



# SOCIAL HOUSING POLICIES



<b>DIVISION:</b>	Social and Community Services		
<b>POLICY SECTION:</b>	Social Housing	<b>EFFECTIVE DATE:</b>	9/23/2019
<b>SUBJECT:</b>	Refusal to offer a Unit by Housing Provider		
<b>POLICY NUMBER:</b>	2019 NP-01	<b>SUPERCEDES:</b>	Directive 2003-15

## 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.

<input checked="" type="checkbox"/>	Municipal & Private Non-Profit	<input checked="" type="checkbox"/>	Rent Supplement * *including former OCHAP/CSHP
<input checked="" type="checkbox"/>	Co-Operatives	<input checked="" type="checkbox"/>	CWL
<input type="checkbox"/>	Federal Non-Profit	<input checked="" type="checkbox"/>	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 a housing provider refusing to offer a unit to a CWL household.

## 2. POLICY STATEMENT

2.1 The County of Simcoe in its capacity as Service Manager has responsibility to ensure housing providers are adhering with legislation when refusing to offer a unit to a CWL household.

## 3. REFERENCES

Housing Services Act, 2011  
O. Reg.367/11, s. 50 and s. 77

Prior Reference:  
O. Reg. 399/01 s. 18 – 19

## 4. SCOPE

4.1 On September 23, 2019 a change came into effective under the *Housing Services Act, 2011* and its Ontario regulations 367/11 which allows for the service manager's system for selecting households to include rules that permit a housing provider to not offer a household a unit in a housing project described in section 4.2 below, in any of the following circumstances:

1. The housing provider has a mandate under section 76 of the Act (eg. seniors) and offering the unit to the household would be contrary to that mandate.
2. The housing provider has reasonable grounds to believe, based on the household's rental history, that the household may fail to fulfil its obligations to pay rent for the unit in the amount and at the times the rent is due.
3. The housing provider is a non-profit housing co-operative and the household does not agree to accept its responsibilities as a member of the housing provider or the housing provider has reasonable grounds to believe that the household will not accept or will be unable to accept those responsibilities.
4. The unit is one in which the individuals will reside in a shared living situation and the housing provider has reasonable grounds to believe that it is unreasonable for the household to reside in the shared accommodation.
5. A member of the household was previously evicted from an HSA-governed housing project, as outlined in section 4.2 below, through an order by the Landlord and Tenant Board based on an illegal act (commonly referred to as an "N6") under the following provisions:
  - a. The Landlord and Tenant Board ordered the tenancy/occupancy termination under the Residential Tenancies Act, 2006 within the past five years, and;
  - b. The tenancy/occupancy that was ordered terminated was in a designated housing project, and;
  - c. The order terminating the tenancy or occupancy has not been cancelled under section 21.2 of the Statutory Powers Procedure Act or overturned under section 210 of the Residential Tenancies Act, 2006, and;
  - d. The order terminating the tenancy or occupancy was grounded on an illegal act, trade, business or occupation involving one or more of the following:
    - i. An illegal act, trade, business or occupation described in clause 61 (2) (a) or 94.4 (4) (a) of the Residential Tenancies Act, 2006.
    - ii. The illegal production, distribution or sale of cannabis.
    - iii. The trafficking of persons.
    - iv. The use or attempted use of physical violence against another person.
    - v. Physical harm, attempted physical harm, or a risk of physical harm to another person.
    - vi. The use of threats to, intimidation of, or harassment of another person
      1. and;
  - e. The housing provider has reasonable grounds to believe that accommodating the household would pose a risk to the safety of one or more other persons at the housing project, including staff, residents, and/or contractors.

4.2 A housing project referred to in section 4.1 above, is a designated housing project to which the housing program category numbers 1 (a), 1 (b), 6 (a) or 6 (b) of the HSA - Schedule 1 applies.

4.3 The service manager's system for selecting households includes these rules if a housing provider refuses to make an offer to a household that it would otherwise have been required to make:

1. The housing provider shall notify the household of the refusal.

2. If the household so requests, the housing provider shall review the decision to refuse to make the offer.
3. The rules under paragraphs 1 and 2 apply only to the first refusal by a housing provider to make an offer to a household and not to subsequent refusals by the housing provider with respect to the same household.

## **5. PROCEDURES**

- 5.1 Housing Providers are required to choose the next household on the waitlist management software as the eligible household for all RGI vacancies.
- 5.2 The Housing Provider takes all available guidance material into consideration when making its refusal determination.
- 5.3 Housing Providers are required to notify the household of its refusal, as follows:
  - a) the notice must be in writing and given to the household within 10 days after the housing provider makes its refusal;
  - b) the notice must contain the reason for the housing provider's refusal to offer the unit and set out the facts on which the housing provider relied in making its decision;
  - c) the notice must set out the procedures established by the housing provider in conducting an internal review of notices of decision;
  - d) the housing provider must provide a copy of the letter to the CWL to update waitlist records
- 5.4 Housing Providers are required to maintain a record of its decisions, including a copy of the notice given to the household and the information used by the housing provider in making its decision to refuse to offer the unit to the household, for a period of at least seven years after the day the notice of the decision is given to the household.
- 5.5 The Service Manager may review the written record described above on reasonable notice and within normal business hours at any time within the time period described above.