

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

The decision under appeal is the Ministry of Social Development and Poverty Reduction (“Ministry”) decision of June 25, 2024 that the Appellant is not eligible for a crisis supplement for \$824.52 to pay for her BC Hydro debt from December 2023.

The Ministry determined the Appellant has not demonstrated that their request meets all the criteria under Section 59 of the Employment and Assistance Regulation. The Ministry found that the Appellant:

- is eligible for income or hardship assistance,
- does not have resources available to meet the expense, and
- would face imminent danger to the physical health of the Appellant’s family unit without electricity.

However, the Ministry is not satisfied that the Appellant needs to meet an unexpected need or expense.

### **Part D – Relevant Legislation**

*Employment and Assistance Act Section 4 (“the Act”)*

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

Applicable legislation is found in Appendix A.

**Part E – Summary of Facts**

The Appellant requested a telephone hearing of this appeal. A telephone appeal hearing took place on July 25, 2024 at 1 pm. The Appellant, a Ministry Representative, and all Panel Members were in attendance.

**From the Ministry record**

- The Appellant is a family unit of four in receipt of income assistance.
- On November 3, 2023, the Appellant requested a crisis supplement to pay for her BC Hydro bill for her residence (“Address A.”) This request was closed by the Ministry as there was no contact.
- On December 13, 2024, the Appellant contacted the Ministry to discuss the crisis supplement request for the Ministry to pay for her outstanding BC Hydro bill at “Address A.” The Appellant advised the Ministry that there was no imminent risk to her health as she had moved to “Address B,” and the rental agreement for the new residence included utilities. In addition, the Appellant advised that her BC Hydro account for “Address A” was disconnected with \$800 owing. The Ministry advised the Appellant to create a payment plan with BC Hydro for the outstanding debt.
- On June 1, 2024, the Appellant requested a crisis supplement for \$824.52 to pay for her BC Hydro debt from December 2023 for “Address A.” In her request, the Appellant explained that on March 21 she filed with the Residential Tenancy Branch for emergency repairs for “Address B”; the hearing ended on April 8 and she could not gain access to her new residence (“Address C”) until June 9.
- The Appellant also indicated that her residence (“Address B”) has utilities included with the rent, but her new place (“Address C”) does not. The Appellant also explained that she still owed BC Hydro from her account that was disconnected in December 2023 for “Address A.” In addition, the Appellant mentioned that she did have money in the bank, but that she required these funds because she had surgery June 10, and she will not be able to work for six months afterwards, she is currently moving, her vehicle needs repairs and she has three broken molars that need to be fixed. The Appellant also submitted a copy of her residential tenancy agreement with her request for “Address C.”

- On June 5, 2024, the Appellant submitted images of her BC Hydro bill for “Address A” dated December 7, 2023. The BC Hydro bill showed that the Appellant owes \$824.52 for “Address A.”
- On June 6, 2024, the Ministry denied the Appellant’s request. On June 13, 2024, the Appellant submitted her Request for Reconsideration and wrote:

*“I do not have the means to pay the balance on my previous hydro account. I must have a new account set up by June 26 or the service will be disconnected. I spoke with BC Hydro today via online chat and they advised me that when I open a new account the previous balance must be paid within 2 business days of opening the account. I just had my uterus removed on Monday and will not be able to work for some time. My children and I will have electricity disconnected on June 26th if I am unable to receive assistance.”* The Appellant also submitted images of an online chat with BC Hydro.

### **Additional Information Submitted after Reconsideration**

#### **Appellant**

- The Appellant included a letter with her Notice of Appeal, dated July 4, 2024. The letter reads, in part:

*“I disagree [with the Ministry’s Reconsideration Decision] because when I initially submitted the service request, I was assured that I would be able to have this issue taken care of in the future upon moving to a rental that didn’t include utilities in the rent. I unexpectedly had to move by June 9, 2024 after applying for emergency repairs resulted in my 1-year fixed term tenancy agreement ending by May 31, 2024. I was hoping to find a new rental with utilities included but was unsuccessful. I have to have my own BC Hydro account here and I cannot have it reinstated until the debt is settled. I cannot pay for it and we are due to be disconnected this week.”*

- The Appellant further explained that:
  - She submitted a service request for a Crisis Supplement for Essential Utilities on November 3, 2023. The Appellant received a response through the My Self Serve portal on November 14, 2023 advising that

she needed to give BC Hydro verbal consent to discuss her account with the Ministry, *“but that the request had been approved.”*

