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London
CANADA

Housing Division Notice

Date: September 3, 2013

HDN#2013-194

This applicable legislation/policy is to be implemented by the housing provider(s) under the following programs:

Please note, if your program is not checked, this change is not applicable to your project.

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Federal Non-Profit Housing Program

Private Non-Profit Housing Program

Co-operative Non-Profit Housing Program

Municipal Non-Profit Housing Program (Pre-1986)

Local Housing Corporation

SUBJECT: NOTICES AND REVIEWS OF DECISIONS (*Replaces HDN#2002-04*)

Appendix 1: Quick reference chart for notices and reviews including overview of timelines

Appendix 2: Procedures for notices of decisions

Appendix 3: Procedures for internal reviews of decisions

Appendix 4: Procedure for final review body for review of certain decisions

PURPOSE:

To provide Social Housing Providers, Applicants and Tenants/Members procedures and standards related to notices of decisions, internal reviews of decisions, and a final review body for review of certain specific decisions as identified within the *Housing Services Act 2011* (HSA).

COMPLIANCE STANDARD:

General:

As detailed in the local housing Service Agreement, Housing Providers have been delegated the responsibility of determining continuing eligibility for rent-gear-to-income assistance. It is

therefore the responsibility of the Housing Provider to communicate decisions to households in a proper and timely manner. It is important that the Housing Provider follow the Act, Regulations, and local rules as the timelines vary based on the situation.

Please note that the Opportunities to Comment was eliminated in HDN 2011-168

Notices and Reviews:

The Housing Service Act 2011 (Ontario Reg. 367/11, Section 138 and 139) requires that Service Managers establish a system under which households (and Social Housing Providers) can request reviews of specific social housing decisions and where applicants can request reviews of social housing application decisions (e.g. priority and eligibility).

The review system, including considerations to maintain existing internal review requirements under the former *Social Housing Reform Act* (SHRA), must be outlined within a local rule under the HSA (through a Housing Division Notice).

The specific areas addressed by this review system are outlined in the HSA, Section 155 to 159 and Regulations (subject to amendment). These include:

- a) Eligibility for RGI assistance;
- b) Size and type of unit for which a household is eligible;
- c) Priority category (for applicants and transfer requests);
- d) Amount of RGI rent payable;
- e) Eligibility for special needs housing applicants;
- f) Cessation of eligibility; and
- g) Any other decisions subsequently prescribed by legislation.

The review system covers rent-geared-to income (RGI) eligibility, RGI subsidy calculations, adjustments, suspensions and discontinuations, decisions related to eligibility for specific occupancy standards, special requirements and related accommodation size or type, and decisions related to waiting list priorities and categories.

HSA Reg 367, s. 138 requires that no one who participated in the original decision may participate as a member of the review body. Members of the review body must be knowledgeable about the relevant provisions of the Act and Regulations. No one who discussed the decision with the decision maker may participate as a member of the review body, and no member of the review body may discuss the decision with the decision maker except during the course of the review.

Final reviews of a review body are limited to specific decisions identified within the Act and Regulations. It will remain a local standard that any such reviews are preceded by existing internal review practices.

Principles:

The following principles guide all notices and reviews:

- Fair:* Consistent decisions made in direct compliance with regulations and local rules with understanding of specific situations and unique circumstances
- Efficient:* Timely decisions, not resource intensive, no cost/low cost to administer

- Impartial:* Nonbiased by decision maker with transparent processes.
- Simple:* Reviews and decisions are as simple as possible to understand and administer.
- Accountable:* Actions and results are known and shared.
- Confidential:* Personal information is only used for its prescribed intent.
- Distinct:* Focused only on prescribed HSA areas.
- Sound:* Reflecting sound judgment through clear process and enforceable decisions.
- Accessible:* Be accessible to tenants and housing providers

LOCAL RULE / ACTION:

The attached Appendices reflect the local rule procedures, standards and timeframes to be used by all Social Housing Providers and the Service Manager related to social housing Notices of Decisions, Internal Reviews of Decisions and Final Reviews of Decisions.

Where the Social Housing Provider is requesting a review of a decision by the Service Manager, the same general rules outlined in Appendices 2 and 3 will apply, noting that the Social Housing Provider will be identified as the Party requesting the review and the Service Manager will be the responding Party, in accordance with Section 157 of the HSA (Reviews requested by housing providers).

