

**Part C – Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (the ministry) reconsideration decision dated August 24, 2023, which denied the appellant her request for a crisis supplement for hydro as her request does not meet all the criteria under Section 59 of the Employment and Assistance Regulation.

Specifically, the ministry was not satisfied that the appellant's need to pay her BC Hydro debt was due to unexpected circumstances and the ministry was not satisfied that the appellant's physical health will be in imminent danger if money is not received to pay the BC Hydro debt.

**Part D - Relevant Legislation**

Employment and Assistance Act, Section 4  
Employment and Assistance Regulation, Section 59

**Part E – Summary of Facts****Summary of key dates:**

- **February 27, 2023-** the appellant requested a reconsideration of a denied crisis supplement requested February 14, 2023, to pay her BC Hydro bill.
- **February 28, 2023-** the appellant was informed the reconsideration package was ready for pick up.
- **April 5, 2023-** as the appellant had not returned the reconsideration package the service request was closed as abandoned.
- **August 1, 2023-** the appellant requested a crisis supplement for hydro reporting that she may be eligible for a BC Hydro crisis fund if the amount owing is less than \$1000, the appellant currently owes \$1548. The appellant also reported she had been evicted from the place where she was using hydro, and that the outstanding debt will impact her future housing. As well, she has no resources to pay this outstanding debt.
- **August 9, 2023-** a ministry worker reviewed the appellant's request for a crisis supplement for hydro and determined the appellant was not eligible because the appellant did not meet all the criteria.
- **August 9, 2023-** the appellant submitted a request for reconsideration.
- **August 24, 2023-** the ministry completed its review of the appellant's Request for Reconsideration.

**Evidence before the ministry at the time of reconsideration:**

- Request for Reconsideration dated August 9, 2023, the appellant stated in Section 3:
  - She had an open file.
  - She followed instructions from the ministry to authorize BC Hydro to discuss her account and was told payment would be made directly.
  - The debt is not her fault, she didn't have the funds to dispute through the residential tenancy and she has not received support.
- **Documents submitted by the appellant included:**
  - Collection letter dated May 17, 2023.
  - Request for Utilities Crisis Supplement dated August 1, 2023.

**At the hearing the appellant stated:**

- Her debt is due to an increase in hydro because a pipe burst in her residence.
- She was unable to request a reconsideration of the ministry's decision to deny her a crisis supplement as she was sick and in and out of hospital during the months of December 2022 to March 2023.
- Hydro stopped taking the \$200 equal payment as her debt was over \$1000.

- She felt the flood repair caused the rise in hydro costs.
- She currently lives in a residence where hydro is included and therefore does not require a hydro account.
- The collections agency understands her situation and they will not bother her until she requires a hydro account.

**At the hearing the ministry stated:**

- The past request made by the appellant may have been determined to be an unexpected cost, but they did not have all the information to commit to this opinion. This appeal is to address the request for crisis funding for hydro while the appellant is residing in a new residence where she does not have to pay for hydro separately.
- The appellant's request is not unexpected as it is a debt owed and the appellant is not in imminent danger as she is not responsible for her current residence's hydro.

**Part F – Reasons for Panel Decision**

The issue under appeal is whether the ministry's determination that the appellant is not eligible for a crisis supplement to pay for hydro was reasonably supported by the evidence or was a reasonable application of the legislation.

**Panel Decision**

Sections 59(1)(a) and (b) of the EA Regulation set out three criteria to successfully receive funds. The required criteria are the need for a supplement as the expense was unexpected, the appellant does not have the resources available to meet the need and that failure to meet the expense will result in imminent danger to the physical health of the appellant.

The ministry agreed the appellant was able to apply for a supplement and that she did not have the resources to meet the expense.

**Unexpected Expense**

The appellant argued that her debt of \$1548 was a direct result of a flood in her last residence where a large amount of hydro was used to address the leaking issue.

The ministry argued the appellant's request for a supplement was to address an expense which occurred in her last residence where she was denied a request for a crisis supplement to pay her hydro. The ministry considers the hydro payment to be a debt. The ministry does not consider a debt as an unexpected expense.

The original supplement request made by the appellant was denied by the ministry and she did not follow through with seeking reconsideration of that decision. This resulted in her owing money to BC Hydro which has subsequently been turned over to a collection agency. The panel finds that the expense under consideration for this appeal is therefore a debt. As a result, the panel finds that the ministry was reasonable when it found that the appellant did not have an unexpected expense as is required by Section 59 of the Regulation.

**Imminent Danger**

The appellant argued she must have the debt paid as it will impact her future housing.

The ministry argued the appellant is not in imminent danger as the Hydro debt does not affect her current use of hydro as she does not require an account and therefore there is

no risk of disconnection. The ministry noted; if the appellant in the future rents accommodation that requires her to have a BC Hydro account and she has trouble qualifying to open the BC Hydro account, she can apply to the ministry for help.

The panel finds that the appellant is currently in a room and board rental situation which does not require her to be responsible for a Hydro account. She is not in a position whereas a result of her debt her hydro would be disconnected causing an imminent danger to her physical well being. As a result, the panel finds that the ministry was reasonable when it was not satisfied that the appellant's physical health would be in imminent danger if she did not receive funds to pay the BC Hydro debt as is required by Section 59 of the Regulation.

### **Conclusion**

The panel finds the ministry's reconsideration decision was reasonably supported by the evidence and confirms the ministry's reconsideration decision. The appellant is not successful in her appeal.

### **Relevant Legislation**

#### ***Employment and Assistance Act- Section 4 Income assistance and supplements***

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

#### **Employment and Assistance Regulation- Section 59**

##### **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, the maximum set out in section 4 of Schedule A and any supplements provided under section 56.2 [*pre-natal shelter supplement*] or Division 8 [*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 56.2 or Division 8 of Part 5 of this regulation,

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

Charles Schellinck

Signature of Chair

Date (Year/Month/Day)

2023/09/25

Print Name

Rick Bizarro

Signature of Member

Date (Year/Month/Day)

2023/09/25

Print Name

Janet Ward

Signature of Member

Date (Year/Month/Day)

2023/09/25