- The Appellant did not contact BC Hydro right away because she had received notice of eviction from “Address A” and had to move by December 1, 2023.
- The rental agreement for the Appellant’s new home included utilities and *“the Ministry determined that the circumstances surrounding the request had changed.”*
- The Appellant received a call from a Ministry worker in late November 2023 advising that her service request file had been closed *“but I would be able to either re-open it or file a new request in the event that I had to move to a place that did not include utilities in the rent. I made sure to double check as I knew my lease was only for a year and that I would likely need to use my Hydro account again in the future. I was assured by this worker that if I had to move, there would be no problems with me submitting another request.”*
- The Appellant detailed various challenges that have occurred since her move in December 2023, including repair issues at her new residence (“Address B”) and unsuccessful applications she made in trying to expedite emergency repairs.
- During a Residential Tenancy Branch (“RTB”) hearing for her residence at “Address B,” the Appellant suffered a health episode and does not remember reaching a settlement agreement that resulted in an order to end her tenancy at “Address B” prematurely, by May 31, 2024.
- The Appellant had difficulty finding a new residence; she completed her move on June 9, 2024 and then underwent a pre-booked medical procedure. The “Address B” Property Manager accused the Appellant of stealing furniture and made application to the RTB to keep her deposits. The Appellant is now facing another RTB hearing, in addition to the expense of her move to “Address C.”
- The Appellant’s new residence (“Address C”) does not include utilities and she had to register for new utilities accounts. She has since received her first utilities bill from one of the providers and cannot afford to pay it. She also is still recovering from surgery and remains unable to work.
- The Appellant explained that she needs to have the Ministry’s Reconsideration Decision overturned to avoid her family unit living without electricity or being forced to break her lease, move again, and incur more costs.

## Hearing

At the hearing, the Appellant reviewed the information she had provided in the July 4, 2024 letter attached to her Notice of Appeal. The Appellant also advised the Panel that her car still has not been repaired and her doctor has not authorized her to return to work yet.

In response to a question from a Panel Member about the outstanding BC Hydro debt of \$824.52 from 2023, the Appellant explained that this amount was for approximately four billings leading up to and including November 2023. The Appellant explained that she fell behind in her BC Hydro payments because she had unexpectedly received notice in June 2023 to vacate her residence so that the Owner could occupy the premises. The Owner began renovating the premises soon afterwards; these renovations were disruptive and significantly hampered the Appellant's ability to continue operating and earning revenue through her home-based business. The Appellant also had to set aside money for a damage deposit that would be required when she secured a new residence.

The Appellant said she contacted the Ministry via the My Self Serve portal last November and requested a crisis supplement to pay her outstanding debt of \$824.52 to BC Hydro. The Appellant stated that a Ministry worker told her that her request for a crisis supplement for her outstanding debt to BC Hydro was approved. When the Appellant contacted the Ministry again to let them know that the rental agreement for her new residence included utilities, the Appellant said the Ministry worker told her she could set aside the outstanding BC Hydro bill and could contact the Ministry again the next time she rented a residence where utilities were not included. At that time, the Ministry would take care of the Appellant's outstanding debt of \$824.52 to BC Hydro.

The Ministry Representative relied on the Ministry's Reconsideration Decision during the hearing. A Panel Member noted a discrepancy between the Appellant's recollection of her communications with the Ministry last November and December, and the Ministry's reporting about these communications.

The Ministry Representative read the messages between the Appellant and the Ministry from November 2023. These messages confirmed that the Appellant had contacted the Ministry to request a crisis supplement for her outstanding debt to BC Hydro, a Ministry worker had replied on November 14 via the My Self Serve portal and asked the Appellant to contact BC Hydro to give verbal permission for the Ministry to speak with BC Hydro about her account; the Ministry worker also encouraged the Appellant to contact 211 to discuss possible community assistance. The Appellant replied on the same day and advised that she would contact BC Hydro.

On November 21, a Ministry worker sent another message to the Appellant via the My Self Serve portal and advised that her request could not move forward until she spoke with BC Hydro. If the Appellant did not do so, the Appellant's crisis supplement request file would be closed. The Ministry also suggested that the Appellant contact BC Hydro to arrange a payment plan for the amount she owed.

The Ministry Representative noted that there is no record of the Ministry stating the Appellant was eligible for the crisis supplement she requested on November 3, 2023, and no record of the verbal conversation that the Appellant had with a Ministry worker in December.

The Appellant told the Panel that she did not contact BC Hydro because she had to focus on cleaning her current residence from mid November 2023 to the end of the month in preparation for vacating the premises. The Appellant also explained that she thought a Ministry worker told her verbally that her application had been approved, but she may have misinterpreted this conversation. The Appellant said that, even if she had misinterpreted the Ministry's communications, it does not change the fact that she has incurred several unexpected expenses from the summer of 2023 until present, and that she cannot work because of doctor-ordered recovery time from her surgery in June 2024.

The Appellant stated that she did speak with BC Hydro about arranging a payment plan and their representative told her that she could not do this without first having an active BC Hydro account, and that she would need to pay the amount in full in order to re-activate her BC Hydro account.

A Panel Member also asked the Appellant if she knew the current status of her \$824.52 debt to BC Hydro. The Appellant said that BC Hydro has sent this file to a collection agency.

