

Part C - Decision Under Appeal

The decision under appeal is the Ministry of Social Development and Poverty Reduction (“Ministry”) reconsideration decision dated May 30, 2024, which held that the Appellant was not eligible for a crisis supplement for funds to pay the BC Hydro bill pursuant to Section 59 of the Employment and Assistance Regulation (“Regulation”).

Specifically, the Ministry found that the Appellant does not have the resources to pay for the BC Hydro bill and that failure to obtain funds for the BC Hydro bill would result in an imminent threat to her physical health. However, the Ministry also found that the evidence does not establish that:

- The need to pay the BC Hydro bill was an unexpected expense or unexpectedly needed as required by section 59(1)(a) of the Regulation.

Part D - Relevant Legislation

Employment and Assistance Regulation - section 59 and 86.

(Relevant Legislation follows decision in Appendix A)

Part E – Summary of Facts**Evidence At Reconsideration**

- Request for Utilities – Crisis Supplement dated May 1, 2024. In the request, the Appellant stated: a) the need for funds is unexpected because she does not have a device or computer and she just now received the mail, b) there is imminent danger to her physical health because she will not have power to cook, do laundry or heat, c) the electricity provided by BC Hydro is at risk of being disconnected by April 19, 2024, c) she requires \$190.05, and d) she does not have funds for pay the BC Hydro bill.
- Notice of final disconnection from BC Hydro owing \$190.05.
- Account balance from BC Hydro showing \$308.99 due on May 31, 2024.
- Request for Reconsideration signed and dated May 17, 2024 which stated that “I don’t have the funds I don’t have power to provide food and proper shelter”.

Evidence At Appeal

A Notice of Appeal dated June 4, 2024 which stated that “I don’t have a job. I’m trying everyday, all day to find work. It’s very difficult. I won’t be able to provide safe shelter or oiled food for my daughter. [The child] won’t be able to function for school. This financial hardship is taken a toll on our mental health. I don’t want [the child] removed from me”.

The Panel considers the information in the Notice of Appeal as argument and admitted it as such.

Evidence At the Hearing

The Appellant did not attend the hearing. After confirming that the Appellant received the notice of the hearing, the hearing took place in her absence pursuant to section 86(b) of the Employment and Assistance Regulation.

At the hearing, the Ministry relied on its Reconsideration Decision. The Ministry added that the Appellant did not make an effort to pay her bill online or at the bank or call BC Hydro to inquire about her bill. The Appellant previously paid one bill and therefore was aware that the bill needs to be paid.

When asked, the Ministry stated that Ministry is not aware if the Appellant currently has electricity services or that she had an unexpected need that prevented her from paying her Hydro bill.

Part F – Reasons for Panel Decision

The issue in this appeal is whether the Ministry was reasonable in its determination that the Appellant was not eligible for funds to pay the BC Hydro bill because the evidence did not establish that paying the bill was an unexpected need or expense.

The Appellant Position

The Appellant argued that she does not have money to pay her BC Hydro bill and that she and her child need the electricity services to function and eat.

The Ministry's Position

The Ministry argued that it is unable to establish that the Appellant had an unexpected need to pay the BC Hydro bill, or that she had incurred an unexpected expense.

The Panel's Decision**Unexpected Need**

Section 59(1)(a) states that a crisis supplement may be provided to meet an unexpected expense or to obtain an item that was unexpectedly needed. The Panel finds that electricity is needed for basic functioning and therefore is not an unexpected need. The Panel finds that paying the BC Hydro bill is not an unexpected expense or unexpectedly needed. Paying the BC Hydro bill is an on-going expense that is required on a specific date every month or every second month. The evidence in this case, has not proven otherwise. The evidence also does not establish that the Appellant had another unexpected need which prevented her from paying her BC Hydro bill. The Appellant previously paid \$200.00 in February 2024, therefore the evidence establishes that the Appellant was aware of the need to pay the bill and it would be reasonable to assume that there will be a need to pay for the following period.

The evidence available for this appeal supports the Ministry's decision that the Appellant's need to pay the BC Hydro bill is not unexpected. The Panel finds that the Ministry's decision that the criterion of section 59(1)(a) was not met was reasonable.

Conclusion

The Panel finds that the evidence establishes that the Ministry was reasonable in its determination that all of the criteria set out in Section 59 of the Regulation were not met. As a result, the Panel finds that the Ministry's decision to deny the Appellant's request of a crisis supplement was a reasonable application of the legislation and was reasonably supported by the evidence. The Panel confirms the Ministry's decision. The Appellant is not successful at appeal.

Appendix A

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.

Procedures

86 The practices and procedures of a panel include the following:

- (a)a party to an appeal may be represented by an agent;
- (b)the panel may hear an appeal in the absence of a party if the party was notified of the hearing;
- (c)the parties may call witnesses to give evidence before the panel;
- (d)a witness may not be present at the hearing before giving evidence unless the witness is
 - (i)an expert witness in the proceedings,
 - (ii)a party to the appeal, or
 - (iii)an agent representing a party to the appeal;
- (e)the chair of the tribunal may
 - (i)consolidate 2 or more appeals involving the same parties, and
 - (ii)direct that 2 or more appeals involving different parties will be heard together if the appeals involve substantially similar facts only if
 - (iii)the appeals involve substantially similar facts, and
 - (iv)each of the parties to each of the appeals agrees to the appeals being consolidated or heard together;
 - (f)the chair and the members of a panel must send to the chair of the tribunal all documents submitted to the panel respecting an appeal within 5 business days after that panel makes its determination under section 24 (1) of the Act respecting the appeal.

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

Neena Keram

Signature of Chair

Date: 2024/08/06

Print Name

Rick Bizarro

Signature of Member

Date: 2024/08/06

Print Name

Mimi Chang

Signature of Member

Date: 2024/08/06