

# **Guide to Rent-Geared-to-Income Assistance**

***Housing Policy Branch  
Ministry of Municipal Affairs & Housing***

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Important Note - Sections and or text that have been highlighted in green reflect the 2005 SHRA amendments made as a result of the August 2005 SHRA Consultations.

Sections that have been highlighted in yellow reflect the recent 2007 SHRA amendments as a result of the SHRA consultations.

# 1 Introduction

## 1.1 What the Guide covers

The *Social Housing Reform Act, 2000* (also referred to in this Guide as “the Act”) governs social housing programs transferred to municipal administration. Part V of the Act is entitled “Rent-Geared-to-Income Assistance and Special Needs Housing”. Part V outlines rules that must be followed by service managers, applicants and recipients of assistance with respect to specific social housing programs.

Ontario Regulation 298/01 (also referred to in this Guide as “O. Reg. 298/01”) specifies to whom Part V of the Act applies and how. It contains detailed rules prescribed under authority of various sections in Part V.

Part V of the Act addresses two different forms of assistance – rent-geared-to-income assistance and special needs housing. Although the rules for these two types of assistance are similar in many cases, the responsibilities for administration are different.

- The service managers designated under the Act (municipalities and District Social Services Administration Boards) are responsible for rent-geared-to-income assistance. Section 16 of the Act allows a service manager to enter into agreements with other parties to carry out duties and powers on its behalf (e.g., a housing provider or a separately incorporated co-ordinated access system). However, per subsection 16 (10), the service manager remains responsible for the performance of those duties and the exercise of those powers, and is therefore ultimately accountable.
- Responsibility for special needs housing may be assigned by regulation to a supportive housing provider or a “lead agency” for some or all special needs housing. If it is not assigned to a supportive housing provider or a lead agency, responsibility falls to the service manager. Responsibility for special needs housing is currently assigned to individual supportive housing providers.

For this reason, two separate guides have been prepared – one for rent-geared-to-income assistance and one for special needs housing. Each guide covers all of the requirements relevant to that subject, including procedural requirements that are similar for both, as contained in the Act and O. Reg. 298/01 as at September 1, 2003. Both guides are amended from time to time as changes to the Act and or regulations occur.

This Guide addresses only rent-geared-to-income assistance and is intended primarily for the use of the service manager. Service managers may make whatever use of the material they find most useful.

The material in this Guide that explains the legislative requirements may also be useful to housing providers, rent-geared-to-income households and others involved with the administration of rent-geared-to-income assistance. However, it should not be viewed as a complete guide to the policies and procedures in effect in a particular service manager's area. The material in this Guide would need to be supplemented by information about local rules and procedures in order to have a complete picture of rent-geared-to-income assistance in a service manager's area.

## **1.2 What the Guide does**

The *Social Housing Reform Act, 2000* and O. Reg. 298/01 specify all of the provincial rules regarding rent-geared-to-income assistance. The Act allows the province to prescribe policy statements to be used in the interpretation of Part V of the Act and regulations, but the province has chosen not to issue any such policy statements at this point in time. If the province does issue policy statements in future, service managers will be notified.

All of the provincial rules regarding rent-geared-to-income assistance that apply after the transfer of administration to service managers can be found in the Act and the regulations.

This Guide is designed only to help those involved in the administration of rent-geared-to-income assistance to understand the Act and O. Reg. 298/01. It does not include any additional provincial policies that must be followed. Nor should any of the explanations or examples in the Guide be interpreted as policy. The Act and regulations should always be used as the basis for decision-making.

The *Social Housing Reform Act, 2000* and the regulations under it are available at the website [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca). The site may also be used to view other pieces of provincial legislation or regulations that are referenced in O. Reg. 298/01. The site is updated as changes occur to the legislation and regulations.

In a few places, O. Reg. 298/01 makes reference to federal legislation. Federal Statutes and regulations may be viewed at the website <http://laws.justice.gc.ca>.

The Guide is divided into thirteen sections, addressing different topics:

1. *Introduction*
2. *Where Rent-Geared-to-Income Assistance Rules Apply*
3. *Applications for Rent-Geared-to-Income Assistance*
4. *Eligibility for Rent-Geared-to-Income Assistance*
5. *Occupancy Standards*
6. *Waiting Lists*
7. *Special Priority Household Category*
8. *Calculation of Geared-to-Income Rent*
9. *Implementing Changes in Geared-to-Income Rent*
10. *Reimbursement of the Service Manager*
11. *Decisions, Review and Notices*
12. *Making Information Available to the Public*
13. *Definitions*

Each section is further broken down into subsections and headings to help the reader find specific topics. Throughout the Guide, excerpts from the Act and O. Reg. 298/01 are provided. In some cases, the excerpt is the only information provided in the Guide. As noted above, the Act and regulations are the only documents that must be followed. It is important that those involved in the administration of rent-geared-to-income assistance work with the wording in the Act and the regulations.

In cases where the regulation may be complex to follow, the Guide also provides a plain-language summary or explanation. In some cases, examples have been provided to help explain the concept. These should be viewed only as explanatory material – the wording of the Act and regulations must be used as the basis for making decisions.

## 2 Where Rent-Geared-to-Income Assistance Rules Apply

### 2.1 Service managers

O. Reg. 298/01 put Part V of the *Social Housing Reform Act, 2000* into effect for specified service managers and housing programs.

#### **O. Reg. 298/01**

##### **Application of regulation**

1.(1) This Regulation applies to the service area of a service manager set out in Column 2 of Table 1 as of the date set out opposite the service manager in Column 3 of Table 1. O. Reg. 298/01, s. 1 (1).

(2) This Regulation applies in respect of designated housing projects, as defined in section 62 of the Act. O. Reg. 298/01, s. 1 (2).

The service managers and dates are listed in Table 1 of the Regulation. The date the Regulation comes into effect will be the date the transfer of ministry-administered programs took place and will be effective only for the projects that have been transferred to the service manager. (Note that there are other regulations under the Act that also specify the transfer date and other events that take place at the same time, e.g., termination of operating agreements.)

The provisions in O. Reg. 298/01 came into effect in the area served by a particular service manager on the date shown in Table 1 of O. Reg. 298/01.

The Regulation is not in effect for projects that have not been transferred to the service manager.

## 2.2 Programs

O. Reg. 298/01 also specifies which housing programs are subject to Part V of the Act. The provisions apply to specific programs listed in Schedule 1 of the Regulation, as follows:

<b>O. Reg. 298/01</b>	
<b>Schedule 1</b>	
<b>HOUSING PROGRAMS</b>	
<b>Program Category Number</b>	<b>Program Description</b>
<b>Public Housing Programs (1 (a) and 1 (b))</b>	
1 (a)	The public housing programs administered before January 1, 2001 by Local Housing Authorities for the object of providing appropriate housing exclusively to applicants selected on the basis of being financially unable to obtain affordable, suitable and adequate housing on the private market, as determined by Ontario, in housing projects that immediately before January 1, 2001 were owned or leased by the Ontario Housing Corporation or jointly by the Ontario Housing Corporation and the CMHC
1 (b)	The public housing program administered before January 1, 2001 by the Ministry for the object of providing appropriate housing exclusively to applicants selected on the basis of being financially unable to obtain affordable, suitable and adequate housing on the private market, as determined by Ontario, in housing projects that immediately before January 1, 2001 were owned or leased by the Toronto Housing Company
<b>Rent Supplement Programs (2 (a), and 2 (b),</b>	
2 (a)	<p>All Rent Supplement Programs administered before January 1, 2001 by Local Housing Authorities or the Ministry that are not included under 2 (b), including:</p> <ol style="list-style-type: none"> <li>1. Rent Supplement — Regular</li> <li>2. Accelerated Rental CMHC</li> <li>3. Accelerated Rental OMC</li> <li>4. Community Integrated</li> <li>5. Assisted Rentals</li> <li>6. Limited Dividend</li> <li>7. Private Assisted Rental</li> <li>8. Ontario Rental Construction Plan</li> <li>9. Canada Rental Supply Plan</li> <li>10. Convert-to-rent</li> <li>11. Canada Ontario Rental Supply Plan</li> <li>12. Renterprise</li> <li>13. Low Rise Rehabilitation</li> </ol>

## Schedule 1

## HOUSING PROGRAMS

Program Category Number	Program Description
	14. Ontario Rental Construction Loan 15. Assisted Rental Housing 16. Ontario Accelerated Family Rental Housing
2 (b)	Rent Supplement Programs administered before January 1, 2001 by the Ministry that are not included under 2 (a), 2 (c) and 2 (d), with respect to units in projects owned, leased or administered by non-profit housing providers, including the following programs: <ol style="list-style-type: none"> <li>1. Community Sponsored Housing Program (1978-1985)</li> <li>2. Community Sponsored Housing Program (P2500) (1978-1985)</li> <li>3. Ontario Community Housing Assistance Program (1978-1985)</li> </ol>
Non-Profit Full Assistance Housing Programs (6 (a) and 6 (b))	
6 (a)	<i>With respect to non-profit housing providers other than non-profit housing co-operatives</i> Non-Profit Full Assistance Housing Programs administered before January 1, 2001 by the Ministry, not including the Municipal Non-Profit Housing Program, but including: <ol style="list-style-type: none"> <li>1. Jobs Ontario Homes</li> <li>2. The Ontario Non-Profit Housing Program (P-3000)</li> <li>3. The Ontario Non-Profit Housing Program (P-3600)</li> <li>4. The Ontario Non-Profit Housing Program (P-10,000)</li> <li>5. Homes Now</li> <li>6. Federal/Provincial Non-Profit Housing Program (1986-1993)</li> </ol>
6 (b)	<i>With respect to non-profit housing co-operatives</i> Non-Profit Full Assistance Housing Programs administered before January 1, 2001 by the Ministry, not including the Municipal Non-Profit Housing Program, but including: <ol style="list-style-type: none"> <li>1 Jobs Ontario Homes</li> <li>. The Ontario Non-Profit Housing Program (P-3000)</li> <li>2 The Ontario Non-Profit Housing Program (P-3600)</li> <li>. The Ontario Non-Profit Housing Program (P-10,000)</li> <li>3 Homes Now</li> <li>. Federal/Provincial Non-Profit Housing Program (1986-1993)</li> <li>4</li> <li>.</li> <li>5</li> <li>.</li> <li>6</li> <li>.</li> </ol>
O. Reg. 556/05, s. 18	

This list includes all of the programs transferred to municipal service managers, except for programs that are governed by project operating agreements to which Canada Mortgage and Housing Corporation (CMHC) is a signatory. (This exception includes municipal non-profit projects with tripartite agreements signed by Ontario, CMHC and the non-profit housing corporation.)

Where rent-geared-to-income assistance is funded by one of the programs in Schedule 1, the rules in Part V of the Act and O. Reg. 298/01 apply. In projects where some rent-geared-to-income units are funded under a program on the list and others are funded only under a program with a project operating agreement that CMHC has signed, only the units funded by the list program are subject to the Act and Regulation.

Note that there is nothing to prevent a housing provider and service manager from agreeing to change a federal project operating agreement to specify that the rules in the Act and Regulation will be used for all units in the project. Section 157 of the *Social Housing Reform Act, 2000* gives the service manager authority to amend or replace these agreements where the housing provider agrees.

***Social Housing Reform Act, 2000***

**Power to amend, replace certain operating agreements**

**157.** (1) This section applies with respect to an operating agreement to which the Government of Canada or the Canada Mortgage and Housing Corporation is a party that was entered into with respect to a prescribed transferred housing program. SHRA 2000, c. 27, s. 157 (1).

**Same**

(2) The service manager to whom responsibility for funding and administering a housing project under the housing program to which the operating agreement relates and the housing provider may amend or terminate and replace the operating agreement as it relates to the housing project, and shall do so in writing. SHRA 2000, c. 27, s. 157 (2).

### 3 Applications for Rent-Geared-to-Income Assistance

The Act specifies that an application for rent-geared-to-income assistance is to be made to the service manager.

***Social Housing Reform Act, 2000***

**Application for assistance**

**65.** (1) A member of a household who wishes to receive rent-geared-to-income assistance for a unit in a designated housing project may apply to the service manager and shall do so in accordance with this section. SHRA 2000, c. 27, s. 65 (1).

**Same**

(2) The application must contain such information and documents as may be prescribed or as may be required by the service manager and must be submitted in a form approved by the service manager. SHRA 2000, c. 27, s. 65 (2).

Section 5 of O. Reg. 298/01 provides more detailed rules about applications.

**O. Reg. 298/01, s. 5.**

**Application for rent-geared-to-income assistance**

**5.** (1) An application by a household for rent-geared-to-income assistance must be made to the service manager in whose service area the household wishes to receive the assistance. O. Reg. 298/01, s. 5 (1).

(2) The application must include such information and documents as the service manager may require. O. Reg. 298/01, s. 5 (2)

(3) The service manager may require the household to give the service manager written verification, from a person acceptable to the service manager and in the form specified by the service manager, of any of the following:

1. The income of any member of the household from any source.
2. The interest of any member of the household in any asset and the value of the interest of any member of the household in any asset. O. Reg. 298/01, s. 5 (3).

(4) The written verification that a service manager may require under paragraph 2 of subsection (3) may be a written appraisal, obtained at the household's expense, of the value of the interest of any member of the household in any asset. O. Reg. 298/01, s. 5 (4).

(5) If, before the household begins to receive rent-geared-to-income assistance, there is a change in a document or information that the household has provided to the service manager with respect to its application, the household shall provide such updated document and information as the service manager may require within 10 business days from the date that the content of the document or the information ceases to be accurate, or within such longer period as the service manager may allow. O. Reg. 85/02, s. 1.

**(5.1)** A service manager may extend, one or more times, the period within which a household must provide an updated document or information under subsection (5), and each extension of a period may be made either before or after the expiry of the period. O. Reg. 220/04, s. 1.

(6) Subsections (2) and (5) do not apply to a household applying for rent-geared-to-income assistance in housing provided by an alternative housing provider under its mandate to provide housing to households that are homeless or hard to house, if the alternative housing provider notifies the service manager that it is of the view that requiring the household to comply with those subsections is inappropriate in the circumstances. O. Reg. 298/01, s. 5 (6).

(7) The application must include a consent to the disclosure to the service manager of information and documents required by the service manager for the purpose of processing the application including, but not limited to, determining the eligibility of the household for rent-geared-to-income assistance, determining the size and type of unit in respect of which the household is eligible to receive rent-geared-to-income assistance, determining the placement of the household on waiting lists, and determining the amount of geared-to-income rent payable by the household. O. Reg. 298/01, s. 5 (7).

(8) The application and the consent must be signed by such members of the household as the service manager may require.

(9) If a member of the household who is required to sign the application and consent is unable to do so for any reason, or is unable to make a valid application and give a valid consent, the application and consent may be signed on the member's behalf by another individual who,

- (a) is the parent or guardian of the member;
- (b) is an attorney of the member under a power of attorney that authorizes the attorney to make the application and give the consent on the member's behalf; or
- (c) is otherwise authorized to make the application and give the consent on the member's behalf. O. Reg. 298/01, s. 5 (9).

(10) If the service manager is satisfied that the household or a third party is unable to provide information or a document, the service manager shall not require the household or the third party to provide that information or document. O. Reg. 298/01, s. 5 (10).

(11) If a request for inclusion in the special priority household category is made with the household's application for rent-geared-to-income assistance, and if the member making the request believes that he or she will be at risk of being abused by the abusing individual if he or she attempts to obtain information or a document relating to the application for rent-geared-to-income assistance, the service manager shall not require the member to provide that information or document. O. Reg. 298/01, s. 5 (11).

(12) Upon receiving an application for rent-geared-to-income assistance, the service manager shall determine whether,

- (a) the application and the consent have been filled out and signed; and
- (b) the service manager has received all other information and documents required by this Regulation or by the service manager, including information and documents from third parties that the service manager requires for the purpose of verifying information

and documents provided by the household. O. Reg. 298/01, s. 5 (12).

- (13) Within seven business days after receiving the application or within such longer time frame as may be determined by the service manager, the service manager shall give the household a written notice,
- (a) stating that the application is complete, if the service manager has determined that the conditions set out in subsection (12) have been met; or
  - (b) stating that the application is not complete and explaining why it is not complete, if the service manager has determined that the conditions set out in subsection (12) have not been met. O. Reg. 298/01, s. 5 (13).
- (14) If the service manager gives the household a written notice stating that the application is not complete, the service manager shall, if it determines subsequently that the conditions set out in subsection (12) have been met, promptly give the household a written notice stating that the application is now complete. O. Reg. 298/01, s. 5 (14).
- (15) The application shall be considered to be complete for the purposes of this Regulation on the date of the written notice given by the service manager stating that the application is complete. O. Reg. 298/01, s. 5 (15).
- (16) The service manager is not required to determine the eligibility of the household for rent-geared-to-income assistance, the size and type of unit in respect of which the household is eligible to receive rent-geared-to-income assistance or the amount of geared-to-income rent payable by the household, if the household's application for rent-geared-to-income assistance is not complete. O. Reg. 298/01, s. 5 (16).

Note that a household applying to an alternative housing provider with a mandate to house the homeless or hard to house is exempt from providing documentation and notice of change of information, if the housing provider advises the service manager that it is inappropriate for the household to provide the information or document.

The responsibilities of the service manager and the household applying for rent-geared-to-income assistance are summarized below:

## Responsibilities of the service manager

- Develop an application form for the service area that requests the information and documents required by the service manager. The purpose of the application form is to collect information that is needed to determine:
  - the eligibility of the household for rent-geared-to-income assistance;
  - the size and type of unit for which the household is eligible;
  - the ranking of the household on the centralized and subsidiary waiting lists.
- The service manager may require written verification of income and assets. This includes a written appraisal, at the household's expense, to verify the value of property owned by the household;
- The application form must include a consent to permit the disclosure to the service manager of information and documents required to process the application. Service managers will determine who is to sign the consent or if the member is unable to sign the form it may be signed by a person authorized to sign on behalf of the member. (There must be some objective proof that the individual is unable to give consent.)

In determining who is to sign, service managers should consider that it is the signed consent that will enable the service manager to obtain information or documents, if required, from a third party in order to verify income and asset information. It will also enable the sharing of information as required by section 165 (1) of the *Social Housing Reform Act, 2000*.

- The service manager must not require information or documents that they are satisfied cannot be provided.
- The service manager must not require information or documents from a household applying for special priority status because of abuse if the member believes that in order to fulfill the request; he or she will be at risk from the abuser.
- The service manager must process the application and determine if:
  - it is properly completed;
  - the consent to disclosure has been signed by every member as required, or by an individual authorized to sign on the member's behalf if the member is unable to sign;

- all the required documents have been received.
- The service manager must give the household written notice of whether or not the application is complete within seven business days or longer if needed by the service manager after it is received. If the application is not complete, the household must be given the reason why it is not complete.
- If an application was incomplete and the household subsequently provided all the information and/or documents required, the service manager must promptly notify the household that the application is complete. In this case, the application is complete on the date of the letter notifying the household that it is complete.
- The service manager is not required to make any decisions about an application until it is complete.
- If a household is eligible for assistance, the service manager places the household on the centralized waiting list and on the subsidiary waiting list for the housing projects selected by the household. (If the household is not eligible for rent-geared-to-income assistance, the application is not approved and the household is not placed on the waiting list.)
- The service manager must verify the continued eligibility of households on the waiting list at least once in every 24-month period [see subsection 11 (1)].
- The service manager may, if it chooses, allow a longer period than 10 business days for a household to report a change to information or a document provided with its application. Applicants are required to file their changes within specified time periods but a service manager has the discretion to extend the time frames.

### **Responsibilities of the applicant**

- Submit the application for rent-geared-to-income assistance to the service manager in whose area the household wishes to live or to a third party that has an agreement with the service manager to perform this function.
- Ensure the application form is fully completed and provide all the information and documents requested by the service manager.
- Ensure the consent of disclosure is signed by every member of the household required by the service manager; if a member is unable to sign the form, it may be signed by an individual authorized to sign on the member's behalf.

- Ensure, while on the waiting list, that the service manager is provided with the most updated information or documents within 10 business days after a change occurs or within a longer period of time that the service manager may allow. Service managers have the discretion to extend time frames but are not required to do so.

If a household is applying to live in a project with a mandate to house the homeless or hard to house, the household may be exempt from providing information or documents, if the housing provider advises the service manager that it is inappropriate for the household to provide the information or document.

## **4 Eligibility for Rent-Geared-to-Income Assistance**

### **4.1 Legislative authority**

The *Social Housing Reform Act, 2000* establishes the service manager's authority to determine whether a household is eligible for rent-geared-to-income assistance, using eligibility rules established under the Act.

#### ***Social Housing Reform Act, 2000***

##### **Eligibility for assistance**

- 66.** (1) A service manager shall determine whether a household that applies for rent-geared-to-income assistance for a unit in a designated housing project of the service manager is eligible for it. SHRA 2000, c. 27, s. 66 (1).

##### **Same, continued eligibility**

- (2) The service manager shall periodically determine whether each household paying geared-to-income rent for a unit in a designated housing project of the service manager continues to be eligible for rent-geared-to-income assistance. SHRA 2000, c. 27, s. 66 (2).

##### **Eligibility rules**

- (3) The decisions required by this section shall be made in accordance with such eligibility rules as may be established under this Act. SHRA 2000, c. 27, s. 66 (3).

##### **Duty**

- (4) A service manager shall ensure that rent-geared-to-income assistance is paid only in respect of households that are eligible for it. SHRA 2000, c. 27, s. 66 (4).

O. Reg. 298/01 specifies provincial rules that must be met by a household before it can be eligible to receive rent-geared-to-income assistance. It also gives a service manager the flexibility to modify certain provincial eligibility rules, and to establish additional local eligibility rules for the service area.

The Act prohibits obtaining or receiving rent-geared-to-income assistance by any person who is not eligible, and helping someone else who is not eligible to receive rent-geared-to-income assistance.

***Social Housing Reform Act, 2000***

**Prohibition re obtaining assistance**

85. (1) No member of a household shall knowingly obtain or receive rent-geared-to-income assistance for which the household is not eligible under this Act. SHRA 2000, c. 27, s. 85 (1).

**Same**

(2) A person shall not knowingly aid or abet a member of a household to obtain or receive rent-geared-to-income assistance for which the household is not eligible under this Act. SHRA 2000, c. 27, s. 85 (2).

**Penalty**

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and, on conviction, is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months or to both. SHRA 2000, c. 27, s. 85 (3).

## **4.2 Provincial eligibility rules**

### **4.2.1 Basic eligibility requirements**

Section 7 of O. Reg. 298/01 outlines provincially set eligibility rules that all rent-geared-to-income households must meet. Most of these requirements are set out in subsections 7 (1) and (2), as shown below.

**O. Reg. 298/01**

**Eligibility requirements**

7. (1) A household is eligible for rent-geared-to-income assistance if,
- (a) at least one member of the household is 16 years old or older and is able to live independently;
  - (b) each member of the household meets at least one of the following criteria:
    - (i) the member is a Canadian citizen,
    - (ii) the member has made an application for status as a permanent resident under the Immigration and Refugee Protection Act (Canada), or
    - (iii) the member has made a claim for refugee protection under the Immigration and Refugee Protection Act (Canada);
  - (c) no removal order has become enforceable under the Immigration and Refugee Protection Act (Canada) against any member of the household;
  - (d) Revoked: O. Reg. 220/04, s. 3 (3).
  - (e) in the case of a household other than a special priority household, no member of the household owes, with respect to a previous tenancy in any housing project under any housing program,
    - (i) arrears of rent,
    - (ii) money owed as the result of a reimbursement requested by a service manager under section 86 of the Act, or
    - (iii) money owed in respect of damage caused by a member of the household;
  - (e.1) in the case of a household other than a special priority household, a member of the household, with respect to a previous tenancy in any housing project under any housing program, owes arrears or money owed as set out in clause (e) and,
    - (i) the service manager is satisfied that extenuating circumstances exist, or
    - (ii) any member of the household has entered into an agreement or made reasonable efforts to enter into an agreement, with the housing provider for the repayment of the arrears or money owed and the service manager is satisfied that the member is making or intends to make all reasonable efforts to repay the arrears or the money owed;

- (f) in the case of a special priority household, no member of the household owes, with respect to a previous tenancy in any housing project under any housing program,
  - (i) arrears of rent,
  - (ii) money owed as the result of a reimbursement requested by a service manager under section 86 of the Act, or
  - (iii) money owed in respect of damage caused by a member of the household;
- (f.1) in the case of a special priority household, a member of the household, with respect to a previous tenancy in any housing project under any housing program, owes arrears or money owed as set out in clause (f) and,
  - (i) in the case of arrears or money owed in respect of a unit of which the member and the abusing individual are joint tenants,
    - (A) the service manager is satisfied that extenuating circumstances exist, or
    - (B) any member of the household has entered into an agreement or made reasonable efforts to enter into an agreement, with the housing provider for the repayment of 50 per cent of the arrears or money owed and the service manager is satisfied that the member is making or intends to make all reasonable efforts to repay 50 per cent of the arrears or money owed, and
  - (ii) in the case of arrears or money owed in respect of any other unit,
    - (A) the service manager is satisfied that extenuating circumstances exist, or
    - (B) any member of the household has entered into an agreement or made reasonable efforts to enter into an agreement, with the housing provider for the repayment of the arrears or money owed and the service manager is satisfied that the member is making or intends to make all reasonable efforts to repay the arrears or money owed;
- (g) one of subclauses (i) and (ii) is true:
  - (i) no member of the household has been convicted of an offence under section 85 of the Act or a crime under the *Criminal Code* (Canada) in relation to the receipt of rent-geared-to-income assistance, and if an individual who was, but is no longer, a member of the household has been convicted of such an offence or crime, the service manager determines that,

- (A) no member of the household knew that the individual who was convicted of the offence or crime was committing it, or
    - (B) a member of the household knew that the individual who was convicted of the offence or crime was committing it, but the member was not reasonably able to prevent the individual from committing it, or
  - (ii) a member of the household has been convicted of an offence under section 85 of the Act or a crime under the *Criminal Code* (Canada) in relation to the receipt of rent-geared-to-income assistance, but the household has previously been determined to be ineligible for rent-geared-to-income assistance because of that conviction; and
- (h) one of subclauses (i) and (ii) is true:
- (i) no member of the household has been found by the Ontario Rental Housing Tribunal, the Landlord and Tenant Board or a court of law to have misrepresented his or her income or the income of his or her household in relation to the receipt of rent-geared-to-income assistance, and if an individual who was, but is no longer, a member of the household has been found to have made such a misrepresentation, the service manager determines that,
    - (A) no member of the household knew that the individual who was found to have made the misrepresentation was making it, or
    - (B) a member of the household knew that the individual who was found to have made the misrepresentation was making it, but the member was not reasonably able to prevent the individual from making the misrepresentation, or
  - (ii) a member of the household has been found by the Ontario Rental Housing Tribunal, the Landlord and Tenant Board or a court of law to have misrepresented his or her income or the income of his or her household in relation to the receipt of rent-geared-to-income assistance, but,
    - (A) the household has previously been determined to be ineligible for rent-geared-to-income assistance because of that finding, or
    - (B) The service manager determines that the member who was found to have made the misrepresentation is an abused member of a special priority household who was forced to make the misrepresentation by the abusing individual. O. Reg. 298/01, s. 7 (1); O. Reg. 85/02, s. 3.
- (2) For the purpose of clause (1) (a),
- (a) an individual is able to live independently if he or she is able to perform

for himself or herself the normal essential activities of day-to-day living;

- (b) An individual shall be deemed to be able to live independently if the individual is able to live independently with the aid of certain support services and demonstrates that those support services will be provided to him or her when they are required. O. Reg. 298/01, s. 7 (2).

The eligibility requirements in subsection 7 (1) can be summarized as follows. A household is eligible for geared-to-income assistance if:

- At least one member of the household is 16 years old or older and is able to live independently with or without support services.
- Each member of the household must be a Canadian citizen, have applied for permanent resident status, or be a refugee claimant.
- No enforceable removal order under the Immigration and Refugee Protection Act (Canada) has been made against any member of the household.
- No member of the household owes money as a result of a previous tenancy (used generically in this case to include co-op residency). The money owed can be arrears, damages caused by the household, or an amount of a reimbursement owed to the service manager. It can be in any housing project under any of the housing programs transferred under the SHRA. (This includes money owed with respect to a market and/or geared-to-income unit.)

If a member of the household does owe money, the service manager has the flexibility to not require payment if it is satisfied that there are extenuating circumstances or if an agreement has been entered into to repay the housing provider or if the applicant has made reasonable efforts to make a repayment agreement. The service manager must also be satisfied the applicant will make every effort to repay the amount. There is a special provision for a special priority household to repay only 50 per cent of the arrears if the unit had a joint tenancy with the abuser.

- No member of the household has been convicted of an offence under section 85 of the Act (see above) or a crime under the *Criminal Code* (Canada) regarding the receipt of rent-geared-to-income assistance, or found by the Ontario Rental Housing Tribunal, the Landlord and Tenant Board or a court of law to have misrepresented their income for the purpose of rent-geared-to-income.

If a former member of the household were convicted of such a crime, the service manager can determine:

- whether or not any one else in the household knew the fraud was being committed or was able to prevent it; or
- if the period of time for which the household cannot reapply has expired (two years unless further extended by a local priority rule); or
- whether the household is a special priority household and the member was forced to make the misrepresentation by the abuser.

