

### **Part C – Decision Under Appeal**

The issue under appeal is the Ministry of Social Development and Poverty Reduction (“the Ministry”) Reconsideration Decision of April 11, 2024. The Ministry held the Appellant was not eligible for a crisis supplement of \$442.43 under the Employment and Assistance Regulation section 59 (“the Regulation”) to pay his outstanding Fortis B.C. and BC Hydro bill.

Specifically, the Ministry found the Appellant was not eligible because:

- his expense was not unexpected, the amount owing had built up over time;
- evidence was not provided to demonstrate he had no resources to meet the expense;
- there was insufficient evidence to verify there was a risk to the Appellant’s physical health if the Minister failed to meet the expense.

### **Part D – Relevant Legislation**

Employment and Assistance Regulation, Section 59 (“the Regulation”).

See Appendix for details.

**Part E – Summary of Facts**

The hearing took place by teleconference on May 27, 2024. At the beginning of the hearing, the Appellant was not present on the teleconference. The Appellant was contacted but did not respond to the call. Having confirmed that the Appellant was notified of the hearing, after waiting five minutes, the Panel proceeded in his absence as permitted by section 86(b) of the Regulation.

Evidence before the Ministry at Reconsideration

The Appellant is a sole recipient of income assistance. He receives \$1060 per month including \$560 for support allowance and \$500 for shelter allowance. His monthly rent is \$950.

On March 5, 2024, the Appellant requested a crisis supplement for \$442.43 to pay his Fortis BC bill as his wallet was stolen. He indicated his utilities are in his landlord's name. The following item was submitted at this time: image of cut off bills for Fortis BC for June 8, 2023 (outstanding balance \$442.43) and July 11, 2023.

On March 22, 2024, the Ministry denied the Appellant's request. The Ministry found his expense was not unexpected as the amount owing had built up over time; evidence was not provided to demonstrate he had no options to meet the ongoing utility expense; and, there was insufficient evidence to verify there was a risk to the Appellant's physical health if the Minister failed to meet the expense as a one-time crisis supplement would not address the ongoing issue of insufficient funds to pay utilities.

On April 2, 2024, the Appellant submitted a Request for Reconsideration

On April 9, 2024, the Appellant submitted a handwritten note from his landlord on a BC Hydro bill dated November 6, 2023. The note indicates there is an outstanding balance of \$619.21 plus \$35.00 or \$654.21. The landlord states:

*Next bills will arrive this week and I cannot continue covering the cost. I am also going to start charging interest if you continue to not pay. We could set up payment plan of some sort.*

On April 11, 2024, the Ministry completed its review of his Request for Reconsideration. The Ministry found the Appellant was not eligible because:

- his expense was not unexpected;
- the amount owing is not from a one-time missed payment;
- the Appellant did not seek opportunities to cover the debt such as a payment plan through his landlord, or asking his landlord to reduce his rent; and,

- there is no evidence to verify there is risk to the Appellant's physical health as there is no evidence the Appellant is at risk of eviction.

#### Information Received After Reconsideration

Together with his Notice of Appeal, the Appellant submitted an undated, handwritten note attached to a Fortis BC invoice as follows:

\$ 69.14 gas  
\$ 25.00 hydro  
\$ 94.14  
\$525.07 overdue  
\$619.21

The note suggests he pays \$94.14 monthly and has a combined outstanding balance of \$619.21 for gas and hydro.

#### Information presented at the Hearing

As noted above, the Appellant did not attend the hearing.

The Ministry representative reviewed the Reconsideration Decision. The representative responded to questions from the Panel as follows:

- To be eligible for this supplement the Appellant needs to demonstrate he took all steps to cover the expense himself, including attempting to make a payment arrangement with the landlord and inquiring about the possibility of paying lower rent. Ministry staff would have advised him accordingly. The Appellant provided no evidence he did this.
- It is up to the Appellant to do what is needed to bring his monthly expense into line with what he can afford.
- The Crisis Supplement is meant to cover a one-time expense within the same calendar month. There is no option available to Income Assistance recipients who face the same situation as the Appellant.

#### Admissibility of New Evidence

The Panel is authorized under Section 22(4) of the *Employment and Assistance Act*, to consider evidence in addition to the information the Ministry had at the time of the Reconsideration

Decision if it is reasonably required for a full and fair disclosure of all matters related to the decision under appeal. Included in the Appellant's Notice of Appeal is an undated handwritten note breaking down his monthly expenses for BC Hydro, and Fortis BC. No new evidence was submitted by the Ministry before the hearing; the information set out above was provided during the hearing. The Panel admits this into evidence as it meets the above criteria.