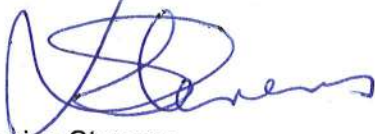
These appendices also address notifications and decisions made by the Housing Access Centre and the procedures which will be used for a final review.

This local standard is effective immediately.

Social Housing Providers are required to inform their Board of Directors about this local rule as well as any substantive business changes that it may require at the earliest opportunity.

AUTHORIZATION:

Original signed by



Louise Stevens
Director, Municipal Housing

- Appendix 1: Quick reference chart for notices and reviews including overview of timelines**
- Appendix 2: Procedures for notices of decisions**
- Appendix 3: Procedures for internal reviews of decisions**
- Appendix 4: Procedure for final review body for review of certain decisions**

APPENDIX 1:

QUICK REFERENCE CHART FOR NOTICES AND REVIEWS INCLUDING OVERVIEW OF TIMELINES

Timeline		Action	Reference	Notes
Notice of Decision	As per timelines set for Housing Providers (HP) and Housing Access Centre (HAC).	Decision is made.	Appendix 1	Housing Provider (HP) or Housing Access Centre (HAC) makes a decision related to the HSA where a review is allowed.*
	Notices given within 5 days after decision.	Notice of Decision issued by decision-maker.*		Applicant/Tenant is INFORMED of decision including: <ul style="list-style-type: none"> if they don't agree, they can call the office to "talk about" the decision (some kind of indication that this needs to be done first) Process on how to initiate an Internal Review Decision letter will include the statement, in various languages, that "this letter is important; if you can't understand it, then please have it translated."
If Applicant/Tenant/Member DISAGREES with Notice of Decision... Have 10 days to submit a Request for an Internal Review.				Encourage positive resolution through discussion whenever possible but this cannot delay the formal timelines related to a Request for an Internal Review.*
Internal Review	Internal Review is completed within 10 days of receipt.	Informal Review = Discussion between Applicant/Tenant and Decision-maker.	Appendix 2	The Applicant/Tenant can call and speak informally with decision-maker to determine if a resolution is possible. Any revised decision through this informal process should be confirmed by the HP/HAC in writing. This step cannot be skipped; it needs to be completed before, or parallel to, the formal request. Applicant/Tenant is reminded/provided the format for submitting a Request for an Internal Review and of the fact that it must be submitted by a certain date (refer to original decision letter). <i>If the Applicant/Tenant is satisfied with the answer at this point, then the process stops. Informal discussion is noted and no further action taken.</i>
		Formal Review = Request for Internal Review Form submitted and received by HP/HAC.		Formal Reviews are logged and tracked internally to the HP or HAC.
	Internal Review reviews decision.	Formal Review conducted by person not involved in original decision.		
	Response to Internal Review issued within 5 days of decision (or 15 days of request received).	Notice of Internal Review Decision letter issued in response.		Response letter includes details on how to request a Final Review if not satisfied with Internal Review decision. <i>If the Applicant/Tenant is satisfied with the answer at this point, then the process stops. Formal discussion is noted and no further action taken.</i>
If Applicant/Tenant/Member DISAGREES with Internal Review... Have 10 days to submit a Request for a Final Review.				Applicant/Tenant is reminded/provided the format for submitting a Request for a Final Review and of the fact that it must be submitted by a certain date.
Final Review	Clerk will notify Requestor within 10 days re: Final Review date.	Final Appeal Review = Request for Final Review submitted and received by Review Body	App 3: 7.1	Logged; given to Review Body consisting of person/people who was/were not involved in the original decision or the Internal Review decision.
	(Dismissal of Proceeding within 10 days of receipt if nec.)	Final Review Body reviews decision.	App 3: 8.1, 8.2	A dismissal of a proceeding would relate to matters outside the jurisdiction of the Chair.
	Final Decision within 10 days of Final Review. Decision issued to Applicant/ Tenant within 5 days of Decision.	Notice of Final Appeal Review Decision letter issued in response.	App 3: 14.3, 14.4	Decision is made; Letter mailed; changes made to file, if applicable. Applicant is notified that decision is FINAL within a month of applying for a Final Review and within 2 months of Notice of Decision.

* Where applicable, the Social Housing Provider may also be an Applicant/Requesting Party in a request for a review of a decision made by the Service Manager to the Social Housing Provider. The same process and conditions apply.