#### **4.2.2 Divestment of residential property**

O. Reg. 298/01 also prescribes requirements that household members divest themselves of any residential property they may own.

##### **O. Reg. 298/01**

##### **Divestment of residential property**

**9.** (1) If a household is receiving rent-geared-to-income assistance, each member of the household who has a legal or beneficial interest in a freehold or leasehold estate in residential property located in or outside Ontario that is suitable for year-round occupancy shall divest himself or herself of his or her interest in the property and shall give written notice to the service manager of the divestment. O. Reg. 298/01, s. 9 (1).

(2) The divestment must occur and the notice must be given:

- (a) within 180 days after the first day of the month in respect of which the household begins to receive rent-geared-to-income assistance, if the member has the interest in the property at the time the household begins to receive rent-geared-to-income assistance; or
- (b) Within 180 days after the first day of the month in which the member acquires the interest in the property, if the member acquires the interest in the property after the household begins to receive rent-geared-to-income assistance. O. Reg. 298/01, s. 9 (2).

(3) The service manager may extend the time for effecting the divestment and giving the notice for such period of time as the service manager considers appropriate, if the service manager is satisfied that there are reasonable grounds to do so. O. Reg. 298/01, s. 9 (3).

(4) If the interest in the estate in the residential property is held jointly by an abused member of a special priority household and the abusing individual, and if the abused member notifies the service manager that he or she believes that the divestment or the taking of steps to effect the divestment would place him or her at risk of abuse from the abusing individual, the service manager shall extend the time for effecting the divestment and giving the notice for such period of time as the service manager considers appropriate. O. Reg. 298/01, s. 9 (4).

(5) In this section,

“Divest”, in relation to a legal or beneficial interest in a freehold or leasehold estate in property, means to complete the transfer of the interest in the property or to terminate the lease of the property;

“Residential property” means,

- (a) a property all of which is used for residential purposes or any portion of such a property, or
- (b) in the case of a property part of which is used for residential purposes and part of which is used for other purposes, any portion that is used for residential purposes. O. Reg. 298/01, s. 9 (5).

A household that owns residential property that is suitable for year-round occupancy, whether the property is in or outside of Ontario, must sell the property within 180 days (6 months) after they begin to receive a rent-geared-to-income subsidy.

If a residential property suitable for year-round accommodation is acquired after the household begins to receive assistance (*for example, the property could be inherited from a relative*), it must be sold within 180 days (6 months) after it is acquired. This applies whether or not the property is in Ontario.

A household may become ineligible for rent-geared-to-income assistance if the household does not divest itself of the residential property within the time specified. However, the service manager has the flexibility to extend the time for the sale and the notice period if there are reasonable grounds to do so.

O. Reg. 298/01 contains a provision to protect a special priority household if a residential property is held jointly with the abuser. If the member advises the service manager that he or she believes that taking steps to sell the property would place him or her at risk from the abuser, the service manager must extend the time for selling the property.

### 4.3 Local eligibility rules

Section 75 of the Act gives the service manager authority to set local eligibility rules only where prescribed by the province in regulation. Some restrictions are also stipulated in the Act.

***Social Housing Reform Act, 2000, s. 75.***

**Local rules**

(5) A service manager may establish local eligibility rules dealing with such matters as may be prescribed, and those eligibility rules take effect on the date specified by the service manager. SHRA 2000, c. 27, s. 75 (5).

**Same**

(6) In establishing local eligibility rules, a service manager shall comply with such requirements as may be prescribed. SHRA 2000, c. 27, s. 75 (6).

**Same**

(7) Local eligibility rules apply in addition to the provincial eligibility rules. SHRA 2000, c. 27, s. 75 (7).

**No residency criterion**

(8) A local eligibility rule cannot specify that a household is ineligible for rent-gear-to-income assistance just because the household resides outside the service manager's service area at any time before the household occupies a unit within the service area. SHRA 2000, c. 27, s. 75 (8).

**No time limit on assistance**

(9) A local eligibility rule cannot limit the period of time for which rent-gear-to-income assistance may be paid in respect of a household. SHRA 2000, c. 27, s. 75 (9).

Section 78 of the Act clarifies the status of local rules.

***Social Housing Reform Act, 2000***

**Invalidity**

**78.** (1) An application procedure or a local eligibility rule, occupancy standard or priority rule that contravenes this Act or a regulation is invalid and of no force or effect. SHRA 2000, c. 27, s. 78 (1).

**Conflict**

In the event of a conflict between this Act or a regulation and a local eligibility rule or a local priority rule, this Act or the regulation prevails. SHRA 2000, c. 27, s. 78 (2).

#### **4.3.1 Income and asset limits**

Section 8 of O. Reg. 298/01 provides authority for a service manager to establish a local income or asset limit if they so choose, subject to prescribed minimums.

**O. Reg. 298/01**

**Local eligibility rules, income and asset limits**

**8.** (1) A service manager may establish a local eligibility rule stating that a household is not eligible for rent-geared-to-income assistance in a unit in the service area unless the gross household income of the household, as determined under subsections (9) and (10), for a 12-month period determined by the service manager, is less than or equal to the maximum gross household income amount applicable to the unit, as specified in the local eligibility rule. O. Reg. 298/01, s. 8 (1).

(2) For the purpose of establishing a local eligibility rule described in subsection (1), a service manager may establish the maximum gross household income amounts that are to apply to units in the service area. O. Reg. 298/01, s. 8 (2).

**O. Reg. 298/01, s. 8.**

(3) A service manager may establish a local eligibility rule stating that a household is not eligible for rent-geared-to-income assistance in a unit in the service area unless the aggregate household assets value of the household, as determined under subsections (11), (12) and (13), on the most recent date on which the service manager received information or documents respecting the household's assets, is less than or equal to the maximum aggregate household assets amount applicable to the unit, as specified in the local eligibility rule. O. Reg. 298/01, s. 8 (3).

(4) For the purpose of establishing a local eligibility rule described in subsection (3), a service manager may establish the maximum aggregate household assets amounts that are to apply to units in the service area. O. Reg. 298/01, s. 8 (4).

(5) The service manager may establish,

- (a) different maximum gross household income amounts for units of different sizes and for units in different parts of the service area;
  - (b) different maximum aggregate household assets amounts for units of different sizes and for units in different parts of the service area.
- O. Reg. 298/01, s. 8 (5).

(6) The service manager may from time to time establish new maximum gross household income amounts and new maximum aggregate household assets amounts to replace the old ones. O. Reg. 298/01, s. 8 (6).

A service manager has the flexibility to decide whether or not to establish local eligibility rules that set a maximum income and/or asset amount that a household can have and be eligible for a rent-geared-to-income unit in the service area. There is no requirement that these limits be established.

If income and/or asset limits were set for the service area, they would apply to the unit and may be different for each size unit. *For example, the maximum income or asset limit for a one-bedroom unit may be a different amount than the maximum limit for a two or a three-bedroom unit.*

The rules would have the effect of making a household ineligible for a geared-to-income unit in the service area if the gross household income and/or assets exceed the limit set for the unit.

## Income limits

### **O. Reg. 298/01, s. 8.**

(7) A service manager shall not establish a maximum gross household income amount for a unit that is less than the household income limit prescribed for a unit of that type and size for the purposes of clause 11 (1) (a) of the Act. O. Reg. 298/01, s. 8 (7).

(8) A service manager shall not establish a maximum aggregate household assets amount that is less than \$20,000. O. Reg. 298/01, s. 8 (8).

(9) For the purpose of a local eligibility rule established by a service manager under subsection (1), the gross household income of a household, for a 12-month period determined by the service manager, is the sum of all payments of any nature paid to or on behalf of or for the benefit of each of the members of the household during that period, subject to subsection (10). O. Reg. 298/01, s. 8 (9).

(10) The service manager may establish a local eligibility rule requiring that specified payments be excluded for the purpose of determining the gross household income of a household and, in that case, the gross household income of a household, for a 12-month period determined by the service manager, is the sum of all payments of any nature paid to or on behalf of or for the benefit of each of the members of the household during that period, excluding the payments that are required to be excluded under the local eligibility rule. O. Reg. 298/01, s. 8 (10).

If a service manager chooses to set income limits for rent-geared-to-income eligibility, the income that would be compared to the limits would be the total of all payments of any nature paid to each member of the household for a 12 month period. If income limits are established they must not be less than the provincial Household Income Limit (HIL) for the size and type of unit in the service area as set out in Table 6, O. Reg. 368/01.

A service manager also has the ability to establish a local rule that a specific type of payment be excluded from the gross income used to determine the maximum income limits.

The income limits may be different for different size units and for units in different parts of the service area.

## Asset limits

### **O. Reg. 298/01, s. 8.**

(11) For the purpose of a local eligibility rule established by a service manager under subsection (3), the aggregate household assets value of a household on a given date is the sum of the values of the interests in assets of each of the members of the household on that date. O. Reg. 298/01, s. 8 (11).

(12) For the purpose of subsection (11), the following shall not be included in assets:

1. An interest in a motor vehicle that is not used primarily for the operation of a business by a member of the household.
2. Tools of the trade that are essential to the employment of a member of the household.
3. If one member of a household has an interest in or operates one business, business assets that are necessary to the operation of that business, to a maximum of \$20,000.
4. If more than one member of a household has an interest in or operates the same business, business assets that are necessary to the operation of that business, to a maximum of \$20,000 for the business.
5. If one member of the household has an interest in or operates more than one business, business assets that are necessary to the operation of those businesses, to a maximum of \$20,000 for the member.
6. A student grant, loan or award, so long as the member of the household for whose benefit the grant, loan or award is provided remains in attendance in the program of study for which it is intended.
7. A prepaid funeral.
8. An amount received as damages or compensation for,
  - i. pain and suffering resulting from an injury to or the death of a member of the household, or
  - ii. Expenses reasonably incurred or to be incurred as a result of an injury to or the death of a member of the household.

9. A payment received under any of the following agreements to which the Province of Ontario is a party:
  - i. The Helpline Reconciliation Model Agreement.
  - ii. The Multi-Provincial/Territorial Assistance Program Agreement.
  - iii. The Grandview Agreement.
10. A payment received under the Extraordinary Assistance Plan (Canada).
11. The cash surrender value of all life insurance policies held by members of the household, to a maximum of \$100,000 for the household.
12. That portion of a loan taken against a life insurance policy that has been or will be used for disability-related items or services.
13. A payment received under the Ontario Hepatitis C Assistance Plan.
14. That portion of a payment received under the *Ministry of Community and Social Services Act* for the successful participation by a member of the household in a program of activities described in paragraph 9 of section 26 of Ontario Regulation 134/98 under the *Ontario Works Act, 1997* that,
  - i. within a reasonable period, as determined by the service manager, is to be used for the member's post-secondary education, or
  - ii. is paid into a Registered Education Savings Plan for one or more of the member's children.
15. A Canada Education Savings Grant paid into a Registered Education Savings Plan for a child of a member of the household.
16. A lump sum payment received under the 1986-1990 Hepatitis C Settlement Agreement made as of June 15, 1999 among the Attorney General of Canada, Her Majesty the Queen in right of Ontario and others.
17. A payment received from Human Resources Development Canada under the program called the "Opportunities Fund for Persons with Disabilities", if the payment has been or will be applied to costs incurred or to be incurred as a result of participation in employment-related activities.
18. Clothing, jewellery and other personal effects of a member of the household.
19. Furniture, appliances, furnishings and decorative or artistic items located in the accommodation occupied by members of the household, unless used by a member of the household primarily for the purpose of operating a business

- 20. A payment received from the Government of Alberta as compensation for sterilization.
  - 21. A payment received under the Walkerton Compensation Plan.
  - 22. A beneficial interest in assets of a disabled member of the household, to a maximum of \$100,000, where the assets are held in one or more trusts and are available to be used for maintenance and where the capital of the trusts is derived from an inheritance or from the proceeds of a life insurance policy.
- (13) A service manager may establish a local eligibility rule specifying additional things that shall not be included in assets for the purpose of subsection (11). O. Reg. 298/01, s. 8 (13).

If a service manager chooses to set asset limits for eligibility for rent-geared-to-income units in the service area, the asset limit cannot be less than \$20,000. It may be different for different size units and for units in different parts of the service area. A service manager may set new asset levels to replace the old ones.

Subsection 8 (12) of O. Reg. 298/01 provides an extensive list of assets that must not be included if asset limits are set. A service manager has the flexibility to set a local rule to add other things to the excluded list for the purpose of setting asset limits. The most recent addition relates to trust funds established for disabled persons. The change would allow a trust fund or funds to be established without automatically making the person ineligible where the amounts exceeded the local asset limit.

This section only deals with local asset limits and does not affect determination of assets for income calculations.

#### **4.3.2 Local eligibility rule - absence from unit**

##### **O. Reg. 298/01**

##### **Local eligibility rule, absence from unit**

13. (1) A service manager may establish a local eligibility rule stating that,
- (a) A household receiving rent-geared-to-income assistance ceases to be eligible for such assistance if all of the members of the household have been absent from the unit for at least the maximum absence period specified in the rule;

- (b) If a household has only one member and that member is absent from the unit for a period of time because of medical reasons, the member shall be deemed not to be absent from the unit during that period for the purpose of clause (a); and
- (c) if a household has two or more members, one member is absent from the unit for a period of time because of medical reasons, and the others are absent from the unit for that period of time because they need to be accommodated elsewhere as a result of the absence of the first member, all the members of the household shall be deemed not to be absent from the unit during that period for the purpose of clause (a). O. Reg. 298/01, s. 13 (1).
- (2) A service manager may establish a maximum absence period for the purpose of establishing a local eligibility rule described in subsection (1), and the service manager may from time to time establish a new maximum absence period to replace the old one. O. Reg. 298/01, s. 13 (2).
- (3) A maximum absence period shall be a period consisting of a specified number of consecutive days. O. Reg. 298/01, s. 13 (3).
- (4) A service manager shall not establish a maximum absence period that is less than 60 consecutive days. O. Reg. 298/01, s. 13 (4).

A service manager has the choice of whether or not to set a maximum absence period from a unit for continued eligibility for rent-geared-to-income assistance. A service manager may revise or change a maximum absence period. There is no requirement to set a local eligibility rule regarding absence.

A maximum absence period, if one is set, must be for a specific number of consecutive days but must not be less than 60 consecutive days.

If a service manager decides to establish a maximum absence period rule, O. Reg. 298/01 specifies under what circumstances the rule would apply. The rule must be clear that all members of the household would have to be absent from the unit for the specified number of consecutive days. It must contain a provision to protect households that are required to be absent from the unit for medical reasons.

*Example: A single parent with young children. The parent needs to be hospitalized and the children need to be taken care of elsewhere while the parent is in the hospital. The unit is not deemed to be vacant during the period the parent is in the hospital.*

*Example: An older couple where one member is the caregiver of the other member. The caregiver has to be hospitalized and the other member has to be looked after elsewhere while the member is in the hospital. The unit is not deemed to be vacant during the period the member is away for medical reasons.*

### 4.3.3 Local eligibility rule - reapplication

#### **O. Reg. 298/01**

##### **Local eligibility rule, reapplication**

17. (1) A service manager may establish a local eligibility rule that is identical to subsection 16 (1) except for the fact that the period specified by the service manager is a period longer than two years. O. Reg. 298/01, s. 17 (1).

(2) A service manager may establish a local eligibility rule that is identical to subsection 16 (2) except for the fact that the period specified by the service manager is a period longer than two years. O. Reg. 298/01, s. 17 (2).

Section 17 allows a service manager to establish a local eligibility rule to extend the reapplication period beyond two years if a member of the household has been convicted by a court of law or found by the Ontario Rental Housing Tribunal or Landlord and Tenant Board to have misrepresented income for rent-geared-to-income purposes.

### 4.4 Notice of changes in household information

#### **O. Reg. 298/01**

##### **Notice of changes**

10. (1) a household receiving rent-geared-to-income assistance shall,

- (a) within 10 business days after each change in a document or information that the household has provided to the service manager, or within such longer period as the service manager may allow, give the service manager notice setting out the change in the form and manner required by the service manager; and

- (b) in the case of a change in a document, provide the changed document to the service manager within the period of time specified by the service manager. O. Reg. 298/01, s. 10 (1); O. Reg. 409/01, s. 4; O. Reg. 85/02, s. 4.
- (1.1) A service manager may extend, one or more times, the period within which a household must give the service manager notice under clause (1) (a) and the period initially specified by the service manager under clause (1) (b), and each extension of a period may be made either before or after the expiry of the period. O. Reg. 220/04, s. 4.
- (2) This section does not apply to a household receiving rent-geared-to-income assistance in a unit provided by an alternative housing provider under its mandate to provide housing to households that are homeless or hard to house, if the alternative housing provider notifies the service manager that it is of the view that requiring the household to comply with this section is inappropriate in the circumstances. O. Reg. 298/01, s. 10 (2).

The intent of this provision is to make it clear that a household receiving rent-geared-to-income is obliged to report changes promptly. A household is required to report the change, in the way that the service manager requests, within 10 business days after the change occurs, or within a longer period of time that the service manager has set. The household must also provide any updated document within the time specified by the service manager. The service manager has the discretion to extend time but is not required to do so.

A household that lives in a unit operated by a housing provider with a mandate to house the homeless or hard to house is exempt from this rule if the housing provider notifies the service manager that it is inappropriate for the household to comply.

## 4.5 Time frame for making eligibility determinations

O. Reg. 298/01 stipulates the time frame within which decisions about eligibility must be made.

### **O. Reg. 298/01**

#### **Time for making determinations**

**23.** (1) A determination about whether a household is eligible for rent-geared-to-income assistance or special needs housing must be made within 30 days after the household's application is complete or within such longer time as may be determined by the decision-maker. O. Reg. 298/01, s. 23 (1).

(2) If a request for inclusion in the special priority household category is made with the household's application for rent-geared to-income assistance or special needs housing, the determination about whether the household is eligible for rent-geared-to-income assistance or special needs housing must be made within 14 days after the household's application is complete. O. Reg. 309/07, s. 8 (1).

(2.1) If a request for inclusion in the special priority household category is made with the household's application for an internal transfer, the determination about whether a household is to be included in the special priority household category on the waiting list for internal transfers must be made within 14 days after the household's application is complete. O. Reg. 309/07, s. 8 (1).

(3) If the members of the household were given an opportunity to comment, under section 80 of the Act, in relation to the determination, the 30-day or other time period referred to in subsection (1) or the 14 days referred to in subsection (2) or (2.1) does not include the time period.

(a) beginning on the day the notice of that opportunity was given under subsection 55 (2); and

(b) ending on the last day comments may be received under subsection 55 (6) O. Reg. 298/01, s. 23 (3)

The decision as to whether a household is eligible for rent-geared-to-income assistance or special needs housing must be made within 30 calendar days or more as determined by the decision-maker after the date the household's application is complete. The application is considered complete as of the date that that written notice is given to the household that the application is complete (see section 3 of this Guide "Applications for Rent-geared-to-Income Assistance").

However, if a request for special priority is made with the application, the decision about eligibility for rent-geared-to-income assistance must be made within 14 days after the application is complete.

If the household is given an opportunity to comment on information before a negative decision is made, the time allowed for the household to provide comments is excluded from the period for determining eligibility. In other words, the clock stops ticking on the date the notice of opportunity to comment is given to the household and resumes ticking on the day after the opportunity to comment period ends.

For details on opportunity to comment, see section 11 of this Guide, "**Decisions, Review and Notices**"; subsection 11.1 "**Opportunity to Comment**".

## 4.6 Review of eligibility

O. Reg. 298/01 also specifies how often eligibility must and may be reviewed.

### **O. Reg. 298/01**

#### **Review of eligibility**

11.(1) Once in every 24-month period after a household is determined to be eligible for rent-geared-to-income assistance, the service manager shall review the eligibility of the household and shall determine whether the household continues to be eligible for rent-geared-to-income assistance. O. Reg. 556/05, s. 4.

(2) Once in every 12-month period after a household begins to receive rent-geared-to-income assistance, the service manager shall review the eligibility of the household and shall determine whether the household continues to be eligible for rent-geared-to-income assistance. O. Reg. 556/05, s. 4.

(2.1) The service manager may review the eligibility of the household more frequently than as set out in subsections (1) and (2), if the service manager considers such a review to be desirable. O. Reg. 556/05, s. 4

(3) The household subject to the review shall provide such information and documents as the service manager may require within the time period specified by the service manager. O. Reg. 298/01, s. 11 (3).

(3.1) A service manager may extend, one or more times, the period initially specified by the service manager under subsection (3), and each extension of a period may be made either before or after the expiry of the period. O. Reg. 220/04, s. 5 (1).

(3.2) Subsection (3) does not apply to a household that is in housing, or is on a waiting list for housing, provided by an alternative housing provider under its mandate to provide housing to households that are homeless or hard to house, if the alternative housing provider notifies the service manager that it is of the view that requiring the household to comply with subsection (3) is inappropriate in the circumstances. O. Reg. 220/04, s. 5 (1).

(4) The service manager may require a consent signed by any member of the household who is 16 years old or older, consenting to the disclosure to the service manager of information and documents required by the service manager for the purpose of the review. O. Reg. 298/01, s. 11 (4).

(5) Subsection 5 (9) applies, with necessary modifications, to a consent under this section. O. Reg. 298/01, s. 11 (5).

(6) Subsections 5 (3), (4), (10) and (11) apply, with necessary modifications, to a review under this section. O. Reg. 298/01, s. 11 (6); O. Reg. 220/04, s. 5 (2).

At least once every 24 months, a service manager is required to review whether a household on the waiting list continues to meet the eligibility rules for rent-geared-to-income assistance. Households in receipt of assistance will be reviewed annually. A service manager has the flexibility to review eligibility more frequently.

If the household is already living in a rent-geared-to-income unit, the review includes the continued eligibility for the size and type of unit that the household occupies.

The rules are similar to the initial determination of eligibility, and the household must provide the information and documents required by the service manager to verify household income and the value of assets, within the time specified by the service manager. The service manager has the discretion to extend time but is not required to do so.

Similar to the initial determination of eligibility, an alternative housing provider with a mandate to house the homeless or hard to house may advise the service manager that it is inappropriate for the household to provide the information and/or document, and the service manager must not require them if satisfied they cannot be provided.

## Special priority households

If a special priority household believes that the abused individual will be at risk from the abuser if he or she attempts to obtain information or a document, the service manager must not require the member to provide the information or document. For information on special priority household category, see Section 7 of this Guide, “**Special Priority Household Category**”.

## 4.7 Ineligibility

### 4.7.1 Grounds for becoming ineligible

Section 12 of O. Reg. 298/01 spells out the grounds under which a household that has previously been found to be eligible ceases to be eligible. This section refers to other parts of the Regulation. A summary of these references is provided for the reader's convenience, following the excerpt from the Regulation.

#### **O. Reg. 298/01**

##### **Cessation of eligibility**

12. (1) A household that has been determined by a service manager to be eligible for rent-geared-to-income assistance ceases to be eligible for such assistance, whether or not the household is receiving such assistance, if,
- (a) the service manager discovers that, at the time of the initial or a subsequent determination of eligibility, the household did not meet an eligibility requirement set out in subsection 7 (1);
  - (b) The household has ceased to meet, or does not meet, an eligibility requirement set out in subsection 7 (1);
  - (c) Revoked
  - (d) Subject to subsections (2) and (3), the service manager discovers that, at the time of the initial or a previous determination of eligibility, the household did not satisfy a local eligibility rule that had been established by the service manager under section 8;
  - (e) subject to subsections (2) and (3), the household has ceased to satisfy, or does not satisfy, a local eligibility rule established by the service manager under section 8;
  - (f) The household fails to comply with subsection 5 (5);
  - (g) A member of the household fails to comply with section 9;

- (h) the household fails to comply with section 10, and the change in respect of which the household was required to notify the service manager would have resulted in,
  - (i) An increase in the geared-to-income rent payable by it, or
  - (ii) The household no longer being eligible for the unit it occupied;
- (i) The household fails to comply with section 11;
- (j) The household ceases to be eligible under paragraph 3 of section 33;
  - (j.1) the household fails to comply with paragraph 8.1, or 8.2 or 8.3 of section 37;
- (k) the household ceases to be eligible under section 39 as a result of refusing three offers of a rent-geared-to-income unit; or
- (l) the household fails to comply with section 52. O. Reg. 298/01, s. 12 (1).
- (1.1) Despite subsection (1), a service manager may determine that a household that has otherwise ceased to be eligible for rent-geared-to-income assistance continues to be eligible for such assistance if the service manager is satisfied that extenuating circumstances exist. O. Reg. 556/05, s. 5.

To summarize subsection (1), a household may cease to be eligible for rent-geared-to-income assistance whether the household is receiving assistance or on the waiting list. A household ceases to be eligible if:

- The service manager discovers later that the household did not initially meet an eligibility requirement.
- The household ceases to meet an eligibility requirement or local eligibility rule regarding a maximum income or asset limit.
- A reference to pursuit of income from Section 7 was revoked as regulations regarding pursuit of income were moved to section 12 and given a specific reference (See 4.7.2 – Pursuit of Income in this Guide).
- The household failed to notify the service manager of a change within 10 business days or the time specified by the service manager or failed to provide updated documents within the time specified by the service manager, only where the change would have resulted in an increased rent or loss of eligibility for the unit because of overhousing. Situations where a tenant fails to notify of a loss of income would therefore not be grounds for ineligibility.

- The household failed to sell residential property it owns within the time specified by the service manager, or fails to notify the service manager of the sale.
- The household fails to provide information and documents required to review eligibility within the time specified by the service manager, or fails to sign the consent to disclose the information to the service manager.
- The household is overhoused and requests to be removed from the centralized waiting list or when moving to the centralized list does not apply to or maintain on their application at least the minimum number of projects required by the service manager.
- The household refuses three offers of rent-geared-to-income units that are the appropriate size and in a housing project the household has selected.
- If there is a local eligibility rule pertaining to absence from the unit, and the household has been absent from the unit for longer than the maximum period.

The normal response for any of these occurrences will be loss of eligibility, however, a service manager can choose not to impose that penalty if it is satisfied there are extenuating circumstances that would make it unreasonable.

### **Application of income limits**

#### **O. Reg. 298/01, s. 12.**

(2) If a household is receiving rent-geared-to-income assistance in a unit at the time a service manager establishes a maximum gross household income amount applicable to the unit for the purposes of a local eligibility rule established under subsection 8 (1),

- (a) if the gross household income of the household, as determined under subsections 8 (9) and (10), exceeds the maximum gross household income amount at the time of its establishment, the household does not cease to be eligible for rent-geared-to-income assistance for a failure to satisfy the local eligibility rule;

(b) if the gross household income of the household, as determined under subsections 8 (9) and (10), does not exceed the maximum gross household income amount at the time of its establishment but subsequently increases to the point where it exceeds the maximum gross household income amount, the household ceases at that point to be eligible for rent-geared-to-income assistance for a failure to satisfy the local eligibility rule. O. Reg. 298/01, s. 12 (2).

To summarize subsection (2), if a household is receiving rent-geared-to-income assistance when a service manager establishes a local eligibility rule for a maximum income limit:

- The household continues to be eligible, even if their gross household income already exceeds the limit at the time that the limit is set by the service manager (i.e., income limit does not apply to the household.)
- However, if an existing household whose income was initially above the income limits experiences a change in circumstances and income decreases to below the maximum income limit, the income limit would begin to apply to that household. The household would cease to be eligible if their income again increased to exceed the limit.
- If the gross household income does not exceed the maximum income limit at the time it is set, they would cease to be eligible if their income later exceeded the limit.

*Example: Service manager sets a maximum income limit of \$35,000/year for a three-bedroom unit. An individual already lives in a three-bedroom rent-geared-to-income unit with two children. The household income is \$37,000 per year at the time the income limit is set. The individual is unaffected by the income limit and continues to receive a subsidy.*

*The individual's circumstances change and the household income is reduced to \$30,000/year. This individual is now affected by the maximum income limit. If the household income increases to more than \$35,000, the household ceases to be eligible.*

*Example: The service manager sets a maximum income limit of \$35,000 per year for a three-bedroom unit. An individual lives in a three-bedroom unit with two children and the household income is \$28,000 at the time the limit is set. If the household income increases to more than \$35,000, the household ceases to be eligible.*

## Application of asset limits

### **O. Reg. 298/01, s. 12.**

(3) If a household is receiving rent-geared-to-income assistance in a unit at the time a service manager establishes a maximum aggregate household assets amount applicable to the unit for the purposes of a local eligibility rule established under subsection 8 (3),

- (a) if the aggregate household assets value of the household, as determined under subsections 8 (11), (12) and (13), exceeds the maximum aggregate household assets amount at the time of its establishment, the household does not cease to be eligible for rent-geared-to-income assistance for a failure to satisfy the local eligibility rule;
- (b) if the aggregate household assets value of the household, as determined under subsections 8 (11), (12) and (13), does not exceed the maximum aggregate household assets amount at the time of its establishment but subsequently increases to the point where it exceeds the maximum aggregate household assets amount, the household ceases at that point to be eligible for rent-geared-to-income assistance for a failure to satisfy the local eligibility rule. O. Reg. 298/01, s. 12 (3).

To summarize subsection (3), if a household is receiving rent-geared-to-income assistance when a service manager establishes a local eligibility rule for a maximum assets limit:

- The household does not cease to be eligible if the household assets exceed the maximum asset limit at the time that it is set;
- If the household assets do not exceed the maximum aggregate household assets limit, but subsequently increase to exceed the limit, the household would then cease to be eligible.

