



GUIDELINE

- Legislation/Regulation
 Operational

DATE: 2002-11-15
NUMBER: 02 – 03

The policies and procedures in this Guideline are recommended to be implemented by housing providers funded by the Municipality under the following programs:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Public Housing Program
<input checked="" type="checkbox"/> Non-Profit Program
<input checked="" type="checkbox"/> Co-Op Program
<input type="checkbox"/> Federal Program(if participating in central waiting list management)
<input checked="" type="checkbox"/> Social Housing Registry | <input type="checkbox"/> Aboriginal Program
<input checked="" type="checkbox"/> Public Housing Rent Supplement Program
<input checked="" type="checkbox"/> Ontario Community Housing Assistance Program (OCHAP)
<input checked="" type="checkbox"/> Community Sponsored Housing Program (CSHP) |
|---|---|

* Please note: If your program is not checked, this Guideline doesn't apply to your project.

SUBJECT: Former Tenant/Members Arrears – Other circumstances when an applicant/former tenant or member may be considered responsible for 50% of total arrears.

BACKGROUND: Upon signing an agreement with the service manager to deliver rent-geared-to-income (RGI) assistance the housing providers are delegated monitoring tenants' eligibility. Under section 11 of O. Reg. 298/01 amended to 182/02 it is mandatory that at least once a year the housing provider reviews eligibility of the household and determines whether the household continues to be eligible for RGI assistance. One of the eligibility criteria is screening for former tenant arrears. As prescribed by s.7 (1), no member of the household owes arrears either by the way of rent or money owed as a result of damage caused by a member of the household with respect to any housing project under any housing program, whether administered by the service manager or the Ministry of Municipal Affairs and Housing.

However, the household with former arrears is considered to be eligible for RGI assistance in the following cases:

- if the housing provider is satisfied with extenuating circumstances
- if any member of the household has entered into an agreement for the repayment of the arrears and the housing provider is satisfied that the member is making or intends to make all reasonable efforts to repay the arrears.

This guideline clarifies the procedure for the housing providers who shall enter into the agreement for the repayment of arrears with their tenants in the following situations:

- (a) A former tenancy where two individuals who were spouses of each other or same-sex partners of each other are now separated and one of which is applying for RGI assistance
- (b) A current tenancy where separation has occurred and the remaining individual is under eligibility review for RGI assistance before entering into a new leasing agreement for an RGI unit.

As defined in s. 4 (1), O. Reg. 298/01 amended to 182/02, “spouse” in relation to an individual, member of a household, means the following:

- an individual of the opposite sex to the member, if the individual and the member have together declared that they are spouses, or
- an individual of the opposite sex to the member who is residing in the same dwelling place as the member, if the social and familial aspects of the relationship between the individual and the member amount to cohabitation and,
- the individual is providing financial support to the member,
- the member is providing financial support to the individual, or
- the individual and the member have a mutual agreement or arrangement regarding their financial affairs.

ACTION TO BE TAKEN:

In the following situations the housing provider shall enter into the agreement with the current or former tenant for the repayment of 50% of the arrears:

- (a) A former tenancy where two individuals who were spouses of each other or same-sex partners of each other are now separated and one of which is applying for RGI assistance (scenario A as attached)
- (b) A current tenancy where separation has occurred and the remaining individual is under eligibility review for RGI assistance before entering into a new leasing agreement for an RGI unit (scenario B as attached).

In situations (a) and (b) verification of marital or common-law status may be requested at the discretion of the housing provider.

In the case of former tenant/member arrears indicated by a separated tenant and applying as a new applicant for RGI assistance under Part A of the Application Form, the Social Housing Registry will assess the completeness of the application form with respect to existing Arrears Repayment Agreement and Schedule for 50% of the debt and its current standing.

The application form is deemed to be incomplete until Arrears Repayment Agreement and Schedule or Tenant/Member Arrears Report is signed by the housing provider and attached to Part A of the Application form. It is responsibility of the applicant to provide all required information and documentation. Procedures are indicated in the Charts attached to this Guideline and appropriate templates are attached.

Under the standard reporting form the housing provider will identify:

- the type of former tenant/member arrears (rent or maintenance)
- the status of the Repayment Schedule.

Tenant/Member Arrears Report must be prepared by the housing provider and will be utilized by the Social Housing Registry for the eligibility determination.

