

Part C – Decision Under Appeal

The decision under appeal is the Reconsideration Decision of the Ministry of Social Development and Poverty Reduction (the “Ministry”) Reconsideration Decision, dated July 29, 2024. In the Reconsideration Decision, the Ministry denied a crisis supplement for utilities.

The Ministry determined that the Appellant had not satisfied all of the required criteria under Section 59(1) of the *Employment and Assistance Regulation* that the supplement was needed to meet an unexpected expense or to obtain an item that was unexpectedly needed or that the Appellant’s physical health would be in imminent danger if he was unable to meet the expense.

Part D – Relevant Legislation

Employment and Assistance Regulation (the “Regulation”)- section 59

A full text of the above legislative provision appears at the end of Part F of this decision.

Part E – Summary of Facts

The hearing of the appeal proceeded by teleconference on August 21, 2024 with both the Appellant and a representative of the Ministry in attendance.

The Appellant is a sole recipient of income assistance and receives \$1,060.00 per month, consisting of \$560 as a support allowance, and a \$500.00 shelter allowance. The Appellant's actual rent is \$910.80 per month.

The information before the Ministry at the time of the Reconsideration Decision included the following:

- the Appellant's Request For Crisis Supplement – Utilities, dated June 18, 2024, in which the Appellant advised that:
 - he paid a neighbour 40% of the utility bills;
 - he is being threatened with eviction;
 - he is behind on gas and hydro bills;
 - he owed \$863.74 for utilities;
- a colour photograph of part of a utility bill with the following handwritten notes:
 - "overdue 814.83";
 - "hydro 25.00";
 - "gas 23.91";
- a copy of Employment and Assistance Appeal Tribunal (the "Tribunal") decision number 2024-0180, dated May 29, 2024, in which the Tribunal confirmed a previous Ministry Reconsideration Decision which denied the Appellant a crisis supplement;
- a photograph of the Appellant's rental agreement, dated July 22, 2017, indicating that the Appellant's rent was \$850.00 per month, commencing August 1, 2017, that utilities were not included in the rent, and that the Appellant was liable to pay 40% of the gas and hydro costs; and
- the Appellant's Request for Reconsideration, dated July 23, 2024, in which the Appellant wrote that:
 - he was going to be evicted if he could not catch up on bills; and
 - once caught up, he should be able to stay ahead of the bills.

In the "Reasons for Appeal" section of the Appellant's Notice of Appeal, he wrote that he would be evicted if he didn't get some help.

The Hearing

Neither the Appellant nor the Ministry submitted any further documentation prior to or at the hearing of the appeal.

The Appellant

The Appellant stated that he shares the utilities account with the upstairs tenant who is renting from the same landlord as the Appellant. The utilities bills and accounts are in the name of the upstairs tenant (BC Hydro) and the Landlord (gas) and the Appellant pays 40% of the utilities each month to the upstairs tenant. The Appellant has had a number of issues, including health issues, which have kept him from being able to pay his share of the utilities accounts to the upstairs neighbour. The appellant advised that he believes that it has been at least a year since he last contributed his share of the utilities. This has resulted in the Appellant's landlord threatening to evict the Appellant. The Appellant, however, confirmed that he has not been formally served with any eviction notice as yet. The Appellant also confirmed that he was not short on his rent payments and owes no arrears of rent to the landlord.

The Appellant stated that he simply wants to be able to catch up on his bills so that he can get back on his feet. The Appellant emphasized that any monies he would receive would be going directly towards the outstanding accounts.

The Appellant also confirmed that his current rent is \$910.00 per month, leaving him with \$150.00 to cover his remaining monthly expenses from the \$1,060.00 in income assistance that he receives each month.

Finally, the Appellant confirmed that he had received crisis supplements in the past, including ones for food on an almost monthly basis.

The Ministry

The Ministry relied on the Reconsideration Decision and advised that the Appellant had received twelve crisis supplements within the past year or so, including two for shelter (one each for utilities and rent), one for clothing, and the remaining supplements being for food. The crisis supplement for utilities was issued earlier this year and the Ministry argued that the Appellant's habit of requesting crisis supplements demonstrates that the need for this particular supplement is not unexpected, particularly given that the Appellant had previously received a crisis supplement this year for utilities.

Admissibility of new Information

As noted above, neither the Appellant nor the Ministry submitted any new documentation in respect of this appeal. However, in their oral submissions, each of the Appellant and the Ministry referred to information that had not been before the Ministry at the time of the Reconsideration Decision, including that the Appellant had not made payments towards the utilities account of his upstairs neighbour in about a year and that the Appellant had received a dozen or so crisis supplements within the past year. This information is directly relevant to the matters in issue in this appeal.