## **When a rent-geared-to-income household is at the maximum rent for twelve months**

### **O. Reg. 298/01, s. 12.**

(4) A household receiving rent-geared-to-income assistance ceases to be eligible for such assistance if, for a period of 12 consecutive months, the geared-to-income rent payable by it for the unit it occupies, as determined under section 47, is equivalent to the rent that would be payable for the unit by a household not receiving rent-geared-to-income assistance. O. Reg. 298/01, s. 12 (4).

To summarize subsection (4), a household ceases to be eligible for rent-geared-to-income assistance if the household has paid the “maximum rent” (amount payable for the unit by someone not receiving rent-geared-to-income assistance) for 12 consecutive months.

Even though the household is paying the maximum rent during the 12 month-period, the household is considered to be a rent-geared-to-income household and would immediately receive a subsidy if it is required.

After 12 consecutive months of paying the maximum rent, the household is no longer a rent-geared-to-income household and becomes a market rent household. If the household requires a subsidy in the future, a new application must be submitted, and if eligible, the household will be placed on the waiting list. The ranking date on the waiting list for this new application for rent-geared-to-income assistance will be the date it is submitted subject to any priority given to market-rent paying tenants in the service area.

### **4.7.2 Pursuit of income**

Subsection 12 (5) of O. Reg. 298/01 addresses the requirement that a household, in receipt of geared-to-income assistance, pursue certain types of income that may be available to it.

**O. Reg. 298/01, s. 12.**

(5) In the case of a household that is receiving rent-geared-to-income assistance, if the service manager is of the opinion that a member of the household may be eligible to receive income of a type set out in subsection (6) and the member is not receiving such income, the service manager shall give the household a written notice,

- (a) stating that the member may be eligible to receive income of the type specified in the notice;
- (b) requesting the member to apply for that income and to make reasonable efforts to do whatever is required for the purpose of obtaining a decision on the application and receiving that income; and
- (c) giving the household a reasonable period of time specified in the notice within which to inform the service manager of the results of the application. O. Reg. 298/01, s. 12 (5).

A household that may be eligible to receive certain types of income must be given written notice to pursue the income. The household may become ineligible for rent-geared-to-income assistance if they do not make reasonable effort to pursue this income.

Note that it is the service manager that decides whether or not to ask a member of the household to pursue income.

**Types of income which must be pursued**

**O. Reg. 298/01, s. 12.**

(6) The types of income referred to in subsection (5) are:

1. Basic financial assistance under the *Ontario Works Act, 1997*.
2. Support under the Divorce Act (Canada), the Family Law Act or the Interjurisdictional Support Orders Act, 2002.
3. Benefits under the Employment Insurance Act (Canada).
4. Any pension or other benefit that an individual who is 65 years of age or older is or may be entitled to receive from the Government of Ontario or the Government of Canada, other than a pension or other benefit that is available to an individual before the month in which the individual attains 65 years of age.

5. Support or maintenance resulting from an undertaking given with respect to the member under the Immigration Act (Canada) or the Immigration and Refugee Protection Act (Canada). O. Reg. 298/01, s. 12 (6).

The types of income specified in subsection 12 (6) are the only types of income that a service manager can require a household to pursue.

### **Process for determining ineligibility**

A household is not eligible for rent-geared-to-income assistance, or ceases to be eligible, if the service manager:

- does not receive a response from the household within the time specified in the notice; or
- determines that the household did not make reasonable efforts to obtain the income.

Note that it is the service manager that determines whether or not the household has made “reasonable efforts” to obtain the income.

**O. Reg. 298/01, s. 12.**

(7) A household that has been given a notice under subsection (5) is not eligible for rent-geared-to-income assistance if the service manager,

- (a) receives no response from the household within the period of time specified in the notice; or

(b) concludes, on the basis of a response received from the household within the period of time specified in the notice, that the member has failed to make reasonable efforts to obtain income of the type specified in the notice. O. Reg. 298/01, s. 12 (7).

### 4.7.3 Consequences of becoming ineligible

Section 14 of O. Reg. 298/01 also specifies what happens when a rent-geared-to-income household becomes ineligible.

#### **O. Reg. 298/01**

##### **Consequences of cessation of eligibility**

**14.** (1) If a service manager determines that a household receiving rent-geared-to-income assistance has ceased to be eligible for such assistance,

- (a) the service manager shall cease to provide rent-geared-to-income assistance in respect of the household, beginning with the month specified in subsection (3); and
- (b) the household shall pay rent for the unit it occupies at the rate at which rent is payable for the unit by a household not receiving rent-geared-to-income assistance, beginning with the month specified in subsection (3).  
O. Reg. 298/01, s. 14 (1).

(2) Subsection (1) does not apply if one or more members of the household request an internal review of the service manager's decision and the service manager's decision is reversed on the internal review. O. Reg. 298/01, s. 14 (2).

(3) The month as of which the provision of rent-geared-to-income assistance must cease and the payment of the higher rent must begin is the month immediately following the 90th day after the date the service manager gives the household written notice under subsection 66 (5) of the Act of the service manager's decision that the household has ceased to be eligible for rent-geared-to-income assistance. O. Reg. 298/01, s. 14 (3).

To summarize, if a household receiving rent-geared-to-income assistance ceases to be eligible:

- The service manager must immediately give the household 90 days written notice of the decision that the household has ceased to be eligible for a geared-to-income subsidy and must pay the market rent.
- The household must pay the market rent for the unit beginning with the month following the 90 days notice. This is the case regardless of whether the household is a tenant or a co-operative member (for co-operative housing providers, the notice period for increasing the rent is at least 60 days per O. Reg. 339/01, subsection 22 (6)).

*Example: A household ceases to be eligible April 30. The service manager serves 90 days notice, dated April 30, that the household has ceased to be eligible for a subsidy and advises the household of the market rent for the unit. The household pays the market rent starting August 1.*

*If the household requests an internal review of the decision, and the internal review reverses the decision, then the household continues to be eligible for a subsidy.*

*If the household requests an internal review of the decision, and the internal review upholds the decision, then the household ceases to be eligible as of the original notice date.*

#### **4.7.4 Notice to the housing provider**

##### **O. Reg. 298/01**

##### **Notice to housing provider**

**15.** Within seven business days after determining that a household receiving rent-geared-to-income assistance in a unit has ceased to be eligible for such assistance or within such longer time frame as may be determined by the service manager, a service manager shall give the housing provider providing the unit written notice of the service manager's decision and of the review process available to members of the household in respect of the decision.  
O. Reg. 298/01, s. 15.

Within seven business days or more as determined by the service manager, after the service manager decides that a household has ceased to be eligible, the housing provider must be given written notice of the decision and of the review process available to members of the household.

#### **4.7.5 Reapplication after becoming ineligible**

Section 16 of O. Reg. 298/01 includes rules restricting the reapplication of a household that has been found ineligible because of misrepresentation of income.

**O. Reg. 298/01**

**Reapplication**

16. (1) A household that is determined by a service manager to be ineligible for rent-geared-to-income assistance because it fails to meet the requirements of clause 7 (1) (g) may not reapply for rent-geared-to-income assistance for a period of two years from the date of the offence or crime referred to in subclause 7 (1) (g) (i) or (ii). O. Reg. 309/07, s. 7.

(2) A household that is determined by a service manager to be ineligible for rent-geared-to-income assistance because it fails to meet the requirements of clause 7 (1) (h) may not reapply for rent-geared-to-income assistance for a period of two years from the date of the misrepresentation referred to in subclause 7 (1) (h) (i) or (ii). O. Reg. 309/07, s. 7.

A household that is determined to be ineligible for rent-geared-to-income assistance because a member was convicted of an offence under the *Criminal Code* (Canada) in relation to receiving rent-geared-to-income, or found by the Ontario Rental Housing Tribunal, Landlord and Tenant Board or a court of law to have misrepresented his/her income or the income of the household, may not reapply for assistance for a period of two years from the date the offence was found to have occurred, which will be the date specified in the tribunal, board or court decision. If a range of time is given the most recent date can be used.

The prohibition is on the application. Offences, such as misrepresentation, will often result in an amount of arrears/reimbursement owing. While the household cannot apply for two years following the date of the offence, their eligibility will depend on satisfying the requirements around repayments or repayment agreements.

*Example: The Order reads that the tenant "is found to have misrepresented the income from January 1, 2007 to July 15, 2007 when it was discovered by the provider." After eviction, the household could not reapply for RGI assistance until July 15, 2009,*

*The Order reads that the tenant "is found to have misrepresented the income on January 1, 2007. After eviction, the household could not reapply for RGI assistance until January 1, 2009*

Note that section 17 of O. Reg. 298/01 permits a service manager to establish a longer period for reapplication.

**O. Reg. 298/01**

**Local eligibility rule, reapplication**

**17. (1)** A service manager may establish a local eligibility rule that is identical to subsection 16 (1) except for the fact that the period specified by the service manager is a period longer than two years. O. Reg. 298/01, s. 17 (1).

**(2)** A service manager may establish a local eligibility rule that is identical to subsection 16 (2) except for the fact that the period specified by the service manager is a period longer than two years. O. Reg. 298/01, s. 17 (2).

## 5 Occupancy Standards

### 5.1 The role of occupancy standards

Section 67 of the *Social Housing Reform Act, 2000* establishes the service manager's authority to determine what size of unit a rent-geared-to-income household is eligible for, using what are known as occupancy standards.

#### ***Social Housing Reform Act, 2000***

##### **Type of accommodation**

**67.** (1) A service manager shall determine what type of accommodation is permissible for a household that applies for rent-geared-to-income assistance for a unit in a designated housing project of the service manager. 2000, c. 27, s. 67 (1).

##### **Same**

(2) A service manager shall periodically determine whether the accommodation occupied by a household paying geared-to-income rent in a designated housing project of the service manager continues to be permissible accommodation for the household. 2000, c. 27, s. 67 (2).

##### **Occupancy standards**

(3) The service manager shall make the decisions required by this section in accordance with such occupancy standards as may be established under this Act. 2000, c. 27, s. 67 (3).

The Act also specifies what may be taken into consideration in establishing occupancy standards.

#### ***Social Housing Reform Act, 2000***

##### **Occupancy standards**

**76.** (1) Occupancy standards shall be established under this Part for the purpose of determining the size and type of unit in respect of which a household with prescribed characteristics is eligible to receive rent-geared-to-income assistance. SHRA 2000, c. 27, s. 76 (1).

##### **Same**

(2) Occupancy standards may take into consideration the number and type of rooms in a unit, the number of members in the household, the age and gender of each member, the relationship of each member to the others, space for equipment or support services and other factors. SHRA 2000, c. 27, s. 76 (2).

## 5.2 Responsibilities for establishing occupancy standards

The Act also requires that service managers establish local occupancy standards within a period of time prescribed in regulation. It provides for the province to establish occupancy standards as well, but provincial standards only apply until local occupancy standards are established.

### ***Social Housing Reform Act, 2000, s. 76.***

#### **Provincial standards**

(3) Provincial occupancy standards for transferred housing programs may be established by regulation. SHRA 2000, c. 27, s. 76 (3).

#### **Local standards**

(4) A service manager shall establish local occupancy standards for such transferred housing programs as may be prescribed for the purposes of this section, and shall do so within the prescribed period of time. SHRA 2000, c. 27, s. 76 (4).

#### **Deemed local standards**

(5) If the service manager does not establish local occupancy standards for a housing program within the prescribed period of time, the service manager shall be deemed to have established local standards that are identical to the provincial occupancy standards for the program. SHRA 2000, c. 27, s. 76 (5).

### ***Social Housing Reform Act, 2000, s. 76.***

#### **Effective date**

(6) Local occupancy standards take effect on the date specified by the service manager. SHRA 2000, c. 27, s. 76 (6).

#### **Non-application of provincial standards**

(7) When local occupancy standards are established or are deemed to be established for a transferred housing program, the provincial occupancy standards cease to apply to it. SHRA 2000, c. 27, s. 76 (7).

## 5.3 Provincial occupancy standards

Part V of O. Reg. 298/01 addresses occupancy standards. Sections 27 to 30 describe provincial occupancy standards that apply until a service manager establishes local occupancy standards.

The provincial occupancy standards are expressed as a range of unit sizes for which a particular type of household is eligible.

### 5.3.1 Largest unit that a household may occupy

#### **O. Reg. 298/01**

##### **Largest unit**

**27. (1)** The largest unit a household is eligible for is determined in accordance with this section. O. Reg. 298/01, s. 27 (1).

(2) The largest unit a household is eligible for is a unit that has,

- (a) one bedroom for any two members of the household who are spouses of each other
- (b) one bedroom for each additional member of the household; and
- (c) any additional bedrooms under subsection (3). O. Reg. 298/01, s. 27 (2). O. Reg. 342/05, s. 2 (1).

(3) The additional bedrooms referred to in clause (2) (c) are the following:

- 1. An additional bedroom if one of the spouses referred to in clause (2) (a) requires a separate bedroom because of a disability or medical condition.
- 2. An additional bedroom if the room is required to store equipment required by a member of the household because of a disability or medical condition.
- 3. An additional bedroom if the bedroom is required to accommodate an individual who is not a member of the household and who provides a member of the household with support services that are required because of the member's disability or medical condition.
- 4. An additional bedroom if a member of the household is pregnant.
- 5. An additional bedroom if,
  - i. a member of the household has joint custody over a child who is not a member of the household,
  - ii. the member is required to provide accommodation for the child, and
  - iii. the bedroom is required to accommodate the child.
- 6. An additional bedroom if,

- i. a member of the household has visiting rights with respect to a child who is not a member of the household,
  - ii. it is a condition of the member's visiting rights that the member must provide adequate accommodation for the child when the child stays overnight with the member,
  - iii. the child will stay overnight with the member frequently, and
  - iv. the bedroom is required to accommodate the child. O. Reg. 298/01, s. 27 (3).
7. An additional bedroom or bedrooms if the service manager is satisfied that extenuating circumstances exist.
- (4) An additional bedroom shall be included under clause (2) (c) only if the household requests it. O. Reg. 298/01, s. 27 (4). O. Reg. 342/05, s. 2 (2).

To summarize, the largest unit a household is eligible for under provincial occupancy standards is:

- One bedroom for spouses.
- One bedroom for each additional member of the household; and
- An additional bedroom under the following specific circumstances:
  - if one of the spouses requires a separate bedroom because of a disability or medical condition
  - to store equipment required because of a disability or medical condition
  - to accommodate an individual who is not a member of the household and who provides a member with support services that are required because of a disability or medical condition
  - if a member of the household is pregnant
  - if a member of the household has joint custody over a child, the member is required to provide accommodation for the child, and the bedroom is required to accommodate the child
  - if a member of the household has visiting rights to a child, it is a condition of the visiting rights that adequate accommodation for the child must be provided when the child stays overnight, the child will stay overnight frequently, and the bedroom is required to accommodate the child
  - other, unspecified situations where it is considered reasonable to permit the extra bedroom such as a person whose health would be at risk by a move to another unit

An additional bedroom must be provided only if requested by the household and the above conditions are met.

### 5.3.2 Smallest unit that a household may occupy

#### **O. Reg. 298/01**

##### **Smallest unit**

28. (1) The smallest unit a household is eligible for is determined in accordance with this section. O. Reg. 298/01, s. 28 (1).

(2) The smallest unit a household is eligible for is a unit that has,

(a) one bedroom for every two members of the household; and

(b) an additional bedroom if there is an odd number of members in the household. O. Reg. 298/01, s. 28 (2).

(3) Despite subsection (2), if the household consists of one individual or two individuals who are spouses of each other the smallest unit the household is eligible for is a bachelor. O. Reg. 298/01, s. 28 (3); O. Reg. 342/05, s. 3.

To summarize, the smallest unit a household is eligible for is:

- one bedroom for every two members of the household; and
- an additional bedroom if there are an odd number of members in the household

*Example: The smallest unit for which a household, consisting of two parents with three children all of the same sex is eligible, is a three-bedroom unit.*

Regardless of the above, the smallest size unit that a one-member household or two spouses would be eligible for, is a bachelor unit. However, a household does not have to accept a bachelor unit unless the household indicated that they are willing to live in a bachelor unit. If a household does not indicate any preference for a size unit, they are deemed to have selected the largest size unit for which the household is eligible (subsection 37.7, O. Reg. 298/01).

### **Students living away from home**

Section 29 of O. Reg. 298/01 clarifies the circumstances under which a student living from home is considered a member of the household for the purposes of the provincial occupancy standards.

**O. Reg. 298/01**

**Students living away from household**

**29.** For greater certainty for the purpose of this Part, a child of a member of the household is a member of the household if the child,

- (a) is in full-time attendance at a recognized educational institution and, while in attendance, does not live with the household;
- (b) lives with the household while not attending that educational institution; and
- (c) is dependent, in whole or in part, on the household for financial support. O. Reg. 298/01, s. 29.

### **5.3.3 How requests for a particular size of unit are to be made**

Because the provincial occupancy standards are defined in many circumstances as a range, a household in those circumstances may request a particular unit size within the range for which they are eligible to receive assistance.

**O. Reg. 298/01**

**Requests under this Part**

**30.** The following apply with respect to requests under this Part:

- 1. A request under this Part may be included in the application for rent-geared-to-income assistance or it may be made after the application is made.
- 2. If a request is made after the application for rent-geared-to-income assistance is made, the request must be in writing and must be given to the service manager.
- 3. Subsections 5 (2), (5) and (7) to (16) apply, with necessary modifications, with respect to a request described in paragraph 2.
- 4. A request may be withdrawn by the household but such a withdrawal must be in writing and must be given to the service manager. O. Reg. 298/01, s. 30.

*Example: A single parent with two children of the same sex may request the largest unit for which they are eligible, which is a three bedroom unit that allows one bedroom for each child, or may request a two bedroom unit.*

The request may be made at the time of submitting the application for rent-geared-to-income assistance or made in writing to the service manager at a later date. As with other applications, a consent for disclosure of information must be signed by all members of the household 16 years or older, or if the member is unable to sign by an individual authorized to sign on his/her behalf (paragraph 4.).

## 5.4 Local occupancy standards

Section 31 of O. Reg. 298/01 addresses the requirement to establish local occupancy standards.

### **O. Reg. 298/01**

#### **Local occupancy standards**

31. (1) The transferred housing programs that are housing programs described in subsection (2) are prescribed for the purposes of subsection 76 (4) of the Act. O. Reg. 298/01, s. 31 (1).

(2) The housing programs referred to in subsection (1) are housing programs that are described in Table 1 of Ontario Regulation 645/00 for any of the following program category numbers:

1. 1 (a) or 1 (b).
2. 2 (a), 2 (b), 2 (c) or 2 (d).
3. 6 (a) or 6 (b). O. Reg. 298/01, s. 31 (2).

(3) The prescribed period of time for a service manager for the purposes of subsection 76 (4) of the Act is one year from the day this Regulation first applies to the service area of the service manager. O. Reg. 298/01, s. 31 (3).

The service manager must establish local occupancy standards for all transferred housing programs that are subject to Part V of the Act within one year after O. Reg. 298/01 begins to apply to the service area. The service manager may change its local occupancy standards at any time after establishing them.

If a service manager does not develop its own standards, it is deemed to have adopted the provincial occupancy standards in sections 27 to 30 of O. Reg. 298/01. Local standards, when adopted or deemed adopted, will replace the provincial standards.

Note that O. Reg. 298/01 does not add any rules about what can be taken into account in local occupancy standards or specify a format or method of developing them.

## 5.5 Review of eligibility with respect to occupancy standards

Section 32 of O. Reg. 298/01 requires that eligibility be reviewed periodically against occupancy standards.

### **O. Reg. 298/01**

#### **Review of eligibility — occupancy standards**

**32.** (1) A review under section 11 relating to a household that is occupying a rent-geared-to-income unit shall include a review of whether the size and type of the unit is within the range in respect of which the household is eligible to receive rent-geared-to-income assistance under the applicable occupancy standards. O. Reg. 298/01, s. 32 (1).

However, such a review only has consequences for eligibility if the households is occupying a larger unit than they are entitled to, a circumstance typically described as being “overhoused”.

### **O. Reg. 298/01**

#### **Result of ceasing to be within the occupancy standard range**

**34.** If a household occupies a rent-geared-to-income unit and that unit ceases to be within the range in respect of which the household is eligible to receive rent-geared-to-income assistance under the applicable occupancy standards, the household does not cease to be eligible for rent-geared-to-income assistance in respect of that unit except as provided under section 12. O. Reg. 298/01, s. 34.

## 5.6 Overhoused households

Subsection 32 (2) of O. Reg. 298/01 requires that the service manager give the housing provider written notice if it finds that a household is overhoused.

### **O. Reg. 298/01, s. 32.**

(2) If, under a review under section 11, the service manager determines that a household occupies a rent-geared-to-income unit that is larger than the largest unit in respect of which the household is eligible to receive rent-geared-to-income assistance, the service manager shall give the housing provider written notice of that determination. O. Reg. 298/01, s. 32 (2).

The housing provider and service manager must then follow the rules in section 33.

## **O. Reg. 298/01**

### **Special rule, overhoused households**

**33.** If the service manager gives a housing provider written notice under subsection 32 (2) that a household occupies a rent-geared-to-income unit that is larger than the largest unit in respect of which the household is eligible to receive rent-geared-to-income assistance and the household is not eligible for special needs housing, the following apply:

1. If none of the housing projects that the housing provider operates in the service manager's service area has a unit, occupied or not, that is of a size within the range in respect of which the household is eligible to receive rent-geared-to-income assistance under the applicable occupancy standards, the housing provider shall give the service manager written notice of that fact and the service manager shall add the household to the centralized waiting list.
  - 1.1 If paragraph 1 does not apply, the household may request to be added to the centralized waiting list and the service manager shall add it accordingly.
2. If paragraph 1 does not apply but one year after the notice under subsection 32 (2) is received the household remains in a unit that is larger than the largest unit in respect of which the household is eligible to receive rent-geared-to-income assistance, the housing provider shall give the service manager written notice of that fact and the service manager shall add the household to the centralized waiting list unless it has already been added under paragraph 1.1.
3. If the household is added to the centralized waiting list under paragraph 1 or 2 and the household requests to be removed from the waiting list, the household ceases to be eligible for rent-geared-to-income assistance. O. Reg. 298/01, s. 33.
  4. If the household is added to the centralized waiting list under paragraph 1.1 and the household requests to be removed from the waiting list later than one year after the notice under subsection 32 (2) is received, the household ceases to be eligible for rent-geared-to-income assistance.

To summarize the rules for dealing with overhoused households, if the service manager gives a housing provider written notice that a household is overhoused, the following steps must be followed:

- If the housing provider does not have the appropriate size unit within its portfolio, whether that unit is occupied or not, the housing provider must advise the service manager in writing and the service manager must add the household to the centralized waiting list.
- If the housing provider does have the appropriate size unit, the household is added to the internal waiting list. If the household is still overhoused one year later, the housing provider must inform the service manager in writing, and the service manager must add the household to the centralized waiting list. The household may also remain on the internal transfer list.

- If the provider has the appropriate unit, the household could choose to move directly to the centralized waiting list rather than waiting for a year. It could also ask to be removed from the internal transfer list, if, for instance, it did not wish to stay with that provider..

Generally, a household ceases to be eligible if it requests to be removed from the centralized waiting list. However, if household has voluntarily placed itself on the centralized list under this section, the household can ask to be removed and remain only on the internal list or placed back on the internal transfer list for the initial one-year period, without any consequences to eligibility.

As is the case for other applicants on the centralized waiting list, the household can select the projects in which they wish to live. The household ceases to be eligible if it refuses three offers of an appropriate-sized rent-geared-to-income unit, (section 39, O. Reg. 298/01 and see section 6.6 in this Guide **“Ineligibility because of refusal of offers”**). Again, as is the case for other households on the waiting list, it is not obligated to accept the smallest size unit for which it is eligible, e.g., a bachelor unit; unless it indicated it is willing to live in the smallest size unit.

## 6 Waiting Lists

Section 68 of the Act establishes requirements for waiting lists.

### ***Social Housing Reform Act, 2000***

#### **Waiting lists for units**

**68.** (1) A service manager shall establish and administer one or more waiting lists for rent-geared-to-income units in its designated housing projects, and shall do so in accordance with such requirements as may be prescribed. SHRA 2000, c. 27, s. 68 (1).

#### **Waiting list for each housing project**

(2) If a centralized waiting list is established for all designated housing projects in a service area, the service manager shall maintain a subsidiary waiting list for each of the designated housing projects. SHRA 2000, c. 27, s. 68 (2).

#### **Eligibility**

(3) A household is eligible to be included on a waiting list if the service manager has determined that the household is eligible for rent-geared-to-income assistance in a designated housing project of the service manager and if the household is awaiting accommodation in, or a transfer to, such a housing project. SHRA 2000, c. 27, s. 68 (3).

#### **Category**

(4) The service manager shall determine what category within a waiting list the household is to be included in, and shall do so in accordance with such requirements as may be prescribed. SHRA 2000, c. 27, s. 68 (4).

#### **Rank**

(5) The service manager shall rank the households on the waiting list or lists, and shall do so in accordance with such priority rules as may be established under this Act. SHRA 2000, c. 27, s. 68 (5).

#### **Notice to household**

(6) The service manager shall give written notice to a household about whether the household is included on a waiting list and what category the household is listed in, and shall do so in accordance with such requirements as may be prescribed. SHRA 2000, c. 27, s. 68 (6).

**Notice to housing provider**

If a decision under this section affects a housing provider operating a designated housing project, the service manager shall also notify the housing provider about the decision. SHRA 2000, c. 27, s. 68 (7).

## **6.1 Establishing a centralized waiting list**

O. Reg. 298/01 sets the more specific requirement that a centralized waiting list be established.

**O. Reg. 298/01****Centralized waiting list**

**35. (1)** A service manager shall establish and administer, under section 68 of the Act, a centralized waiting list. O. Reg. 298/01, s. 35 (1).

(2) The service manager shall establish the centralized waiting list on or before the day that is one year after the day this Regulation begins to apply to the service area of the service manager or, if the approved local transfer plan provides for an earlier date, that earlier date. O. Reg. 298/01, s. 35 (2).

(3) In subsection (2),

“approved local transfer plan” means a plan of the service manager under section 14 of the Act that has been approved by the Minister under that section. O. Reg. 298/01, s. 35 (3).

This requires that a service manager develop and administer a centralized waiting list within one year after the date the service manager begins to administer non-profit and co-operative housing programs.

**O. Reg. 298/01**

**Exception to s. 68 (3) of the Act**

**35.1** A household not receiving rent-geared-to-income assistance that occupies a unit in a designated housing project of the service manager shall, despite subsection 68 (3) of the Act, be included on the centralized waiting list established under section 35 if the service manager has determined the household is eligible for rent-geared-to-income assistance and the unit the household occupies meets the occupancy standards established by this Regulation. O. Reg. 85/02, s. 6.

The centralized waiting list includes households applying for rent-geared-to-income assistance, whether or not they already live in a housing project that is subject of Part V of the Act. A household living in a social housing project may apply to receive rent-geared-to-income assistance in the unit in which they already live, provided that the unit is of a size that they are eligible for under the occupancy standards in effect in the service manager's area.

Note that a service manager is not required to maintain a waiting list for market units or for special needs units. A special needs unit is one that has been modified to be accessible to an individual with a physical disability, and/or where provincially funded support services are provided in order for a household to live independently. A unit is still considered to be a special needs unit even if it is the only modified accessible unit in the project and there are no support services provided to the unit.

## 6.2 Subsidiary waiting lists

The centralized waiting list must include subsidiary waiting lists for individual housing projects.

### **O. Reg. 298/01**

#### **Subsidiary waiting lists**

36. (1) A service manager shall provide an up-to-date subsidiary waiting list for a housing project in the service area to the housing provider for the project at such times as may be agreed upon by the service manager and the housing provider and at such other times as the housing provider may request.

O. Reg. 556/05, s. 9.

(1.1) Despite subsection (1), the service manager shall provide to the housing provider for the housing project the information set out in subsection (3) for the households determined to be eligible under a category established under the provincial or local priority rules at least once each month. O. Reg. 556/05, s. 9.

(2) The subsidiary waiting list shall include all the households on the centralized waiting list that the centralized waiting list indicates have a preference for that housing project, ranked as required under subsection 68 (5) of the Act. O. Reg. 298/01, s. 36 (2).

(2.1) Despite subsection (2), a service manager may determine not to include a household on a subsidiary waiting list for a housing project if the housing provider for that housing project has already refused a unit to the household under section 18 of Ontario Regulation 339/01 (Housing Projects Subject to Part VI of the Act) made under the Act. O. Reg. 309/07, s. 14.

(3) The subsidiary waiting list shall also include the following for each household on the list:

1. The names of the members of the household.
2. The address at which the household can be contacted.
3. Whether the household is a special priority household or a homeless or hard to house household or whether it is included in a category, established under the  
local priority rules, within the waiting list.
4. The sizes and types of unit in respect of which the household is eligible to receive rent-geared-to-income assistance under the applicable occupancy standards. O. Reg. 298/01, s. 36 (3).

This section requires that a service manager provide each housing provider with a current subsidiary waiting list for each of the housing provider's housing projects in the service area, on a schedule determined by the service manager and provider. Housing providers may also request an updated waiting list for their project or projects at any time.

The information on households eligible under either a provincial or a local priority will be sent to providers at least monthly.