Applicants/tenants are eligible for RGI assistance with the repayment schedule in a good standing as defined by the housing provider. Repayment schedules should not exceed 6 months unless extenuating circumstances are specified by an individual and accepted by the housing provider. As a general practice, it is anticipated that by the time of the selection for a vacant unit former tenant/member arrears are to be paid in full by the applicant unless extenuating circumstances are specified.

Eligibility of the applicant with the repayment schedule will be monitored by the Registry through a periodic eligibility review based on updated repayment schedule information provided either by the applicant or by the housing provider.

Eligibility of the tenant with the repayment schedule will be monitored by the housing provider through a periodic review of the repayment schedule.

Housing providers must notify the Registry if they receive irregular or no payments under the signed repayment schedule with their former tenant, separated individual who have applied for RGI assistance. In this event, the Registry will initiate the eligibility review for these applicants under s. 11 of O. Reg. 298/01 amended to 182/02.

The eligibility requirement with respect to former tenant/member arrears applies to any housing project and any housing program administered by the service manager, including federal programs. Under periodic review of eligibility conducted by the housing provider, tenant with inconsistent repayment of arrears is deemed to be ineligible for RGI assistance.

Federal program providers not administered by the service manager but voluntarily participating in the central waiting list delivery, may amend their operational policy including a Board motion on reporting former tenant/member arrears to the Social Housing Registry.

SOCIAL HOUSING REFORM ACT, 2000 – REFERENCE:

s. 7 (1), s.11, O. Reg. 298/01 amended to 182/02.

If you have any questions, please contact Mila Kolokolnikova, Supervisor of Program, Policy & Research.

Greg Grange
Manager, Social Housing Division

c.c. Lance Thurston, Commissioner, Department of Community Services
Liz Fulton/Marian VanBruinessen, Frontenac Management Board
Hal Linscott, Legal Division
Supervisors, Housing Division

Attachments:

1. Scenario A chart
2. Scenario B chart
3. Arrears Repayment Agreement and Schedule
4. Former Tenant/Member Arrears Report to the Social Housing Registry

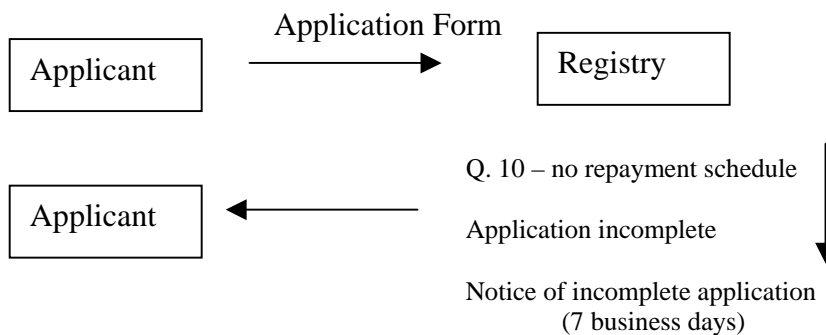
Arrears (Rent and Maintenance)

(Other circumstances when an applicant may be responsible for 50% of total arrears)

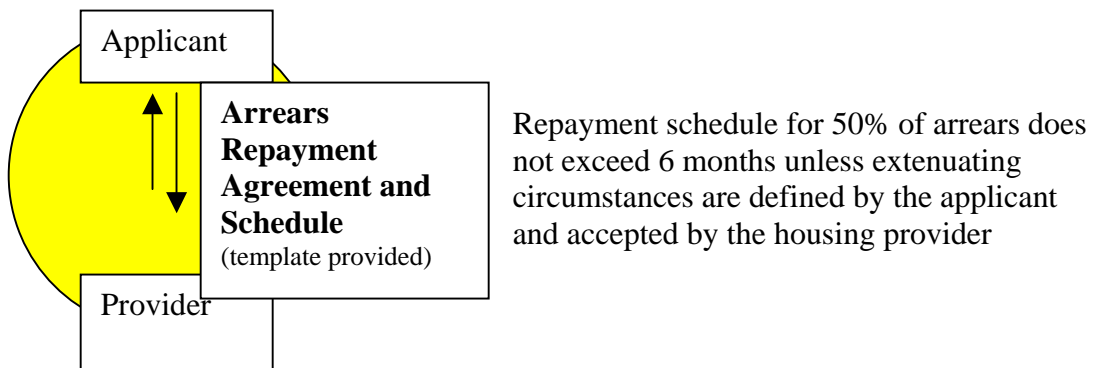
Scenario A

A former tenancy where two individuals who were spouses of each other or same-sex partners of each other are now separated and one of which is applying for RGI assistance

