

Part C – Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction's (the "Ministry") Reconsideration Decision of April 4, 2024. In the Reconsideration Decision the Ministry determined that the Appellant was not eligible for a crisis supplement to add additional insulation to the exterior walls of his home.

The Ministry has found that the Appellant meets the basic criterion of the family unit being eligible for disability assistance or hardship assistance. The Ministry is also satisfied that the Appellant does not have resources to pay for adding additional insulation to the exterior walls of his home. These criteria are not in dispute and will not be addressed further.

The Ministry was not satisfied that the home repair requested was an unexpected expense or that failure to meet the expense will result in imminent danger to the physical health of any person in the family unit.

Part D – Relevant Legislation

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

Relevant sections of the legislation can be found in the Schedule of Legislation at the end of this decision.

Part E – Summary of Facts

A hearing was held by teleconference on April 29, 2024. All parties were present via phone.

Background

- The Appellant is a sole recipient of disability assistance, receiving \$1513.51 per month for disability assistance and supplements.
- The Appellant has resided at the same address since August 30, 2019. (The panel notes that the Decision to be Considered section of the Reconsideration Decision says 2016. The Ministry confirmed that this was in error.)

Information before the Ministry at the time of reconsideration included the following:

- A Manufactured Home Site Tenancy Agreement, dated August 22, 2019, indicating a residency start date of August 30, 2019.
- A BC Hydro bill in the Appellant's name for the period January 3 to 31, 2024.
- A contractor's estimate dated February 14, 2024, showing the cost to upgrade the insulation in the Appellant's mobile home.
- A Request for Home Repair – Crisis Supplement, dated March 4, 2024, stating:
 - The requirement for insulation of the outer walls at an estimated cost of \$19,219.
 - That the situation was unexpected because there is "not enough insulation in exterior walls."
 - The Appellant does not have funds available to address this.
 - Failure to address the situation would result in imminent danger to his physical health or the health of another person in the family unit because "It affects the overall warmth."
- Reasons for Request for Reconsideration dated March 25, 2024, in which the Appellant states, "The exterior walls have R 12 insulation and not R 24 insulation. Heat loss is causing high energy costs."

Information submitted after the Reconsideration Decision

- Notice of Appeal dated April 16, 2024, in which the Appellant states:
 - One wall has no insulation.
 - He is looking after an elderly person.
 - He has cerebral palsy which affects communication.

Testimony at the Hearing

- The Appellant
 - Stated that there was no checklist available, and he didn't know where to turn. He didn't know that safety to health was a consideration.
 - In response to a question concerning what the Appellant would have changed in the request had he known the criteria, the Appellant indicated he didn't know what would have changed.
 - When asked if he had experienced any physical problems because of the lack of insulation, the Appellant stated he hadn't because he compensated by using the furnace more and by using more blankets at night.
 - When asked if the lack of insulation had always been a problem, the Appellant said it had been a problem since 2019 but had been worse because of the extremely long and cold winter experienced this year.
 - When asked if he had had to pay a balance last year when his monthly payment didn't meet the total of his hydro, the Appellant said that he did but also indicated his monthly payment had not changed.
 - In response to a question, the Appellant clarified that the elderly person he was looking after was his mother.

- The Ministry
 - When asked whether the overage in hydro could be addressed by a crisis supplement, the Ministry said that ongoing overages could not. The legislation sets the support rates, and the Ministry does not have the option to go beyond this. In the event of a very exceptionally cold period, it could be considered as a "one-off", provided the other criteria were met.

Admissibility of New Information

The Ministry did not object to the new evidence provided by the Appellant but pointed out that there was no substantiating evidence that there was no insulation in one wall. The estimate is to insulate all outer walls.

The Panel finds that the information provided by the Appellant in the Notice of Appeal and at the hearing is reasonably required for a full and fair disclosure of all matters related to the decision under appeal. It contributes to the Panel's understanding of the circumstances and clarifies issues related to this appeal. The Panel admits this information as evidence pursuant to section 22(4) of the *Employment and Assistance Act*.

The Panel did not accept the additional information provided by the Ministry as it is not relevant to this hearing as it is about a crisis supplement for a different reason.

Part F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry's decision that the Appellant was not eligible for a crisis supplement to add additional insulation to the exterior walls of his home was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the Appellant.

Ministry's Position

The Appellant has lived in his home since August of 2019. He has not provided evidence to demonstrate unexpected expenses or changes to his circumstances to create an unexpected need for additional insulation.

The Appellant has not provided evidence to demonstrate that his physical health will be in imminent danger if additional insulation is not installed.

Appellant's Position

His hydro bills are excessive because of the lack of insulation in the walls. Although there has been no impact on health so far, this is only because he uses the furnace more, resulting in unmanageable hydro bills.

Panel Findings

Section 57(1) of the Regulation governs the granting of a crisis supplement for hydro. The Ministry has stated that the appellant meets some of the required criteria to receive a crisis supplement for hydro but does not meet all the requirements.

Section 57(1)(a) of the Regulation includes the criterion, "...the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed..." The Appellant has stated that the lack of insulation has been a problem since 2019. For at least the last two years, his monthly payments have not met the hydro costs for the year. As such, the Panel finds that this cannot be reasonably considered an unexpected expense given the long lapse of time and finds the Ministry was reasonable in their decision to state that this criterion was not met..

Section 57(1)(b) of the Regulation includes the criterion, "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..." The Appellant is a sole recipient of disability assistance and is, therefore, the only person to whom this criterion would apply. He indicated he has not had any physical problems due to

the lack of insulation and has been able to compensate by increasing use of the furnace and using additional clothing or blankets. No evidence has been provided to support that there is an imminent danger to the physical health of the Appellant. Given this lack of evidence, the Panel finds that the Ministry was reasonable in their decision.

In summary, while the Appellant may have had higher than expected hydro bills because of an exceptionally long and cold winter and increased rates, that is not the request in front of the panel. The request is for repairs to insulate the home. As set out above, that has been a long-standing problem and cannot be considered unexpected. Further, there is no evidence of imminent risk to physical health. The Panel finds that the requirements for a crisis supplement have not been met.

Conclusion

The Panel finds that the Ministry was reasonable in their decision that the Appellant was not eligible for a crisis supplement for home repair.

The Panel confirms the Reconsideration Decision and the Appellant's appeal is not successful.

Schedule of Legislation

Employment and Assistance for Persons with Disabilities Act

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

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*.

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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

Wes Nelson

Signature of Chair

Date (Year/Month/Day)

2024/05/01

Print Name

Linda Pierre

Signature of Member

Date (Year/Month/Day)

2024/05/01

Print Name

Gordon Thompson

Signature of Member

Date (Year/Month/Day)

2024/05/01