Service managers who provide this information on protected websites, available to the provider at any time, are considered to be meeting these requirements.

The subsidiary waiting list must include all the households on the centralized waiting list that have indicated a preference for the project, ranked according to the rules made under the *Social Housing Reform Act, 2000*.

If a household has been refused a unit by the provider under Section 18 of O. Reg. 339/01, their name can be removed from the provider's subsidiary list.

Although this section outlines the basic information that must be included in the subsidiary waiting list, the service manager and a housing provider may agree to provide additional information.

### **6.3 Additional rules for the centralized waiting list**

#### **O. Reg. 298/01**

##### **Rules for the centralized waiting list**

**37.** The following are requirements for the centralized waiting list:

1. A household shall be added to the waiting list upon the service manager determining that the household is eligible for rent-geared-to-income assistance.
2. A household shall be removed from the waiting list if it requests to be removed or if it ceases to be eligible to be included.
3. A household shall be removed from the waiting list if the household has accepted an offer of rent-geared-to-income assistance.

4. Paragraph 3 does not apply with respect to the acceptance of an offer of temporary housing that is to be provided while one or more members of the household are receiving treatment or counselling or that is provided because the household is in need of emergency shelter.

4.1 The service manager may temporarily remove a household from the waiting list for a period of time agreed upon by the household and the service manager, if the household requests the removal and the household would be unable to accept an offer of housing for that period of time.

4.2. If a household is removed from a waiting list under paragraph 4.1, and the period of time under paragraph 4.1 has expired or the household notifies the service manager that it is able to accept an offer of housing, the service manager shall reinstate the household to the waiting list.

5. The size of unit with respect to which a household has indicated a preference, either in the household's application for rent-geared-to-income assistance or subsequently, shall be indicated on the waiting list.
6. A household may indicate a preference either for,
- i. all sizes of units within the range in respect of which the household is eligible to receive rent-geared-to-income assistance under the applicable occupancy standards, or
  - ii. the largest of the units described in subparagraph i.
7. If a household does not indicate any preference for a size of housing unit, it shall be deemed to have indicated a preference for the largest unit under subparagraph 6 ii.
8. The housing projects with respect to which a household has indicated a preference, either in the household's application for rent-geared-to-income assistance or subsequently, shall be indicated on the waiting list.

8.1 If a household is added to the centralized waiting list under paragraph 1 or 2 of section 33, the household shall indicate a preference for at least the number of housing projects specified by the service manager within a geographic area.

8.2 If a household is added to the centralized waiting list under paragraph 1.1 of section 33, and the household remains on the waiting list later than one year after the date the notice under subsection 32 (2) is received, the household shall indicate a preference for at least the number of housing projects specified by the service manager within a geographic area.

8.3 A household that indicates a preference for housing projects under paragraph 8.1 or 8.2 and is added to the subsidiary waiting lists for those housing projects shall not request to be removed from any of the subsidiary waiting lists unless,

- i. the number of housing projects for which the household has indicated a preference would, after the requested removal, remain the same as or greater than the number specified by the service manager under paragraph 8.1 or 8.2, and
- ii. the household indicates a preference for another housing project, if necessary.

9. A preference for a housing project by a household is ineffective and shall not be indicated on the waiting list if no member of the household meets the requirements of the housing provider's mandate under section 99 of the Act with respect to the housing project.

9.1 Despite paragraph 9, a household may indicate a preference for a housing project and the preference shall be indicated on the waiting list if the service manager determines that a member of the household will meet the requirements of the housing provider's mandate under section 99 of the Act with respect to the housing project within a period of time specified by the service manager.

10. A service manager shall establish geographic areas for the purposes of the waiting list and a household may indicate a preference for all the housing projects in a geographic area by indicating a preference for that geographic area.

11. If a household does not indicate any preference for a housing project it shall be deemed to have indicated a preference for all the housing projects in the service area.

12. A household's preference for a housing project or geographic area shall be removed if the household requests it.

13. A household referred to in section 35.1 may indicate a preference to receive rent-geared-to-income assistance for the unit it occupies at the time of indicating the preference. O. Reg. 298/01, s. 37; O. Reg. 85/02, s. 7.

These rules specify when a household is to be added to the waiting list, when it is to be removed from the waiting list, and when it is not to be removed from the waiting list.

*Example: A household is not to be removed from the waiting list if it accepts a unit temporarily while a member is undergoing treatment or counselling.*

*A household can be removed temporarily from the waiting list if it requests it because it could not accept a housing offer – enabling it to move to accept a temporary job. The service manager would need to agree with the reason. The household would be put back on the waiting list when the time has expired, or earlier if the household could accept an offer.*

*A service manager can set a minimum number of projects for a household to apply to where a household that has been determined to be overhoused is added to the centralized waiting list after a year on an internal transfer list. Households that voluntarily move to the centralized waiting list do not have to meet the minimum requirement for the initial year.*

*The household must also maintain at least that number of projects on its application.*

*Failure to apply to or maintain the minimum number of projects can result in loss of eligibility. The default selection set out below would be in effect if a household did not indicate any preference.*

The section also contains default selections for areas where a household may not have made a selection.

*Example: If a household does not indicate a preference for a size unit, it is deemed to have indicated the largest size unit for which it is eligible.*

*Example: Similarly, if a household does not indicate a preference for specific housing projects, it is deemed to have selected all of the projects in the service area.*

## 6.4 Ranking by date of application

O. Reg. 298/01 provides clarification as to how households on a waiting list are to be ranked by date.

### 6.4.1 Basic rules for ranking by date

#### **O. Reg. 298/01**

##### **Ranking according to date**

41. (1) A household ranks higher than another household with a later ranking date. O. Reg. 298/01, s. 41 (1).

(2) The ranking date for a household that was added to the centralized waiting list under paragraph 1 or 4.2 of section 37 is the date the household applied for rent-geared-to-income assistance. O. Reg. 298/01, s. 41 (2).

(6) Despite the ranking dates set out in this section, the ranking date for a household that is eligible for rent-geared-to-income assistance under a category established by the local priority rules established by the service manager under section 77 of the Act is the date determined by the service manager for the local priority household category. O. Reg. 556/05, s. 11.

This means that households are generally ranked on the centralized waiting lists according to the date of their application for geared-to-income assistance. The waiting list is further modified by whether or not an applicant has been assigned a priority status, such as a special priority or a local priority. A household that has been removed temporarily from the list because it could not accept an offer of housing will be put back on the list without any impact on its ranking date.

### 6.4.2 When a household changes its preference

#### **O. Reg. 298/01, s. 41.**

(3) Despite subsection (2), if the service manager so provides in the local priority rules, the ranking date for a household that has indicated a preference for a housing project after the determination that the household is eligible for rent-geared-to-income assistance is, with respect to the housing project, the date the household indicated that preference. O. Reg. 298/01, s. 41 (3).

This section allows a service manager to establish a local priority rule to the effect that, if a housing project is added to the list of preferences after the household has been on the centralized waiting list, the application date for that project is the date it was selected.

If the service manager does not establish a rule to this effect, the original date of application for rent-geared-to-income assistance is used as the ranking date for all projects, regardless of whether the household added the project to its list of preferences after the original date of application.

### 6.4.3 Special ranking rule for alternative housing providers

**O. Reg. 298/01, s. 41.**

- (4) The ranking date for a household that was added to the centralized waiting list under section 38 is,
- (a) the date the household requested to be added to the centralized waiting list; or
  - (b) if the household occupies a unit provided by an alternative housing provider under its mandate to provide housing to homeless or hard to house households, the date the household applied for rent-geared-to-income assistance before first beginning to receive rent-geared-to-income assistance. O. Reg. 298/01, s. 41 (4).

A household living in a housing project with a mandate to house the homeless or hard-to-house may not have submitted a fully completed application with all the required documents. Subsection 5 (6) of O. Reg. 298/01 exempts these households from some of the rules that apply to a regular household if the housing provider advises the service manager that it is inappropriate for the household to provide the information or document.

Because of this exemption, the ranking date for the household on the centralized waiting list is the first date the household asked for rent-geared-to-income assistance or agreed to be housed.

#### 6.4.4 Ranking date for overhoused households

**O. Reg. 298/01, s. 41.**

(5) The ranking date for a household that was added to the centralized waiting list under section 33 is the date the household applied for rent-geared-to-income assistance before first beginning to receive rent-geared-to-income assistance. O. Reg. 298/01, s. 41 (5).

If an overhoused household is added to the centralized waiting list, its application date is backdated to the original date of application (before beginning to receive rent-geared-to-income assistance).

#### 6.5 Transfers to another housing provider

**O. Reg. 298/01**

**Special rule, transfers to another housing provider in same service area**

**38.** The following apply with respect to a household occupying a rent-geared-to-income unit that wishes to transfer to another rent-geared-to-income unit in a housing project operated by a different housing provider within the same service area:

1. The household may request to be added to the centralized waiting list by submitting an application signed by such members of the household as the service manager may require
2. If a member of the household who is required to sign the application and consent is unable to do so for any reason, or is unable to make a valid application and give a valid consent, the application may be signed on the member's behalf by another individual who,
  - i. is the parent or guardian of the member,
  - ii. is an attorney of the member under a power of attorney that authorizes the attorney to make the application, or
  - iii. is otherwise authorized to make the application on the member's behalf.
3. A household that makes a request in accordance with paragraph 1 shall be added to the centralized waiting list. O. Reg. 298/01, s. 38.

What this section means is that if a household that is currently receiving rent-geared-to-income wishes to transfer to a housing project operated by a different housing provider within the service area, the household must submit a new application to the centralized waiting list. There is no backdating of this application.

## 6.6 Ineligibility because of refusal of offers

### **O. Reg. 298/01**

#### **Refusal of three offers — ineligibility**

**39.(1)** A household, other than a household that has been determined to be eligible for special needs housing, ceases to be eligible for rent-geared-to-income assistance if it has refused three offers of a rent-geared-to-income unit and,

(a) it is on the centralized waiting list for rent-geared-to-income units;  
or

(b) it has been placed on a housing provider's internal transfer list under paragraph 2 of subsection 11 (2) of Ontario Regulation 339/01 (Housing Projects Subject to Part VI of the Act) made under the Act. O. Reg. 556/05, s. 10.

(2) Subsection (1) applies with respect to the refusal of an offer only if the following are satisfied:

1. The size of unit that is offered is a size for which the household has indicated a preference.
2. The unit that is offered is a unit in respect of which the household would be eligible for rent-geared-to-income assistance.
3. The unit that is offered is in a housing project for which the household has indicated a preference. O. Reg. 298/01, s. 39 (2).

(3) Subsection (1) does not apply with respect to the refusal of a bachelor unit by a household consisting of two individuals who are spouses of each other. O. Reg. 342/05, s. 4.

(4) Subsection (1) does not apply with respect to a refusal by a household that is in temporary housing that is to be provided while one or more members of the household are receiving treatment or counselling or that is provided because the household is in need of emergency shelter. O. Reg. 298/01, s. 39 (4).

A household ceases to be eligible for geared-to-income assistance if it refuses three offers of a unit, and must be removed from the waiting list. The units offered to the household must be units for which they are eligible, and must be of the size and type for which the household indicated a preference and in a housing project the household selected. The rule applies to households on the centralized waiting list or households who have been placed on a provider's internal transfer list due to being overhoused.

A household can refuse a unit and not be removed from the waiting list if:

- The household is a couple and they are offered a bachelor unit, or,
- The household is in temporary housing while a member receives treatment or counselling.

## 6.7 Transition to a centralized waiting list

### **O. Reg. 298/01**

#### **Transition, new centralized waiting lists**

44. (1) All households that, immediately before the establishment of a centralized waiting list, are already on waiting lists for housing projects covered by the centralized waiting list shall be added to the centralized waiting list. O. Reg. 298/01, s. 44 (1).

(2) Subject to subsection (3), the ranking date for a household added under subsection (1), shall be the date the household applied for rent-geared-to-income assistance. O. Reg. 298/01, s. 44 (2).

(3) If, before the establishment of the centralized waiting list, different dates were used for the purposes of ranking households, the service manager may use those different dates as the ranking dates. O. Reg. 298/01, s. 44 (3).

This section addresses households that are on waiting lists that are in place before the centralized waiting list is created. When the centralized waiting list becomes effective, these households must be placed on the centralized waiting list with the date they first applied for rent-geared-to-income assistance (the earliest application date).

Before the creation of the centralized waiting list, a household may have submitted applications to several different housing providers on different dates. Subsection (3) gives the service manager the flexibility to decide to continue to use the application date for each of those projects as the ranking date for the project's subsidiary waiting list.

## 7 Special Priority Household Category

Part IV of O. Reg. 298/01 is entitled “Special Priority Household Category” and prescribes a number of specific rules about this category. Households that have a member or members who are abused and apply for rent-geared-to-income assistance, special needs housing, or an internal transfer, have a mandatory priority on waiting lists. This policy is intended to protect the safety of the applicant and other household members.

Unless otherwise stated, the rules about the special priority household category apply to the waiting lists for rent-geared-to-income assistance, special needs housing and waiting lists for internal transfers. Section 23.1 of O. Reg. 298/01 explains how sections 24 and 25 apply with respect to requests to be included in the special priority household category on the waiting list for internal transfers within prescribed housing projects.

For the purpose of the special priority household category, abuse is defined as: (a) one or more incidents of physical or sexual violence, controlling behaviour, or intentional destruction of or intentional injury to property; or (b) words, actions or gestures that threaten an individual or lead an individual to fear for his or her safety. Abuse is done by any of the following persons against an individual: 1. the individual’s spouse, parent, child or other relative; 2. a person who is sponsoring the individual as an immigrant; 3. a person on whom the individual is emotionally, physically or financially dependent.

**NOTE:** Responsibility for administering the special needs housing functions in Part V of the Act (specifically eligibility and waiting list rules) may be assigned by regulation to a supportive housing provider or a “lead agency” for some or all special needs housing. If it is not specifically assigned to a supportive housing provider or a lead agency, responsibility falls to the service manager. The “Guide to Special Needs Housing” addresses the functions related to special needs housing.

## 7.1 Request for special priority

### 7.1.1 Making a request for special priority

#### **O. Reg. 298/01, PART IV, SPECIAL PRIORITY HOUSEHOLD CATEGORY**

##### **Application and interpretation of s. 24 and 25**

**23.1** [\(1\)](#) Sections 24 and 25 apply as follows with respect to requests to be included in the special priority household category on the waiting list for internal transfers:

1. To every housing provider in respect of a transferred housing project referred to in section 92 of the Act that is subject to Part VI of the Act, commencing on the date set out in Table 1 of Ontario Regulation 339/01 (Housing Projects Subject to Part VI of the Act) made under the Act, opposite the housing project.
2. To a local housing corporation in the manner required by section 32 of the Act and Part IX of Ontario Regulation 339/01 in respect of a housing project, commencing on the first day Ontario Regulation 339/01 applies to a housing provider in respect of a housing project in the service area in which the local housing corporation is located.  
O. Reg. 309/07, s. 9.

[\(2\)](#) If a request under section 24 is for inclusion in the special priority household category on the waiting list for internal transfers, any reference in section 24 or 25 to a service manager, supportive housing provider or lead agency is deemed to be a reference only to a service manager, except where otherwise provided. O.Reg. 309/07, s. 9

### **Request to be special priority household**

24. (1) If a household is applying to a service manager for rent-geared-to-income assistance, any member of the household who is 16 years old or older may request the service manager to determine that the household should be included in the special priority household category on the centralized waiting list established under section 35. O. Reg. 220/04, s. 9 (1).

(1.1) If a household is applying to a service manager, supportive housing provider or lead agency for special needs housing, any member of the household who is 16 years old or older may request the service manager, supportive housing provider or lead agency, as the case may be, to determine that the household should be included in the special priority household category on a waiting list for special needs housing established under section 74 of the Act O. Reg. 220/04, s. 9 (1).

(1.2) If a household is applying to a housing provider for an internal transfer, any member of the household who is 16 years old or older may request that the service manager determine whether it should be included in the special priority household category on the waiting list for internal transfers. O. Reg. 309/07, s. 10 (1).

(2) A request for a determination that a household should be included in the special priority household category may not be made except as provided in subsection (1), (1.1) or (1.2). O. Reg. 298/01, s. 24 (2); O. Reg. 220/04, s. 9 (2).

(3) The request must be in writing and must state that,

- (a) a member of the household has been subject to abuse from another individual;
- (b) the abusing individual is or was living with the member or is sponsoring the member as an immigrant; and
- (c) the abused member intends to live permanently apart from the abusing individual. O. Reg. 298/01, s. 24 (3).

Any member of an applicant household who is 16 years or older may also make a request for special priority status. A request for special priority status may be made only where a member of the household has been subject to abuse from someone that they are or have been living with, or from someone who has sponsored them as an immigrant, and the household member intends to live permanently apart from the abuser. The request must include statements declaring that these criteria are met.

**O. Reg. 298/01, s. 24.**

(4) The request must be signed by the member making the request.  
O. Reg. 298/01, s. 24 (4).

(5) If the member making the request is unable for any reason to sign the request or to make a valid request, the request may be signed on the member's behalf by another individual who,

- (a) is the parent or guardian of the member;
- (b) is an attorney of the member under a power of attorney that authorizes the attorney to make the request on the member's behalf; or
- (c) is otherwise authorized to make the request on the member's behalf.  
O. Reg. 298/01, s. 24 (5).

(6) The request must include a consent signed by the abused member, consenting to the disclosure to the service manager, supportive housing provider or lead agency of information and documents required by the service manager, supportive housing provider or lead agency for the purpose of verifying the statement required under clause (3) (a). O. Reg. 298/01, s. 24 (6); O. Reg. 182/02, s. 2.

(7) If the abused member is less than 16 years old or is unable for any reason to sign the consent or to give a valid consent, the consent may be signed on the member's behalf by another individual who,

- (a) is the parent or guardian of the member;
- (b) is an attorney of the member under a power of attorney that authorizes the attorney to give the consent on the member's behalf; or
- (c) is otherwise authorized to give the consent on the member's behalf. O. Reg. 298/01, s. 24 (7).

The household member making the request must sign the request and consent to disclose documents. As in the case of an application for rent-geared-to-income assistance, if that person is unable to sign the request, it may be signed by a person authorized to make the request on the member's behalf.

### 7.1.2 Information provided with a request for special priority

**O. Reg. 298/01, s. 24.**

(8) The member making the request shall provide such information and documents as the service manager, supportive housing provider or lead agency may require for the purpose of verifying the statement required under clause (3) (a) or (b). O. Reg. 298/01, s. 24 (8); O. Reg. 182/02, s. 2.

(9) If the service manager, supportive housing provider or lead agency is satisfied that the member making the request or a third party is unable to provide information or a document, the service manager, supportive housing provider or lead agency shall not require the member or the third party to provide that information or document. O. Reg. 298/01, s. 24 (9); O. Reg. 182/02, s. 2.

(10) If the member making the request believes that he or she will be at risk of being abused by the abusing individual if he or she attempts to obtain information or a document, the service manager, supportive housing provider or lead agency shall not require the member to provide that information or document. O. Reg. 298/01, s. 24 (10); O. Reg. 182/02, s. 2.

The household member making the request must provide the information and documents required by the service manager to verify the statement that the household member has been subject to abuse and that the abusing individual is or was living with the member or is sponsoring the member as an immigrant.

The specific rules about what constitutes acceptable verification of the statement of abuse are found in subsections 25 (3) to (6) of the regulation (see section 7.2 of this Guide “Determining whether a household has special priority status”).

If the household member believes that he or she will be at risk if he or she attempts to obtain the required information or document/s, the service manager must not require that the household member provide the information or documents.

### 7.1.3 What a special priority applicant cannot be asked to provide

**O. Reg. 298/01, s. 24.**

(11) The service manager, supportive housing provider or lead agency shall not require information as to whether the member making the request or the abused member has commenced legal proceedings against the abusing individual and shall not require information or documents relating to such proceedings. O. Reg. 298/01, s. 24 (11); O. Reg. 182/02, s. 2.

(12) The service manager, supportive housing provider or lead agency shall not require information or documents from more than one person for the purpose of verifying the statement required under clause (3) (a). O. Reg. 298/01, s. 24 (12); O. Reg. 182/02, s. 2.

This means that the service manager must not require information about whether legal proceedings against the abuser have been commenced and must not require information or documents pertaining to such proceedings.

The service manager must not require information or documents from more than one person to verify the abused member's status.

### 7.1.4 If the abused household member no longer lives with the abuser

**O. Reg. 298/01, s. 24.**

(13) If the abused member and the abusing individual used to live together but no longer do, the request must be submitted to the service manager, supportive housing provider or lead agency within three months after they ceased to live together. O. Reg. 298/01, s. 24 (13); O. Reg. 182/02, s. 2.

(13.1) The service manager, supportive housing provider or lead agency shall allow a request to be submitted later than would be allowed under subsection (13) if the service manager, supportive housing provider or lead agency,

(a) verifies the statement required under clause 24 (3) (a) that a member of the household has been subject to abuse from another individual; and

(b) is satisfied that the abuse is ongoing at the time the request is submitted. O. Reg. 309/07, s. 10 (4).

(14) The service manager, supportive housing provider or lead agency may allow a request to be submitted later than would be allowed under subsection (13) if the service manager, supportive housing provider or lead agency is satisfied that it is appropriate to do so after considering whether,

- (a) no member of the household knew that he or she could request to be included in the special priority household category;
- (b) no member of the household knew of the need to submit a request within the time limit set out in subsection (13);
- (c) the abused member is at risk of further abuse from the abusing individual;
- (d) the abused member is at risk of resuming living with the abusing individual due to financial hardship which could be alleviated by the provision of rent-geared-to-income assistance;
- (e) the abused member is in need of rent-geared-to-income assistance to alleviate financial hardship arising from legal proceedings in relation to the previous abuse;
- (f) the abused member is attempting to use the provision of rent-geared-to-income assistance as part of an overall program of recovery and re-establishment of a safe and normal life. O. Reg. 298/01, s. 24 (14); O. Reg. 182/02, s. 2.
- (g) the abused member is living in an emergency shelter or in temporary housing and is receiving treatment or counselling; or
- (h) any other extenuating circumstances apply.

If the abused member no longer lives with the abuser, the request for special priority should normally be made within three months after they cease to live together. Requests beyond three months must be accepted where the service manager verifies the statement of abuse required under clause 24 (3) and is satisfied that the abuse is ongoing at the time the request is submitted.

The service manager may allow a request to be submitted later if the service manager is satisfied that it is appropriate under the circumstances.

### 7.1.5 How a special priority household can be contacted

**O. Reg. 298/01, 24.**

(15) The member making the request may inform the service manager, supportive housing provider or lead agency of the manner and form in which he or she wishes to receive communications from the service manager, supportive housing provider or lead agency and of the telephone number, postal address or other address at which he or she wishes to receive such communications and, in that case, the service manager, supportive housing provider or lead agency shall communicate with the member making the request only in accordance with the instructions provided by the member under this section. O. Reg. 298/01, 24 (15); O. Reg. 182/02, s. 2.

The household member making the request may specify the manner in which he or she wishes to receive communications and the service manager must comply with that person's instructions. The intent of this policy is to protect the person's confidentiality and safety

## 7.1.6 Notifying special priority households about decisions

### **O. Reg. 298/01, s. 56**

#### **Notice of decisions**

(5) If a request for inclusion in the special priority household category was made with the application for rent-geared-to-income assistance or special needs housing, both the notice of the decision relating to the request and the notice of the decision relating to the application shall be given to the individual who made the request but not to all members of the household. O. Reg. 309/07, s. 25 (2).

(5.1) If a request is made to be included in the special priority household category on the waiting list for internal transfers, both the notice of the decision relating to the request and the notice of the decision relating to the application shall be given to,

(a) the individual who made the request but not to all members of the household and

(b) the housing provider. O. Reg. 309/07, s. 25 (2).

Note that subsection 55 (7) of O. Reg. 298/01 has a special rule regarding notification of decisions that involve special priority households.

### **O. Reg. 298/01, s. 55.**

(7) If the decision is with respect to a request for inclusion in the special priority category, the notices referred to in subsection (2) relating to that decision and the decision with respect to the application for rent-geared-to-income assistance with which the request was made shall be given only to the individual who made the request and not to all members of the household.

If the decision relates to the inclusion of the household in the special priority category, the notices relating to that decision and the decision regarding the application for rent-geared-to-income assistance, special needs housing or an internal transfer must be given only to the individual who made the request and not to all members of the household.

If the decision relates to the application for an internal transfer, the notice of the decision relating to the request and the notice relating to the application must also be given to the housing provider.

### **7.1.7 Procedures and time frames for special priority households**

#### **O. Reg. 298/01, s. 24.**

(16) Upon receiving the request, the service manager, supportive housing provider or lead agency shall determine whether,

- (a) the request meets the requirements of subsection (3) and the request and the consent have been signed; and
- (b) the service manager, supportive housing provider or lead agency has received all other information and documents required by the service manager, supportive housing provider or lead agency, including information and documents from a third party, for the purpose of verifying the statement required under clause (3) (a). O. Reg. 298/01, s. 24 (16); O. Reg. 182/02, s. 2.

(17) Within seven business days after receiving the request, the service manager, supportive housing provider or lead agency shall give the member making the request a written notice,

- (a) stating that the request is complete, if the service manager , supportive housing provider or lead agency has determined that the conditions set out in subsection (16) have been met; or
- (b) stating that the request is not complete and explaining why it is not complete, if the service manager , supportive housing provider or lead agency has determined that the conditions set out in subsection (16) have not been met. O. Reg. 298/01, s. 24 (17), O. Reg. 182/02, s. 2.

(18) If the service manager, supportive housing provider or lead agency gives the member making the request a written notice stating that the request is not complete, the service manager, supportive housing provider or lead agency shall, if it determines subsequently that the conditions set out in subsection (16) have been met, promptly give the member making the request a written notice stating that the request is now complete. O. Reg. 298/01, s. 24 (18) , O. Reg. 182/02, s. 2.

(19) The request shall be considered to be complete for the purposes of this Regulation on the date of the written notice given by the service manager, supportive housing provider or lead agency stating that the request is complete. O. Reg. 298/01, s. 24 (19); O. Reg. 182/02, s. 2.

Within seven business days after receiving the request for special priority status, the service manager must give the member making the request, and only that member, a written notice about whether or not the application is complete. If the application is not complete, the reasons why it is not complete must be stated. When all the conditions have been met, the member must be promptly notified.

Note that section 55 of O. Reg. 298/01, regarding the opportunity to comment on information, applies here as in the case of other decisions (see section 11.1 of this Guide “Opportunity to comment”).

**O. Reg. 298/01, s. 23.**

(2) If a request for inclusion in the special priority household category is made with the household's application for rent-geared-to-income assistance or special needs housing, the determination about whether the household is eligible for rent-geared-to-income assistance or special needs housing must be made within 14 days after the household's application is complete. O. Reg. 309/07, s. 8 (1).

(2.1) If a request for inclusion in the special priority household category is made with the household's application for an internal transfer, the determination about whether a household is to be included in the special priority household category on the waiting list for internal transfers must be made within 14 days after the household's application is complete. O. Reg. 309/07, s. 8 (1).

(3) If the members of the household were given an opportunity to comment, under section 80 of the Act, in relation to the determination, the 30-day or other time period referred to in subsection (1) or the 14 days referred to in subsection (2) or (2.1) does not include the time period.

(a) beginning on the day the notice of that opportunity was given under subsection 55 (2); and

(b) ending on the last day comments may be received under subsection 55 (6). O. Reg. 298/01, s. 23 (3); O. Reg. 556/05, s. 8 (2).

Subsection 23 (2) of O. Reg. 298/01 also requires that a service manager must determine if the household is eligible for rent-geared-to-income assistance within 14 calendar days (two weeks) after the application is complete.

### **Conduct of internal reviews**

58 (1) This section prescribes requirements for the conduct of an internal review by a service manager, supportive housing provider or lead agency. O. Reg. 298/01, s. 58 (1).

(2) No individual who participated in the making of the decision being reviewed shall participate in the review of that decision. O. Reg. 298/01, s. 58 (2).

(2.1) After receipt of a request for a review of a decision, the service manager, supportive housing provider or lead agency, as the case may be, shall disclose the information that led to the decision to the person who made the request. O. Reg. 309/07, s. 26 (1).

(3) If the review is with respect to a request for inclusion in the special priority household category made with the household's application for rent-geared-to-income assistance, or for inclusion in the special priority household category on the waiting list for special needs housing or on the waiting list for internal transfers.

(a) the review shall be completed within 10 business days after the request for the review is received; and

(b) within five business days after the review is completed,

(i) written notice of the result of the review shall be given to the member who made the request but not to all members of the household, and

(ii) if the decision made on the review is with respect to a request to be included in the special priority household category on the waiting list for internal transfers, the written notice of the decision made on the review shall be given to the housing provider, but the reasons for the decision shall not be given. O. Reg. 309/07, s. 26 (2).

(4) If the review is with respect to anything other than the matters described in subsection (3),

(a) the review shall be completed within 10 business days after the request for the review is received or within such longer time frame as may be determined by the service manager, supportive housing provider or lead agency; and

(b) written notice of the result of the review shall be given to all persons affected by the decision within five business days after the review is completed or within such longer time frame as may be determined by the service manager, supportive housing provider or lead agency. O. Reg. 309/07, s. 26 (2).

(5) The individual or individuals conducting the review may substitute their decision for the decision being reviewed. O. Reg. 298/01, s. 58 (5).

