



SOCIAL HOUSING POLICIES



DIVISION:	Social and Community Services		
POLICY SECTION:	Social Housing	EFFECTIVE DATE:	3/20/2016
SUBJECT:	Internal Review Process		
POLICY NUMBER:	2016 – NP - 08	SUPERCEDES:	2002-03

1. PURPOSE

1.1 This policy is intended for use by all County of Simcoe housing providers that operate a designated housing project under the Housing Services Act.

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Municipal & Private Non-Profit

Co-Operatives

Federal Non-Profit

<input checked="" type="checkbox"/>
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<input checked="" type="checkbox"/>

Rent Supplement *

**including former OCHAP/CSHP*

CWL

Simcoe County Housing

1.2 This policy's intended purpose is to inform those housing providers within the County of Simcoe, which are subject to the *Housing Services Act, 2011* of the acceptable parameters as it relates to establishing the provisions of a review panel and the procedural rules for an internal review.

2. POLICY STATEMENT

2.1 The County of Simcoe in its capacity as Service Manager has responsibility to ensure adherence to legislative authority under the *Housing Services Act, 2011*, s. 69 (5) and it's O. Reg. 367/11, s. 87 to ensure a review panel and the procedural rules for an internal review are established as outlined.

3. REFERENCES

Housing Services Act, ss. 45-65, 155, 156, 158
 Ontario Regulation 367/11, s.138

4. SCOPE

4.1 Decisions that may be reviewed:

In accordance with the *Housing Services Act (HSA) s.156*, a member of a household may, on behalf of the household, request a review of the following decisions:

- a) A determination, *under HSA subsection 45(1)*, that the household is not eligible for rent-geared-to-income assistance.
- b) A determination, *under HSA subsection 46(1)*, of the size and type of unit that would be permissible if the household received rent-geared-to-income assistance.
- c) A determination, *under HSA subsection 48(1)*, that the household is not included in a category given priority over other categories.
- d) A determination, *under HSA subsection 50(1)*, of the amount of rent payable by the household.
- e) A determination, *under HSA subsection 52(1)*, that the household is no longer eligible for rent-geared-to-income assistance.
- f) A determination, *under HSA subsection 61(1)*, that the household is not eligible for special needs housing.
- g) A determination, *under HSA subsection 63(1)*, that the special needs household is not included in a category given priority over other categories.
- h) A determination, *under HSA subsection 65(1)*, that the household is no longer eligible for special needs housing.
- i) A determination, *under Ont. Reg. 367/11 subsection 50(3(2))*, If the household so requests, the housing provider shall review the decision to refuse to make the offer.

4.2 **Notice of Original Decision:**

- a) Housing providers and CWL staff must notify tenants, co-operative members and applicants in writing of any decisions regarding RGI assistance, special needs housing or placement on the centralized wait list within 10 days of the decision.
- b) All notices of decision, that are allowable for an appeal, must include a statement of the household's right to request an appeal and include the details of how to request the appeal, where and who to send the request, and the timeline required to submit the request for an appeal.

4.3 **Requests for Internal Review:**

- a) A review request must be made in writing to the decision maker,
- b) A review request must be received by the decision maker within 10 business days after the day that the Notice of Decision was received by the household,
- c) The Service Manager may extend this required submission time if it is satisfied that the household member acted in good faith and was unable to comply because of absence, accident, illness or some other reason beyond the residents control,
- d) A review request must include, the decision that is being appealed, the date the decision was made, the reasons why the appellant disagrees with the decision, supporting documentation that the appellant would like the review panel to consider,

- e) Only the person who made a request for special priority status or RGI assistance, or special needs housing may request a review of the decision about special priority, or about the application for RGI assistance or special needs housing with which the request was made,
- f) A review request must be withdrawn in writing, but such a withdrawal request is not effective if received after the internal review is complete

5. PROCEDURES

5.1 When a request for review is received, the housing provider and/or CWL staff must:

- a) Attempt to ensure that the appellants documentation is complete prior to forwarding the request to the review panel
- b) Include a copy of the notice of decision and all file documentation relevant to the internal review request
- c) Take two (2) business days to reconsider the decision based on:
 - i. avoiding unnecessary reviews
 - ii. appellant provides additional information that may affect the original decision
 - iii. housing provider and the appellant are able to reach a resolution that is acceptable to the appellant
 - iv. decision was made in error
- d) Notify the Service Manager and the household of the new decision, in writing, if the original decision is changed after reconsideration and include the households right to continue with the request for internal review
- e) Forward the request for review with the supporting documentation to the Program Supervisor within 5 days of receiving the request for review if the original decision is upheld after reconsideration

5.2 If the housing provider and/or CWL staff are unable to resolve the situation to the satisfaction of the appellant within 5 days of receiving a request for an internal review, they must forward the internal review request to the Program Supervisor.

5.3 The review panel consists of three (3) Service Manager Staff members from the Social Housing Department. The Program Supervisor is the lead of the review. The review panel members receive no remuneration for their participation. All review panel members have knowledge of the Housing Services Act and its regulations. No review panel member(s) will have participated in or discussed the original decision with the housing provider and/or CWL staff prior to the internal review. Where the Program Supervisor has had a prior conversation regarding the decision that Program Supervisor will not participate in the review and another Service Manager Staff member will assume the lead role of the review.

5.4 Rules for Internal Reviews:

The following rules apply to a review request:

- a) The review panel may substitute its decision for the decision that was reviewed.
- b) The review panel shall give its decision in writing and shall give reasons in writing.
- c) The review panel shall give notice of its decision and reasons to,
 - i. the person who requested the review,
 - ii. the person who made the decision that was reviewed, and

- iii. any housing provider that was given notice of the decision that was reviewed
- d) The *Statutory Powers Procedure Act* does not apply.
- e) No decision will be made contrary to the *Residential Tenancy's Act*, the *Housing Services Act*, or its regulations, or against approved policies or the spirit and intent of legislation and policies
- f) The review panel will use precedent in making its decisions, and will aim to treat all applicants and households equitably
- g) A decision to be effective may be made:
 - i. on a date specified by the person or body making the decision; or
 - ii. as of a date before the decision is made
- h) The internal review will be complete within 30 days of receiving the appellants request for an internal review
- i) If the request pertains to an ineligibility for special priority status, the internal review will be completed within 10 days of receiving the appellants request for an internal review

5.5 Internal Review Process:

- a) The review panel will consider all requests for review submitted in accordance with the requirements of the Housing Service Act and its regulations. The panel can consider whether to accept a request for review received late, or whether to defer the review to another reasonable time.
- b) The review panel will operate by majority consensus.
- c) The applicant/household may provide any information relevant to the decision under review.
- d) Following the meeting the lead will complete a decision notice for the tenant and/or applicant, documenting the decision made, and the reasons for the decision
- e) The notice of decision of internal review will be sent to the applicant/household within 5 business days of the decision made.
- f) The decision of the Internal Review panel is final and will not be reconsidered.
- g) The housing provider and/or CWL staff will ensure that the internal review panels' decision is implemented in a timely manner and/or within the timelines outlined in the notice of decision of internal review.
- h) The Service Manager will keep a log of internal review decisions. It will contain information about the types of decisions which are reviewed, the names of the providers whose decisions are reviewed and the outcomes of the reviews.