


<p><i>Social Services Department</i> <u>Social Housing Division</u></p>	<p><i>The Corporation of the</i> <b>County of</b> <i>Simcoe</i></p>	
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**DIRECTIVE**

**DATE:** November 14, 2002

**NUMBER:** 2002-03

The policies, procedures and County requirements in this Directive are to be implemented by housing providers that are funded under the following Programs, which are administered by the County:

Please note if your program is not checked, this Directive is not applicable to your project(s).

✓	Federal/Provincial Non-Profit Housing Program	✓	Rent Supplement - Commercial
✓	Ontario Non-Profit Housing Programs	✓	Rent Supplement-Homelessness Initiative
✓	Federal/Provincial & Ontario Co-operative Housing Programs	✓	Rent Supplement-OCHAP & CSHP
✓	Simcoe County Housing Corporation		

**SUBJECT: INTERNAL REVIEW PROCESS**

DECISIONS WHICH MAY BE REVIEWED

A member of a household may request an internal review of any of the following decisions:

1. A decision that the household is ineligible for rent-geared-to-income (RGI) assistance.
2. A decision that the household is ineligible for special needs housing.
3. A decision about the type of accommodation for which the household is eligible.
4. A decision about the category into which the household has been placed on a waiting list.
5. A decision about the amount of RGI payable by the household.
6. A decision respecting a deferral of RGI payable by the household.

## REQUESTS FOR INTERNAL REVIEWS

A request for an internal review must be given in writing to the decision maker, and received by the decision maker within 10 business days after the day the notice of the decision is received by the household. However, the service manager may extend this 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 member's control. Only the person who made a request for special priority status may request a review of the decision about special priority or about the application for RGI assistance or special needs housing with which the special priority request was made. A review request may be withdrawn in writing, but such withdrawal is not effective if received after the review is completed.

## GENERAL CONDUCT OF INTERNAL REVIEWS

No-one who took part in the original decision may participate in the review. More than one person may participate in the review. The review must be completed within 10 business days after the review request is received or within 5 business days if the decision is connected to a request for special priority status. A person who conducts an internal review may overturn the original decision. His/her decision is final. Written notice of the result of the review must be given to the person who requested it within 5 business days after the review is completed.

## REFUSAL TO OFFER A UNIT TO A HOUSEHOLD

This is another type of decision which may be reviewed. There is no need for a housing provider to give a household an opportunity to comment before making such a decision and the requirements for notices of refusal to offer and requests for reviews are slightly different from those described above. **A housing provider may refuse to offer a unit to a household only on prescribed grounds** (see Ontario Regulation 339/01, section 18). The household must be given notice of the refusal in writing not more than ten days after the provider offers the unit to another household. The notice must contain the reasons for the refusal and the facts on which the decision was based. Also, the notice must set out the procedures for the internal review of the decision as established by the housing provider.

A housing provider who refuses to offer a unit to a household must keep a written record of its decision, including a copy of the notice given to the household and the information used by the provider to make its decision. The record must be kept for at least 7 years after the day the notice of the decision is given to the household. The service manager may review the record on reasonable notice and within normal business hours.

The procedures established by a housing provider for the internal review of a refusal to offer a unit must include the following:

- An internal review must be carried out if a written request for one is given by the household to the provider within 10 business days after the provider gives the notice of refusal to the household.
- The household may withdraw the request in writing before the review is completed.
- As with other reviews, no-one who took part in the original decision may participate in the review.
- The review must be completed within 10 business days after the request is received, and the provider must give written notice of the result to the household within 5 business days after the review is completed.

### SPECIFIC CONDUCT OF INTERNAL REVIEWS

*The following is a description of the process to be used in the County of Simcoe for the conduct of internal reviews.*

**In Simcoe County supportive housing providers must review decisions about special needs eligibility, and requests for special priority status which are made by a member of a household which is applying for special needs housing. All housing providers, including Simcoe County Housing Corporation (SCHC), must review decisions about refusal to offer.** If a provider, including SCHC, receives a request to review another type of decision which the provider has made the provider must forward the review request and supporting documentation to the service manager by facsimile within 2 business days after receipt of the request. If the provider receives a review request more than 10 business days after the client receives notice of the original decision, the provider shall forward the request. The service manager shall decide whether or not to extend the time for giving the request.

**The provider is encouraged to try to resolve disputes with a client without the need for the review panel of the service manager to meet.** If the provider and the client agree that the original decision is correct, the provider will add a note of explanation to the review request and keep it on file. There will be no need to forward the review request or accompanying documents to the service manager.

If the provider and the client agree to a decision different from the original decision, the client will be required to sign a letter, to be attached to the original decision, which sets out the revised decision and states that the revised decision shall be effective from the same date as the effective date of the original decision. The provider will add a note of explanation to the review request and keep it on file. There will be no need to forward the review request or any supporting documents to the service manager.

If the provider and the client cannot agree on a decision, the provider should not delay in forwarding the review request and supporting documentation to the service manager, even if discussions between the provider and the client are continuing in an effort to reach an agreed decision. If such a decision is reached before the review panel makes its decision the client may submit a written withdrawal of the review request. However such

a withdrawal is effective only if it is received before the review is completed. Therefore it is important for the provider to send any withdrawal which it receives to the service manager, by facsimile, immediately.