A member of a household can request an internal review of a decision relating to a request for inclusion in the special priority household category on the waiting lists. The review must be completed within 10 business days after the request of the review is received. A 5-day written notice of the result of the review must only be given to the member of the household who made the request and not to all members of the household. In the case of a decision made on the review relating to inclusion in the special priority household category on the waiting list for internal transfers, the written notice of the decision, but not the reasons for the decision, must be given to the housing provider.

## **7.2 Determining whether a household has special priority status**

### **O. Reg. 298/01**

#### **Special priority households**

**25.** (1) If a request is made under section 24, the service manager, supportive housing provider or lead agency shall determine that the household should be included in the special priority household category on the waiting list if the service manager, supportive housing provider or lead agency verifies the statement required under clause 24 (3) (a) that a member of the household has been subject to abuse from another individual. O. Reg. 298/01, s. 25 (1); O. Reg. 182/02, s. 2.

(2) A service manager, supportive housing provider or lead agency is not required to make a decision if the request is not complete. O. Reg. 298/01, s. 25 (2); O. Reg. 182/02, s. 2.

(3) The service manager, supportive housing provider or lead agency shall accept, as verification of the statement required under clause 24 (3) (a) that a member of the household has been subject to abuse from another individual.

(a) a record described in subsection (4) that is prepared by an individual described in paragraphs 1 to 8 of subsection (5), in his or her professional capacity; or

(b) a record in subsection (4) that is prepared by an individual described in paragraph 9 of subsection (5) together with a declaration of the truth of the record, administered by a commissioner for taking affidavits, if such a declaration is required by the service manager, supportive housing provider or lead agency. O. Reg. 309/07, s. 11 (1).

(3.1) The record must be in writing unless the service manager, supportive housing provider or lead agency is satisfied that,

(a) the member making the request will be at risk of being abused by the abusing individual if the member or the person preparing the record attempts to obtain it in written form; or

(b) a written record is not required due to extenuating circumstances.  
O. Reg. 309/07, s. 11 (1).

(4) The record referred to in subsection (3) is any of the following:

1. A record of intervention by the police indicating that the member was abused by the abusing individual.
2. A record of physical injury caused to the member by the abusing individual.
3. A record of the application of force by the abusing individual against the member to force the member to engage in sexual activity against his or her will.
4. A record of one or more attempts to kill the member or another member of the household
5. A record of the use of a weapon against the member or another member of the household.
6. A record of one or more incidents of abuse, including the following:
  - i. Threatening to kill the member or another member of the household.
  - ii. Threatening to use a weapon against the member or another member of the household.
  - iii. Threatening to physically harm the member or another member of the household.
  - iv. Destroying or injuring or threatening to destroy or injure the member's property.
  - v. Intentionally killing or injuring pets or threatening to kill or injure pets
  - vi. Threatening to harm or remove the member's children from the household.
  - vii. Threatening to prevent the member from having access to his or her children
  - ix. Terrorizing the member.
  - x. Enforcing social isolation upon the member.
  - xi. Failing to provide or withholding the necessities of life.
  - xii. Threatening to withdraw from sponsoring the member as an immigrant.

xiii. Threatening to take action that might lead to the member being deported.

xiv. Other words, actions, or gestures that threaten the member or lead the member to fear for his or her safety.

7. A record of undue or unwarranted control by the abusing individual over the member's personal or financial activities.

8. A record of one or more incidents of stalking or harassing behavior against the member or another member of the household.

**O. Reg. 298/01 s. 25.**

(5) The individual referred to in subsection (3) is any of the following:

1. A doctor.
2. A lawyer.
3. A law enforcement officer.
4. A member of the clergy.
5. A teacher.
6. A guidance counsellor.
7. An individual in a managerial or administrative position with a housing provider.
8. A community services worker, including,
  - i. a community health care worker,
  - ii. a social worker,
  - iii. a social service worker,
  - iv. a victim service worker,
  - v. a settlement services worker,
  - vi. a shelter worker, and
  - viii. a community legal worker
9. Any other individual who knows about the abuse.

(6) In subsection (5),

“community health care worker” means an individual employed by a community health centre to provide health and health promotion education and information and to administer health and health promotion programs;

“community legal worker” means an individual employed by a community legal clinic that provides legal aid services in the area of clinic law, within the meaning of section 2 of the *Legal Aid Services Act, 1998*; (“travailleur juridique communautaire”)

“community services worker” means an individual employed by an agency or organization for the purpose of providing social support services in the community; (“travailleur des services communautaires”)

“member of the clergy” means a minister of religion authorized under provincial law to perform marriages; (“membre du clergé”)

“settlement services worker” means an individual employed by an agency or organization to assist individuals coming to Ontario to settle in, adapt to and be integrated into the community;

“shelter worker” means an individual employed by an agency or organization to assist individuals for whom the agency or organization provides accommodation in an emergency or transitional shelter because of homelessness or abuse;

“social service worker” means an individual who performs the role of a social service worker within the meaning of section 10 of Ontario Regulation 383/00 made under the *Social Work and Social Service Work Act, 1998*;

“social worker” means an individual who performs the role of a social worker within the meaning of section 9 of Ontario Regulation 383/00 made under the *Social Work and Social Service Work Act, 1998*;

“victim services worker” means an individual employed by an agency or organization to provide support initiatives for victims of crime and disaster. O. Reg. 298/01, s. 25 (6).

(7) Once a service manager, supportive housing provider or lead agency determines that a household should be included in the special priority household category on the waiting list, the service manager, supportive housing provider or lead agency shall not reconsider whether that household should be included in that category. O. Reg. 298/01, s. 25 (7); O. Reg. 182/02, s. 2.

(8) Despite subsection (7), a service manager, supportive housing provider or lead agency may remove a household from the special priority household category on the centralized waiting list or the waiting list for special needs housing if,

(a) the member who made the request,

- (i) notifies the service manager, supportive housing provider or lead agency that he or she is adding the abusing individual to the member's application for rent-geared-to-income assistance or to the member's application for special needs housing,
- (ii) notifies the service manager, supportive housing provider or lead agency that the abusing individual is deceased; or
- (b) the household accepts an offer of a rent-geared-to-income unit, whether or not that offer comes from a housing provider within the service area of the service manager, supportive housing provider or lead agency. O. Reg. 309/07, s. 11 (6).

This means that a service manager must include the household in the special priority household category on the waiting list if the application is complete and the abuse has been verified in the manner specified in O. Reg. 298/01. The service manager must accept, as verification of the abuse, a record prepared by an individual listed in this section, and which is disclosed in writing.

The service manager can waive the written verification of the abuse and accept a record verbally where it is satisfied that: the member making the request will be at risk of further abuse by attempting to obtain the record in written form; or that a written record is not required due to extenuating circumstances.

Once a service manager has determined that a household is eligible for the special priority household category on the waiting list, this decision is not subject to ongoing review and the status must not be changed, regardless of how long the household is on the waiting list (subsection 25 (7)).

Notwithstanding subsection 25 (7), a service manager may remove a household from the special priority household category on the waiting list only in the following circumstances:

1. The member of the household who made the request for special priority status notifies the service manager that he/she is adding the abuser to the household's application.
2. The member of the household who made the request notifies the service manager that the abuser is deceased.
3. If the household has accepted an offer of a rent-geared-to-income unit in one service area (and has been housed), the household may retain its application date on other service area waiting lists, but not its special priority status.

In all three cases, households can remain on the waiting list(s) and their place on the waiting list(s) is based on the chronological date of their application.

### **7.3 How eligibility rules apply to special priority households**

Special priority households are subject to the same eligibility rules as other applicants for a geared-to-income unit unless O. Reg. 298/01 specifically states otherwise. There are a few areas where specific provisions apply to special priority households.

There are two clauses in subsection 7 (1) of O. Reg. 298/01 that have special provisions regarding special priority households. Clause (f) addresses the treatment of arrears for special priority households:

**O. Reg. 298/01, s. 7 (1)**

- (f) in the case of a special priority household, no member of the household owes, with respect to a previous tenancy in any housing project under any housing program,
  - (i) arrears of rent,
  - (ii) money owed as the result of a reimbursement requested by a service manager under section 86 of the Act, or
  - (iii) money owed in respect of damage caused by a member of the household;
- (f.1) in the case of a special priority household, a member of the household, with respect to a previous tenancy in any housing project under any housing program, owes arrears or money owed as set out in clause (f) and,
  - (i) in the case of arrears or money owed in respect of a unit of which the member and the abusing individual are joint tenants,

(A) the service manager is satisfied that extenuating circumstances exist, or

(B) any member of the household has entered into an agreement or made reasonable efforts to enter into an agreement, with the housing provider for the repayment of 50 per cent of the arrears or money owed and the service manager is satisfied that the member is making or intends to make all reasonable efforts to repay 50 per cent of the arrears or money owed, and

(ii) in the case of arrears or money owed in respect of any other unit,

(A) the service manager is satisfied that extenuating circumstances exist, or

(B) any member of the household has entered into an agreement, or made reasonable efforts to enter into an agreement, with the housing provider for the repayment of the arrears or money owed and the service manager is satisfied that the member is making or intends to make all reasonable efforts to repay the arrears or money owed;

The intent of this policy is to ensure that the special priority household is not made ineligible for a subsidy because of the abuser's portion of rent owed to a social housing provider in a previous joint tenancy.

Clause (h) includes a specific provision regarding special priority households where there has been a finding of misrepresentation of income.

**O. Reg. 298/01, s. 7 (1).**

(h) one of subclauses (i) and (ii) is true:

(i) no member of the household has been found by the Ontario Rental Housing Tribunal, the Landlord and Tenant Board or a court of law to have misrepresented his or her income or the income of his or her household in relation to the receipt of rent-geared-to-income assistance, and if an individual who was, but is no longer, a member of the household has been found to have made such a misrepresentation, the service manager determines that,

(A) no member of the household knew that the individual who was found to have made the misrepresentation was making it, or

- (B) a member of the household knew that the individual who was found to have made the misrepresentation was making it, but the member was not reasonably able to prevent the individual from making the misrepresentation, or
- (ii) a member of the household has been found by the Ontario Rental Housing Tribunal, the Landlord and Tenant Board or a court of law to have misrepresented his or her income or the income of his or her household in relation to the receipt of rent-geared-to-income assistance, but,
- (A) the household has previously been determined to be ineligible for rent-geared- to-income assistance because of that finding, or
- (B) the service manager determines that the member who was found to have made the misrepresentation is an abused member of a special priority household who was forced to make the misrepresentation by the abusing individual. O. Reg. 298/01, s. (1).

Subsection 9 (4) of O. Reg. 298/01 includes direction regarding the application of the requirement to divest residential property to a special priority household.

**O. Reg. 298/01, s. 9.**

(4) If the interest in the estate in the residential property is held jointly by an abused member of a special priority household and the abusing individual, and if the abused member notifies the service manager that he or she believes that the divestment or the taking of steps to effect the divestment would place him or her at risk of abuse from the abusing individual, the service manager shall extend the time for effecting the divestment and giving the notice for such period of time as the service manager considers appropriate. O. Reg. 298/01, s. 9 (4).

Special priority households are required to divest themselves of property owned by the household in the same manner as other households. Nevertheless, the rules have been modified to protect the member in the case of joint ownership with the abuser if the member feels that taking the steps to sell the property would put him or her at risk of further abuse.

## 7.4 Priority ranking for special priority households

### **O. Reg. 298/01**

#### **Priority for special priority households**

42. (1) Despite section 41, a special priority household ranks higher than another household that is not a special priority household. O. Reg. 298/01, s. 42 (1)

(5) The special priority ranking date is the date the household requested to be included in the special priority household category. O. Reg. 298/01, s. 42 (2).

#### **Special needs waiting lists**

45. (1) This section applies with respect to waiting lists for special needs housing required under section 74 of the Act. O. Reg. 298/01, s. 45 (1)...

(3.1) A special priority household ranks higher than a household that is not a special priority household. O. Reg. 182/02, s.3.

(3.2) The special priority ranking date is the date the household requested to be included in the special priority household category. O. Reg. 309/07, s. 19 (3).

A special priority household has the highest ranking, above all other applicants on the centralized, special needs, and internal transfer waiting lists. The ranking date for households within the special priority category is the date of the application for special priority status.

Within the special priority household category, the ranking date for each of these households is based on the date of their application for special priority status.

## 8 Calculation of Geared-to-Income Rent

### 8.1 Legislative authority

Section 69 of the *Social Housing Reform Act, 2000* gives the service manager responsibility for the calculation of geared-to-income rent, within rules prescribed by the province.

***Social Housing Reform Act, 2000***

**Amount of geared-to-income rent**

**69.** (1) A service manager shall determine the amount of geared-to-income rent payable by each household that is eligible for rent-geared-to-income assistance in a designated housing project and that occupies a unit in such a housing project. SHRA 2000, c. 27, s. 69 (1).

**Manner of determination**

(2) The determination shall be made in accordance with such standards as may be prescribed. SHRA 2000, c. 27, s. 69 (2).

Part VII of O. Reg. 298/01 prescribes the detailed rules that are to be followed in determining geared-to-income rent.

Note that section 16 (1) of the *Social Housing Reform Act, 2000* allows a service manager to enter into an agreement with another party to perform all or some of the duties, or exercise all or some of the powers of the service manager under the Act. This agreement, however, cannot include an agreement for another person to establish local rules (section 87 of the Act).

This means that the service manager may enter into an agreement with a housing provider, or another party, to perform the task of determining geared-to-income rent. However, even if there is such an agreement in place, the service manager retains the ultimate responsibility.

### 8.2 Benefit units and family units

The method of calculating geared-to-income rent is different for people who are receiving provincial social assistance [Ontario Works (OW) or the Ontario Disability Support Program (ODSP)] than for those who have other sources of income.

A single household may include both members who are social assistance “beneficiaries” and others who are not. In order to ensure that the correct rent can be calculated, O. Reg. 298/01 defines “benefit units” and “family units” within a single household, and provides separate methods for calculating rent for each.

O. Reg. 298/01 defines terms that are used to describe social assistance recipients. The terminology is defined for the purposes of those programs.

**O. Reg. 298/01**

**Definition**

**46.** In this Part, unless the context otherwise requires,

“benefit unit” means a benefit unit under the Ontario Works Act, 1997 or the Ontario Disability Support Program Act, 1997;

“dependant” has the same meaning as in Ontario Regulation 134/98 made under the *Ontario Works Act, 1997*;

“recipient” has the same meaning as in the *Ontario Works Act, 1997*;  
 (“bénéficiaire”)

“spouse” has the same meaning as in Ontario Regulation 134/98 made under the *Ontario Works Act, 1997*. (“conjoint”) O. Reg. 298/01, s. 46; O. Reg. 342/05, s. 5.

Subsection 4 (1) of O. Reg. 298/01 also defines “family unit” and related terms that are used in rent calculation.

**O. Reg. 298/01, s. 4. (1)**

“family unit” means,

- (a) an individual, the individual’s spouse and all of the children of both or either of them who are living with them,
- (b) an individual and the individual’s spouse living with him or her, if neither has any children,
- (c) an individual and the individual’s children living with him or her, if the individual has no spouse, or
- (d) an individual, if the individual has no spouse and no children;

“spouse”, in relation to a member of a household, means,

- (a) an individual who, together with the member, has declared to the service manager that the individual and the member are spouses, or
- (b) an individual 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,
  - (i) the individual is providing financial support to the member,
  - (ii) the member is providing financial support to the individual, or
  - (iii) the individual and the member have a mutual agreement or arrangement regarding their financial affairs. O. Reg. 298/01, s. 4 (1), O. Reg. 342/05, s. 1 (1-4).

(2) For the purpose of the definition of “spouse”, sexual factors shall not be investigated or considered in determining whether or not an individual is a spouse. O. Reg. 342/05, s. 1 (5).

“child”, in relation to an individual, means a child of that individual born within or outside marriage (unless that child has been adopted by one or more other individuals in Ontario or according to the law of another jurisdiction), a child adopted by that individual in Ontario or according to the law of another jurisdiction, and a child whom the individual has demonstrated a settled intention to treat as a child of his or her family, but does not include a child placed in the individual's home as a foster child for consideration by another person having lawful custody;

“full-time attendance”, in relation to a student attending a recognized educational institution, means, in the case of a student having a permanent disability, taking at least 40 per cent of a full course load, and in the case of any other student, taking at least 60 per cent of a full course load, as determined from the course calendar of the educational institution;

“recognized educational institution” means,

- (a) a school, as defined in the *Education Act*,
- (b) a university,
- (c) a college of applied arts and technology established under section 5 of the *Ministry of Training, Colleges and Universities Act*,
- (d) a private vocational school, as defined in the *Private Vocational Schools Act*, or
- (e) a private school, as defined in the *Education Act*, for which a notice of intention to operate has been submitted to the Ministry of Education in accordance with that Act;

To summarize, the term benefit unit is used to describe a household, or a part of a household, that receives a single payment from OW or ODSP.

A family unit is a household, or a part of a household, whose members are related in the ways described in the definition. A family unit may or may not include a benefit unit within it.

A household may have a combination of benefit units and family units, in which case the rent for each unit is calculated separately and the combined total is the rent for the unit. Any applicable utility charges or allowances are applied only once for the unit, however.

*Example: A household consisting of a mother with two children, one 12 years old and the other 19 years old. The 19 year old has a child of her own and receives OW for herself and the child. The mother (grandmother) is employed.*

*There is a benefit unit, consisting of the 19 year old daughter and her child. There is also a part of a family unit that is not a benefit unit, consisting of the mother (grandmother) and the 12 old year old child. Rent is calculated separately for the benefit unit and for the remaining part of the family unit. The two separate parts of the rent are added together to calculate the total rent for the household.*

## 8.3 Rent calculation method

### **O. Reg. 298/01**

#### **Geared-to-income rent payable**

**47.** (1) For the purpose of section 69 of the Act, the geared-to-income rent payable for a month by a household that is eligible for rent-geared-to-income assistance and that occupies a rent-geared-to-income unit is the amount obtained by,

- (a) if the household has at least one benefit unit to which section 48 applies, determining under section 48 the rent attributable for the month to each of such benefit units;
- (b) if the household has at least one family unit that is not, and no part of which is, a benefit unit to which section 48 applies, determining under section 49 the rent attributable for the month to each of such family units;

- (c) if the household has at least one family unit a part of which is a benefit unit to which section 48 applies and the other part of which is not, determining under section 49 the rent attributable for the month to the part of each of such family units that is not a benefit unit to which section 48 applies;
- (d) calculating the sum of all the amounts determined under clauses (a), (b) and (c);
- (e) adding, to the amount calculated under clause (d), the amount of the increases, if any, required by section 51 in respect of services or utilities; and
- (f) subtracting, from the amount calculated under clause (d), the amount of the reductions, if any, required by section 51 in respect of services, utilities or heating. O. Reg. 298/01, s. 47 (1).

To summarize, the geared-to-income rent payable by a household is calculated as follows:

- If a household receives OW or ODSP, the monthly rent for the household is determined by using the appropriate OW Rent Scale (Table 3 or 4 of O. Reg. 298/01), or the ODSP Rent Scale (Table 5), as set out below in the section titled “Rent Calculation for Benefit Units”.
- If a household does not receive either OW or ODSP, the monthly rent is determined by calculating 30% of the adjusted family income. For details, see section 8.7 (“**Rent calculation for remainder of family unit**”) and section 8.8 (“**Adjusted family income**”).
- If a part of a household receives either OW or ODSP and a part of the household does not, the rent is calculated separately for each part, and the household rent is the combined total amount.
- Add to the calculated household rent any applicable charges for the unit from Table 6 of O. Reg. 298/01, for services and utilities that are supplied to the unit and paid for by the housing provider (charges are applied only once for the unit), and/or
- Subtract from the calculated household rent any applicable allowances for services, utilities and heating that are not provided by the housing provider, and that are paid for directly by the tenant. These allowances are listed in Tables 7, 8, 9 and 10 of O. Reg. 298/01.

## 8.4 Minimum rent and maximum rent

**O. Reg. 298/01, s. 47.**

- (2) Despite subsection (1),
  - (a) the minimum geared-to-income rent payable for a month by a household that is eligible for rent-geared-to-income assistance is \$85; and
  - (b) the maximum geared-to-income rent payable for a month by a household that is eligible for rent-geared-to-income assistance is the rent that would be payable for the unit occupied by the household if the unit were occupied by a household not eligible for rent-geared-to-income assistance. O. Reg. 298/01, s. 47 (2).

The minimum monthly rent payable by a household that receives rent-geared-to-income assistance is \$85. Households who, on the date that the regulations come into effect for the service area, pay less than \$85 per month, will need to be given the notice normally required for rent increases (90 days notice for tenants per the *Tenant Protection Act*, 1997 and at least 60 days notice for co-operative members per O. Reg. 339/01).

The maximum monthly rent payable by a household is the rent that a household who is not receiving rent-geared-to-income assistance would pay for the unit (usually referred to as the “market” rent).

The minimum or maximum rent is for the unit. It applies to the entire household and not individual family units or benefit units within the household. It is the minimum or maximum geared-to-income rent that a household can pay for the unit in which the members live. The Act defines a household as one individual or two or more individuals who live together. The household is all of the people living in the unit and shown on a single lease (i.e., the total of all benefit units and/or family units within the household).

It is the geared-to-income rent after applying adjustments for utility charges and allowances that is compared with the minimum and maximum rent to determine the final geared-to-income rent.

*Example:                      The geared-to-income rent for a household is calculated as \$184 per month before adjustments for utilities.*

*The household lives in a three-bedroom electrically heated row house located in the Central heating zone. They pay all of their own utility bills. Utility allowances totalling \$116 must be subtracted (\$60 for electric heat + \$38 for electrically heated water and water heater rental + \$18 for water).*

*The resulting monthly geared-to-income rent of \$68 would be less than the minimum rent of \$85, so the final monthly geared-to-income rent for the household is \$85.*

*Example: A household has a geared-to-income rent of \$62 per month calculated before adjustments for utilities. They live in a one-bedroom apartment and do not pay directly for any utilities.*

*A utility charge of \$30 per month applies; (\$24 for electricity + \$6 for cooking power) is added, for a total geared-to-income rent of \$92 per month. This is higher than the minimum rent of \$85, so the final monthly geared-to-income rent for the household is \$92.*

*Example: A household has a geared-to-income rent calculated at \$538 per month before application of utility charges.*

*They live in a two-bedroom apartment and do not pay any utilities directly. A utility charge of \$43 per month is added (\$34 for electricity + \$9 for cooking power). The resulting geared-to-income rent would be \$581 per month. This is higher than the maximum rent of \$550 per month (the rent market tenants are paying for similar units in the project). Therefore, the final geared-to-income rent for the household would be the maximum rent of \$550 per month.*

## 8.5 Rent for a partial month

### **O. Reg. 298/01, 47.**

(3) The geared-to-income rent payable for a fraction of a month is the amount obtained by multiplying the geared-to-income rent payable for the month by the fraction of the month for which the rent is payable. O. Reg. 298/01, s. 47 (3).

If a household lives in a unit for less than a full month, the geared-to-income rent is prorated by the fraction of the month that the household occupied the unit.

*Example:*

*A household lived in the unit for 13 days of the month. The rent paid for that month is the combined portion of the geared-to-income rent, plus or minus utilities, for 13 days. If rent plus or minus utility charges or allowances for the month is \$500, in a 31 day month the rent for 13 days is \$210 (\$500 divided by 31 days = \$16.13 x 13 days = \$209.69 rounded to the nearest dollar.)*

## 8.6 Rent calculation for benefit units

A benefit unit is a household, or a part of a household, that benefits from a payment/cheque from OW or ODSP. There may be more than one benefit unit within a household, and the rent is calculated separately for each benefit unit within a household.

### **O. Reg. 298/01**

#### **Benefit units**

**48.** (1) In the case of a benefit unit under the *Ontario Works Act, 1997* consisting of a recipient with no spouse but with one or more other dependants, the rent attributable for a month to a benefit unit of a size set out in Column 1 of Table 3 is the amount set out opposite the benefit unit in Column 2 of Table 3. O. Reg. 298/01, s. 48 (1); O. Reg. 342/05, s. 6.

(2) Subsection (1) does not apply to a benefit unit of a size set out in Column 1 of Table 3 if the total non-benefit income for the month of the members of the benefit unit exceeds the amount set out opposite the benefit unit in Column 3 of Table 3. O. Reg. 298/01, s. 48 (2).

#### **O. Reg. 298/01, s. 48.**

(3) In the case of a benefit unit under the *Ontario Works Act, 1997*, other than one described in subsection (1), the rent attributable for a month to a benefit unit of a size set out in Column 1 of Table 4 is the amount set out opposite the benefit unit in Column 2 of Table 4. O. Reg. 298/01, s. 48 (3).

(4) Subsection (3) does not apply to a benefit unit of a size set out in Column 1 of Table 4 if the total non-benefit income for the month of the members of the benefit unit exceeds the amount set out opposite the benefit unit in Column 3 of Table 4. O. Reg. 298/01, s. 48 (4).

(5) In the case of a benefit unit under the *Ontario Disability Support Program Act, 1997*, the rent attributable for a month to a benefit unit of a size set out in Column 1 of Table 5 is the amount set out opposite the benefit unit in Column 2 of Table 5. O. Reg. 298/01, s. 48 (5).

(6) Subsection (5) does not apply to a benefit unit of a size set out in Column 1 of Table 5 if the total non-benefit income for the month of the members of the benefit unit exceeds the amount set out opposite the benefit unit in Column 3 of Table 5. O. Reg. 298/01, s. 48 (6).

(7) Subsection (5) does not apply to a benefit unit if,

(a) the total amount of a spouse's allowance under the *Old Age Security Act* (Canada) payable to the benefit unit for the month exceeds the amount payable to the benefit unit for basic needs for the month under paragraph 1 of subsection 30 (1) of Ontario Regulation 222/98 made under the *Ontario Disability Support Program Act, 1997*; or

(b) the total amount of disability benefits under the *Canada Pension Plan* payable to the benefit unit for the month exceeds the amount payable to the benefit unit for basic needs for the month under paragraph 1 of subsection 30 (1) of Ontario Regulation 222/98 made under the *Ontario Disability Support Program Act, 1997*. O. Reg. 298/01, s. 48 (7).

(8) For the purposes of subsections (2), (4) and (6), the total non-benefit income of the members of a benefit unit for a month shall be determined in accordance with subsections 50 (2) to (6), with the following exceptions:

1. A reference to "For the purpose of subclause (1) (a) (i)" shall be deemed to be a reference to "For the purposes of subsections 48 (2), (4) and (6)".

2. A reference to "family unit" shall be deemed to be a reference to "benefit unit".

3. Paragraphs 42, 43, 44, 45, 46 and 47 of subsection 50 (3) do not apply to the determination of non-benefit income.

4. The following shall not be included in non-benefit income:

i. A payment received under the *Ontario Works Act, 1997*.

ii. A payment received under the *Ontario Disability Support Program Act, 1997*. O. Reg. 298/01, s. 48 (8).

The steps that are involved in rent calculation are summarized below for different types of social assistance benefit units. The Tables used to determine the geared-to-income rent for a benefit unit, Tables 3, 4 and 5 in O. Reg. 298/01, may be updated from time to time by a change in the regulations. As with any other changes to the Act or any of the regulations under it, service managers will be advised of any changes by the Ministry of Municipal Affairs and Housing.

## 8.6.1 Ontario Works recipients

### Single individual with dependants

In the case of a benefit unit in receipt of Ontario Works (OW), consisting of a single individual with one or more dependants, use Table 3 to determine the monthly rent, provided that any non-benefit income is less than or equal to the non-benefit income limit in Column 3. The rent is the amount set out in Column 2 opposite the appropriate benefit unit size in Column 1.

O. Reg. 298/01		
TABLE 3 ONTARIO WORKS RENT SCALE FOR A BENEFIT UNIT CONSISTING OF A RECIPIENT WITH NO SPOUSE BUT WITH ONE OR MORE OTHER DEPENDANTS		
COLUMN 1	COLUMN 2	COLUMN 3
Benefit unit size (number of individuals)	Rent attributable to benefit unit (monthly)	Non-benefit income limit (monthly)
2	\$191	\$ 791
3	226	907
4	269	1,051
5	311	1,191
6	353	1,331
7	396	1,474
8	438	1,614
9	480	1,754
10	523	1,897
11	565	2,037
12 or more	607	2,117
O. Reg. 298/01, Table 3.		

If the non-benefit threshold is greater than the amount in Column 3, Table 3 is not used to determine rent. See section 8.6.2 of this Guide for details of the Non-Benefit Income Limit.

*Example: A single mother with two young children, in receipt of OW, is a benefit unit of three (Column 1 of Table 3). The mother has non-benefit income of \$800/month, which is less than the \$907 limit in Column 3. The rent amount for the benefit unit calculated is \$226 (Column 2 of Table 3), plus utility charges or minus utility allowances if applicable.*

*Example: A single mother with two young children plus one daughter who is 19 years old with a child of her own. Both mother and daughter receive separate OW cheques. Neither have any non-benefit income. The rent for the mother is \$226 (three beneficiaries) and the rent for the teenage daughter and her child is \$191 (two beneficiaries). The rent for the unit is \$417 (\$226 + \$191), plus utility charges or minus utility allowances if applicable.*

*Example: A single mother with one young child. Mother receives OW and income from employment (non-benefit income) of \$798 (higher than non-benefit income limit for two beneficiaries). The scale is not used to calculate her rent. Her rent is \$194, plus or minus utility charges or allowances (\$798 less employment allowance of \$150 for family x 30% = \$194.40 rounded to the nearest dollar). Income from OW is excluded from calculation. See non-benefit income limit below for more detail.*

### **Other types of households in receipt of Ontario Works**

If a benefit unit in receipt of OW falls into one of the following categories, Table 4 is used in determining the rent.