APPENDIX 2: PROCEDURES FOR NOTICES OF DECISIONS

General:

Restrictions and requirements for written notices are related to the following:

- Determining Eligibility for Assistance;
- Type and Size of Accommodation;
- Waiting List Category;
- Amount of geared-to-income rent;
- Deferral of geared-to-income rent;
- Eligibility for Special Needs Housing;
- Type of Accommodation - Special Needs Housing; and
- Waiting Lists for Special Needs Housing.

Required Content of Letters:

A notice must contain the following:

1. A statement of the date the decision to which the notice relates was made;
2. A statement of the date of the notice;
3. If a member of the household may request a review of the decision under HSA,
 - (i) a statement of the reasons for the decision; and,
 - (ii) a statement that the member of the household is entitled to request a review; and,
 - (iii) information on how to request a review and what the deadline is for doing so; and
4. If no member of the household may request a review of a decision under HSA, a statement that the decision is final.

A notice must be given to the household **within 5 days after the decision to which the notice relates is made**. (See Appendix 3 Section 1 for definition of "day" and Appendix 3 Section 4 for calculation of time).

Notices must comply to and reference applicable sections of the HSA and Regulations.

Compliance:

The power to review decisions is delegated to housing providers through Service Agreements. Housing Providers deliver Notices of Decisions. The Service Manager will ensure that there is a process of documenting and providing Notices of Decisions within appropriate timeframes and legislative compliance.

APPENDIX 3: PROCEDURES FOR INTERNAL REVIEWS OF DECISIONS

General:

A member of a household may request an internal review of the above noted decisions.

The general procedures for all internal reviews include:

1. An applicant or social housing household may request a review **within 10 days** of being notified of the decision. (See Appendix 4 Section 1 and 4 for definition and calculation of DAY);
2. A request for review must be in writing; and
3. Review processes are based on reasonableness and decisions reflect the merits of each situation. (i.e. Submission dates should not be a primary impediment to a review).

No individual who participated in the making of the decision being reviewed shall participate in the review of that decision. This requirement may necessitate **Housing Providers making amendments to their bylaws, policies and/or reviewing their committee structure in order to deal with this requirement.**

The internal review shall be completed **within 10 days** after the request for the review is received and written notice of the result of the review be provided to the household **within 5 days** after the review is completed. (See definition of DAY in Appendix 4 Section 1 and 4).

The written notice will either overturn the related Notice of Decision or uphold that decision reaffirming the process identified above within the Notice of Decision. If upholding the initial Notice of Decision, details will be provided outlining the process for a final review, where applicable to the Final Review Body. (See Appendix 4).

Required Content of Letters:

A notice of decision related to an internal review must contain the following:

1. A statement of the date and original decision to which the notice of decision was made;
2. A statement of the date of the notice of decision of the internal review;
3. The outcome of the decision and a statement of the reasons for the decision;
4. A statement that the household is entitled to request a final review (if applicable);
5. Information on how to request a final review and the deadlines for doing so; and
6. A statement that the decision is considered final unless overturned through a final review.

A notice must be given to the household **within 10 days after the decision to which the notice relates is made.** (See definition of DAY in Appendix 4 Section 1 and 4).

Notices of decisions of internal reviews must comply to and reference applicable sections of the HSA and Regulations.

Compliance:

The review of decisions is delegated to Housing Providers through Service Agreements. Housing Providers deliver Notices of Decisions, manage Internal Review policies and practices, and must provide proof of such as requested to the Service Manager. The Service Manager will ensure that a process of Final Review exists.

APPENDIX 4: PROCEDURE FOR FINAL REVIEW BODY FOR REVIEW OF CERTAIN DECISIONS

General:

A member of a household may request a Final Review of certain decisions.

The procedures for Final Reviews are outlined below and include:

1. An applicant or social housing household may request a Final Review **within 10 days** of being notified of the decision on an Internal Review. (See Procedure section 1 and 4 for definition and calculation of DAY).
2. A request for review must be in writing.
3. The Final Review Processes (below) are based on reasonableness and decisions reflect the merits of each situation.
4. All decisions made through a Final Review are final.

Review Body:

A Final Review Body within the *Housing Services Act 2011* (HSA) provides an independent and final review of internal review decisions as described within the appendices of this HDN. A request for a final review will be allowed for those certain decisions identified within the HSA upon completion of an Internal Review and Notification of the Decision.

