

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction’s (the “Ministry”) Reconsideration Decision dated Jan 9, 2024. The Ministry determined that the Appellant was not eligible for a crisis supplement for utilities, pursuant to section 59 of the Employment and Assistance Regulation.

Part D - Relevant Legislation

Employment and Assistance Act (the "Act") section 4

Employment and Assistance Regulation (the "Regulation") section 59

The relevant legislation is provided in the Appendix.

Part E – Summary of Facts

The hearing was held by teleconference on March 14, 2024. All parties were in attendance. The Appellant’s advocate attended the hearing.

The Appellant requested a crisis supplement for utilities on November 14, 2023, and was informed by the Ministry that they were not eligible for a crisis supplement for utilities on November 24, 2023. On December 19, 2023, the Appellant submitted a Request for Reconsideration.

Evidence before the Ministry at Reconsideration

The evidence before the Ministry at reconsideration including the Appellant’s Request for Reconsideration was as follows:

The Appellant is in a family unit of three and in receipt of income assistance. They receive \$1490.00 per month in income assistance. This amount includes \$710.00 for a support

allowance and \$790.00 for a shelter allowance. The family unit also receives \$116.58 for a Family Bonus Top Up.

In December 2023, the Appellant received a \$310.59 Family Bonus cheque, \$862.00 in Child Support and a \$689.41 for Basic Child Tax Benefit, which were not deducted from the monthly income assistance. The Appellant pays \$2000.00 a month in rent.

The Appellant has been receiving income assistance since June 2023.

On November 14, 2023, the Appellant made a request for a crisis supplement, informing the Ministry that:

- Their rent is \$2000.00 a month.
- They are in arrears of \$2200.00.
- Utilities are \$362.48 from April – June 2023.
- They do not have enough money to pay for rent, gas, or food.
- There is a risk of having the hydro and electricity disconnected.
- There is a risk of eviction, and they fear facing the “rental crisis”.
- They are requesting support to pay hydro, gas and city utilities.
- The said accounts are in their landlord’s name.

In the Request for Reconsideration, dated December 19, 2023, the Appellant provided similar information:

- That they did/do not have enough money to pay for bills.
- That they were receiving money from an insurance company and or were employed, so previously, these bills were not an issue.
- That they cannot afford to move to another place.
- Since needing income assistance in the spring of 2023, they have gone through three vehicles.
- They had to get dental work done for their son (\$400.00) in December.
- The landlord, out of compassion, covered the bills and rent temporarily so that she could pay for her son’s dental work and vehicle repairs.
- These said factors should be considered as to why she could not pay their bills and rent.

The Ministry denied the request because:

- The client had not demonstrated an unexpected circumstance and noted that the client could access other resources.

- The Ministry notes that hydro, gas, utilities, and food are ongoing expenses and not unexpected.
- The Ministry also noted that the Appellant had not demonstrated that there would be a danger to their health and safety.
- The Ministry did provide that they were satisfied that the Appellant did not have the resources to pay for the utility bills.
- The Ministry determined that the Appellant did not provide evidence that there was a risk of eviction or risk of having the utilities disconnected.

Additional Information

The Appellant provided a five-page submission on February 2, 2024. This included:

Dec 20th, 2023 – receipt for dental work valued at \$330.86.

January 18, 2024 – letter from landlord indicating risk of eviction if outstanding utilities remain unpaid.

February 1, 2024 – receipt for emergency dental exam (from Nov 2023) value at \$38.79.

Evidence Presented at the Hearing

At the hearing, the Appellant provided that she had to replace her vehicle three times since the summer, and that having a vehicle is/was critical for her child to attend school (as the child was attending school in a nearby city at the time but has since started the child in a school locally).

At the hearing, the Ministry relied on its Reconsideration Decision. The Ministry representative indicated that in other cases where an Appellant had an unexpected expense e.g.; “medication”, the Ministry would be inclined to consider the unexpectedness of the said expense as a barrier to paying for utilities.

Admissibility of New Evidence

Section 22(4) of the *Act* says that a panel may consider evidence that is not part of the record that the panel considers to be reasonably required for a full and fair disclosure of all matters related to the decision under appeal. Once a panel has determined which

additional evidence, if any, is admitted under section 22(4), instead of asking whether the decision under appeal was reasonable at the time it was made, a panel must determine whether the decision under appeal was reasonable based on the requirements set out in the legislation and on all admissible evidence.