**Part F – Reasons for Panel Decision**

The issue on appeal is whether the Ministry's Reconsideration Decision which found the Appellant is not eligible for a crisis supplement under section 59 of the Regulation was reasonably supported by the evidence or was a reasonable application of the applicable provision in the circumstances of the Appellant.

**Appellant's Position**

In his Notice of Appeal, the Appellant states as follows: "I have asked numerous times for help. This will be a one-time help. I'm in major debt with this and can't catch up."

The Appellant states that, as his wallet was stolen, he has nothing to pay his bills and the amount he receives from the government is barely enough to cover rent and food. He says his gas will be cut off and cause him to be further in debt. He states he is flat broke, and his rent will go up \$30 next month.

**Ministry's Position**

The Ministry acknowledges that the Appellant's wallet was stolen, however, there is no explanation about what has prevented him from paying outstanding BC Hydro and Fortis BC bills that have been accruing for months prior to his wallet being stolen. The Ministry found the Appellant was not eligible because:

- his expense was not unexpected;
- the amount owing is not from a one-time missed payment;
- the Appellant did not seek opportunities to cover the debt such as a payment plan through his landlord, or asking his landlord to reduce his rent; and,
- there is no evidence to verify there is risk to the Appellant's physical health as there is no evidence the Appellant is at risk of eviction.

**Panel Reasons**

The Panel must consider whether the Ministry was reasonable in determining that the Appellant did not meet the legislated requirements to receive the crisis supplement. Under section 59 of the Regulation, the minister may provide a crisis supplement to a family unit that is eligible for income assistance or hardship assistance when the following criteria are met:

- the supplement is needed to meet an unexpected expense or to obtain an item that is unexpectedly needed;
- family unit has no resources to meet the expense; and,

- the Minister considers failure to meet the expense will result in imminent physical danger to the family unit or removal of a child under the *Child, Family and Community Service Act*.

In this case, the Appellant provided evidence that his utilities expense accumulated over a period of several months. The Ministry accepted his assertion that his wallet was stolen in March. However, the amount owed and the evidence provided confirm the expense was not one time only, nor did it arise unexpectedly. The outstanding amount owed for utilities expense built up over a period of months and the panel finds that it cannot be viewed as unexpected. The Panel therefore finds the Ministry was reasonable in finding that the Appellant did not meet the first requirement of the expense arising unexpectedly.

Regarding the requirement of having no resources to meet the expense, the Panel notes, the Appellant's income is \$1060 per month, and his rent is \$950. The Appellant's monthly utility bills total \$94.14; paying this would exhaust any money available for food or other expenses. The Ministry noted the Appellant did not take any steps to modify his situation such as arranging for a payment plan as offered by his landlord, or seeking to modify his monthly expenses by seeing if his landlord would lower his rent. The Ministry stated a one-time addition of funds to address the current debt would not solve the issue on an ongoing basis. The Panel notes, the Appellant clearly had no way to meet this expense, and a payment plan requiring him to pay down his balance while at the same time covering the monthly cost would simply mean he falls farther into debt. In summary, the Appellant has no viable alternatives to meet such expense. The Panel finds the Ministry was not reasonable in finding the Appellant did not meet the requirement of having no resources to meet the expense.

The Ministry found that the Appellant was not at risk of imminent physical danger (or at risk of removal of a child under the *Child and Family Services Act*.) The evidence showed that the Appellant's landlord was the account holder for BC Hydro and Fortis BC. No information was provided saying the Appellant was about to be evicted or that power or gas was about to be turned off. As the Appellant was not at risk of losing his housing, the Panel finds the Ministry's determination that he is not at risk of imminent physical danger if resources are not provided to meet the expense to be reasonable.

### **Concluding Decision**

The Panel finds the Ministry's determination that the Appellant's need did not arise unexpectedly and that he was not in imminent physical danger as set out above reasonable.

The Panel did not find the Ministry's conclusion that Appellant he had no resources to meet the expense reasonable.

As the Appellant needs to meet all three requirements to be eligible for the requested \$442.43 crisis supplement, the Appellant is not successful on appeal. Accordingly, the Panel confirms the Reconsideration Decision.

**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  
Corrie Campbell

Signature of Chair

Date (Year/Month/Day)  
2024/05/29

Print Name  
Jan Broocke

Signature of Member

Date (Year/Month/Day)  
2024/05/29

Print Name  
Gordon Thompson

Signature of Member

Date (Year/Month/Day)  
2024/05/29