### **Admissibility of New Evidence**

The Panel admits the Appellant's July 4, 2024 letter, the Appellant's testimony during the hearing and the Ministry Representative's testimony regarding the November 3, 2023 crisis supplement and My Self Serve portal message exchanges between the Appellant and the Ministry in November 2023 as evidence that is reasonably required for a full and fair disclosure of all matters related to the decision under appeal as provided under Section 22 (4) of the *Act*.

**Part F – Reasons for Panel Decision**

The Panel is required to determine if the Ministry's Reconsideration Decision was a) reasonably supported by the evidence, or b) a reasonable application of the applicable enactment in the circumstances of the Appellant.

**The Appellant's Position**

The Appellant asserts that she thought the Ministry had approved her request of a crisis supplement to pay her \$824.52 debt to BC Hydro from December 2023 and that the Ministry would handle payment of this debt at some point in the future when the Appellant moves to a residence that requires her to pay utilities as part of her rental agreement.

At the hearing, the Appellant acknowledged that she may have misinterpreted a December 2023 verbal conversation with a Ministry worker about her crisis supplement request being approved, but this does not change the fact that she has faced several unexpected issues in her life from the summer of 2023 to present including two unexpected residential evictions, two RTB hearings and related legal expenses, surgery with a lengthy recovery period, and the breakdown of her vehicle. In addition, her health has suffered because of the pressures created by these challenges.

**The Ministry's Position**

The Ministry asserts that the \$824.52 debt owed to BC Hydro from December 2023 was not an unexpected expense, or an item unexpectedly needed because it is a past debt from December 2023 that the Appellant was aware of. The Ministry acknowledges that the Appellant has incurred unexpected expenses due to moving, surgery, and that the Appellant will need to repair her car. The Ministry views these as unexpected current expenses, unlike the Appellant's accumulated debt of \$824.52 to BC Hydro from December 2023 that was known to her.

The Ministry also notes that the file for the Appellant's request for a crisis supplement to pay her \$824.52 debt to BC Hydro from December 2023 was closed because the Appellant did not contact BC Hydro and give permission for the Ministry to speak with BC Hydro about the Appellant's account. The Ministry has no record of a verbal exchange in December 2023 advising the Appellant that her request was approved and would be taken care of by the Ministry when the Appellant moved to a residence that did not include utilities as part of her rental agreement.

## Panel's Decision

### Legislation

Section 59 (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 income 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*.

In its Reconsideration Decision, the Ministry acknowledged that the Appellant meets three of the four eligibility requirements. The Appellant's family unit is a current recipient of income assistance, there are no resources available to the Appellant, and failure to meet the expense will lead to imminent danger of a child being removed under the *Child, Family and Community Service Act* because the Appellant's family unit could be at risk of losing its accommodation.

The Panel determined that these three eligibility requirements are not in dispute and have been met.

### Required to meet an unexpected expense, or an item unexpectedly needed

In its Reconsideration Decision, the Ministry determined that the accrued BC Hydro debt was not an unexpected expense, or an item unexpectedly needed because it is a past debt from December 2023 that the Appellant was aware of.

The Panel finds that the Ministry was reasonable in its determination that the Appellant did not have an unexpected expense, or an item unexpectedly needed for a crisis supplement for her \$824.52 debt to BC Hydro. The Appellant was billed on a regular monthly basis by BC Hydro in 2023 and the amount owing in December 2023 was for an accumulation of monthly bills owing from prior months as well as the November 2023 billing. The monthly BC Hydro bills and accumulation owing to BC Hydro was not unexpected.



Under Section 59 (1) of the Regulation, all four eligibility criteria must be met in order for an applicant to be considered for a crisis supplement. The Appellant did not meet one of four eligibility requirements and based on this legislative requirement, is not eligible for a crisis supplement for her \$824.52 debt to BC Hydro from December 2023.

The Panel is empathetic to the Appellant for the various difficulties she is facing now and encourages her to pursue the Ministry's suggestion to contact 211 for possible community assistance.

### **Conclusion**

The Panel confirms the Ministry's Reconsideration Decision. The Appellant's request for a crisis supplement for \$824.52 to pay for her BC Hydro debt from December 2023 is denied because it was not an unexpected expense, or an item unexpectedly needed.

The Ministry's decision is confirmed and Appellant is not successful in her appeal.

## **Appendix A Applicable Legislation**

### ***Employment and Assistance Act Section 4***

#### **Income assistance and supplements**

**4** Subject to the regulations, the minister may provide income assistance or a supplement to or for a family unit that is eligible for it.

### **Employment and Assistance Regulation Section 59**

#### **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. [BC 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

Melissa McLean

Signature of Chair

Date (Year/Month/Day)

2024/07/29

Print Name

Charles Schellinck

Signature of Member

Date (Year/Month/Day)

2024/07/28

Print Name

Inge Morrissey

Signature of Member

Date (Year/Month/Day)

2024/07/27