- A recipient with no spouse and no other dependants,
- A recipient with a spouse but no other dependants, or
- A recipient with a spouse and one or more other dependants

If the benefit unit's non-benefit income is equal to or less than the non-benefit income limit in Column 3 of the table, then, the rent is the amount set out in Column 2, opposite the appropriate benefit unit size in Column 1.

**O. Reg. 298/01****TABLE 4**

ONTARIO WORKS RENT SCALE FOR A BENEFIT UNIT CONSISTING OF  
 (A) A RECIPIENT WITH NO SPOUSE AND NO OTHER DEPENDANTS,  
 (B) A RECIPIENT WITH A SPOUSE BUT NO OTHER DEPENDANTS, OR  
 (C) A RECIPIENT WITH A SPOUSE AND ONE OR MORE OTHER  
 DEPENDANTS

COLUMN 1	COLUMN 2	COLUMN 3
Benefit unit size (number of individuals)	Rent attributable to benefit unit (monthly)	Non-benefit income limit (monthly)
1	\$ 85	\$ 360
2	175	737
3	212	861
4	254	1,001
5	296	1,141
6	339	1,284
7	381	1,424
8	423	1,564
9	466	1,707
10	508	1,847
11	550	1,987
12 or more	593	2,131
O. Reg. 298/01, Table 4.		

**Example:**

*A couple with two young children, in receipt of OW is a benefit unit of 4 (Column 1 of Table 4). The couple have non-benefit income of \$950/month (less than the limit of \$1,001). The rent calculated for the benefit unit is \$254 (Column 2 of Table 4) plus utility charges or minus utility allowances if applicable. See below if non-benefit income exceeds the limit.*

*Example: A single individual with no dependants who receives OW is a benefit unit of one. If the individual has no non-benefit income, or non-benefit income that is equal to or less than \$360, which is the limit in Column 3 for one beneficiary, the scale is used and rent is \$85, plus utilities as applicable. See below if non-benefit income exceeds the limit.*

*Example: A couple with no dependants who receive OW is a benefit unit of two. If they have no non-benefit income, or non-benefit income that is equal to or less than \$737, which is the limit in Column 3 for two beneficiaries, the scale is used and rent is \$175, plus or minus utilities as applicable. See below if non-benefit income exceeds the limit.*

## 8.6.2 Ontario Disability Support Program (ODSP) recipients

In the case of a benefit unit in receipt of ODSP, use Table 5 to determine the monthly rent, provided that any non-benefit income is less than or equal to the amount in Column 3. The rent is the amount set out in Column 2 of Table 5 opposite the appropriate benefit unit size in Column 1.

O. Reg. 298/01		
TABLE 5		
ONTARIO DISABILITY SUPPORT PROGRAM RENT SCALE		
COLUMN 1	COLUMN 2	COLUMN 3
Benefit unit size (number of individuals)	Rent attributable to benefit unit (monthly)	Non-benefit income limit (monthly)
1	\$ 109	\$ 440
2	199	817
3	236	941
4	278	1,081
5	321	1,224
6	363	1,364
7	405	1,504
8	448	1,647
9	490	1,787
10	532	1,927
11	575	2,071
12 or more	617	2,211
O. Reg. 298/01, Table 5		

- Example:* A person in receipt of ODSP with a spouse and three young children would be a benefit unit of five (Column 1 of Table 5). If the household has no non-benefit income, or non-benefit income that is equal to or less than \$1,224, which is the amount in Column 3 for a benefit unit of five, the scale is used and rent is \$321 (Column 2 of Table 5) plus utility charges or minus utility allowances if applicable.
- Example:* A benefit unit of five, consisting of a person in receipt of ODSP with a spouse and three dependants, also has a monthly non-benefit income of more than \$1,224 (Column 3, Table 5). Rent is calculated by excluding the income from ODSP and applying the 30% rent-gear-to-income ratio to the adjusted family income and applying utility charges or allowances if applicable.
- Example:* A single individual in receipt of ODSP is a benefit unit of one. If the person has no non-benefit income, or non-benefit income that is equal to or less than \$440, which is the non-benefit income limit for one in Column 3, the scale is used and rent is \$109, plus utility charges or minus utility allowances if applicable. If the person had non-benefit income of more than \$440, the scale would not be used. Rent would be calculated by excluding the income from ODSP, applying the 30% rent-gear-to-income ratio to the adjusted family income, and adding the utility charges and/or subtracting utility allowances if applicable.

### **ODSP plus income from CPP-D or Spouse's Allowance**

An ODSP recipient may also receive income from a spouse's allowance under the *Old Age Security Act* (Canada) or disability benefits under the Canada Pension Plan (CPP-D). When this occurs, the non-benefit income limit in Column 3 of Table 5 is not the income limit used to determine whether or not to use the ODSP Rent Scale.

The income limit used instead to determine whether or not to use the ODSP Rent Scale is the maximum monthly basic needs allowance for which the household is eligible. This amount can be determined by referring to the Ontario Disability Support Program – Income Support Directives, specifically Directive 6.1 “Basic Needs Calculation”. This directive can be accessed electronically at [http://www.cfcs.gov.on.ca/NR/MCFCS/ODSP/ISDIR/en/6\\_1.pdf](http://www.cfcs.gov.on.ca/NR/MCFCS/ODSP/ISDIR/en/6_1.pdf)

### **CPP-D or Spouse's Allowance equal to or less than basic needs amount**

If a benefit unit receives ODSP as well as either spouse's allowance or CPP-D, and the CPP-D or spouse's allowance received is equal to or less than the basic needs allowance payable under ODSP for the household size, then use Table 5, Ontario Disability Support Program Rent Scale, to determine the rent.

*Example:* A single person, age 65, receives ODSP plus a monthly spouse's allowance of \$300. The \$300 is less than the \$543 basic needs allowance for the benefit unit size (\$554 after November 1, 2007), therefore Column 2 of Table 5 is used to determine the rent. Rent for benefit unit is \$109 (Column 2 of Table 5 for a benefit unit of one) plus utility charges or minus utility allowances if applicable.

*Example:* A disabled person receives ODSP for himself and his spouse. The disabled person also receives income from CPP-D in the amount of \$600, which is less than the basic needs allowance of \$804 (couple, one disabled) (\$821 after November 1, 2007). Column 2 of Table 5 is used to determine the rent based on the benefit unit size. Since this household is a benefit unit of two, the rent is \$199 plus utilities charges or minus utility allowances if applicable.

### **CPP-D or Spouse's Allowance greater than basic needs amount**

If a benefit unit receives both ODSP and spouse's allowance or CPP-D, and the CPP-D or spouse's allowance received is greater than the basic needs amount payable under ODSP for the household, then rent is calculated by excluding the income from ODSP and applying the 30% rent-geared-to-income ratio to the adjusted family income.

*Example:* A single disabled person receives ODSP plus a monthly spouse's allowance of \$600. The amount received from spouse's allowance exceeds the monthly basic needs allowance of \$543 (\$554 after November 1, 2007), for a single person. Rent is therefore calculated by excluding the income from ODSP and applying the 30% rent-geared-to-income ratio to the adjusted family income (\$600 plus any income). Utility charges are added and/or utility allowances subtracted if applicable.

*Example:*

*A disabled person receives ODSP for himself, his spouse and one 14 year-old child. This is a benefit unit of three (disabled + spouse + one child, 13 years and over). The disabled person also receives a monthly CPP-D income of \$1100, which exceeds the \$968 (\$988 after November 1, 2007) maximum basic needs allowance for which the household would be eligible. Rent is calculated by excluding the income from ODSP and applying the 30% rent-geared-to-income ratio to the adjusted family income. Utility charges are added and/or utility allowances subtracted if applicable.*

### **8.6.3 Non-benefit income limit**

If the benefit unit has non-benefit income that is equal to or less than the Non-Benefit Income Limit amount for the household size and type (amount in Column 3, opposite the benefit unit size in Tables 3, 4 and 5), then the rent is based on the OW or the ODSP Rent Scale.

If the benefit unit has non-benefit income that exceeds the Non-Benefit Income Limit in Column 3, the OW or ODSP scale is not used. Instead, the 30% rent-geared-to-income ratio is applied to the adjusted family income, after excluding the income from OW or ODSP. In other words, the rent is calculated, after excluding the income from OW or ODSP, in the same manner as a family unit that is not in receipt of OW or ODSP. If the non-benefit income is from employment, the employment allowance of \$75 for a single person or \$150 for a household with children is deducted before applying the 30% rent-geared-to-income ratio.

*Example:*

*A benefit unit of three, consisting of a single parent with two dependants, is in receipt of OW, and has monthly non-benefit income of \$1,020 (which is more than the \$907 in Column 3, Table 3). The rent is calculated by excluding the income from OW and applying the 30% rent-geared-to-income ratio to the adjusted family income. If the \$1,020 were from employment, rent would be \$261, plus utility charges or minus utility allowances as applicable. (\$1,020 minus \$150 employment allowance x 30% rent-geared-to-income ratio = \$261.)*

Example:

*A benefit unit of four, consisting of a couple with two dependants. The household is in receipt of OW and has a monthly income from employment of \$1,060, which is more than the limit of \$1,001 (Column 3, Table 4). The rent is calculated by excluding the income from OW and applying the 30% rent-geared-to-income ratio to the adjusted family income. In this example, the rent is \$273. (\$1060 less \$150 employment allowance x 30% RGI ratio = \$273.)*

Example:

A single individual is in receipt of ODSP and with employment income of \$565, which is more than the limit for a single individual of \$440 in Column 3 of Table 5. The rent is calculated by excluding the income from ODSP, and applying the 30% to the adjusted income. In this example, the rent is \$147 (\$565 less \$75 employment allowance x 30% rent-geared-to-income ratio = \$147.

## 8.7 Rent calculation for family units (non-benefit units)

### O. Reg. 298/01

#### Family units

**49.** (1) This section applies to a family unit that is not, and no part of which is, a benefit unit to which section 48 applies. O. Reg. 298/01, s. 49 (1).

(2) In the case of a family unit a part of which is a benefit unit to which section 48 applies and the other part of which is not, this section applies to the part of the family unit that is not a benefit unit to which section 48 applies. O. Reg. 298/01, s. 49 (2).

(3) The rent attributable for a month to a family unit to which this section applies, as described in subsection (1), or a part of a family unit to which this section applies, as described in subsection (2), is the amount obtained by,

- (a) calculating 30 per cent of the adjusted family income for the month, as determined under section 50, of the family unit or the part of the family unit; and

(b) if the family unit or the part of the family unit has a member described in subsection (4) and the sum of the income and imputed income of the member for the month, as determined in accordance with subsections 50 (2) to (11), is equal to or greater than \$75, subtracting from the amount calculated under clause (a) 15 per cent of the first \$1,000 of the sum of the income and imputed income of the member for the month. O. Reg. 298/01, s. 49 (3).

(4) The member referred to in clause (3) (b) and subclause 50 (1) (b) (iii) is a member who,

- (a) is a child of another member of the family unit;
- (b) lives with and has always lived with the member mentioned in clause (a), with the exception of short periods while in full-time attendance at a recognized educational institution;
- (c) does not have and has never had a spouse; and
- (d) is not the parent of an individual living with the household containing the family unit. O. Reg. 298/01, s. 49 (4); O. Reg. 182/02, s. 4. O. Reg. 342/05, s. 7.

This section applies to the calculation of rent for a family unit, or a part of a family unit, that does not receive OW or ODSP. A family unit may have income from any other source, such as employment/self-employment income, pension income, support payments, employment insurance benefits, Workplace Safety and Insurance Board (WSIB) income, etc.

To summarize, the rent for a family unit or part of a family unit that does not receive OW or ODSP is calculated as follows:

- Calculate 30% of the adjusted family income for the month (see section below on Adjusted family income); except
- If the household has income of \$75 or more from a member who prior to the *Social Housing Reform Act, 2000* was called a secondary tenant, and/or who meets the following criteria (a household may have more than one such member):
  - is a child of another member of the family unit;
  - has always lived with the household except for short periods of time while attending a recognized educational institution;
  - has never had a spouse;
  - is not the parent of an individual living with the household.

then use the following to determine that member's rent-geared-to-income payment:

- do not deduct the \$75 employment allowance;
- apply a 15% ratio to the first \$1,000 of that member's income;
- apply the 30% ratio to the remainder of that member's income; and
- add the result together to determine the monthly rent for that member.

If income does not exceed \$75 per month, it is not included in gross household income. Although this income is initially added to gross household income, it is subtracted later when determining the adjusted income.

The rent for the unit is the combined geared-to-income rent for all members of the household as applicable. The rent for the unit cannot be less than \$85 or more than the maximum rent for the unit. See section 8.4 of this Guide for details on the minimum and maximum rent.

The following are examples of the calculation of rent for a member described in subsection 49 (4), O. Reg. 298/01, formerly called a secondary tenant:

*Example: The family member (formerly called secondary tenant) has a monthly total adjusted monthly income of \$1,500 (no employment allowance deducted). His or her geared-to-income rent is calculated as follows:  $(\$1,000 \times 15\% = \$150) + (500 \times 30\% = \$150)$ . Total monthly geared-to-income rent for that member is \$300  $(\$150 + \$150)$ . Add this rent to the rent for the rest of the household.*

*Example: The family member (formerly called secondary tenant) has gross monthly employment income of \$2,025 plus \$5 monthly income from assets. Employment allowance is not deducted. Adjusted monthly income is \$2,030  $(\$2,025 + \$5)$ . Rent is calculated as follows:  $(\$1,000 \times 15\% = \$150) + (\$1,030 \times 30\% = \$309)$ . Total monthly geared-to-income rent for that member is \$459  $(\$150 + \$309)$ . Add this rent to the rent for the rest of the household.*

*Example: The family member (formerly called secondary tenant) has a gross monthly income from employment of \$800 and has no other income. Rent is \$120 per month, calculated as follows:  $(\$800 \times 15\% = \$120)$ . Add this rent to the rent for the rest of the household.*

## 8.8 Adjusted family income

Section 50 of O. Reg. 298/01 outlines in detail what is to be included and excluded from the income of a family unit for rent calculation purposes.

### 8.8.1 Method of calculating income

#### O. Reg. 298/01

##### Adjusted family income

**50.** (1) For the purpose of clause 49 (3) (a), the adjusted family income of a family unit for a month is, subject to subsection (13), the amount obtained by,

- (a) adding,
  - (i) the income of each of the members of the family unit for the month, as determined under subsections (2) to (7), and
  - (ii) the imputed income of each of the members of the family unit for the month from his or her interests in non-income-producing assets, as determined under subsections (8) to (11); and
- (b) subtracting, from the amount determined under clause (a),
  - (i) \$75, in the case of a family unit that has no children and only one individual who has employment-related income in the month,
  - (ii) \$150 employment allowance, in the case of a family unit that has,
    - (A) at least one child, and at least one individual who has employment-related income in the month, or
    - (B) at least two individuals who have employment-related income in the month, and
  - (iii) the sum of the income and imputed income for the month of each member of the family unit who is described in subsection 49 (4), if the sum of the income and imputed income of that member for the month, as determined in accordance with subsections (2) to (11), is less than \$75. O. Reg. 298/01, s. 50 (1).

(2) For the purpose of subclause (1) (a) (i), the income of a member of a family unit for a month is the total amount of all payments of any nature paid to or on behalf of or for the benefit of the member during the month, subject to subsections (2.1), (3), (5) and (6). O. Reg. 298/01, s. 50 (2); O. Reg. 556/05, s. 12 (1).

(2.1) For the purpose of subclause (1) (a) (i), if a payment received during a month is intended for a prior or future month, the payment shall be accounted for in the calculation of income as it were received in the prior or future month. O. Reg. 556/05, s. 12 (2).

In summary, it is the adjusted family income for the month that is used to calculate the geared-to-income rent. The 30% rent-geared-to-income ratio is applied to the adjusted income to determine the monthly geared-to-income rent.

The adjusted family income starts with the combined gross income of every member of the household residing in the unit or temporarily residing elsewhere. It includes the total amount of all payments of any nature paid to or on behalf of or for the benefit of the member(s) during the month, including interest income (actual interest earned and/or imputed interest).

If a payment can be tied to a previous or a future month it can be used in calculating RGI rent for that previous or future month. and appropriate RGI rent can still be collected for the month in which it should have been received.

*Example: A household has applied for a pension that is not received for a year and comes as a lump sum payment. The amount that should have been paid over the year can be recalculated and recovered as a reimbursement. See section 10 of this Guide – Reimbursement of a Service Manager.*

The steps in calculating adjusted family income for a month are summarized as follows:

- Add together:
  - the gross income of every member of the family unit (who is not also a benefit unit) for the month
  - interest earned for the month on interest-producing assets
  - the imputed income for the month from non-income-producing assets.
- Subtract from the above:
  - income from the list of excluded income (income of full-time students is on the excluded list. See section 8.8.2 of this Guide for the list of excluded income)

- the employment-related allowance of \$75, for a family unit that has only one person with employment-related income and who has no children (e.g., a couple with no children and only one person with employment-related income, or a family unit consisting of a single individual with no children and with employment related income)
- the employment related allowance of \$150, for a family unit that has at least one child, and at least one person with employment-related income (e.g., employed single parent with a child or children; or couple with children even if only one adult is employed); or
- at least two people with employment-related income (*e.g., couple, both employed*).
- the total gross monthly income of a member described in subsection 49(4) (formerly called secondary tenant), if the total income is less than \$75

Note that a household may have more than one family unit consisting of a single individual with no dependants and with employment-related income (*e.g., two or more single employed individuals sharing a unit*). Each such family unit is entitled to the \$75 employment-related allowance.

Also, note that if the individual is a part of a family unit and meets the description in subsection 49 (4) (formerly called a secondary tenant), the \$75 employment-related allowance does not apply. This individual's geared-to-income rent is calculated separately and then added to the geared-to-income rent for the household.

## 8.8.2 Excluded income

Subsection 50 (3) of O. Reg. 298/01 lists items that must not be included in income. Payments of the type listed in 50 (3) are subtracted from gross income in the process of calculating adjusted income.

### **O. Reg. 298/01, s. 50.**

(3) For the purpose of subclause (1) (a) (i), the following shall not be included in income, subject to subsection (4):

1. A payment received under section 49 of the *Ontario Disability Support Program Act, 1997* to provide financial assistance for children with severe disabilities.

2. A payment received from a children's aid society on behalf of a child in care under the *Child and Family Services Act*.
- 2.1 Any income earned or received by a child in care under the *Child and Family Services Act* who is living with the household.
3. A payment received under clause 175 (f) of the *Child and Family Services Act*.

4. A payment received under subsection 2 (2) of the *Developmental Services Act*.
5. A payment received under the *Ministry of Community and Social Services Act*.
6. A payment, refund or credit received under the *Income Tax Act* (Ontario).
7. A payment, refund or credit received under the *Income Tax Act* (Canada).
8. A death benefit received under the *Canada Pension Plan*.
9. A payment received from the Department of Indian Affairs and Northern Development (Canada) or from a band for board and lodging of a student attending a secondary school not on the reserve.
10. A payment received pursuant to the *Indian Act* (Canada) under a treaty between Her Majesty in right of Canada and a band, other than funds for post-secondary education.
11. A payment received from a band as an incentive bonus for school attendance by a person who is a child of a member of the family unit and who is attending school.
12. A payment received under Order in Council P.C. 1977-2496 made under section 40 of the *Indian Act* (Canada).
13. A payment received under the Extraordinary Assistance Plan (Canada).
14. A grant received under the *Employment Insurance Act* (Canada) and used for the purpose of the purchase by a member of a benefit unit under the *Ontario Works Act, 1997* of a training course approved by an administrator under that Act.
15. A Canada Education Savings Grant, if it is paid into a Registered Education Savings Plan for a child of a member of the family unit.

16. A payment received from Human Resources Development Canada under the program called the "Opportunities Fund for Persons with Disabilities", if the payment has been or will be applied to costs incurred or to be incurred as a result of participation in employment-related activities.
17. A capital gain.
18. The proceeds received from the sale, liquidation or other disposition of real or personal property.
19. Interest received from or accrued in a prepaid funeral plan.

20. Interest, dividends or any other income received from or accrued in a Registered Retirement Savings Plan or a Registered Education Savings Plan for a member described in subsection 49 (4).
21. An inheritance.
22. Lottery winnings.
23. A donation received from a religious, charitable or benevolent organization.
24. A casual gift or casual payment of small value.
25. A loan.
26. Income received by a student in full-time attendance at a recognized educational institution who meets the criteria stated in clauses 49 (4) (a), (b), (c) and (d) if,
  - i. the institution is a primary or secondary institution, or
  - ii. the institution is a post-secondary institution and the student,
    - A. is a single student, as defined in Regulation 774 of the Revised Regulations of Ontario, 1990 made under the *Ministry of Training, Colleges and Universities Act*, and
    - B. had not been out of a secondary institution for more than five years as of the start of his or her current study period in the post-secondary institution.
27. An award or a grant received from the Ministry of Training, Colleges and Universities by a student enrolled in a post-secondary institution.
28. A bursary received under paragraph 18 of subsection 8 (1) of the *Education Act* by a student in full-time attendance at a secondary school.

29. A payment received by a student from the Canada Millennium Scholarship Foundation.
30. An allowance received for room and board in respect of employment away from the unit one occupies.
31. An allowance received for expenses incurred in travelling in respect of employment.
32. An allowance or a payment received for child care, transportation, tuition or other expenses in respect of any job training or employment-related program in which one is enrolled.
33. A benefit received from Veterans Affairs Canada under the Veterans Independence Program.
34. A war reparation payment, made either in periodic instalments or in a lump sum amount.
35. An amount received as damages or compensation for,
  - i. pain and suffering resulting from an injury to or the death of a member of the household, or
  - ii. expenses reasonably incurred or to be incurred as a result of an injury to or the death of a member of the household.
36. A lump sum insurance payment.
37. A lump sum severance payment arising from a dismissal from employment.
38. A lump sum payment received under a decision of a court.
39. A lump sum payment received under a decision of a statutory tribunal.
40. A payment received under any of the following agreements to which the Province of Ontario is a party:
  - i. The Helpline Reconciliation Model Agreement.
  - ii. The Multi-Provincial/Territorial Assistance Program Agreement.
  - iii. The Grandview Agreement.
41. A payment received under the Ontario Hepatitis C Assistance Plan.

42. The total amount of spouse's allowance payments under the *Old Age Security Act* (Canada) received by a benefit unit under the *Ontario Disability Support Program Act, 1997* for the month, if that amount is equal to or less than the amount received by the benefit unit for basic needs for the month under paragraph 1 of subsection 30 (1) of Ontario Regulation 222/98 made under the *Ontario Disability Support Program Act, 1997*.
43. The total amount of disability benefits under the *Canada Pension Plan* received by a benefit unit under the *Ontario Disability Support Program Act, 1997* for the month, if that amount is equal to or less than the amount received by the benefit unit for basic needs for the month under paragraph 1 of subsection 30 (1) of Ontario Regulation 222/98 made under the *Ontario Disability Support Program Act, 1997*.
44. The total amount of income support received by a benefit unit under the *Ontario Disability Support Program Act, 1997* for the month, if the amount received by the benefit unit for basic needs for the month under paragraph 1 of subsection 30 (1) of Ontario Regulation 222/98 made under that Act is less than the total amount of spouse's allowance payments under the *Old Age Security Act* (Canada) received by the benefit unit for the month.
45. The total amount of income support received by a benefit unit under the *Ontario Disability Support Program Act, 1997* for the month, if the amount received by the benefit unit for basic needs for the month under paragraph 1 of subsection 30 (1) of Ontario Regulation 222/98 made under that Act is less than the total amount of disability benefits under the *Canada Pension Plan* received by the benefit unit for the month.
46. The total amount of payments under the *Ontario Works Act, 1997* received by a benefit unit under that Act for the month if,

- i. in the case of a benefit unit consisting of a recipient with no spouse but with one or more other dependants, the total non-benefit income for the month of the members of the benefit unit exceeds the amount set out opposite the benefit unit in Column 3 of Table 3, or
  - ii. in the case of a benefit unit other than one described in subparagraph i, the total non-benefit income for the month of the members of the benefit unit exceeds the amount set out opposite the benefit unit in Column 3 of Table 4.
- 47. The total amount of payments under the *Ontario Disability Support Program Act, 1997* received by a benefit unit under that Act for the month, if the total non-benefit income for the month of the members of the benefit unit exceeds the amount set out opposite the benefit unit in Column 3 of Table 5.
- 48. A payment received under subsection 147 (14) of the *Workers' Compensation Act*, as it read on December 31, 1997.
- 49. A lump sum payment received under the 1986-1990 Hepatitis C Settlement Agreement made as of June 15, 1999 among the Attorney General of Canada, Her Majesty the Queen in right of Ontario and others.
- 50. A payment received from the Government of Alberta as compensation for sterilization.
- 51. A payment received under the Walkerton Compensation Plan.
- 52. A payment received under the Dr. Albert Rose Bursary Program.
- 53. An extended care and maintenance allowance for a former Crown ward received from a children's aid society under subsection 71 (2) of the Child and Family Services Act.
- 54. A Special Allowance received from Veterans Affairs Canada under the Veterans Affairs Disability Pension Program.
- 55. A payment received as a result of a claim that relates to an aboriginal residential school and was made against the Government of Canada or a church or other religious organization. O. Reg. 298/01, s. 50 (3); O. Reg. 409/01, s. 9; O. Reg. 182/02, s. 5; O. Reg. 328/02, s. 1; O. Reg. 220/04, s. 10 (1); O. Reg. 342/05, s. 8.
- 56. A payment received under the *Universal Child Care Benefit Act (Canada)*. O. Reg. 298/01, s. 50 (3); O. Reg. 409/01, s. 9; O. Reg. 182/02, s. 5; O. Reg. 328/02, s. 1; O. Reg. 220/04, s. 10 (1); O. Reg. 342/05, s. 8; O. Reg. 424/06, s. 1.

57. Payments from a trust or life insurance policy or gifts or other voluntary payments that are applied to,
- i. expenses for items or services that are needed for a member of a household because of that member's disability and that are not and will not be otherwise reimbursed, or
  - ii. education or training expenses that,
- A. are incurred with respect to a member of a household because of that member's disability, and
  - B. are not and will not be otherwise reimbursed.
58. A child benefit under the *Canada Pension Plan* (Canada) paid to, on behalf of or for the benefit of a dependent of a disabled or deceased contributor.
59. A payment received as a special allowance under the Resettlement Assistance Program established under the *Immigration and Refugee Protection Act* (Canada).

There are three "special allowances" under the Veterans Affairs Disability Pension Program:

**Exceptional incapacity allowance** is an additional monthly allowance provided to pensioners who are exceptionally incapacitated in whole or in part by their pensioned disability.

**Attendance Allowance** is available to a pensioner who has a disability assessed at 1% or more and/or is receiving prisoner of war compensation. The pensioner must also be totally disabled and in need of attendance due to his or her physical or mental state.

**Clothing allowance** is for pensioners who are amputees, wear special appliances; require specially-made clothing or who suffer from a pensionable disability which causes them to soil their clothing excessively, may receive an additional monthly allowance to purchase special clothing.

The child benefit under the Canada Pension Plan is for the children of disabled or deceased contributors but may be paid to the parents of minor children. It is to be excluded from income.

The Refugee Resettlement Program is a temporary form of assistance provided by the federal government. The basic payment is equal to the social assistance rates using maximum shelter allowance and is included. There are a number of possible special allowances such as a one-time start-up allowance for purchase of household goods that would be excluded from calculations.

### 8.8.3 Interest on excluded income

**O. Reg. 298/01, s. 50.**

(4) Interest received or accrued on an amount excluded from the income of a member of a family unit under subsection (3), other than interest on an amount excluded under paragraph 19 or 20 of subsection (3), shall be included in the income of that member. O. Reg. 298/01, s. 50 (4).

All interest income, including interest earned on any income on the excluded list, must be included in the adjusted family income for determining geared-to-income rent, except for interest on a prepaid funeral plan or an RRSP or RESP.

### 8.8.4 Income from self-employment

**O. Reg. 298/01, s. 50.**

(5) The income of a member of a family unit from a business shall be reduced by all deductions allowed by the Canada Customs and Revenue Agency from income from a business, except for the following:

1. Capital cost allowances for the depreciation of assets.
2. Rent paid by the member for the unit occupied by the member, where the member operates the business from the unit.
3. Child care expenses. O. Reg. 298/01, s. 50 (5).

[\(5.1\)](#) If, as a result of the deductions permitted in subsection (5) the income of a member of a family unit from a business is a negative amount, the income shall be deemed to be 0.

The exemptions from self-employment income allowed here are the same as allowed by Canada Customs and Revenue Agency, with the following exceptions:

- Depreciation of capital assets is not deducted from income.

- Rent for the rent-geared-to-income unit is not deducted from income.
- Child care expenses are not deducted from income.

Net income from self-employment claimed to be a negative amount is to be considered 0 and will not be subtracted from other income the household may have.

