

Part C – Decision Under Appeal

The decision under appeal is a reconsideration decision of the Ministry of Social Development and Poverty Reduction (the ministry) dated September 5, 2023. The ministry decided that the appellant was not eligible for a crisis supplement to purchase a pellet stove.

Part D – Relevant Legislation

Employment and Assistance Regulation (Regulation), section 59

The full text of this section of legislation is set out in the schedule of legislation after this decision.

Part E – Summary of Facts

The hearing took place by video conference. The appellant did not attend the hearing. After confirming the appellant was notified, the hearing proceeded under section 86(b) of the Employment and Assistance Regulation.

Summary of Relevant EvidenceEvidence Before the Ministry at Reconsideration

- The appellant is the sole recipient of income assistance of \$960 per month, which includes \$500 support allowance and \$400 for shelter.
- On July 27, 2023 the appellant requested a crisis supplement to purchase a pellet stove.
- The appellant stated that in the winter of 2022 there was a small fire in the chimney of the oil furnace in her home and the oil furnace can no longer be used.
- The home is owned by the appellant's late common-law husband who was once her landlord.
- The common-law husband's estate is in probate and there was no fire insurance on the house.
- Fortis BC approved a grant to convert the oil furnace to natural gas. The appellant did not consider the house worth that type of upgrade.
- The appellant is using electric heaters to heat the house.
- On July 27, 2023 the request was denied on the basis there was no evidence that the appellant's physical health was in imminent danger.
- On August 23, 2023 the appellant applied for reconsideration but did not provide additional information.
- The reconsideration decision of September 5, 2023 determined that all the criteria for a crisis supplement under Section 59 of the Employment and Assistance Regulation had not been met.

The panel considered the appellant's Notice of Appeal and the ministry's statements at hearing to be argument. Therefore, a determination of admissibility under section 22(4) of the *Employment and Assistance Act* is not required.

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

The issue that must be decided is whether the ministry's decision to deny the appellant a crisis supplement to purchase a pellet stove was reasonable. The issuance of crisis supplements is governed under section 59 of the Regulation.

Section 59 requires the following criteria to be met before a crisis supplement may be issued:

1. The applicant must be eligible for income assistance or hardship assistance;
2. The supplement must be required because of an unexpected expense;
3. There must be no resources available to cover the expense; and
4. Failure to meet the expense will result in imminent danger to the physical health of a person in the family unit or removal of a child under the *Child Family and Community Service Act*.

Panel DecisionAppellant's Position

The appellant did not attend the hearing, however, her reasons written on the Notice of Appeal dated September 15, 2023 as to why she considered the ministry reconsideration decision unreasonable states: "It sounds like on paper you think I have electric heat, which I do not. I would like to discuss further so you have a clear understanding. I also no longer have natural gas heat as the gas fireplace exploded. I looked in a Fortis rebate but my heater is absolete (sic). I can't use wood heat as I am handicapped and can't rely on people to help me."

Ministry's Position

At the hearing, the ministry stated that it relied on its reasons in the reconsideration decision.

The ministry determined that the purchase of a pellet stove was not an unexpected expense because the fire in the chimney took place in the winter of 2022 and the request for a crisis supplement was not made until July 2023, and there was no evidence of imminent danger to the physical health of the appellant because the appellant was using electric heat.

Conclusion

The panel considered all evidence submitted in this appeal. There was no additional evidence submitted during the hearing. The panel concluded that the ministry's decision was reasonable because all criteria were not met as outlined in Section 59 of the Regulation, namely: there was no imminent danger to the physical health of the appellant.

The panel finds that although the ministry stated at the hearing that it had determined that the unexpected criterion was not met at reconsideration, the only basis of denial in the reconsideration decision appears to be "imminent danger".

Ministry records show the appellant stated the fire occurred in the winter of 2022, she didn't apply for the crisis supplement until July 2023, and had another source of heating. Therefore, the panel finds the determination by the ministry that the appellant was not in "imminent" physical danger, reasonable.

The panel finds the ministry reasonably determined the appellant was not eligible for a supplement to purchase a pellet stove, as all criteria under section 59 of the Regulation were not met.

The appeal is therefore unsuccessful.

Schedule of Legislation**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.

2023-0278

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

Diane O'Connor

Signature of Chair

Date (Year/Month/Day)

October 11, 2023

Print Name

Connie Simonsen

Signature of Member

Date (Year/Month/Day)

October 11, 2023

Print Name

Erin Rennison

Signature of Member

Date (Year/Month/Day)

October 11, 2023