At the same time as the provider forwards the review request and any supporting documentation from the client to the service manager, the provider must also forward to the service manager, by facsimile, the following:

- The notice of the original decision
- The notice of opportunity to comment, if given
- Any comments received
- Any waivers of the opportunity to comment
- A completed 'housing provider internal review summary form' together with any supporting documentation from the provider.

Normally, the program supervisor of the provider whose decision is being reviewed will ensure that the required documents have been forwarded by the provider. The supervisor will use a 'service manager internal review summary form'. He/she may wish to telephone the provider or the client for clarifications or further information.

If the request is outside of the specified time period the review panel will be convened to determine whether or not to allow the review to take place. If the decision of the panel is not to extend the time for giving the review request, the supervisor will write to the client to inform him/her, and send a copy of the letter to the provider.

The service manager review panel will consist of three members of staff drawn from the following: the program supervisors, the social housing manager, and the office manager of the Simcoe County Housing Corporation. The policy analyst and the financial officer for the non-profit team will act as back-ups, to sit on the panel if required. The program supervisor who has gathered the required documents and completed the summary form prior to the meeting of the panel will sit on the panel.

The panel will meet on alternate Monday afternoons, more often if necessary. It will reach decisions by consensus, based on legal requirements, County policies, precedents, and consultation with others as required. The written notice of the internal review decision will be given by the service manager to the individual(s) who requested the review, and copied to the provider who made the original decision.

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.

The service manager will prepare periodic summary reports of internal review decisions, containing statistics from the review log, some brief case summaries, and recommendations. A version of this report may be made available to housing providers, but only in such a way that other housing providers and their clients will not be identified.

## LEGISLATIVE REFERENCES

The Social Housing Reform Act 2000, sections 82-84. Ontario Regulation 298/01, sections 57-58. Ontario Regulation 339/01, sections 18-20.

**APPENDIX TO 'INTERNAL REVIEW PROCESS': SAMPLE NOTICES AND  
FORMS**

**REQUEST FOR AN INTERNAL REVIEW**

**Name**

**Address**

**Contact telephone no.**

I/We received the notice of your decision on \_\_\_\_\_

Your decision was as follows:

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I/We would like to have this decision reviewed because:

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(Use additional pages if necessary)

Please supply any documents that you would like the Internal Review Panel to consider.

\_\_\_\_\_  
Signature(s)

\_\_\_\_\_  
Date

**PLEASE READ NEXT PAGE FOR IMPORTANT INFORMATION**

**REQUEST FOR AN INTERNAL REVIEW (CONTINUED)**

You may withdraw your request for a review in writing, but we must receive the withdrawal before the review is completed.

**PLEASE RETURN THIS REQUEST FORM TO**

We must receive it within 10 business days from the date you received notice of our decision.

You will receive written notice of the result of the review. The review decision is final.

If you wish, you may obtain legal advice from the Community Legal Clinic at:



**WITHDRAWAL OF INTERNAL REVIEW REQUEST**

**Name(s)**

**Address**

**Contact telephone no.**

On \_\_\_\_\_ I requested an internal  
review of the following decision:

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I hereby withdraw my request for an internal review of the decision.

I withdraw my request for a review for the following reason(s):\*

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\*You do not have to put your reasons in writing if you do not want to.

Signature(s)

Date

**PLEASE READ THE NEXT PAGE FOR IMPORTANT INFORMATION**

**WITHDRAWAL OF INTERNAL REVIEW REQUEST (CONTINUED)**

PLEASE RETURN THIS FORM TO:

In order for the withdrawal of your request for a review to be effective it must be received before the internal review is completed.

If you wish, you may obtain legal advice from the Community Legal Clinic at:

## HOUSING PROVIDER INTERNAL REVIEW SUMMARY FORM

If you have received a request for an internal review please complete this form and forward it to the County of Simcoe Social Housing Division, by facsimile, within 2 business days of receipt of the request for an internal review, together with the following:

- The internal review request
- Any supporting documentation supplied by the person who has made the request
- The notice of the original decision
- The notice of the opportunity to comment, if given
- Any comments received
- Any waivers of the opportunity to comment
- Any supporting documentation which you wish to supply

**Name of person who has requested review**

**Name of Housing Provider**

**Telephone no.**

**E-mail address**

**Does the review request relate to a decision which may be reviewed under The Social Housing Reform Act 2000, section 82? (Refer to 'Decisions which may be reviewed' under Internal Review Process document)**

If not, inform client that decision is not subject to this review process.

**Is the person who requests the review eligible to make such a request? (Refer to 'Requests for Internal Reviews' under Internal Review Process document)**

If not, inform client that he/she is not eligible to make request.

**Date notice of original decision given:**

**Date review request received:**

**Has review request been received within 10 business days after client received notice of original decision?**

If not, find out why request has been made late. Continue with review process but inform client that service manager will decide whether or not to allow late request. Record the reasons for the late submission of the request here.