The panel admits the new information as evidence that was not before the Ministry at the time of the Reconsideration Decision but which is reasonably necessary for a full and fair disclosure of all matters related to the decision under appeal, pursuant to section 22(4) of the *Employment and Assistance Act*.

Part F – Reasons for Panel Decision*Issue*

The issue in this appeal is whether the Ministry was reasonable in its determination that the Appellant had not demonstrated that the need for a supplement to pay the utilities was unexpected and that failure to meet that need would result in imminent danger to the Appellant's health.

*Positions of the Parties*Appellant

The Appellant's position is that he needs the supplement in order to catch up on his bills and be able to stay ahead of them going forward. The Appellant also argued that if he was unable to pay his bills, he would be evicted.

Ministry

The position of the Ministry is that the Appellant's need for a crisis supplement is not unexpected and that the evidence falls short of establishing that the Appellant would face an imminent risk to his physical health in the event that he was unable to pay the outstanding arrears.

Panel Decision

The Ministry's authority to issue crisis supplements to family units where one of the recipients is receiving disability assistance is governed by section 59 of the Regulation.

Section 59(1) requires the following criteria to be met for the Ministry to be able to issue a crisis supplement:

- the family unit must be eligible for income assistance;
- the expense must be unexpected or required to obtain an item that was unexpectedly needed;
- the family unit has no other resources to meet the expenses; and
- the expense must, in the opinion of the Ministry, be needed to prevent imminent danger to the physical health of a person in the family unit *or* the removal of a child under the *Child, Family, and Community Service Act*.

The Ministry is also restricted in the types of items in respect of which it can provide a crisis supplement and how much it may provide for certain types of crisis supplements.

Crisis supplements are not available in respect of the health care items set out in Schedule C to the Regulation or any other health care goods and services. Crisis supplements for food, shelter, and clothing are governed by specific monetary limits. Crisis supplements can be issued in respect of utilities for:

- fuel for heating;
- fuel for cooking;
- water; or
- hydro.

No specific limits exist in the legislation for supplements that fall into the above categories.

In the Reconsideration Decision, the Ministry determined that the Appellant had not met all of the criteria set out in section 59(1) of the Regulation. In particular, the Appellant had not demonstrated that the need for a crisis supplement for utilities was unexpected or that failure to obtain it would result in imminent danger to the Appellant's physical health.

In the case of the Appellant, the evidence is that the Appellant has not made payments towards his share of the utilities for some time. By his admission, it has been at least a year. In the result, the arrears have piled up, despite his having received a crisis supplement for shelter related to utilities earlier in the year. There is also an evidentiary problem for the Appellant, in that his name is not on any of the accounts or bills and the neighbour to whom he owes the amounts for utilities was not a witness at the hearing nor was there any documentation from the neighbour as to how the outstanding amount was calculated. Leaving that aside, however, the Appellant has known for at least a year that he was not able to make payments towards the utilities. The fact that arrears would accumulate when not making regular payments is not unexpected and, in the result, the panel finds that the Ministry was reasonable in its determination that the Appellant had not demonstrated that the expense was unexpected.

While the Appellant indicated that he was going to be evicted if he did not make the payments, the evidence from the Appellant is that he had not received an eviction notice. The evidence of the Appellant, which is consistent with the rental agreement, is that the residential tenancy agreement is with the landlord and the agreement to pay for some of

the utilities is with another tenant and not the landlord. The panel accepts this evidence. In view of this arrangement, it is not entirely clear on what grounds the Appellant could be evicted under the *Residential Tenancy Act*, as long as he continued to make his monthly rent payments. While the Appellant's situation may change in the future, at present it is not clear that the Appellant faces an imminent risk of eviction nor any imminent danger to his physical health. For that reason, the panel also finds that the Ministry reasonably determined that the Appellant had not demonstrated that failure to meet the expense of the outstanding utilities would result in imminent danger to the Appellant's health.

Conclusion

In view of the foregoing, the panel finds that the Ministry reasonably determined that the Appellant had not satisfied the legislative requirements for a crisis supplement. The Appellant is **not successful** in the appeal and the Ministry's decision is **confirmed**.

Relevant legislation*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;

(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.

2024-0287

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

Adam Shee

Signature of Chair

Date (Year/Month/Day)

2024/08/26

Print Name

Mary Chell

Signature of Member

Date (Year/Month/Day)

2024/08/28

Print Name

Rick Bizarro

Signature of Member

Date (Year/Month/Day)

2024/08/26