The Review Body will be comprised of the Director of Housing or senior Housing Division Management designate who is informed in the HSA and associated regulations and related local rules, principles and procedural fairness, and was not involved in the decision, as well as a Recording Clerk providing administrative support and not participating in the final review decision. Housing or other City staff or other subject matter experts may be called upon for knowledge and information.

Requesting a Final Review:

Requests for Final Reviews will be received in writing (by fax, post, courier, hand delivered, email) and include a copy of the Internal Review Notice of Decision and any associated supporting documents.

Requests for Final Review are to be addressed as follows:

Attention: Request for Final Review
Director, Housing Division
P.O Box 5035
267 Dundas Street, 3rd Floor
London, ON N6A 4L9

Compliance:

The following procedures will be used for the establishment and management of a Final Review Body (Review Body) for certain decisions within the Housing Services Act.

Procedures for Final Review Body (for the Review of Certain Decisions):

PURPOSE:

To ensure just decisions based upon the facts and laws relating to matters adjudicated upon within the jurisdiction of the Housing Services Act and related local rules.

1. DEFINITIONS

1.1 In these Rules, unless otherwise required or noted, the following terms are defined as follows:

"Chair" or "Review Body Chair" means the Chair of the Social Housing Service Manager or their senior management designate;

"City" means The Corporation of the City of London Housing Division;

"Recording Clerk" means the City of London Housing Division staff person assigned to assist in receiving and cataloguing Requests for Final Review, supporting documents, and decisions;

"Day" means any day other than a Holiday as defined below (See "Holiday");

"Decision" means a final action or direction made by the Chair in response to a Request for a Final Review;

"Document" includes a written document book of account and information recorded or stored by means of any device including, but not limited to, a file, photograph, chart, graph, or plan;

"Electronic Review" refers to a Final Review made by conference telephone call or some other form of electronic technology allowing persons to hear one another;

"Holiday" means any Saturday or Sunday; New Year's Day; Family Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving Day; Christmas Day; Boxing Day; and extended holiday closure, and any special holiday proclaimed by the Governor General of Canada or the Lieutenant Governor of Ontario, and where New Year's Day or Canada Day falls on a Saturday or Sunday, the following Monday is a holiday, and where Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays, and where Christmas Day falls on a Friday, the following Monday is a holiday;

"Oral Review" means a Final Review Proceeding at which the Parties attend in person;

"Party" means a person (or persons) who is either the requester of a Final Review or the responding housing provider or the Housing Access Centre;

"Review", Final Review" or "Final Review Proceeding" refers to formal matters and proceeding before the Chair of the Social Housing Service Manager Review Body to re-examine a decision with an intent of applying final authority under the role of Service Manager for social housing related to certain decisions within the HSA;

"Rules" means these rules;

"Service Manager" refers to the legislated responsibilities of the City of London Housing Division in administering and delivering social housing in the City of London and County of Middlesex;

"Written Review" means a Final Review Proceeding held by means of the exchange of documents whether in written form or by electronic means.

2. APPLICATION

- 2.1 These Rules apply to Final Reviews before the Chair of the Social Housing Review Body exercising the authority of the Service Manager under the HSA for certain decisions identified within the act and associated regulations, local rules (identified locally as Housing Division Notices).
- 2.2 In accordance with Section 158 of the HSA Regulations, *The Statutory Powers Procedure Act* does not apply to these rules or to the review of Certain Decisions under the HSA and should have no effect on decisions made under other statutes or laws outside of the authority of this Review Body.

3. INTERPRETATION

- 3.1 These Rules shall be broadly interpreted so as to ensure the most just and expeditious determination of a Final Review on its merits.
- 3.2 Where procedures are not provided for in these Rules, the Chair may do whatever is necessary and permitted by law to effectively determine the matter before him or her.
- 3.3 The Chair may exercise any of his or her powers under these Rules on his or her own initiative or at the request of a Party.
- 3.4 A defect in form or other technical breach will not make a Final Review invalid.
- 3.5 Where a Party to a Final Review has not complied in full with any Rule or procedural decision or order, the Chair may:
- (a) grant all necessary amendments or other relief, subject to such conditions as the Chair considers just; or,
 - (b) adjourn the proceeding until it is satisfied that such Rule or order has been complied with; or,
 - (c) take such other steps as the Chair considers just and reasonable.