### 8.8.5 Support payments

#### **O. Reg. 298/01, s. 50.**

(6) The income of a member of a family unit shall be reduced by the amount of all support payments made by the member under an order made under the *Divorce Act* (Canada), the *Family Law Act*, or the *Interjurisdictional Support Orders Act*, 2002. O. Reg. 298/01, s. 50 (6); O. Reg. 220/04, s. 10 (2). In other words, support payments that are required to be made under the *Divorce Act* (Canada), the *Family Law Act*, or the *Interjurisdictional Support Orders Act*, 2002 must be excluded from the income of the individual who made the payment. This policy is intended to encourage the continued payment of required support payments.

*Example: An individual pays a court ordered support payment of \$300/monthly. As long as he/she provides proof to the service manager that he/she continues to pay the \$300, the regulation requires that the amount be deducted from the household income before calculating his/her geared-to-income rent.*

Note that support payments received by a household must be included in that household's income for the purpose of determining geared-to-income rent.

*Example: An individual receives a monthly support payment of \$300. The regulation requires that this money be added to monthly household income before calculating the geared-to-income rent.*

## 8.8.6 Determining non-benefit income for a benefit unit

### **O. Reg. 298/01, s. 50.**

(7) For the purposes of paragraphs 46 and 47 of subsection (3), the total non-benefit income of the members of a benefit unit for a month shall be determined in accordance with subsections (2) to (6), with the following exceptions:

1. A reference to “For the purpose of subclause (1) (a) (i)” shall be deemed to be a reference to “For the purposes of paragraphs 46 and 47 of subsection (3)”.
2. A reference to “family unit” shall be deemed to be a reference to “benefit unit”.
3. Paragraphs 42, 43, 44, 45, 46 and 47 of subsection (3) do not apply to the determination of non-benefit income.
4. The following shall not be included in non-benefit income:
  - i. A payment received under the *Ontario Works Act, 1997*.
  - ii. A payment received under the *Ontario Disability Support Program Act, 1997*. O. Reg. 298/01, s. 50 (7).

In summary, the total non-benefit income is determined in the same way as income is determined for a family unit, and must exclude the income received from OW or ODSP.

## 8.8.7 Registered Saving Plans (RRSP and RESPs)

### **O. Reg. 298/01, s. 50.**

(8) A non-income-producing Registered Retirement Savings or Registered Education Savings Plan shall not be included in non-income producing assets for the purpose of subclause (1) (a) (ii). O. Reg. 298/01, s. 50 (8).

An RRSP, whether or not it is locked-in, and an RESP are excluded for the purpose of determining income.

### 8.8.8

## Imputed income - non-income-producing assets

### **O. Reg. 298/01, s. 50.**

(9) For the purpose of subclause (1) (a) (ii), the imputed income of a member of a family unit for a month from his or her interest in a non-income-producing asset is the amount determined using the formula,  $A \times B$  in which,

“A” is the value of the member’s interest in the non-income-producing asset,

“B” is one-twelfth of the annual interest rate payable in the first year on the most recent November issue of Canada Savings Bonds, with the annual interest rate rounded down to the nearest whole percentage.

O. Reg. 298/01, s. 50 (9); O. Reg. 220/04, s. 10 (3).

(9.1) Despite subsection (9), in the case of a family unit with one or more non-interest bearing bank accounts, the imputed income of a member of the family unit for a month from his or her interest in the bank accounts shall be calculated on that part of the average minimum monthly balance that exceeds \$1,000.

To summarize, the imputed rate is changed once a year, and set at the interest rate available on the November issue (the first of the season) of Canada Savings Bonds (not Canada Premium Bonds) rounded down to the nearest whole percentage. The most recent rate may be obtained by contacting the Bank of Canada or from their website at [www.csb.gc.ca](http://www.csb.gc.ca).

Non-income-producing assets include all assets, investments or holdings that are intended to increase in value and which do not normally generate regular income. Non-income producing assets include, but are not limited to:

- financial holdings
- real estate (If the property can be lived in year-round, the household must divest itself of the property, O. Reg. 298/01, section 9.)
- investments in precious metals, gems and art, and
- assets transferred outside the family unit.

An imputed income that is based on the written appraised value of the non-income-producing asset is included in the calculation of geared-to-income rent.

An imputed income is also determined for income-producing assets where the annual income is difficult to determine, See section 8.8.7 of this Guide for further information on locked-in RRSPs.

The annual imputed income is equal to the total value of the non-income producing asset multiplied by the imputed rate of return.

*Example: Appraised value of non-income-producing asset is \$20,000. Imputed rate of return is 4%. Calculation for determining the imputed income is  $(\$20,000 \times 4)$  divided by 100 = \$800. The monthly imputed income is calculated by dividing the annual amount of \$800 by 12 = \$66.67.*

For a household's non-interest bearing chequing account(s), the imputed income is based on the annual average minimum monthly balance of the account. The first \$1,000 is ignored. The imputed income is calculated on the total balance after deducting the first \$1,000. Joint accounts should be apportioned among the account-holders.

Where the interest rate is known, the actual interest is used.

**Example:** Tenant A has a chequing account with an average minimum monthly balance of \$1200. The imputed income is \$200.

Tenant B has a chequing account with an average minimum monthly balance of \$800. The imputed income is \$0.

Tenants A and B have a joint account with an average minimum monthly balance of \$1200. The total imputed income is \$200 or \$100 for each tenant.

Tenants A and B have a joint account with an average minimum monthly balance of \$800. The imputed income is \$0 for both.

### **8.8.9 Transferred assets**

**O. Reg. 298/01, s. 50.**

(10) If a member of a family unit transfers, by sale, lease, gift or in any other manner, his or her interest in an asset to a person who is not a member of the household, less than 36 months before the date the household begins to receive rent-geared-to-income assistance, or any time after the household begins to receive rent-geared-to-income assistance, the member shall be deemed, for the purpose of section 8, subclause (1) (a) (ii) and subsection (9), still to have the interest in the asset, unless the service manager is satisfied that the transfer was effected in good faith and,

(a) not for the purpose of reducing the member's imputed income so as to reduce the amount of geared-to-income rent payable by the household; or

(b) not for the purpose of reducing the amount of the household's assets for the purpose of qualifying for rent geared-to-income assistance, if the service manager has implemented an asset limit under subsection 8 (3). O. Reg. 556/05, s. 12 (3).

(11) If a member of a family unit is deemed under subsection (10) still to have an interest in a transferred asset, the value of the member's interest in the asset on a date that is after the date of the transfer shall be calculated, for the purpose of "A" in the formula in subsection (9), by reducing the value of the member's interest in the asset on the date of the transfer by an amount determined by the service manager on each anniversary of the date of the transfer. O. Reg. 298/01, s. 50 (11); O. Reg. 556/05, s. 12 (4).

To summarize, if an asset is transferred by a member of a family unit to an individual who is not a member of the household, less than 36 months (3 years) before receiving rent-geared-to-income assistance or at any time after receiving assistance, the member may be deemed still to have the asset unless the service manager determines the sale was reasonable and not in an attempt to avoid paying rent on the imputed income for the asset or to circumvent a local rule on asset limits.

However, for the purpose of calculating imputed income, the value of the asset that has been transferred is reduced on each anniversary of the date of the transfer. Individual service managers will establish the rate of the reduction to be used in their jurisdictions.

*Example: An individual transferred a cottage with an appraised value of \$152,000 to his/her daughter on March 1, 2004, about one year before being housed in a rent-geared-to-income unit on June 1, 2005. and it was determined to be not in good faith.*

*As part of the process for determining her rent for June 1, 2005, the value of the transferred asset (originally valued at \$152,000) is reduced by an amount determined by the service manager (e.g. 10%) – in this case \$15,200 anniversary date of March 1, 2005 The imputed rate is then applied to the remaining \$136,800 (\$152,000 less \$15,200.). The \$136,800 is reduced each year by 10% until there is a zero balance.*

*A service manager could also use a gross amount (e.g. a reduction of \$15,000 each year) or apply the percentage reduction on the original amount each year or any other method.*

### **Transfer of assets in good faith**

If a service manager is satisfied that the transfer of asset was effected in good faith and not for the purpose of reducing the amount of geared-to-income rent payable by the household or to remain under a local rule on asset limits, the service manager may forgive the inclusion of that transferred asset in the calculation of geared-to-income rent.

*Example: An elderly couple in private sector market rent unit gave away to their son, an undeveloped piece of real estate. Shortly afterwards the husband dies and wife experiences an unexpected financial decline because of the loss of her husband's pension income. The widow with reduced income applies for rent-geared-to-income assistance. The service manager can decide to forgive the transferred asset and not apply the imputed rate to any portion of it.*

## 8.8.10 Defining employment-related income

### **O. Reg. 298/01, s. 50.**

(12) For the purpose of clause (1) (b), an individual has employment-related income if he or she receives wages, a salary, a commission, a bonus, tips, gratuities, vacation pay, remuneration as a dependent contractor, income from work in a business that the individual directly or indirectly operates and controls, unemployment benefits under the *Employment Insurance Act* (Canada), payments for a loss of earnings under the insurance plan in the *Workplace Safety and Insurance Act, 1997*, or payments for sick leave or a short-term disability under a private or workplace insurance plan. O. Reg. 298/01, s. 50 (12).

To summarize, an individual has employment-related income, and is entitled to the employment-related allowance, if he or she receives:

- wages,
- a salary,
- a commission,
- a bonus,
- tips or gratuities,
- vacation pay,
- short-term (loss of earnings) Workplace Safety and Insurance Board (WSIB) income,
- payments for sick leave or a short-term disability under a private or a workplace insurance plan
- remuneration as a dependent contractor
- self-employment income
- Employment Insurance benefits

### 8.8.11 Fluctuating income

**O. Reg. 298/01, s. 50.**

(13) If a service manager has reason to believe that the adjusted family income of a family unit fluctuates from month to month, the service manager, in determining the rent attributable for a month to a family unit under subsection 49 (3), may use, as the adjusted family income of the family unit for a month, the average monthly adjusted family income of the family unit over such period of time as the service manager considers reasonable in the circumstances. O. Reg. 298/01, s. 50 (13).

To summarize, if a family unit has income that fluctuates from month to month, the service manager may use the average monthly adjusted family income over a period of time that is reasonable in the circumstances. This policy does not apply if any part of the income is from OW or ODSP.

## 8.9 Services, utilities and heating

Section 51 of O. Reg. 298/01 prescribes adjustments that must be made to geared-to-income rent for services, utilities and heating. The adjustments for services, utilities and heating are set out in Tables 6, 7, 8, 9 and 10 in O. Reg. 298/01. These Tables may change from time to time by amendment to Regulation. As with other changes in the Act or regulations, the Ministry of Municipal Affairs and Housing will advise service managers of any changes.

### 8.9.1 Service and utility charges

**O. Reg. 298/01**

**Services, utilities and heating**

**51.** (1) If a household receives from its housing provider, or from a person who has entered into an agreement with the housing provider, a service or utility set out in Column 2 of Table 6, the amount calculated under clause 47 (1) (d) for the household shall be increased by the amount set out opposite the service or utility in the column of Table 6 that sets out the type of unit occupied by the household. O. Reg. 298/01, s. 51 (1).

In other words, the amounts specified must be added to geared-to-income rent in situations where the household does not pay directly for a service or utility listed in the Table 6.

*Example:*

*A project with four hostel units (congregate or shared living accommodation, e.g., a group home with shared cooking and other facilities), where the housing provider pays the utilities and provides coin-free laundry facilities. The hostel rates are used to calculate the utility charges, which are added to the geared-to-income rent for each household living in a hostel unit, as follows:*

<i>Electricity</i>	<i>= \$24</i>
<i>Cooking power</i>	<i>= \$ 6</i>
<i>Coin-free laundry facilities</i>	<i>= \$ 6</i>
<i>Total charge per hostel resident</i>	<i>= <u>\$36</u></i>

*Example:*

*A household lives in a fully serviced three-bedroom unit where the housing provider pays all the utilities and the rent includes heat, water, hot water, stove and refrigerator. The housing provider also provides a washer and dryer in the unit for the use of the household. The utility charges, which are added to the geared-to-income rent for the household, are based on a three-bedroom unit and services provided as follows:*

<i>Electricity</i>	<i>= \$39</i>
<i>Cooking power</i>	<i>= \$11</i>
<i>Clothes drying power</i>	<i>= \$11</i>
<i>Washer</i>	<i>= \$ 2</i>
<i>Dryer</i>	<i>= <u>\$ 2</u></i>
<i>Total utility charges for the unit</i>	<i>= <u>\$65</u></i>

*Example:*

*A household, consisting of four single adults (related or unrelated), lives in a fully serviced four-bedroom unit. The housing provider pays all the utilities and the rent includes heating, water, hot water, stove and refrigerator. The unit also contains a washer and dryer for the use of the household. The utility charges, which are added to the geared-to-income rent for the household, are based on four + bedrooms, as follows:*

<i>Electricity</i>	<i>= \$41</i>
<i>Cooking power</i>	<i>= \$12</i>
<i>Clothes drying power</i>	<i>= \$13</i>
<i>Washer</i>	<i>= \$ 2</i>
<i>Dryer</i>	<i>= <u>\$ 2</u></i>
<i>Total utility charges for the unit</i>	<i>= <u>\$70</u></i>

TABLE 6  
STANDARD EXTRA CHARGES

Type of Unit					
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
Item	Service or Utility	Hostel bed or bachelor or one-bedroom unit	Two-bedroom unit	Three-bedroom unit	Four or more-bedroom unit
1.	Electricity, other than, (a) electricity provided for heating the unit, (b) electricity provided for heating the water supplied to the unit, (c) electricity provided as power for cooking facilities in the unit, or (d) electricity provided as power to operate a clothes dryer in the unit.	\$24	\$34	\$39	\$41
2.	Power for cooking facilities in the unit.	6	9	11	12
3.	Laundry facilities, other than coin-operated laundry facilities, in the housing project.	6	9	11	13
4.	Power to operate a clothes dryer in the unit.	6	9	11	13
5.	A washing machine, other than a coin-operated washing machine, in the unit.	2	2	2	2

6.	A clothes dryer, other than a coin-operated clothes dryer, in the unit.	2	2	2	2
O. Reg. 298/01, Table 6					

## 8.9.2 Service and utility allowances

### Water and appliances

#### O. Reg. 298/01, s. 51

(2) If a household pays directly for a service or utility set out in Column 2 of Table 7, the amount calculated under clause 47 (1) (d) for the household shall be reduced by the amount set out opposite the service or utility in the column of Table 7 that sets out the type of unit occupied by the household. O. Reg. 298/01, s. 51 (2).

The amounts specified must be subtracted from the geared-to-income rent in situations where the household pays directly for a service or utility listed in the Table 7. The amount of the allowance is based on the size of the unit.

#### Example:

*A household lives in a 3-bedroom unit and pays directly for water and the gas to heat the hot water. The household also pays a rental fee for the hot water heater and own their own refrigerator and stove. The utility allowances for water and appliances, which reduce the geared-to-income rent, are based on a 3-bedroom unit and are calculated as follows:*

<i>Gas to operate a rental hot water heater</i>	<i>= \$47</i>
<i>Water</i>	<i>= \$18</i>
<i>Refrigerator</i>	<i>= \$ 2</i>
<i>Stove</i>	<i>= \$ 2</i>
<i>Total utility allowance for unit</i>	<i>= <u>\$69</u></i>

**O. Reg. 298/01**

**TABLE 7**  
**ALLOWANCES FOR WATER AND APPLIANCES**

		Type of Unit			
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
Item	Service or Utility	Bachelor or one-bedroom unit	Two-bedroom unit	Three-bedroom unit	Four or more-bedroom unit
1.	Oil used to operate a hot water heater, where the household does not pay a rental fee for the heater	\$28	\$34	\$39	\$47
2.	Oil used to operate a hot water heater, where the household pays a rental fee for the heater	34	41	46	56
3.	Gas used to operate a hot water heater, where the household does not pay a rental fee for the heater	15	21	26	32
4.	Gas used to operate a hot water heater, where the household pays a rental fee for the heater	29	40	47	54
5.	Electricity used to operate a hot water heater, where the household does not pay a rental fee for the heater	23	28	32	39
6.	Electricity used to operate a hot water heater, where the household pays a rental fee for the heater	28	34	38	46
7.	Water, other than hot water	8	15	18	20

8.	Refrigerator	2	2	2	2
9.	Stove	2	2	2	2
O. Reg. 298/01, Table 7.					

## Heat

### **O. Reg. 298/01, s. 51.**

(3) If a household pays directly for the principal heating of the unit it occupies and the unit is heated by oil, the amount calculated under clause 47 (1) (d) for a household occupying a unit of a type set out in Column 2 of Table 8 shall be reduced by the amount set out opposite the unit in the column of Table 8 that sets out the region of Ontario in which the unit is located. O. Reg. 298/01, s. 51 (3).

(4) If a household pays directly for the principal heating of the unit it occupies and the unit is heated by gas, the amount calculated under clause 47 (1) (d) for a household occupying a unit of a type set out in Column 2 of Table 9 shall be reduced by the amount set out opposite the unit in the column of Table 9 that sets out the region of Ontario in which the unit is located. O. Reg. 298/01, s. 51 (4).

(5) If a household pays directly for the principal heating of the unit it occupies and the unit is heated by electricity, the amount calculated under clause 47 (1) (d) for a household occupying a unit of a type set out in Column 2 of Table 10 shall be reduced by the amount set out opposite the unit in the column of Table 10 that sets out the region of Ontario in which the unit is located. O. Reg. 298/01, s. 51 (5).

(6) For the purposes of subsections (3), (4) and (5), a unit shall be considered to be located in a region of Ontario set out in Column 1 of Table 11 if the unit is located in a municipality or district set out opposite the region in Column 2 of Table 11. O. Reg. 298/01, s. 51 (6).

If a rent-geared-to-income household pays their own heating costs directly, the amount applicable to their particular circumstances must be subtracted from their geared-to-income rent. The amounts are specified in Tables 8, 9 and 10. Table 11 shows the geographic areas that fall into the four heating zones that are used.

The heating allowance is determined as follows:

- The type of utility used to heat the unit will determine which Table is used to determine the utility allowances: Table 8, if oil is used to heat the unit; Table 9, if gas is used; or Table 10, if electricity is used.
- Determine type of unit from Column 2 in which the household lives, e.g., a row house.

- Determine the heating zone in which the unit is located, e.g., a unit located in the City of Ottawa is in the Northeastern heating zone, which is Column 5.
- Select the amount in appropriate heating zone column that matches the size or type of unit, in Column 2, in which the household lives.

*Example:*

*A household that pays directly for oil heating (Table 8), and that lives in a row house (Column 2) in the Northeastern heating zone (Column 5) would receive a utility allowance of \$79 per month.*

O. Reg. 298/01					
TABLE 8					
HEAT ALLOWANCE — OIL					
		Region of Ontario			
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
Item	Type of Unit	Southern	Central	Northeastern	Northern
1.	Apartment — Bachelor or one bedroom	\$ 49	\$ 55	\$ 56	\$ 67
2.	Apartment — Two bedrooms	51	57	58	72
3.	Apartment — Three or more bedrooms	64	69	73	90
4.	Row house	68	73	79	102
5.	Semi-detached house	92	97	107	135
6.	Single detached house	136	147	149	182
O. Reg. 298/01, Table 8.					

**O. Reg. 298/01**

TABLE 9  
HEAT ALLOWANCE — GAS

		Region of Ontario			
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
Item	Type of Unit	Southern	Central	Northeastern	Northern
1.	Apartment — Bachelor or one bedroom	\$ 21	\$ 31	\$ 32	\$ 40
2.	Apartment — Two bedrooms	24	32	33	43
3.	Apartment — Three or more bedrooms	25	35	39	49
4.	Row house	28	37	42	56
5.	Semi-detached house	39	49	56	76
6.	Single detached house	56	74	79	100
O. Reg. 298/01, Table 9.					

**O. Reg. 298/01**

**TABLE 10**  
**HEAT ALLOWANCE — ELECTRICITY**

Region of Ontario					
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
Item	Type of Unit	Southern	Central	Northeastern	Northern
1.	Apartment — Bachelor or one bedroom	\$ 40	\$ 45	\$ 46	\$ 55
2.	Apartment — Two bedrooms	42	47	48	59
3.	Apartment — Three or more bedrooms	53	57	60	74
4.	Row house	56	60	65	84
5.	Semi-detached house	76	80	88	111
6.	Single detached house	112	121	123	150
O. Reg. 298/01, Table 10.					

TABLE 11

## MUNICIPALITIES AND DISTRICTS COMPRISING REGIONS

COLUMN 1	COLUMN 2
Region of Ontario	Municipalities and Districts
Southern	<ol style="list-style-type: none"> <li>1. City of Hamilton.</li> <li>2. City of Toronto.</li> <li>3. County of Brant.</li> <li>4. County of Elgin.</li> <li>5. County of Essex.</li> <li>6. County of Haldimand.</li> <li>7. County of Kent.</li> <li>8. County of Lambton.</li> <li>9. County of Norfolk.</li> <li>10. Regional Municipality of Halton.</li> <li>11. Regional Municipality of Niagara.</li> <li>12. Regional Municipality of Peel.</li> </ol>
Central	<ol style="list-style-type: none"> <li>1. County of Bruce.</li> <li>2. County of Frontenac.</li> <li>3. County of Grey.</li> <li>4. County of Hastings.</li> <li>5. County of Huron.</li> <li>6. County of Leeds and Grenville.</li> <li>7. County of Lennox and Addington.</li> <li>8. County of Middlesex.</li> <li>9. County of Northumberland.</li> <li>10. County of Oxford.</li> <li>11. County of Perth.</li> <li>12. County of Prince Edward.</li> <li>13. The following portions of Simcoe County: <ol style="list-style-type: none"> <li>(i) City of Barrie,</li> <li>(ii) Town of Bradford West Gwillimbury,</li> <li>(iii) Town of Essa,</li> <li>(iv) Town of Innisfil,</li> <li>(v) Town of New Tecumseth,</li> <li>(vi) Township of Adjala-Tosorontio.</li> </ol> </li> <li>14. County of Stormont, Dundas and Glengarry.</li> <li>15. County of Wellington.</li> <li>16. Regional Municipality of Durham.</li> <li>17. Regional Municipality of Waterloo.</li> <li>18. Regional Municipality of York.</li> </ol>

O. Reg. 298/01

TABLE 11

MUNICIPALITIES AND DISTRICTS COMPRISING REGIONS

COLUMN 1	COLUMN 2
Region of Ontario	Municipalities and Districts
Northeastern	<ol style="list-style-type: none"> <li>1. City of Kawartha Lakes.</li> <li>2. City of Ottawa.</li> <li>3. County of Dufferin.</li> <li>4. County of Haliburton.</li> <li>5. County of Lanark.</li> <li>6. County of Peterborough.</li> <li>7. County of Prescott and Russell.</li> <li>8. County of Renfrew.</li> <li>9. The following portions of Simcoe County:               <ol style="list-style-type: none"> <li>(i) City of Orillia,</li> <li>(ii) Town of Collingwood,</li> <li>(iii) Town of Midland,</li> <li>(iv) Town of Penetanguishene,</li> <li>(v) Town of Wasaga Beach,</li> <li>(vi) Township of Clearview,</li> <li>(vii) Township of Oro-Medonte,</li> <li>(viii) Township of Ramara,</li> <li>(ix) Township of Severn,</li> <li>(x) Township of Springwater,</li> <li>(xi) Township of Tay,</li> <li>(xii) Township of Tiny.</li> </ol> </li> <li>10. District of Algoma.</li> <li>11. District of Manitoulin.</li> <li>12. District of Muskoka.</li> <li>13. District of Parry Sound.</li> <li>14. Town of Espanola (in the District of Sudbury).</li> </ol>
Northern	<ol style="list-style-type: none"> <li>1. District of Cochrane.</li> <li>2. District of Kenora.</li> <li>3. District of Nipissing.</li> <li>4. District of Rainy River.</li> <li>5. District of Sudbury (except Town of Espanola).</li> <li>6. Thunder Bay.</li> <li>7. Timiskaming.</li> </ol>
O. Reg. 298/01, Table 11.	

*Example:*

*A household lives in a 3-bedroom semi-detached house in the City of Barrie, which is in the Central Heating Zone. The household pays directly for the electricity to heat the house. Table 10, Heat Allowance – Electricity, is used to determine the heating allowance, which will reduce the rent. Based on the amount for a semi-detached house (Column 2) in the Central Heating Zone (Column 4), the heating allowance is as follows:*

*Electric heating allowance - Central                      = \$80*

### **Application of minimum or maximum rent**

Note that It is the geared-to-income rent after applying adjustments for utility charges and allowances that is compared with the minimum and maximum rent to determine the final geared-to-income rent. See section 8.4 (“**Minimum and Maximum Rent**”).

## **8.10 Summary of rent calculation steps**

The following 13 steps summarize the procedure typically involved in calculating rent that is geared-to-income.

### **STEP 1 All sources of income and household composition are declared and verified**

All members of a household are required to report their income from all sources and to provide verification for each income source.

### **STEP 2 Identify excluded income**

Although a household is required to report all sources of income, certain types of income are exempt for the purpose of calculating the geared-to-income rent.

### **STEP 3 Determine the gross monthly income**

All income used for calculating geared-to-income rent must be converted to a monthly amount. The following chart illustrates the calculation factors used in the conversion of annual, weekly, biweekly and daily income to a monthly amount.

INCOME FREQUENCY	FACTOR
Annual	Divide by 12
Weekly	Multiply by 4.333
Bi-weekly	Divide by 2 and multiply by 4.333
Daily	Multiply by 21.66

If the family unit has a member described in subsection 49 (4), O. Reg.298/01 (formerly known as a secondary tenant), the gross monthly income for that member must be kept separate so that the geared-to-income rent can be calculated separately at a ratio of 15% for the first \$1,000 and 30% for the remainder of that member's income. (See section 8.7 of this Guide.)

#### **STEP 4 Identify social assistance income**

Special rent scales apply to individuals with income from Ontario Works (OW) or the Ontario Disability Support Program (ODSP). If the individual has OW or ODSP as the only source of income, or if the gross amount of the other sources of income is within the Non-Benefit Income Limit, skip to Step 9.

If the individual in this case has other sources of income in addition to OW or ODSP that are greater than the Non-Benefit Income Limit in the appropriate table, the scale is not used. Only the non-benefit income is used to determine the gross monthly income in step 3. (Benefit income is excluded income.) Continue with the steps below.

Note - excluded income is deducted from non-benefit income before determining if it is within the Non-Benefit Income Limit.

#### **STEP 5 Apply employment allowance if applicable**

Households with earned income or employment-related income such as Employment Insurance Benefits (EI) and short-term Worker's Compensation from the Workplace Safety & Insurance Board (WSIB) receive an employment allowance. This allowance is deducted from income before the geared-to-income rent is calculated.

Note that if the family unit has a member that is described in subsection 49 (4) of O. Reg. 298/01 (formerly called secondary tenant), the employment allowance does not apply to that member.

## **STEP 6 Identify income-producing assets**

Income received from assets is identified, converted to a monthly amount and added to the monthly income determined in step 3. If the family unit has a member described in subsection 49 (4) of O. Reg. 298/01 (formerly called secondary tenant), who has income-producing assets, the monthly income from these assets is added to his/her income.

## **STEP 7 Identify non-income-producing assets**

Non-income producing assets are identified and an imputed rate of return on these assets is determined. The imputed rate for a month is then added to the monthly income determined in step 3. If the family unit has a member described in subsection 49 (4) of O. Reg. 298/01 (formerly called secondary tenant), who has non-income-producing assets, the imputed monthly rate of return from these assets is added to his/her income.

## **STEP 8 Determine monthly adjusted family income**

After the appropriate adjustments are made, the resulting total amount is the monthly adjusted family income that is used to calculate the geared-to-income rent. Note, if the household has a member described in subsection 49 (4) of O. Reg. 298/01 (formerly called secondary tenant), the adjusted income is determined separately for that member.

## **STEP 9 Apply the appropriate rent ratio or appropriate social assistance scale**

If different members have different income sources, or separate social assistance cheques, or if the family unit has a member described in subsection 49 (4) of O. Reg. 298/01 (formerly called secondary tenant), the calculations are applied separately and added together to calculate the total geared-to-income rent for the unit. The geared-to-income rent for the unit is normally rounded up or down to the nearest dollar.

Calculate 30% of the adjusted family income. If the family unit has a member described in subsection 49 (4) of O. Reg. 298/01, apply a 15% rent-geared-to-income ratio for the first \$1,000

of that member's adjusted income and the 30% ratio to the remainder of that member's adjusted income.

Apply the appropriate social assistance scale for each member that receives benefit income and has no non-benefit income or has non-benefit income that is equal to or less than the Non-Benefit Income Limit.

#### **STEP 10      Apply utility charges or allowances**

Adjustments are made where necessary for utility charges and allowances. Geared-to-income rent is intended to include the cost of utilities defined as part of “fully-serviced accommodation”. Fully serviced accommodation includes heat, water, hot water, refrigerator and stove. If any of these are not provided, an allowance amount must be subtracted from the rent. If certain additional services are provided (e.g., electricity other than that used for heat or hot water) a charge is added to the rent. The utility charges or allowances are applied only once for the unit.

#### **STEP 11      Compare geared-to-income rent to minimum and maximum rent**

The rent calculated in the preceding steps is then checked to ensure that it is not less than the defined minimum rent (\$85) or above the market rent (the rent paid by a tenant who does not receive a geared-to-income subsidy) for the unit.