The Ministry had no objections to the panel considering any of the new evidence. The panel considered the new evidence included in the Submission (receipts for dental work and a landlord eviction letter) and the Appellant's testimony related to vehicle repairs to be evidence that is reasonably required for a full and fair disclosure of all matters relating to the decision under appeal, pursuant to section 22(4) of the *Act*.

General principles of weighing evidence require that the evidence be considered based on its credibility and its probative value. The probative value of evidence is the degree to which the information is useful in answering the question which must be addressed. The panel considers the new evidence to be credible due to the Appellant referencing the said evidence in the December 23, 2023, dated reconsideration decision). The panel found the evidence to be of high probative value as it directly addresses the criteria set out in the legislation. As a result, the panel assigns full weight to the new evidence.

Part F – Reasons for Panel Decision

The decision under appeal is the reasonableness of the Ministry's Reconsideration Decision dated Jan 10, 2024. The Ministry determined that the Appellant was not eligible for a crisis supplement for utilities, pursuant to section 59 of the Regulation.

Position of the Parties**Appellant's Position**

The Appellant's position is that she did indicate to the Ministry, in her Request for Reconsideration, that she had unexpected vehicle repairs in the summer and emergency dental work for her son in the fall that she had to pay for, which acted as a barrier to her ability to pay for utilities and rent.

Ministry's Position

The Ministry's position is that they are unable to establish that a failure to meet the expense will lead to imminent danger to the Appellant's health, nor has the Appellant provided evidence of a risk of her utilities being disconnected or her being evicted by the landlord. The Ministry's position is that the Appellant's utility expenses are ongoing, and the dental care the Appellant had to pay for did not account for the utilities being in arrears before the dental care was required. The Ministry determined that the Appellant's request does not meet all of the criteria under section 59 of the Regulation, and therefore they are not eligible for the crisis supplement.

Section 59(1) of the Regulation states that a crisis supplement may only be provided if **all** of the following apply:

The family unit is eligible for income or hardship assistance **and** the supplement is required to meet an unexpected expense, or an item unexpectedly needed **and** there are no resources available, **and** that failure to obtain or meet the expense would lead to imminent danger to physical health or a child being removed from the home.

Panel Decision

The panel considers the following: the Ministry accepts that the family unit is eligible for income assistance and that the Appellant does not have access to additional resources to pay the outstanding utility amount of \$2279.38. The Ministry's argument is that the Appellant did not provide evidence of being disconnected from utility service or face eviction, should the utility amounts remain unpaid. The panel considers that there is evidence of such, from the Appellant's letter dated January 18, 2024, indicating a risk of eviction from the landlord, should the outstanding utility balance remain unpaid.

Moreover, while the Ministry argued in the Reconsideration Decision that the Appellant's inability to pay utilities had been ongoing and therefore not unexpected. The panel considered that during the hearing, the Ministry's representative indicated that the Ministry would provide the crisis supplement for utilities, in some cases, where a client had demonstrated an unexpected expense, such as a sudden need for "medication".

Accordingly, the panel considers that the Appellant has demonstrated a risk of eviction should the outstanding utility bills remain unpaid, and the inability to pay the utilities as a direct result of vehicle repairs in the spring – that were necessary to transport her child (finishing the school year) in a different city, as well as emergency dental expenses incurred in the fall (November & December). The panel considered the effect of unexpected expenses on the Appellant's ability to pay regular and ongoing expenses such as utilities – which is consistent with the Ministry representative's example of the Ministry providing the crisis supplement for utilities where an unexpected expense such as "medication" impedes the client's ability to pay for ongoing and regular expenses.

Accordingly, the panel finds that the Appellant was able to demonstrate unexpected expenses, as well as a risk of eviction should the utilities remain outstanding. Therefore, meeting all criteria set out in section 59(1) of the Regulation.

Conclusion

Having considered all the evidence, the Panel finds that the Ministry's Reconsideration Decision not to be reasonably supported by the evidence. Accordingly, the panel rescinds the Ministry's decision. The Appellant is successful in her appeal.

APPENDIX – LEGISLATION**Employment and Assistance Act****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**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 \$50 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 maximum amount that may be provided in the 12 calendar month period preceding the date of application for the crisis supplement is \$110 for each person in the family unit.

(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
Jennifer Armstrong

Signature of Chair

Date (Year/Month/Day)

2024-03-14

Print Name
Gordon Thompson

Signature of Member

Date (Year/Month/Day)

2024/03/17

Print Name
Bob Fenske

Signature of Member

Date (Year/Month/Day)

2024/03/17