4. CALCULATION OF TIME

- 4.1 To calculate time under these Rules or a procedural order:
- (a) Where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens; and,
 - (b) Where the time for doing an act under these Rules expires on a holiday, the act may be done on the next day that is not a holiday; and,
 - (c) where a time of day is mentioned in these Rules or in any order in a proceeding, the time referred to shall be the time observed locally in the City of London; and,
 - (d) Where a document is received after 4:00 p.m. on any day or at any time on a holiday, the document shall be deemed to have been received on the next day that is not a holiday.

5. EXTENDING OR ABRIDGING TIME

- 5.1 A Chair may extend or abridge any time prescribed in these Rules unless it is unreasonable to do so.

6. FILING OR SUBMITTING OF DOCUMENTS

- 6.1 Filing of any document to the Recording Clerk prior to a Final Review may be done by personal delivery, by ordinary or registered mail, by fax transmission, by courier, by email or otherwise as the Chair may order.
- 6.2 Documents filed with the Recording Clerk shall be made available by that Party to other Parties.
- 6.3 Where a document is submitted, the Recording Clerk shall date stamp the document. Subject to Rule 4.1, the date of the receipt stamp on the document shall be deemed to be the date of filing, unless the Chair orders otherwise. A Party may request confirmation from the Clerk that a document filed was properly received.
- 6.4 Where a filing is made by fax, the document shall include a cover page containing the following items:
- (a) the name, address and telecommunication numbers of the sender; and,
 - (b) the date and time the document is transmitted; and,
 - (c) the telephone number from which the document is transmitted; and,
 - (d) the total number of pages transmitted including the cover page; and
 - (e) the name and telecommunication numbers of a person to contact if a problem arises with the transmission of the fax.
- 6.5 The Chair may direct that where a document is filed by electronic transmission, by email, or by fax, the original and all copies required shall be delivered by a specified time.

7. REQUEST FOR A FINAL REVIEW

- 7.1 Where a Requester requests a Final Review before the Social Housing Service Manager Review Body, the request shall be in writing and shall be filed with the Recording Clerk within **10 days** of receiving the Notice of Internal Review Decision under contention and shall include:
- (a) an identification of the Requester(s) and any other Parties to the Final Review; and,
 - (b) the addresses, telephone numbers, email address and, where available, fax number for each person identified in clause (a); and,
 - (c) the name, address, telephone number, and email address of any advocate or support representative with a form authorized and signed by the requesting Party; and,
 - (d) whether special services or accommodation are required for an Oral or other review including translation services or services for the visually or hearing impaired; and,
 - (e) the reasons in support of the Final Review; and,
 - (f) the signature of the Requester(s).
- 7.2 Within 10 days after receiving a Request for a Final Review, the Recording Clerk shall notify the Requester, if:
- (a) the documents are incomplete; or,
 - (b) the documents are received after the time required for filing a Request for a Final Review has elapsed; or,
 - (c) a decision has been made by the Chair under Section 8; or,
 - (d) there is some other technical defect in the notice of appeal.

- 7.3 Where the Clerk determines not to process a Request for a Final Review due to a deficiency listed in Rule 7.2, the Recording Clerk shall provide the Party filing the request notification of such decision, specifying the deficiencies which need to be corrected. Such notice shall advise that the request for Review may be commenced upon the Party correcting the deficiencies listed in the notice except if the notice has been received after the time required for commencing the proceeding has elapsed. Requests for Reviews denied for reasons of time requirements shall be reviewed by the Chair.
- 7.4 Subject to Rules 7.2 and 7.3, upon receipt of a Request for a Review pursuant to Rule 7.1, the Recording Clerk shall set the Final Review date, location and format of the Review. Reviews will proceed as Written Reviews unless otherwise requested by the Requesting Party. Upon setting the Review Proceeding date and determining the location and format of the Review, the Clerk shall provide a written Notice of a Review to the Requester and required Parties.
- 7.5 A Notice of a Final Review shall contain:
- (a) reference to the regulation or rule under which the Review is being requested; and,
 - (b) a statement reflecting if an Oral hearing is being requested; and,
 - (c) any other information the Clerk or Chair considers necessary for the proper conduct of the Review Proceeding.
- 7.6 In addition to the requirements for a Notice of Final Review set out in Rule 7.5, a Notice of Final Review for an Oral Review Proceeding shall contain:
- (a) the location of the Final Review Proceeding; and,
 - (b) a statement that the Review will open to the public unless determined by the Chair that it is unreasonable to do so.
- 7.7 In addition to the requirements for a Notice of Final Review set out in Rule 7.5, a Notice of Final Review for an Electronic Review Proceeding shall:
- (a) contain details about the manner in which the review will be held; and,
 - (b) be reflective that it is being held with the consent of Parties.
- 7.8 In addition to the requirements for a Notice of Final Review set out in Rule 7.5, a Notice of Review for a Written Review Proceeding shall contain:
- (a) a statement that the Parties will be required to exchange documents with other Parties; and,
 - (b) a statement that the Parties will have an opportunity to ask questions in writing on the documents, which the other Parties will be required to answer, and will have an opportunity to make submissions; and,
 - (c) a statement that the Chair shall hold a Written Review unless if a Party requests otherwise.

