

Part C – Decision Under Appeal

Under appeal is a decision of the Ministry of Social Development and Poverty Reduction (the “Ministry”) dated July 5, 2024 denying the Appellant’s Request for Reconsideration of the Ministry’s decision to deny a crisis supplement to pay her Shaw bill.

The basis for the denial was that the Ministry found the Appellant did not provide sufficient information to establish that the Shaw bill was unexpected nor that there would be imminent danger to her physical health if the Shaw bill was not paid.

Part D – Relevant Legislation

This decision cites:

Employment and Assistance for Persons with Disabilities Act (the “Act”):

Section 5

And

Employment and Assistance for Persons with Disabilities Regulation (the “Regulation”):

Section 57(1)

(Text of the above is attached at the end of the decision)

Part E – Summary of Facts**Hearing Proceeding**

The hearing was held on July 31, 2024 as an in-person hearing with two panel members and the appellant attending in person, and one panel member and the ministry representative attending by teleconference.

Background and Relevant Evidence

2024-May-25: The Appellant requested a crisis supplement for her Shaw bill and reported that the Shaw bill was not paid. The Appellant said she required \$280 to pay the bill or the service would be disconnected by May 25, 2024. The Appellant said she did not have the resources to pay the bill.

2024-June-17: The Ministry reviewed the request for a crisis supplement and determined that the Appellant was not eligible for the supplement because she did not meet all of the criteria. The Ministry determined that the Shaw bill was not unexpected and that not paying the bill would not cause imminent danger to the Appellant's physical health or any person in the family unit.

2024-June-25: The Appellant submitted her request for reconsideration and stated, "We are moving and under a lot of stress, financially and otherwise. I am on disability and my partner is currently on temporary leave from work".

2024-July-5: The Ministry completed its review of the Request for Reconsideration and denied the Appellant's request on the basis that the Appellant had not provided sufficient information to determine that the Shaw bill was unexpected and that there would be imminent danger to her physical health if the bill was not paid.

Appellant Submissions

The Appellant's Notice of Appeal states:

"Shaw is our cable and internet service provider. I do not have any other financial resources. Typically my partner pays the utility bill but with him being off work, it came as a surprise the bill has not been paid."

At the hearing, the Appellant said:

- she is on disability and her partner is on short-term disability.
- she is going to school and not in a position to work.
- her partner usually pays the Shaw bill.

- her Shaw bill now has an outstanding balance of over \$1,000.
- she and her partner have moved within their community and with him being off work they have had some additional expenses such as having to eat out more.
- the services she gets from Shaw include internet, tv, cable and an Ignite box.
- her usual monthly bill is \$160.
- she has screen shots from her partner saying he paid the bill.
- the Shaw bill was set up in her name in September of 2023 because her partner had an outstanding debt with Shaw.
- her partner paid the Shaw bill from the time the account was set up until May of 2024 and usually paid online.
- the Shaw services are still connected to their previous address and she can't cancel the contract because of the outstanding amount.
- Wi-Fi and internet are included in the rent at their new home.
- she and her partner are renting a room and will be moving into the basement suite of the house on August 1.
- she has done research and contacted Shaw to see if they can reduce payments, but this is not an option.
- she feels that the Shaw bill is unexpected because she did not know her partner had not paid the bill but she isn't sure how not paying a cable bill would be a danger to anyone's physical health.

Ministry Submissions

At the hearing, the Ministry said:

- the Shaw bill is not an unexpected expense as it was a regular monthly bill.
- the information does not support a determination that not paying the bill would present imminent danger to the Appellant's physical health.
- The Appellant may be eligible for expenses related to moving to be paid by the Ministry and provided some information on the process.

Admissibility of New Evidence

Under section 22(4) of the *Employment and Assistance Act*, the panel may admit any new evidence that is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

The panel admitted the following as new evidence from the Appellant as the information provided further information about the issue on appeal at the hearing:

- the updated balance on the Shaw account of over \$1,000.

- the Shaw services did not move to the Appellant's new home and are still connected to their previous address.
- internet is now included in their rent.
- the Appellant's partner usually paid the Shaw bill and had told her that the bill was being paid.

The Ministry did not present any new evidence.

Part F – Reasons for Panel Decision**Purpose and Standard of Review**

The purpose of the hearing is not to redo the decision under appeal. It is to review and assess whether the decision satisfied a standard, or benchmark, of reasonableness even if the panel might disagree with the outcome. The standard applied is whether the applicable laws were reasonably applied or whether the evidence was reasonably applied in the circumstances of the appellant.

Specifically, in this appeal, did the Ministry reasonably determine that the Appellant was not eligible for a crisis supplement for her Shaw bill?

Panel Reasoning for Decision

The panel reviewed the evidence presented relating to Section 57(1) of the Employment and Assistance Regulation.

Section 57(1) of the Regulation states:

A crisis supplement may only be provided if all the following eligibility criteria are met:

- The family unit is eligible for disability assistance or hardship assistance **and**
- Is required to meet an unexpected expense, or an item unexpectedly needed **and**
- There are no resources available **and**
- Failure to obtain the item or meet the expense will lead to imminent danger to your physical health or a child being removed under the *Child, Family and Community Service Act*.

The panel finds that the Appellant did not explain or provide sufficient evidence to meet all the criteria required under Section 57(1) of the Regulation. Specifically, the Appellant did not provide sufficient information that the Shaw bill was unexpected. The Shaw bill was a monthly bill and the account was in the Appellant's name. Updates on the account go directly to the Appellant. The Panel finds that the Appellant should have been aware of the amount building up in unpaid monthly service fees and would not be completely unexpected.

The Appellant did not provide any information or explain how failure to pay the bill would lead to imminent danger to her physical health and during the hearing, she said there is not imminent danger to her physical health if the bill is not paid. Therefore, the Panel finds that the Ministry was reasonable in determining that:

- it was not established that the Appellant's Shaw bill was unexpected; and
- it was not established that failure to pay the Shaw bill would result in imminent danger to the Appellant's physical health.

Concluding Decision

The Appellant is not successful on the Appeal as the panel found that the Ministry was reasonable in their decision to deny the Appellant's Request for Reconsideration. The panel found that the Ministry was reasonable in their application of Section 57(1) of the Employment and Assistance Regulation. The panel found that the Appellant did not provide sufficient information under Section 57(1) of the Regulation to meet the criteria of unexpected need nor that there would be imminent physical danger to her health if the Shaw bill was not paid. The panel confirms the Reconsideration Decision.

Appendix – Relevant Legislation

Employment and Assistance for Persons with Disabilities Act **Disability assistance and supplements**

s. 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*](#).

APPEAL NUMBER 2024-0263

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

Mary Chell

Signature of Chair

Date (Year/Month/Day)

2024/08/09

Print Name

Carmen Pickering

Signature of Member

Date (Year/Month/Day)

2024/08/08

Print Name

Linda Pierre

Signature of Member

Date (Year/Month/Day)

2024/08/08