

Part C – Decision Under Appeal

The decision under Appeal is the reconsideration decision of the Ministry of Social Development and Poverty Reduction (the "**Ministry**") dated September 8, 2023 (the "**Reconsideration Decision**"). The Ministry determined that the Appellant was not eligible for a crisis supplement for her hydro bill as provided for by section 57 of the *Employment and Assistance for Persons with Disabilities Regulation* given that it was not satisfied that the Appellant's physical health would be in imminent danger.

Part D – Relevant Legislation

- *Employment and Assistance for Persons with Disabilities Act* (the "**Act**") – section 5
- *Employment and Assistance for Persons with Disabilities Regulation* (the "**Regulation**") – section 57

Note: The full text is available after the Decision.

Part E – Summary of Facts

(a) The Reconsideration Decision

The evidence before the Ministry from the Reconsideration Decision consisted of:

The Appellant is the recipient of disability assistance. She receives a total of \$1,535.50 per month consisting of:

- a support allowance of \$983.50;
- a shelter allowance of \$500.00; and
- a transportation supplement of \$52.00.

On August 16, 2023, the Appellant requested a crisis supplement for her hydro bill (the “**Hydro Bill**”) stating:

- due to rising temperatures, she used her air conditioner more than usual to keep her and her pets cool and safe;
- the Hydro Bill was higher than normal by approximately \$100.00;
- she was falling behind in paying her other bills and, potentially, of having her hydro being disconnected;
- she owed the hydro company (the “**Hydro Company**”) \$191.77; and
- she did not have the resources to pay the Hydro Bill.

The Appellant also provided a copy of her Hydro Bill, dated August 14, 2023, which showed the following:

- a balance of \$191.77 for the billing period of June 10 to August 10, 2023;
- the Hydro Bill was due on September 5, 2023; and
- the Appellant last paid the Hydro Company \$122.48.

On August 22, 2023, the Ministry denied the Appellant’s request for a crisis supplement because:

“...Client has not demonstrated and (sic) unexpected circumstance and has access to other resources. Client states she has been running her air conditioning more than usual due to rising temperatures. High temperatures and potential heat waves during the summer months is not considered unexpected, nor is a higher than usual utility bill when more power is being consumed... has not demonstrated that there is a danger to their health and safety at this time. Client is not currently at risk for disconnection. Client’s bill is not due until September 5, which provides time to make a payment”.

On August 22, 2023, the Appellant submitted a request for reconsideration stating that she was at risk of losing her rental unit if she could not pay the Hydro Bill, and that she would fall behind

on her other bills. Further, she emphasized that her normal recurring Hydro Bill is half of the amount (then) being requested by the Hydro Company.

On September 8, 2023, the Ministry issued the Reconsideration Decision wherein it maintained that the Appellant was not eligible for a crisis supplement for the Hydro Bill as provided for by section 57 of the *Regulation*. More specifically, the Ministry held:

"The ministry is satisfied that your bill being higher than usual is unexpected, as the temperature at the time of your original request was higher than expected, which led to you using your air conditioner more than usual.

The ministry is satisfied that you do not have the resources to pay for your bill on your own as you stated you do not have any resources to meet this need on your own.

However, the ministry is not satisfied that you are in imminent danger. 'Imminent danger' implies that the request is urgent and life threatening, which is currently not the case. You are not at risk of being disconnected, as you have not provided a disconnection notice from [Hydro Company]. You stated that you will be homeless if you cannot pay this bill as you will be behind on other bills, however you have not provided an eviction notice and therefore are also not at risk of eviction.

As your request does not meet all the criteria under Section 57 of the EAPWD Regulation, you are not eligible for a crisis supplement for your hydro bill."

(b) The Appeal

On September 12, 2023, the Appellant filed a Notice of Appeal (the "**Appeal Notice**"). In the Appeal Notice, the Appellant wrote:

"... While I understand I have yet to receive a disconnection notice I strive to keep my utilities in good standing because with my impression that it is not allowable to inhabit a home. To me it is asinine to allow such steps to happen in order to receive (sic) must be punished in order to receive a hand up? Or beg and plead..."

The Appellant's written Appeal hearing was held on October 11, 2023.

Prior to the Appeal hearing, the Appellant submitted the following written statement to supplement her submissions found in the Appeal Notice:

"... This is my final statement regarding my appeal for my crisis supplement for hydro. In my original submission I stated in such circumstances I'd be facing eviction, I had limited space to elaborate on my conclusion to that.

While I may not have an immediate eviction notice on hand. Falling behind in my bills one way or another be is hydro, groceries, or otherwise will negatively impact my well being. If I pay my hydro to ensure I don't face an eviction because to my

knowledge it is unlawful to inhabit a home without hydro. I then cannot afford adequate groceries for myself and my animals.