8. DISMISSING PROCEEDINGS WITHOUT A REVIEW

- 8.1 The Chair may dismiss a proceeding without a Final Review if:
- (a) the request is frivolous, vexatious or is commenced in bad faith; or,
 - (b) the proceeding relates to matters that are outside the jurisdiction of the Chair or the decisions as outlined in the *Housing Services Act, 2011*; or,
 - (c) some aspect of the requirements for the Request for Final Review has not been met.
- 8.2 The Chair shall give a Notice of Decision dismissing the proceeding to the Requester and other Parties if deemed necessary, setting out the reasons for the dismissal and informing the Parties of their ability to provide any clarifying reason that the Review should be heard by written submissions to the Chair within 10 days of the Notice.

9. PROCEDURAL ORDERS

- 9.1 In any proceeding, the Chair may issue an order governing the conduct of the proceeding.
- 9.2 The Chair may, at any time during a proceeding, amend any order which he or she has issued.
- 9.3 The Chair may, where satisfied that the special circumstances of the proceeding so require, vary or waive compliance with all or any part of any Rule at any time by making an order.
- 9.4 Where a provision of these Rules is inconsistent with a procedural order, the procedural order shall prevail.
- 9.5 Procedural orders made by the Chair may include requests for further information, an exchange of documents, or other forms of disclosure but will not include motions or summonses.

10. REVIEW BODY – FINAL REVIEW PROCEEDINGS

- 10.1 The Chair may hold:
 - (a) an Oral Review; or,
 - (b) a Written Review; or,
 - (c) an Electronic Review; or,
 - (d) a Final Review Proceeding which combines one or more of the above formats.
- 10.2 A Requester or other Party to a proceeding may have an advocate or personal representative to provide support, subject to the Chair being satisfied that:
 - (a) the person is entitled to be heard by the Chair; and,
 - (b) the representative is authorized to represent the person in the proceeding; and,
 - (c) the authorization has been filed and is in effect before the Review Proceeding; and,
 - (d) the advocate or representative is not making verbal declarations of fact in the absence of the person they are representing. They can present documents and make reference to materials already provided.
- 10.3 If a person requires a translator at any time during a proceeding, the person must provide the translator at the person's expense unless the Chair deems an Oral or Electronic Review a requirement.
- 10.4 Final Review Proceedings shall generally be considered open and public.
- 10.5 No person shall take or attempt to take a photograph, motion picture, video recording, or other recording capable of producing visual or aural representations by electronic means or otherwise, at any Final Review Proceeding unless reason and notice are provided to the Chair.
- 10.6 Unless the Chair directs otherwise, the process for all Review Proceedings shall be comprised of the Chair and Recording Clerk and be conducted as follows:
 - (a) the Chair will call the Proceeding to order and may advise any Parties present (at an Electronic or Oral Review) of the review process;
 - (b) at Electronic or Oral Reviews, the Chair may decide which of the Parties it wishes to hear from first, but it is customary that the Party whose decision has already been made (E.g., the Housing Access Centre, a Housing Program Officer, or a Housing Service Provider proceed first with a review of the existing decision;
 - (c) at Written Review Proceedings, written submissions and any supporting information will be noted for record by the Recording Clerk in the same order as noted above;
 - (d) there will be opportunity, but no requirement, for witnesses or cross questioning in Electronic and Oral Review Proceedings;

- (e) the Chair may ask questions of the Parties, witnesses, or staff at any time;
- (f) this process is subject to change by the Chair if a fairer way of proceeding is identified;
- (g) the Chair may reserve the right to make final decisions either at the Review Proceeding or following and the Chair may adjourn a Review Proceeding at any time on such conditions as he or she considers just.

