

### **Part C - Decision Under Appeal**

The decision under appeal is the Ministry of Social Development and Poverty Reduction (ministry) reconsideration decision dated June 11, 2024, which determined the appellant was not eligible for a crisis supplement for utility costs (hydro) because the need was not unexpected, and evidence does not show resources were unavailable.

### **Part D - Relevant Legislation**

*Employment and Assistance for Persons with Disabilities Act (Act), section 5*

Employment and Assistance for Persons with Disabilities Regulation (Regulation), section 57

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

**Part E – Summary of Facts**

The hearing took place by teleconference on July 4, 2024. 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 Evidence Before the Minister at Reconsideration****Ministry Records show:**

- The appellant is a sole recipient of disability assistance (\$1483.50/month (\$983.50 support, \$500.00 shelter), with no dependents. They report no other income.
- In April 2023, the appellant moved to their current address.
- In February 2024, the appellant received a \$500.00 crisis supplement for utilities (hydro) to assist with paying an outstanding amount on their BC Hydro account. The supplement was sent directly to BC Hydro. An equal payment plan was set up with BC Hydro for \$306.00/month based on usage plus an additional \$18.10/month for 12 months to pay off the remaining balance on the account. The appellant was advised it was their responsibility to monitor the monthly statements, pay the difference between the usage and equal payment amounts and to notify the ministry of any changes to avoid a large sum or disconnection at the annual adjustment.
- In May 2024, the appellant submitted a new request for a crisis supplement for utilities (hydro). The total owing was \$2,796.36, from several bills including \$700.00 from a past account, which opened in May 2023 and closed in September 2023. No payments were made on this old account.

**Request for Reconsideration (June 3, 2024)**

The appellant writes that the power has been disconnected and now they have to pay \$2,431.00 to have it turned back on and they don't have the money. Also, they don't know why the other tenants can't have money taken off their cheques every month and applied to the bill. Some of them don't think they need to pay their past months. The appellant adds they can't cook, have showers or do laundry.

**Notice of Appeal (June 12, 2023)**

The appellant states they are left without power and have no way to pay the electricity bill.

### **Hearing of Appeal**

At the hearing the ministry stated that BC Hydro linked the appellant's old account with the new account and the back payments kept building - the bills on these accounts were the appellant's responsibility.

As well, the ministry confirmed that its decision was based on two criteria not being met. The two criteria were that the need was not unexpected, and evidence does not show resources were unavailable. Regarding available resources, the ministry said it did not receive any information such as banking information or an agreement to share costs, with the other tenants.

### **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. In this case no new evidence was submitted by either party.

## **Part F – Reasons for Panel Decision**

The issue on appeal is whether the ministry's reconsideration decision was reasonably supported by the evidence or was a reasonable application of the legislation in the circumstances of the appellant.

Specifically, did the ministry reasonably determine that the appellant is not eligible for a crisis supplement for utilities because the need was not unexpected, and evidence does not show resources were unavailable?

The ministry was satisfied that failure to obtain a supplement for utilities will lead to imminent danger to the appellant's physical health.

### **Appellant Position**

The appellant states that their electricity has been disconnected. They have to pay \$2,431.00 to have it turned back on and they don't have the money to do so.

They can't cook, have showers or do laundry.

### **Ministry Position**

The ministry determines the appellant is not eligible for a crisis supplement for utilities because they have not demonstrated that the crisis supplement is required because of an unexpected need or expense or that resources are not available to meet the need.

The ministry determines the monthly utility bill and need to pay for monthly usage was not unexpected, nor is the requirement to pay a debt accrued over an extended period.

The ministry adds that the appellant has not provided enough detail about the tenancy arrangements with their roommates, such as how much each are paying and expected to pay toward the total cost of the rent and utilities, how much they have been paying for their share of the BC Hydro bills, why the electricity usage is so high over the past few months, and what is unexpected about the need or expense.

As the appellant reports the BC Hydro services have now been cut off, and the BC Hydro bill is only in their name, it is reasonable to conclude that failure to obtain a supplement for utilities will lead to imminent danger to their physical health given the urgent need for BC Hydro services.

The ministry adds that crisis supplements cannot be used to manage ongoing high shelter costs. If the appellant is unable to afford this address, it is expected that they make all reasonable efforts to find more affordable housing options.

## **Panel Analysis**

### Section 5, Act - supplements

Section 5 states, subject to the Regulation, the minister may provide disability assistance or a supplement to or for a family unit that is eligible for it. The panel notes ministry records show the appellant is a recipient of disability assistance.

### Section 57(1)(a), Regulation – crisis supplement, unexpected expense and no resources

Section 57(1)(a) of the Regulation states the minister may provide a crisis supplement for someone who is eligible for disability assistance if the person requires the supplement to meet an unexpected expense and is unable to meet the expense because there are no resources available.

#### *Unexpected*

The panel finds utility costs (BC Hydro), cannot be considered an unexpected expense for the reasons below. As utility costs are an ongoing monthly expense, they cannot be considered “unexpected”. In addition, ministry records show in February 2024, an equalization payment plan was set up with BC Hydro and the appellant was asked to advise the ministry of any changes to their electricity usage, to avoid a large sum or disconnection. With this advice from the ministry, the panel finds the appellant should not have found the power disconnection unexpected as the possibility of disconnection had already been raised.

Therefore, the panel finds the ministry reasonably determined the disconnection to the appellant’s hydro was not unexpected.

#### *No Resources*

The panel notes ministry records show the appellant receives \$1483.50/month disability assistance and states they have no other income. However, the panel finds there is insufficient information to conclude the appellant does not have the resources to pay their BC Hydro bills. There is insufficient information concerning any financial agreement with the appellant’s roommates and insufficient information concerning any other resources the appellant may have, such as funds in bank accounts.

Therefore, the panel finds the ministry reasonably determined there is not enough evidence to conclude the appellant does not have the resources to pay their hydro bills.

### **Conclusion**

In conclusion, the panel finds the ministry decision, which determined that the appellant is not eligible for a crisis supplement for utility costs (hydro) was a reasonable application of the legislation in the circumstances of the appellant. The panel confirms the ministry's reconsideration decision.

The appellant is not successful on appeal.

## 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...

(2)A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made...

(4)A crisis supplement provided for food, shelter or clothing is subject to the following limitations...

(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 54.3 [*pre-natal shelter supplement*] or Division 7 [*Housing Stability Supplement*] of Part 5 of this regulation, as applicable, for a family unit that matches the family unit

(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 54.3 or Division 7 of Part 5 of this regulation, as applicable, for a family unit that matches the family unit.

(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.

APPEAL NUMBER 2024-0224

**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

Connie Simonsen

Signature of Chair

Date (Year/Month/Day)

2024/07/05

Print Name

Diane O'Connor

Signature of Member

Date (Year/Month/Day)

2024/07/05

Print Name

Susanne Dahlin

Signature of Member

Date (Year/Month/Day)

2024/07/06