While I understand a hydro bill is a recurring bill and is expected to be slightly higher in the summer months by utilizing an air conditioner, my usage and habits did not vastly differ from last year however my bill was nearly double it's (sic) normal charges. I am on monthly billing, not equalized payments so I pay by usage. Any help that can be provided is greatly appreciated considering the rising cost of everything as of late, including the cost of basic necessities such as food and toiletries. Despite utilizing the local food bank as much as possible it's still impossible to sustain a healthy monthly food consumption while trying to stick to a recommended (sic) healthy diet per my neurologist.

All things considered, I don't think I'm out of line asking to receive help in this time and I will definitely try to better prepare for next year (somehow) in such case things seem to keep trending upwards rather than down...."

The Ministry advised that it referred to and relied upon the Appeal Record which largely consisted of the Reconsideration Decision.

The Ministry had no objection to the Appellant's written submissions which consisted of argument in support of her Appeal. To the extent the Appellant provided additional evidence, the Panel determined that the Appellant's submissions and evidence were admissible as additional evidence pursuant to section 22(4) of the *Employment and Assistance Act* as it was reasonably required for a full and fair disclosure of all matters related to the decision under Appeal.

Part F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Reconsideration Decision in which the Ministry determined that the Appellant was not eligible for a crisis supplement for the Hydro Bill as provided for by section 57 of the *Regulation*.

(a) Appellant's Position

The Appellant argues that she should be eligible for a crisis supplement as a failure to receive one will place her in a position of imminent danger to her physical health.

(b) Ministry's Position

The Ministry maintains that the Appellant is ineligible for a crisis supplement for the same reasons stated in the Reconsideration Decision. For clarity, the Ministry takes the position that (i) the higher Hydro Bill was unexpected, and (ii) that the Appellant does not have the resources to pay the Hydro Bill. However, the Ministry does not believe that failure to obtain the crisis supplement will place the Appellant in the position of imminent danger.

(c) Panel Decision

Section 57(1) of the *Regulation* permits the Ministry to provide a crisis supplement to a person or a family unit if the person or family unit is eligible for disability assistance or hardship assistance, and:

- 1) the need for the crisis supplement is not expected or there is an unexpected expense;
- 2) there are no resources available to the person or the family unit; and
- 3) a failure to obtain the crisis supplement will lead to imminent danger to the person or the family unit's physical health.

The legislation requires all three (3) criteria to be met.

Pursuant to section 57(7) of the *Regulation*, a crisis supplement may be provided for:

- (a) fuel for heating;
- (b) fuel for cooking meals;
- (c) water;
- (d) hydro.

In this case, it is undisputed that the Appellant was on disability assistance at the time in question; therefore, she could have received a crisis supplement for the Hydro Bill only if she met the above noted criteria.

(i) Was the Hydro Bill an unexpected expense?

While the Appellant admits that the Hydro Bill is a recurring expense, she argues that the Hydro Bill was unexpected because it reflects an amount that is approximately double what she is generally invoiced. The increase in the Hydro Bill arises from the Appellant's increased use of her air conditioner during the hotter summer months as she needed to ensure the health and safety of her and her pets.

While the Ministry originally determined that the Hydro Bill was not an unexpected expense, it reversed that decision as reflected in the Reconsideration Decision.

The Panel provides this context noting that the issue of whether the Hydro Bill was an unexpected expense is not at issue.

(ii) Are no resources available to the Appellant?

The Appellant argues, and the Ministry does not dispute, that she does not have the resources to pay the Hydro Bill that.

The Panel provides this context noting that the issue of whether the Appellant has the resources to pay the Hydro Bill is not at issue.

(iii) Will a failure to obtain the crisis supplement lead to the imminent danger of the Appellant's physical health?

The Panel finds that the Appellant has provided no evidence to suggest that a failure to obtain a crisis supplement will lead to the imminent danger of her physical health. While a failure to obtain hydro power or being evicted can certainly lead to imminent danger, the Panel finds that the Appellant has provided no evidence to suggest that the Hydro Company has threatened the disconnection of her hydro power, nor has the Appellant provided any evidence of an impending eviction. As a result, the Appellant's submissions regarding imminent danger are currently speculative and unsupported.

As a result, it is currently unclear if a failure to obtain the crisis supplement would lead to the imminent danger of the Appellant's physical health. Therefore, the Panel finds the Ministry's decision regarding imminent danger was reasonably supported by the evidence before it.

(c) Conclusion

The Panel finds that the Ministry's decision to deny the Appellant's request for a crisis supplement pursuant to section 57 of the *Regulation* was reasonably supported by the evidence.

As a result, the Appeal is unsuccessful.

(d) Legislation***Employment and Assistance for Persons with Disabilities Act, SBC 2002, c 41*****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, BC Reg 265/2002**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*](#).

...

(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.

2023-0272

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

Anil Aggarwal

Signature of Chair

Date (Year/Month/Day)

2023/10/11

Print Name

Bill Haire

Signature of Member

Date (Year/Month/Day)

2023/10/11

Print Name

Julie Iuvancigh

Signature of Member

Date (Year/Month/Day)

2023/10/11