasonably determined that the Appellant had not satisfied the requirements for a crisis supplement. The Appellant is not successful in the appeal.

Relevant legislation*Employment and Assistance for Persons with Disabilities Regulation*

Section 57

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, the maximum set out in section 4 of Schedule A and any

supplements provided under section 54.3 [*pre-natal shelter*]

supplement] or Division 7 [*Housing Stability Supplement*] of Part 5 of this regulation, or

(B) the maximum set out in Table 1 of Schedule D, the maximum set out in Table 2 of Schedule D and any supplements provided under section 54.3 or Division 7 of Part 5 of this regulation,

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

Adam Shee

Signature of Chair

Date (Year/Month/Day)

2023/August/1

Print Name

Kevin Ash

Signature of Member

Date (Year/Month/Day)

2023/08/01

Print Name

Diane O'Connor

Signature of Member

Date (Year/Month/Day)

2023/08/02