Step 1. A separated individual submits an Application Form Part A to the Registry

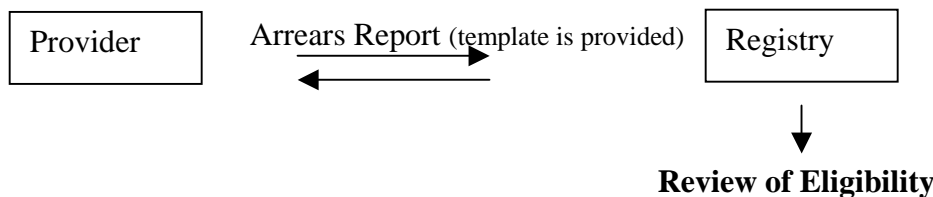


Step 2. An applicant negotiates a Repayment Schedule with the Housing Provider



Step 3. The Applicant resubmits the application form with the repayment schedule or with the provider's Arrears Report to the Registry (a template is attached)

Step 4. The Housing Provider monitors Arrears Repayment Agreement and may notify the Registry about the change in status (for example irregular payments or no payments, paid in full).



Arrears (Rent and Maintenance)

(Other circumstances when an applicant may be responsible for 50% of total arrears)

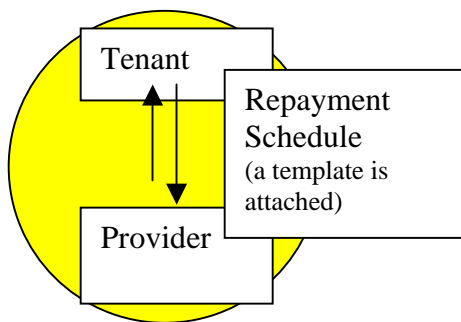
Scenario B

A current tenancy where separation has occurred and the remaining individual is under eligibility review for RGI assistance before entering into a new leasing agreement for an RGI unit.

Step 1. Tenant notifies the housing provider about the change in household composition

Step 2. The housing provider initiates a review of eligibility for RGI assistance

Step 3. The housing provider and tenant sign an Arrears Repayment Agreement and Schedule



Repayment schedule for 50% of arrears does not exceed 6 months unless extenuating circumstances are defined by the applicant and accepted by the housing provider

Step 4. The housing provider monitors the status of the Repayment Schedule

Arrears Repayment Agreement and Schedule

*Insert the name of the Housing Provider
address*

Telephone () _____

Fax () _____

Name of the tenant/member/or former tenant /member:

Address: _____

I hereby acknowledge a debt owed by me to _____
(housing provider)
in the amount of \$ _____.

I agree to make repayment of the amount owing according to the repayment schedule as mutually agreed and detailed below.

In addition to the current monthly rent of \$ _____
I agree to pay as follows:

Date (month/day/year)	Amount to be paid in addition to the monthly rent	Balance, \$	Comments

A repayment schedule should not exceed a 6 month period

I understand that my failure to comply with this agreement and repayment schedule will result in ineligibility for rent-geared-to-income assistance as determined by the housing provider.

Signed _____
(Tenant/Member/Leaseholder)

Signed _____
(Property Manager or authorized housing provider's representative)

Date (month/day/year) _____

I hereby acknowledge receiving a duplicate signed copy of this Agreement and Repayment Schedule.

Signed _____
Tenant/Member/Leaseholder

Former Tenant/Member Arrears Report to the Social Housing Registry

Prepared by

Name of Housing Provider:

Please indicate the name of former Tenant/Member and Social Insurance Number (SIN)

_____ (name) _____ (SIN) _____ (name) _____ (SIN)

_____ (name) _____ (SIN) _____ (name) _____ (SIN)

_____ (name) _____ (SIN) _____ (name) _____ (SIN)

Housing Project: _____

Address: _____

Date of move out (month/day/year) _____

Rent Arrears \$	
Maintenance Arrears \$	
Total \$	

Please check the STATUS of Repayment Schedule:

No Schedule

Signed

In good Standing

Irregular or no payments

Paid in Full

Completed by _____

Date _____