

Social Housing Notification

Policies & Procedures No. 19-03
October 04, 2019

Social Housing Notification 15-08 is revoked.

The Requirements, Recommendations and Guidelines in this communiqué are to be implemented by the housing providers administered under the legislated programs/Operating Agreement identified below:

- √ Providers under *Housing Services Act, 2011*
- Providers under a Federal Operating Agreement
- √ Requirement
- Guidelines
- Information Only

Subject

Refusal to Offer a Unit by Housing Provider

Legislative Reference: O. Reg. 367/11, s. 50 and s. 77

Purpose/Overview

To outline the reasons a Housing Provider may refuse to offer a social housing unit to a household applicant on the rent-geared-to-income centralized wait list.

Background

The *Housing Services Act, 2011* (HSA) indicates that the Service Manager's system for selecting households must include rules that permit a Housing Provider to not offer a household a unit in a social housing project.

Local Rule

The following will confirm the policy adopted by the City of Greater Sudbury.

As a Landlord, the Housing Provider is responsible for the final selection of a prospective applicant from the centralized wait list for a vacant unit.

Before offering a unit to an applicant from the centralized wait list, the Housing Provider may first offer the unit to a current tenant/member on their internal transfer list, giving priority to special priority households and then to over housed households. If there is no one on the internal transfer list, Housing Providers are required to offer a vacant RGI unit to the highest ranked applicant on the centralized wait list.

Prior to offering an RGI unit to applicant households from the centralized wait list, Housing Providers may review their file to determine if the applicant household is a suitable tenant/member for their project. Under sections 50 and 77 of Ontario Regulation 367/11, Housing Providers may refuse to offer a unit to an applicant only under the following circumstances:

1. The housing provider has a mandate under section 76 of the Act 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 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. The level of support services that are provided in respect of the unit is significantly greater or significantly less than the level of support services required by the household.
6. All of the following criteria are satisfied:
 - i. Within the past five years,
 - A. the tenancy of a member of the household was ordered terminated by the Landlord and Tenant Board based on a notice of termination given under section 61 of the *Residential Tenancies Act, 2006*, or
 - B. the occupancy of a member of the household in a member unit of a non-profit housing co-operative was ordered terminated by the Landlord and Tenant Board based on a notice of termination given under paragraph 5 of section 94.2 of that Act.

- ii. The tenancy or occupancy that was ordered terminated was in a designated housing project.
- iii. 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*.
- iv. The order terminating the tenancy or occupancy was grounded on an illegal act, trade, business or occupation involving one or more of the following:
 - A. An illegal act, trade, business or occupation described in clause 61 (2) (a) or 94.4 (4) (a) of the *Residential Tenancies Act, 2006*.
 - B. The illegal production, distribution or sale of cannabis.
 - C. The trafficking of persons.
 - D. The use or attempted use of physical violence against another person.
 - E. Physical harm, attempted physical harm, or a risk of physical harm to another person.
 - F. The use of threats to, intimidation of, or harassment of another person.
- v. 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.

Where an applicant is refused an offer for any of the above reasons, the Housing Provider must notify them of the refusal to offer and of their right to request a review of the decision. The Housing Provider must notify and provide a copy of the refusal letter sent to the applicant to the Housing Registry. The household must request a review of the decision within ten (10) business days of receiving the Housing Provider's notice of the refusal. It is the responsibility of the Housing Provider to conduct the review of the decision as per the refusal to offer based on their Internal Review Policy.

Housing Providers are required to notify the Housing Registry within five (5) business days of the final outcome of any internal review of a refusal to offer a unit. The Housing Registry will then remove the applicant household from the Housing Provider's wait list.

Housing Providers may **NOT** refuse to offer a unit to an applicant household based on:

- The household having pets (except if Co-op has By-Law);
- A member of the household's criminal history for reasons other than those listed as above in number six (6);

- A member of the household's credit history, unless it relates to the household's rental history, i.e. rental arrears, frequent late payment or non-payment; or
- The applicant's physical appearance or demeanor; lifestyle choices ie. smoking, drinking or any other reason not permitted under the *Housing Services Act, 2011*, *Residential Tenancies Act, 2006* or Ontario Human Rights Code.

Action Required

This notification is effective immediately.

The Housing Provider is required to ensure a copy of this Social Housing Notification is provided to all members of the Board of Directors.

The Housing Provider must follow the requirements of this policy in making decisions to refuse to offer a unit to an applicant at the top of its wait list.

The Housing Provider must notify the Housing Registry and provide a copy of the letter sent to the applicant to the Registry.

If an applicant requests a review of the decision, the Housing Provider must notify the Housing Registry of the internal review's final decision within five (5) business days after the review is completed.

Housing Providers must retain records of refusals along with supporting information and pertinent documentation and notices to the affected households for a period of seven (7) years after the notice of decision is given to the household.

If you have any questions, please contact your Program Administrator.



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(disponible en français)