THE REGIONAL MUNICIPALITY OF YORK

Housing York Inc.
March 9, 2005
Report of the
General Manager

EVICTION PREVENTION POLICY

1. RECOMMENDATIONS

It is recommended that:

1. The Eviction Prevention Policy for Housing York Inc. be approved.

2. PURPOSE

The purpose of the Eviction Prevention Policy (*see Attachment 1*) is to outline the social responsibilities and legislative requirements for eviction procedures as they relate to Housing York Inc. (HYI) tenants.

3. BACKGROUND

In May 2003, the Canada Mortgage and Housing Corporation (CMHC) conducted a study on homelessness and in a document entitled "*A Study of Tenant Exits From Housing for Homeless People*" offered the following recommendations

> *"All non-profit housing agencies should have clearly articulated protocols for preventing eviction and helping people keep housing during period of housing instability, particularly agencies that house "hard-to-house" people. Such protocols should include a payment plan option for tenants with rent arrears and a conflict resolution and mediation process for resolving behavioural issues."*

The HYI policy for the Collection of Tenant Accounts approved in June 2004 addresses the strategy for rent arrears and speaks to the non-legal avenues that are available as a means of satisfying delinquent accounts as early as possible. This report builds on the earlier policy and provides an overview of the HYI Eviction Prevention Policy for rent arrears and other tenant disputes identified in the *Tenant Protection Act*.

Detailed procedures and business practices that support the philosophy of the Eviction Prevention Policy are under development to ensure consistent and fair application. Where needed, training will also be provided to employees responsible for administering eviction prevention strategies.

The approval of this policy is intended to balance the prevailing goal of eviction prevention with the housing provider's requirement to be fiscally responsible and to protect the rights of neighbouring residents. Overall, Housing York Inc. experiences a very low rate of eviction.

4. ANALYSIS AND OPTIONS

This section provides a brief summary of the policy content and an overview of background information that led to the development of the policy statements.

This policy does not affect HYI's legal obligations under the *Tenant Protection Act* and that any legal proceedings for eviction will continue to conform with that Act and the Ontario Rental Housing Tribunal, the government agency mandated to resolve landlord and tenant disputes.

This policy will apply to both rent-geared-to-income (RGI) and market tenants. There is no distinction between such tenants in the application of HYI's eviction prevention strategies.

HYI will make every attempt to preserve the tenancy using the following eviction prevention measures:

- Tenant education and communication.
- Rent collection policies that include payment plans.
- Conflict resolution and mediation processes.
- Established partnerships within the community.
- Referrals for tenants during their tenancy and when exiting a unit.

Tenant education and communication is an ongoing activity throughout residency. HYI will inform tenants of 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 who are experiencing any issue that compromises their lease agreement will be reminded of their obligations and be advised of the required remedial action and time lines to correct the problem. Tenants are also reminded of their rights under the *Tenant Protection Act*, and provided referrals to the appropriate government or community agency. Activities will be documented to support any legal action that may subsequently become necessary.

When the tenant dispute concerns rent arrears, HYI will apply avenues of collection identified in the Collection of Tenant Accounts Policy. Before proceeding with any formal legal activities through the Tribunal, non-legal avenues will be explored. The linkages between the Collection of Tenant Accounts Policy and the Eviction Prevention

Policy are complimentary and support the vision of keeping people housed while managing the terms of the tenant lease.

As eviction proceedings develop, mediation will always be the preferred avenue for HYI with the expectation of reaching a legally binding settlement without resorting to eviction. However, when a Tribunal hearing is inevitable, HYI will present a clear, factual and complete account of the reasons for terminating the tenancy to the Adjudicator, including witnesses if necessary. The Manager of Housing York Inc. will study all cases scheduled for a Tribunal hearing for final disposition prior to the Mediator's or Adjudicator's involvement.

HYI has developed strong linkages to various community partners and services that may serve households facing eviction. Where appropriate households are informed of services and encouraged to pursue services such as Ontario Works, Homelessness Prevention Program and Community Mental Health Association. Staff will exhaust all available resources wherever possible in an effort to preserve tenancies

Despite all best efforts, it is recognized that some tenants will ultimately be evicted. This is considered unfortunate but the necessity to do so is tempered with the role of being a community partner and holding tenants accountable for their actions. Regardless of the reason, HYI will provide as much assistance as possible to the exiting tenant by way of information or referrals.

HYI does not anticipate an increase in tenant evictions as a result of this policy. Starting in 2005 statistical records will be maintained to trend activity related to evictions.

5. FINANCIAL IMPLICATIONS

The Eviction Prevention Policy is balanced to address tenant relationships as well as common sense business responsibility. The policy is designed to ensure that conflicts are mediated to the fullest extent possible before pursuing legal eviction. In cases pertaining to rent arrears, the policy recognizes that eviction action must be executed on a timely basis to mitigate the accumulation of bad debt which has a negative financial impact.

6. LOCAL MUNICIPAL IMPACT

Because the eviction rate is low, no impact to local municipalities is expected with the approval of this policy.

7. CONCLUSION

The approval of this policy will ensure fair and consistent program delivery to Housing York Inc. tenants and provide a solid framework for management procedures and business practices in the area of eviction prevention.

The Senior Management Group has reviewed this report.

Prepared by:

Katherine Campbell
Program Manager, Finance and Administration

Reviewed by:

Doug Manson
Manager of Housing York Inc.

Sylvia Patterson
Assistant General Manager

Recommended by:

Joann Simmons
General Manager

Approved for Submission:

Michael R. Garrett
President

February 17, 2005

Attachment - 1
KC/sd/dm

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