**Are you attempting to resolve this matter with the client before the review is completed? (Please check one)**

- Yes-but matter could not be resolved**
- Yes-discussions in progress**

**No (Give Reason)**

**If you have checked 'Yes-discussion in progress' above, the Social Housing Division will stop the review process if it receives written notice from the client that he/she wishes to withdraw the review request. He/she may use the template 'Withdrawal of Internal Review Request' notice. However, a withdrawal will not be effective if it is received after the review is completed. Therefore, it is important to fax any withdrawal which you receive to the service manager immediately.**

**Please provide details regarding the original decision (attach additional pages if necessary)**

**Name**

**Position**

**Signature**

**Date**

## SERVICE MANAGER INTERNAL REVIEW SUMMARY FORM

<b>Name of person who has requested review:</b>  <b>Name of Housing Provider:</b>	<b>Brief details of decision which is being reviewed:</b>		
<b>Service Manager Staff who completes this form:</b>	<b>Date review request received by Provider:</b>		
<p>The member of staff who is responsible for completion of this form shall ensure that the housing provider has supplied the following documents:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>○ The internal review request</li> <li>○ Any supporting documentation supplied by the person who made the request</li> <li>○ A completed Housing Provider Internal Review Summary Form</li> <li>○ The notice of the original decision</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>○ The notice of the opportunity to comment, if given</li> <li>○ Any comments received</li> <li>○ Any waivers of the opportunity to comment</li> <li>○ Any supporting documents which the provider wishes to supply</li> </ul> </td> </tr> </table>		<ul style="list-style-type: none"> <li>○ The internal review request</li> <li>○ Any supporting documentation supplied by the person who made the request</li> <li>○ A completed Housing Provider Internal Review Summary Form</li> <li>○ The notice of the original decision</li> </ul>	<ul style="list-style-type: none"> <li>○ The notice of the opportunity to comment, if given</li> <li>○ Any comments received</li> <li>○ Any waivers of the opportunity to comment</li> <li>○ Any supporting documents which the provider wishes to supply</li> </ul>
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<p>A review request must be received by the provider within 10 business days after the day the notice of the decision is received by the household. If the request is received outside of this time period the review panel must be convened to decide whether or not to allow the review to proceed. The panel may extend the time for giving the request if it is satisfied that the client acted in good faith and was unable to make the request on time because of absence, accident, illness or some other reason beyond the client's control. If the panel decides not to allow the review to proceed, write to the client to inform him/her and send a copy of the letter to the provider. Attach a copy of the letter to this form.</p>			
<p><b>If the review panel extends the time for giving the request record the reasons for the extension here.</b></p>			
<p>If the review is to proceed and further information or clarification is required, contact the client and/or the provider.</p>			
<p><b>Details of any further information from the provider or client (<i>attach additional pages if necessary</i>):</b></p>			
<p><b>If a the client gives a written notice of his/her decision to withdraw the review request, and the notice is received before the review panel has completed the review, then the review ceases.</b></p> <p><b>Has such a notice been received? YES/NO</b></p> <p><b>Has such a notice been received in time? YES/NO</b></p>			
<p>When the review is complete, written notice of the result of the review shall be given to the client. It needs to be given within 5 business days after the review is completed. A copy of the notice shall be sent to the provider. Attach a copy of the notice to this form. Finally, an internal review log entry shall be made.</p>			
<p>Check the following when tasks complete:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>○ Notice of review result given to client</li> <li>○ Copy of notice attached to this form</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>○ Copy of notice sent to provider</li> <li>○ Internal review log entry made</li> </ul> </td> </tr> </table>		<ul style="list-style-type: none"> <li>○ Notice of review result given to client</li> <li>○ Copy of notice attached to this form</li> </ul>	<ul style="list-style-type: none"> <li>○ Copy of notice sent to provider</li> <li>○ Internal review log entry made</li> </ul>
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**NOTICE OF INTERNAL REVIEW DECISION**

**Date of Notice** \_\_\_\_\_

The following household members requested a review: \_\_\_\_\_

\_\_\_\_\_

The request for a review was received on \_\_\_\_\_

The review concerned the following decision: \_\_\_\_\_

\_\_\_\_\_

On \_\_\_\_\_ the Review Panel made the following decision: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The decision was made for the following reasons: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PLEASE READ THE NEXT PAGE FOR IMPORTANT INFORMATION**

**NOTICE OF INTERNAL REVIEW DECISION (continued)**

The decision of the review panel is not subject to further review. It is final.

If you wish you may obtain legal advice from the Community Legal Clinic at:

Yours truly,

**INTERNAL REVIEW LOG**

<b>PROVIDER NAME</b>	<b>CLIENT NAME</b>	<b>ORIGINAL DECISION</b>	<b>DATE NOTICE OF ORIGINAL DECISION GIVEN</b>	<b>DATE REVIEW REQUEST RECEIVED BY PROVIDER</b>	<b>Reasons for extending time to give request (where applicable)</b>	<b>DATE REVIEW COMPLETE</b>	<b>DATE NOTICE OF REVIEW DECISION GIVEN</b>	<b>OUTCOME OF REVIEW (Specify if original decision was UPHELD, OVERTURNED or VARIED)</b>