10.7 Where a requesting Party is notified of an Oral or Electronic Review and does not attend at the time, manner, or place appointed, the Chair may proceed in that person's absence and without further notice to that person. If no written submission is available, the matter shall be dismissed.

11. SUPPORTING DOCUMENTS FOR FINAL REVIEW PROCEEDINGS

- 11.1 The Chair may receive supporting documents at a Final Review Proceeding, at the discretion of the Chair based on the information or document.
- 11.2 Supporting documents, forms, ledgers, etc. may be received without procedures related to their admissibility.
- 11.3 Nothing in Rule 11.1 or 11.2 overrides the provisions of any act expressly limiting the extent to or purposes for which any oral statement, documents, or things may be admitted or used as supporting documents in a Final Review Proceeding.
- 11.4 Where the Chair is satisfied as to its authenticity, a copy of a document or other thing may be received as a supporting document at a Final Review Proceeding.
- 11.5 Where a supporting document has been received, the Chair may, or the person producing it or entitled to it may, with the leave of the Chair, require the document to be photocopied and the copy held by the Chair as part of the Final Review.
- 11.6 In any Final Review Proceeding before the Chair, a statement, letter, or form respecting a Matter related to the Review purporting to be signed or authorized by a representative of the City of London Housing Division or any other City of London authorized staff person will, in the absence of evidence to the contrary, be received as a statement of fact.
- 11.7 The Chair may, in making a decision, take notice of any generally recognized or technical facts, information or opinions within his or her specialized knowledge.

12. OTHER PARTIES AS WITNESSES

- 12.1 Unless recognized by the Chair as a requirement (and noted in the Notice of an Oral or Electronic Review), witnesses will not be required at Final Review Proceedings. Statements from other Parties may be submitted as supporting documents, and must include sufficient information about the Party as to be able to verify their identity and the validity of the statements or information.
- 12.2 There shall be no undue harassment or embarrassment or questioning of a witness as he or she is giving a statement. The Chair may disallow anything stated that is part of a vexatious or irrelevant matter during a Proceeding.
- 12.3 The Chair may at any time during a Proceeding direct that a witness be called or recalled for further examination.

12.4 The Chair has no statutory authority to compel or require persons to be present or provide statement and, as such, relies on the best information available.

13. SUBMISSIONS AND SUPPORTING DOCUMENTS IN WRITTEN REVIEWS

13.1 Where a proceeding is conducted in writing, the statement of any required witnesses shall be given by a signed statement.

13.2 All Parties are entitled to receive copies of every document that the Chair receives in a Final Review Proceeding.

14. DECISIONS

14.1 The Chair will determine the issues before him or her as he or she considers just. All decisions of a Chair shall be in writing and shall be considered final.

14.2 The Chair does not have the power to award costs of the proceedings to any Party.

14.3 The Chair will provide his or her decision with his or her reasons in support of the decision, if any, to the Clerk. This may not be at the Final Review Proceeding but at a reasonable time following the completion of the review and generally within 10 days of the review, unless special consideration or additional information is required.

14.4 The Clerk shall send a written copy of the Notice of Final Decision by standard post to the last known address of the Requester within 5 days of the date of decision. If no known address is available, the letter will be held on file. An electronic copy of the decision will be provided to the Housing Provider or Housing Access Centre, whichever is applicable, for record. No other member of the household will be provided with the notice of final decision either by the Chair, Housing Division, or the Housing Provider unless prearranged and authorized by the Requester.

14.5 The Chair may at any time correct a typographical error, error of calculation, misstatement, ambiguity, technical error or other similar error made in his or her decision, direction or order.

15. RECORD OF PROCEEDINGS

15.1 The Clerk shall compile an electronic record of Final Review Proceedings before a Chair which shall include:

- (a) the Notice of the Final Review Proceeding;
- (b) all Final Decisions of Review Proceedings made by the Chair;
- (c) all supporting documents filed at the proceeding subject to any limitation expressly imposed within the *Housing Services Act 2011* or any other Act on the extent to or the purposes for which any such documents may be used in a proceeding;
- (d) any other documents that in the opinion of the Clerk or the Chair should be included in the record of proceedings;
- (e) a summary of review decisions for reporting purposes. These will be shared with the Social Housing Operational Advisory Committee for recommendations and further policy considerations.