

Social Housing Policy Summary

Local Policy:	Eviction Prevention Policy
Authority:	<i>Tenant Protection Act, 1997 (TPA)</i>
Policy:	Housing York Inc. (HYI) Collection of Tenancy Accounts (approved June 2004)
Explanation:	The Housing York Inc. Statement of Principles defines the delivery of property management services with a balance of social conscience and fiscal responsibility. While the majority of tenants comply with their lease obligations, there are occasional tenants who are problematic in fulfilling their obligations. Some tenant disputes lead to no other recourse than eviction procedures under the <i>TPA</i>. However, this policy establishes proactive measures for ensuring that all reasonable steps are taken before terminating a tenancy and that eviction practices, when taken, are legal, fair and consistent.
Current Practice:	It is recognized that many HYI tenants are hard-to house and some are considered vulnerable. All available avenues are taken to collect rent or correct social issues as they arise. Preservation of the tenancy is a priority consideration except when it becomes fiscally irresponsible or compromises the quiet enjoyment of other tenants. Early termination of tenancy for rent arrears or other reasons is not exercised frequently.
Proposed Policy:	This policy will apply to rent-geared-to-income (RGI) and market tenants, ensuring that there is no distinction in applying eviction prevention strategies to all HYI tenants. The goals of eviction prevention strategies are balanced with the landlord's need to be fiscally responsible and protect the rights of neighbouring residents. The following activities are fundamental in the eviction prevention strategy: 1. Tenant education and communication. 2. Rent collection policies that include payment plans.

3. Conflict resolution and mediation processes.
4. Established partnerships within the community.
5. Referrals for tenants during their tenancy and when exiting a unit.

HYI recognizes the legal reasons to terminate a tenancy defined in the *TPA* are categorized into two types:

1. Grounds for early termination, and
2. Grounds for termination at the end of a period of tenancy.

The most likely reasons for early termination of tenancy are:

- Non payment of rent (rent arrears)
- Illegal acts
- Undue damage to the residential premises
- Endangering the safety of other tenants
- Interfering with the reasonable enjoyment of the premises by the landlord or other tenants
- Overcrowding
- Misrepresentation of income in public or subsidized housing.

The most likely reasons for termination of tenancy at the end of the lease are shown are:

- Persistent late payment of rent
- Ceasing to qualify for social housing.

The grounds for terminating any HYI tenancy are further defined for management purposes as rent arrears or behavioural issues. Eviction prevention measures can then be applied in a flexible format to suit the individual circumstances.

Tenant education and communication is an ongoing activity throughout residency. HYI will ensure information is available for tenants on their rights and obligations at the time they sign the lease, and there will be ongoing communication when there is a problem with rent arrears or behavioural issues. Tenants have access to information regarding eviction prevention protocols, their rights under the *TPA*, and referrals to community agencies for residents who are experiencing short term crisis. Activities will be

documented to support any legal action that may become necessary relative to the eviction process.

Community partners and agencies who are able to assist tenants facing homelessness will be maintained by HYI and published on the HYI web site. These resources, along with internal staff who are trained in property management and social worker functions will ensure that appropriate measures of resolution are exercised before eviction. Community partners may offer to negotiate with HYI on behalf of the tenant. In the interest of preserving the tenancy, these activities will be approached cooperatively.

When the reasons for eviction pertain to unpaid rent, avenues described in the HYI Collection of Tenant Accounts Policy and Procedures must be exhausted. The tenant will have the opportunity to discuss their rental arrears to make restitution through a payment plan. When the tenant has been issued an N4 form for arrears and it has expired, HYI will advise the tenant that it intends to file with the Ontario Rental Housing Tribunal.

All forms submitted to the Tribunal must be in the recognized format and contain the mandatory information and signatures for the case to proceed. The tenant must be advised that HYI will also ask for recovery of Tribunal fees from the tenant for any costs incurred in the termination of tenancy.

The tenant will be provided the appropriate documentation and hearing date if a resolution has not been reached. In the event that the tenant does not exercise their dispute options, HYI will receive a default order.

Mediation is available at the Tribunal hearing and although this is optional from the tenant's perspective, it is the preferred avenue for HYI with the expectation of reaching a legally binding settlement without resorting to eviction. HYI will ask the mediator to include a Section 77 clause that allows HYI to seek an eviction order without further notice if the tenant fails to meet the terms of the agreement.

When a Tribunal hearing is inevitable, HYI will present a clear, factual and complete account of the reasons for terminating the tenancy, including witnesses if necessary. The tenant will have the same opportunity. The decision of

the Adjudicator is binding and when Eviction Orders have been issued, HYI will arrange for the tenant's exit using the municipal sheriff as needed.

The life cycle of the various steps involved in termination of a tenancy are dependent on the nature of the dispute with the tenant. The *TPA* sets out the number of days notice that must be given to a tenant throughout the various stages of legal action. During these interim periods throughout the process, HYI remains open and receptive to settling the dispute in the interest of preserving the tenancy.

The ultimate eviction of a tenant is unfortunate but the necessity to do so is tempered with the role of being a community partner working within a framework that reflects the legislation, limits financial risk and meets our obligations to other tenants. The Manager, Housing York Inc. will be involved in progressive steps leading to eviction and report statistics on an ongoing basis.

Sensitivity:

The nature of the program delivery implies that some tenants will ultimately default on their obligations to comply with Tribunal directives. When eviction becomes the only course of action, tenants will respectfully be provided with referrals to community support services to minimize the potential risk of homelessness if evicted.

Consultation:

The following stakeholders have contributed to this policy:

- Housing and Residential Services Division

Effective Date:

This policy takes effect March 9, 2005.

Other Service Managers:

Toronto Community Housing Corporation, Peel Living, Halton Housing, and Wellington/Guelph Housing have related eviction prevention protocols.