#### **STEP 12      Additional charges**

Any additional charges that the housing provider is allowed to make (e.g., parking, cable, etc.) are added to determine the final monthly rent.

#### **STEP 13      Partial month rent**

If rent is for a partial month, it must be prorated accordingly.

## 9 Implementing Changes in Geared-to-Income Rent

### 9.1 Changes in rent because of a periodic review

#### 9.1.1 Periodic review of geared-to-income rent

##### **O. Reg. 298/01**

##### **Review of geared-to-income rent payable**

**52.** (1) Once in every 12-month period after a household begins to receive rent-geared-to-income assistance, the service manager shall review the geared-to-income rent payable by the household and shall determine whether that rent should be reduced, be increased or remain the same. O. Reg. 298/01, s. 52 (1).

[\(1.1\)](#) Despite subsection (1), a service manager may review the geared-to-income rent payable by a household receiving rent-geared-to-income assistance less frequently than once in every 12-month period if the service manager considers it desirable and,

- (a) all members of the household are unemployed;
- (b) any income that the members of the household receive is paid in fixed amounts for specified periods; and
- (c) there are no dependants of any member of the household.

(2) A service manager may review the geared-to-income rent payable by a household receiving rent-geared-to-income assistance more frequently than once in every 12-month period if the service manager considers such a review to be desirable. O. Reg. 298/01, s. 52 (2).

(3) The household subject to the review shall provide such information and documents as the service manager may require within the time period specified by the service manager. O. Reg. 298/01, s. 52 (3).

(3.1) A service manager may extend, one or more times, the period initially specified by the service manager under subsection (3), and each extension of a period may be made either before or after the expiry of the period. O. Reg. 220/04, s. 11 (1).

(3.2) Subsection (3) does not apply to a household that is in housing provided by an alternative housing provider under its mandate to provide housing to households that are homeless or hard to house, if the alternative housing provider notifies the service manager that it is of the view that requiring the household to comply with subsection (3) is inappropriate in the circumstances. O. Reg. 220/04, s. 11 (1).

(4) The service manager may require a consent signed by any member of the household who is 16 years old or older, consenting to the disclosure to the service manager of information and documents required by the service manager for the purpose of the review. O. Reg. 298/01, s. 52 (4).

(5) Subsection 5 (9) applies, with necessary modifications, to a consent under this section. O. Reg. 298/01, s. 52 (5).

(6) Subsections 5 (3), (4), (10) and (11) apply, with necessary modifications, to a review under this section. O. Reg. 298/01, s. 52 (6).

To summarize, a service manager is in general required to review the rent payable by a household once annually, in order to determine whether or not it needs to be changed.

The income review may be conducted more frequently than once a year if the service manager decides to do so.

The income review may be conducted less frequently than once a year if the household members are on a fixed income such as pensions or social assistance.

The process for reviewing the rent, annually, or more or less frequently if a service manager decides to do so, is basically the same as it is for the initial application under section 5 and 6 of O. Reg. 298/01.

- The household being reviewed must provide the information and documents required by the service manager within the time period specified by the service manager. The service manager has the discretion to extend time but is not required to do so. The service manager **may** require every member of the household who is 16 years or older, to sign a consent to the disclosure of information and documents required for the review. If the member is unable to sign the consent, a person authorized to sign on the member's behalf may sign the consent.
- The service manager may require the household to provide written verification of income and assets.
- An alternative housing provider may advise the service manager that it is not appropriate for a household to provide a particular document or information, and the household must be exempt from providing the information or document.
- A member of a special priority household who believes that s/he may be at risk if s/he attempts to obtain information or documents must be exempt from providing the information or document.

## 9.1.2 Implementing rent changes because of a periodic review

### Rent decrease at a periodic review

#### **O. Reg. 298/01, s. 52**

(7) Subject to subsections (10) and (11) if on a review under this section, a service manager determines that the geared-to-income rent payable by a household should be reduced, the rent reduction takes effect on the first day of the month following the month in which the service manager gives the household written notice under section 69 of the Act of the service manager's decision to reduce the geared-to-income rent payable. O. Reg. 298/01, s. 52 (7).

If, as a result of an annual review or any review initiated by the service manager, the service manager determines that the rent should be reduced, the rent reduction takes effect on the first day of the month following the month in which the household is given written notice of the decision to reduce the rent payable.

*Example: A household was paying rent of \$500 per month. At an annual income review, it is determined that based on the new income, rent should be reduced to \$400 per/month. The household is given written notice on October 15 that rent is reduced to \$400 per month. The new rent of \$400 will take effect on November 1.*

### Rent increase at a periodic review

#### **O. Reg. 298/01, s. 52.**

(8) Subject to subsections (10) and (11) if on a review under this section, a service manager determines that the geared-to-income rent payable by a household should be increased, the rent increase takes effect on the first day of the second month following the month in which the service manager gives the household written notice under section 69 of the Act of the service manager's decision to increase the geared-to-income rent payable. O. Reg. 298/01, s. 52 (8).

If, as a result of an annual or any review initiated by a service manager, it is determined that the rent for the household is to be increased, the increase takes effect on the first day of the second month following the month in which the household is given written notice of the decision to increase the rent.

*Example: A household was paying rent of \$500 per month. At the annual income review, it is determined that the rent should be increased to \$510 per month. The household is given written notice on October 15 that the rent will increase to \$510 per month. The new rent of \$510 will take effect on December 1.*

### **Rent increases of less than \$10 at a periodic review**

#### **O. Reg. 298/01, s. 52.**

(9) If, on a review under this section, a service manager determines that the geared-to-income rent payable by a household should be increased by an amount less than \$10, the service manager may decide,

- (a) to implement the increase; or
- (b) not to implement the increase. O. Reg. 298/01, s. 52 (9).

In other words, if a review initiated by a service manager would result in a rent increase of less than \$10, the service manager may decide whether or not to implement the increase.

### 9.1.3 Internal review of rent change from a periodic review

#### The initial decision is a decrease in rent

**O. Reg. 298/01, s. 52.**

(10) If one or more members of a household request an internal review of a decision made by a service manager under this section to reduce the geared-to-income rent payable by the household, the following apply:

1. If the decision made on the internal review is that the geared-to-income rent payable by the household should remain the same, subsection (7) does not apply.
2. If the decision made on the internal review is to reduce the geared-to-income rent payable by the household, whether by the same amount as or by a different amount from that originally specified by the service manager, the rent reduction takes effect on the day referred to in subsection (7).
3. If the decision made on the internal review is to increase the geared-to-income rent payable by the household, subsection (7) does not apply and the rent increase takes effect on the first day of the month following the month in which the service manager gives the members who requested the internal review written notice under subsection 58 (3) or (4) of the decision made on the internal review. O. Reg. 309/07, s. 21 (4).

If there is a request for a review of a decision to reduce the RGI rent the decision of the review could be:

- that there should not have been a reduction but the rent should have stayed the same – the tenant would continue to pay the old rent.
- that there should have been a reduction, whether by the actual amount originally determined or not – in this case the rent reduction found on the internal review would take place on the date it was supposed to.
- that there should have been an increase in the rent charged – the service manager will give notice of increase to be effective on the first day of the month after the notice of the decision.

## If the initial decision is an increase

### **O. Reg. 298/01, s. 52.**

**(11)** If one or more members of a household request an internal review of a decision made by a service manager under this section to increase the geared-to-income rent payable by the household, the following apply:

1. If the decision made on the internal review is that the geared-to-income rent payable by the household should remain the same, subsection (8) does not apply.

2. If the decision made on the internal review is to increase the geared-to-income rent payable by the household,

i. if the amount of the increase is greater than that originally specified by the service manager and the original amount was the result of an administrative error, the rent increase takes effect on the later of,

A. the first day of the month following the month in which the service manager gives the members who requested the internal review written notice under subsection 58 (3) or (4) of the decision made on the internal review, and

B. the day referred to in subsection (8), and

ii. in any other case, the rent increase takes effect on the day referred to in subsection (8).

3. If the decision made on the internal review is to decrease the geared-to-income rent payable by the household, subsection (8) does not apply and the rent reduction takes effect on the day referred to in subsection (7). O. Reg. 309/07, s. 21 (4).

If there is a request for a review of a decision to increase the RGI rent the decision of the review could be:

- that there should not have been an increase but the rent should have stayed the same – the tenant would continue to pay the old rent.

- that there should have been an increase, whether by the actual amount originally determined or not – in this case the rent increase found on the internal review would take place on the date it was supposed to **unless** the increase was for a greater amount than originally found and the change was the result of an administrative error – in this case the increase will be the later of the original date or the first day of the month following the notice of the decision.
- that there should have been a decrease in the rent charged – the decrease takes effect when it should have.

As a general rule, an internal review will not change the effective date of an RGI rent increase or decrease.

If an internal review determines there should be an increase in rent, when the initial decision was for a reduction the increase will take effect on the first day of the month following the date of the notice of decision.

If the original decision was an increase and an internal review determines there should be a greater increase than originally determined and it was the result of an administrative error in the original decision then the new increase will be the later of the original date and the first day of the month following the date of the notice of decision.

If an internal review determines there should have been a reduction in rent when the original decision was to increase it, the reduction takes effect on the first day of the month following the month the original notice was given.

*Example: A household was paying rent of \$500 per month. At an annual income review, it is determined that based on the new income, rent should be increased to \$ 550. The household is given written notice on October 15 that rent is increased to \$550 per month. At an internal review it was determined the rent should actually be decreased to \$450. The notice is given in November but the decrease is effective November 1.*

**Example:** At the annual review, in October, it was determined that a household's rent should be increased by \$20, from a rent of \$300 to \$320. Household was originally given written notice on October 15 that the rent increase to \$320 is effective on December 1.

The household requested an internal review of the decision to increase the rent (e.g., household felt the increase should be less). The decision of the review is to uphold the original decision that the rent be increased by \$20 to \$320/month.

Household is given written notice of the review decision on December 5. The rent increase is effective on December 1.

**Example:** Same as above – except the increase should have been \$50 because a source of income included on the household's submission was missed (administrative error). Written notice of the decision from the review is given to the household on December 5. In that case, the rent increase would be effective on January 1.

**Example:** At the annual review in October, it was determined that a household's rent should be reduced by \$15, from a rent of \$315 to \$300. The household was originally given written notice on October 19 that the rent decrease to \$300 was effective November 1.

The household requested an internal review of the decision to reduce the rent (e.g., household believed the decrease should be \$20 instead of \$15). The Committee (or the Reviewer) upheld the original decision that the rent be decreased by \$15 to \$300 per month.

The household is given written notice on November 5 of the review decision that the rent reduction of \$15 is upheld. The rent reduction is effective on November 1

This material can be summarized as shown in the table that follows.

Effective date of a change in geared-to-income rent because of a change in income Changes as a result of a periodic review by the service manager		
	Original decision was to decrease	Original decision was to increase
No review requested	First day of 1 <sup>st</sup> month after notice of decision given	First day of 2 <sup>nd</sup> month after notice of decision given

Effective date of a change in geared-to-income rent because of a change in income Changes as a result of a periodic review by the service manager		
	Original decision was to decrease	Original decision was to increase
Internal review requested and result is no change	<i>No change in rent</i>	<i>No change in rent</i>
Internal review requested and result is a decrease	<i>First day of 1<sup>st</sup> month after notice of decision given</i>	<i>First day of 1<sup>st</sup> month after notice of original decision given</i>
Internal review requested and result is an increase	<i>First day of 1<sup>st</sup> month after notice of internal review decision given</i>	<i>First day of 2<sup>nd</sup> month after notice of original decision given</i>  <i>OR, if a larger increase and the result of administrative error,</i>  <b>Later of:</b> <ul style="list-style-type: none"> <li>– <i>First day of 1<sup>st</sup> month after notice of internal review decision given</i></li> <li>– <i>First day of 2<sup>nd</sup> month after notice of original decision given</i></li> </ul>

## 9.2 Rent changes outside of a periodic review

### 9.2.1 Reasons for rent changes outside of a periodic review

Section 53 of O. Reg. 298/01 obliges the service manager to review the geared-to-income rent if a household notifies it of changes in its income or asset information.

#### **O. Reg. 298/01**

##### **Change in rent upon new information outside a review**

**53.** (1) If a household notifies a service manager under section 10 of a change in the income or assets of the household, the service manager shall re- determine the geared-to-income rent payable by the household in accordance with section 47.  
O. Reg. 298/01, s. 53 (1).

In other words, if a household notifies a service manager of a change in income or assets, the rent payable must be recalculated, even if it is not time for the annual review or any review that is initiated by the service manager. Note, the household must report any change within 10 business days after the change occurs.

### 9.2.2 Implementing rent changes outside of a periodic review

#### **Rent decrease outside of a periodic review**

#### **O. Reg. 298/01, s. 53.**

(2) Subject to subsections (5) and (6), if the service manager determines that the geared-to-income rent payable by the household should be reduced as a result of the change in income or assets, the rent reduction takes effect on the first day of the month following the month in which the change occurred. O. Reg. 298/01, s. 53 (2).

If a household reports a change of income or asset, outside of an annual or more frequent review initiated by the service manager, and the service manager determines that the rent should be reduced as a result of the change, the rent reduction takes effect on the first day of the month following the month in which the change occurred.

Note that this is different from a review initiated by the service manager, where the date is based on when the household is given written notice.

**Example:** A household reports on September 10, outside of the annual review, that their income will be reduced. The household provides verification that the reduction in income was effective on September 14.

*The household would begin to pay the reduced rent effective October 1, regardless of the date the written notice of the rent decrease is given to the household. This is the first day of the month after the reduction in income occurred. In this example, even if the household were not given written notice of the rent reduction until some time in October, the rent reduction notice would have to specify that the reduction was effective for October 1.*

### **Rent increase outside of a periodic review**

**O. Reg. 298/01, s. 53.**

(3) Subject to subsections (4), (5) and (6), if the service manager determines that the geared-to-income rent payable by the household should be increased as a result of the change in income or assets, the rent increase takes effect on the first day of the second month following the month in which the change occurred. O. Reg. 298/01, s. 53 (3).

If a household reports a change of income or asset, outside of a review initiated by the service manager, and the service manager determines that the rent should be increased as a result of the change, the rent increase takes effect on the first day of the second month following the month in which the change occurred.

Note that this is also different from notice of a rent increase resulting from a review initiated by the service manager.

**Example:** A household reports on September 10, outside of a regularly scheduled review, that their income or assets have increased. The household provides verification that the increase in income or assets took effect on September 14.

*The household would begin to pay the increased rent effective November 1. This is the first day of the second month after the increase in income or assets became effective.*

## Rent increase of less than \$10 outside of a periodic review

### **O. Reg. 298/01, s. 53.**

(4) If the service manager determines that the geared-to-income rent payable by the household should be increased by an amount less than \$10, the service manager may decide,

- (a) to implement the increase; or
- (b) not to implement the increase. O. Reg. 298/01, s. 53 (4).

If a review initiated by a household would result in a rent increase that is less than \$10 per month, the service manager may decide whether or not to implement the increase.

## 9.2.3 Internal review of a rent change outside of a periodic review

### **O.Reg.298/01, s. 53.**

(5) If one or more members of a household request an internal review of a decision made by a service manager under this section to reduce the geared-to-income rent payable by the household, the following apply:

1. If the decision made on the internal review is that the geared-to-income rent payable by the household should remain the same, subsection (2) does not apply.
2. If the decision made on the internal review is to reduce the geared-to-income rent payable by the household, whether by the same amount as or by a different amount from that originally specified by the service manager, the rent reduction takes effect on the day referred to in subsection (2).
3. If the decision made on the internal review is to increase the geared-to-income rent payable by the household, subsection (2) does not apply and the rent increase takes effect on the first day of the month following the month in which the service manager gives the members who requested the internal review written notice under subsection 58 (3) or (4) of the decision made on the internal review. O. Reg. 309/07, s. 22 (3).

If there is a request for a review of a decision to reduce the RGI rent the decision of the review could be:

- that there should not have been a reduction but the rent should have stayed the same the tenant would continue to pay the old rent.
- that there should have been a reduction, whether by the actual amount originally determined or not -in this case the rent reduction found on the internal review would take place on the date it was supposed to.
- that there should have been an increase in the rent charged – the service manager will give notice of increase to be effective on the first day of the month after the notice of the decision.

**Example:** A household notified the service manager on September 3 of a reduction in income that would become effective on September 10. The household provided verification on September 17 of the income reduction. The service manager gave the household written notice on September 25 of the reduced rent that is effective October 1.

The household disagrees with the amount of the reduced rent and on September 29 requests an internal review of the decision. The household is given written notice on October 12 of the review decision that the rent is to be reduced (either by the same amount or by a different amount).

The rent reduction will take effect on the original rent reduction date of October 1, which was the first day of the month after the reduction in income occurred.

**Example** A household is notified in writing on October 20 of a reduction in rent that is to be effective on November 1. TH household requests an internal review. The resulting decision is to increase the rent and notifies the household in writing on November 13.  
The rent increase is effective December 2. This is the first day of the month after the notice of the internal review decision.

### **If an internal review of a decrease results in a decrease**

**O. Reg. 298/01, s. 53.**

(6) If one or more members of a household request an internal review of a decision made by a service manager under this section to increase the geared-to-income rent payable by the household the following apply:

1. If the decision made on the internal review is that the geared-to-income rent payable by the household should remain the same, subsection (3) does not apply.

2. If the decision made on the internal review is to increase the geared-to-income rent payable by the household.

i. if the amount of the increase is greater than that originally specified by the service manager and the original amount was the result of an administrative error, the rent increase takes effect on the alter of,

A. the first day of the month following the month in which the service manager gives the members who requested the internal review written notice under subsection 58 (3) or (4) of the decision made on the internal review, and

B. the day referred to in subsection (3) , and

ii. in any other case, the rent increase take effect on the day referred to in subsection (3).

3. If the decision made on the internal review is to decrease the geared-to-income rent payable by the household, subsection (3) does not apply and the rent reduction takes effect on the day referred to in subsection (2). O. Reg. 309/07, s. 22 (3).

If there is a request for a review of decision to increase the RGI rent the decision of the review could be:

- that there should not have been an increase but the rent should have stayed the same- the tenant would continue to pay the old rent.
- That there should have been an increase, whether by the actual amount originally determined or not- in this case the rent increase found on the internal review would take place on the date it was supposed to unless the increase was for a greater amount than originally found and the change was the result of an administrative error- in this case the increase will be the later of the original date or the first day of the month following the notice of the decision.
- That there should have been a decrease in the rent charged- the decrease takes effect the month after the reduction occurred.

As a general rule, an internal review will not change the effective date of an RGI rent increase or decrease.

If an internal review determines there should be a greater increase than originally determined and it was the result of an administrative error in the original decision then the new increase will be the later of the original date and the first day of the month following the date of the notice of decision.

If an internal review determines there should have been a reduction in rent when the original decision was to increase it, the reduction takes effect on the first day of the month following the month the change occurred.

Example:                      A household notifies the service manager of an increase in incomes on September 3. The household provides verification that income was increased effective September 10. The services manager notifies the household on September 17 of the increased rent that is effective November 1.

                                      The household disagrees with the amount of the increase in rent and on September 24 requests an internal review of the decision. The household is notified in writing on November 2 of the resulting decision that the rent is to be increased (either by the same amount or by greater or lesser amount).

The rent increase will take effect on November 1. This is the original effective date.

Example: Same as above except the review decision increased the rent to be charged by more than the original amount because the original amount was incorrectly calculated.

The household is notified in writing on November 2 of the resulting decision that the rent is to be further increased. The rent increase will take place December 1.

Example: A household is given written notice of a rent increase that is to be effective on November 1 because of changes occurring in September 1. The household requests an internal review believing there should have been a reduction. The resulting decision is to decrease the rent and the service manager advises the household of the decision in writing on November 3.

The rent decrease is effective October 1. This is the first day of the month after the changes occurred.

This material is summarized in the table below.

Effective date of a change in geared-to-income rent because of a change in income Changes because of new information outside of a periodic review		
	Original decision was to decrease	Original decision was to increase
No review requested	<i>First day of 1<sup>st</sup> month after month in which change occurred</i>	<i>First day of 2<sup>nd</sup> month after month in which change occurred</i>
Internal review requested and result is no change	<i>No change in rent</i>	<i>No change in rent</i>
Internal review requested and result is a decrease	– <i>First day of 1<sup>st</sup> month after month in which change occurred</i>	<i>First day of 1<sup>st</sup> month after month in which change occurred</i>

Effective date of a change in geared-to-income rent because of a change in income Changes because of new information outside of a periodic review		
	Original decision was to decrease	Original decision was to increase
Internal review requested and result is an increase	<i>First day of 1<sup>st</sup> month after notice of internal review decision given</i>	<p><i>First day of 2<sup>nd</sup> month after month in which change occurred</i></p> <p><i>OR, if a larger increase and the result of administrative error</i></p> <p><b>Later of:</b></p> <ul style="list-style-type: none"> <li>– <i>First day of 1<sup>st</sup> month after notice of internal review decision given</i></li> <li>– <i>First day of 2<sup>nd</sup> month after month in which change occurred</i></li> </ul>

## 10 Reimbursement of the Service Manager

### 10.1 Legislative authority

Section 86 of the Act provides authority for a service manager to request reimbursement from a household for rent-geared-to-income assistance in excess of what should have been provided.

#### ***Social Housing Reform Act, 2000***

##### **Reimbursement of service manager**

**86.** (1) If a household pays geared-to-income rent at a lower rate than the rate to which the household is entitled under this Part, the service manager may request that the household reimburse the service manager for the excess amount of rent-geared-to-income assistance paid on behalf of the household. SHRA 2000, c. 27, s. 86 (1).

##### **Joint and several liability**

(2) If the service manager requests a household to reimburse the service manager, the members of the household who are parties to the lease or the occupancy agreement for the unit are jointly and severally liable to pay the amount OWing to the service manager. SHRA 2000, c. 27, s. 86 (2).

##### **Amount**

(3) The amount to be paid to the service manager shall be determined in accordance with such requirements as may be prescribed. SHRA 2000, c. 27, s. 86 (3).

##### **Collection of amount OWing**

(4) The service manager may collect the amount owing by increasing the amount of the geared-to-income rent payable by the household or by any other means available at law. SHRA 2000, c. 27, s. 86 (4).

##### **Same**

(5) If the service manager increases the amount of geared-to-income rent in order to collect the amount owing, the amount of the increase cannot exceed such percentage of the existing geared-to-income rent as may be prescribed and the increase is effective just until the amount owing is paid. SHRA 2000, c. 27, s. 86 (5).

***Social Housing Reform Act, 2000*, s. 86.**

**Notice of increase**

(6) The service manager shall not increase the amount of the geared-to-income rent under this section until the service manager gives written notice of the increase to the household, in accordance with such requirements as may be prescribed. SHRA 2000, c. 27, s. 86 (6).

**Same**

(7) Sections 127 and 128 of the *Tenant Protection Act, 1997* do not apply with respect to a rent increase authorized by this section. SHRA 2000, c. 27, s. 86 (7).

These provisions were designed to address situations where a service manager has determined a geared-to-income rent at a lower amount than it should have been. The reason for this may be that the household had not provided full or accurate information to the service manager, or if a payment, such as a pension, that includes retroactive amounts has been received,

This section was not intended to address situations where the geared-to-income rent that was payable by the household was correct, but the household did not pay the full amount to their housing provider. Collection of rent or housing charges is a responsibility of the housing provider, not the service manager.

It is also important to note that the service manager is not required to seek reimbursement under the circumstance described in subsection (1). The service manager may decide as a matter of policy, or on a case-by-case basis, whether to seek reimbursement.

## 10.2 Amount to be reimbursed

### **O. Reg. 298/01**

#### **Reimbursement of service manager**

**54.** (1) If a household has paid less geared-to-income rent for a period than it should have paid and the service manager has requested the household, under subsection 86 (1) of the Act, to reimburse the service manager for the excess amount of rent-geared-to-income assistance the service manager has paid in respect of the household for the period, the amount to be paid to the service manager, for the purpose of subsection 86 (3) of the Act, is the difference between the amount of geared-to-income rent paid by the household for the period and the amount of geared-to-income rent that the household should have paid for the period. O. Reg. 298/01, s. 54 (1).

(1.1) Despite subsection (1), the amount to be paid to the service manager shall not include the difference described in subsection (1) for a period if the difference for that period was the result of an administrative error.

In other words, the amount that a household can be required to reimburse is the difference between the amount of geared-to-income rent that should have been paid, and the geared-to-income rent that was paid over the period during which the incorrect amount of geared-to-income rent was charged.

It does not cover situations in which the rent calculation was incorrect due to an administrative error, such as a calculation error. In that case, a new notice for the proper rent should be given and collected based on the notice.

### 10.3 Rent increase to collect a reimbursement

**O. Reg. 298/01, s. 54.**

(2) If the service manager has decided under subsection 86 (4) of the Act to collect the amount owing by a household by increasing the amount of the geared-to-income rent payable by the household beyond the amount that would otherwise be payable by the household, so that the amount of rent-geared-to-income assistance payable by the service manager in respect of the household will be less than the amount that would otherwise be payable by the service manager, the amount of the increase cannot, for the purpose of subsection 86 (5) of the Act, exceed 10 per cent of the geared-to-income rent that would otherwise be payable by the household. O. Reg. 298/01, s. 54 (2).

The reimbursement may be collected in future months by increasing the geared-to-income rent payable by not more than 10%, until the full amount has been repaid.

### 10.4 Notice of rent increase for reimbursement

**O. Reg. 298/01, s. 54.**

(3) The written notice that the service manager is required to give a household under subsection 86 (6) of the Act, before increasing the amount of geared-to-income rent payable by the household under subsection 86 (4) of the Act, shall specify,

- (a) the amount of the increased rent payable by the household; and
- (b) that the rent increase takes effect on the first day of the second month following the month in which the notice is given. O. Reg. 298/01, s. 54 (3).

(4) Within seven business days after giving a household written notice under subsection 86 (6) of the Act of an increase in the amount of geared-to-income rent payable by the household for the unit it occupies or within such longer time frame as may be determined by the service manager, a service manager shall give the housing provider providing the unit written notice of the increase. O. Reg. 298/01, s. 54 (4).

The service manager is required to give written notice before increasing the geared-to-income rent to collect retroactive rent owed. The notice must specify:

- The amount of the increased rent payable by the household; and
- That the rent increase takes effect on the first day of the second month following the month in which the notice is given.

The service manager must give the housing provider a written notice within seven business days or more as determined by the service manager after a household is given a written notice of an increase in geared-to-income rent. Since the housing provider is responsible for collecting the rent from the tenant, it is important for the housing provider to have that information quickly.

# 11 Decisions, Review and Notices

## 11.1 Opportunity to comment

Section 80 of the *Social Housing Reform Act, 2000* requires that a household be given an opportunity to comment on information that will be used to make a decision about rent-geared-to-income assistance.

### ***Social Housing Reform Act, 2000***

#### **Opportunity to comment**

**80.** Before a service manager, supportive housing provider or lead agency makes a decision that is adverse to a household and that may be reviewed under section 82, it shall, subject to such restrictions and requirements as may be prescribed, give the members of the household an opportunity to comment on any information that, in the opinion of the decision-maker, may form a significant basis for the decision. SHRA 2000, c. 27, s. 80.

O. Reg. 298/01 stipulates that the service manager is not required to give the household an opportunity to comment on information that the member provided within 30 days before a decision.

### **O. Reg. 298/01**

#### **Opportunity to comment, section 80 of the Act**

**55. (1)** This section prescribes the restrictions and requirements that apply with respect to giving members of a household an opportunity to comment, under section 80 of the Act, on information that may form a significant basis for a decision. O. Reg. 298/01, s. 55 (1).

(1.1) A service manager, supportive housing provider or lead agency is not required to give a member of a household an opportunity to comment on information that the member provides to the service manager, supportive housing provider or lead agency, as the case may be, within 30 days before the service manager, supportive housing provider or lead agency, as the case may be, makes a decision that is adverse to a household and that may be reviewed under section 82 of the Act. O. Reg. 452/01, s. 3.

The opportunity to comment on information is provided before the decision is finalized, and therefore occurs before the household is notified of the decision or any internal review takes place. (See section 11.2 of this Guide on “Internal Reviews” for details.)

Note that it is up to the service manager to determine whether a specific item of information formed a significant basis for the decision, which would trigger the opportunity to comment.

### **11.1.1 Notice of opportunity to comment**

**O. Reg. 298/01, s. 55.**

(2) A service manager, supportive housing provider or lead agency that is required to give members of a household an opportunity to comment shall give the household a notice of that opportunity. O. Reg. 298/01, s. 55 (2).

(3) The notice referred to in subsection (2) must contain the following:

1. A summary of the information.
2. A description of the proposed decision.
3. A statement that any member of the household may comment on the information.
4. A date that, unless the members of the household waive their right to comment earlier, will be the last date comments may be received. O. Reg. 298/01, s. 55 (3).

A service manager must give members of a household notice of the opportunity to comment on information that, in the opinion of the service manager, may form a significant basis for a rent-geared-to-income decision. A written notice must be provided, describing the information and the proposed decision and specifying the date by which comments must be made. However, if a member of the household provided the information within 30 days prior to the decision, an opportunity to comment on the information is not required.

### 11.1.2 Comments

**O. Reg. 298/01, s. 55.**

(4) The date referred to in paragraph 4 of subsection (3) must be set so that it is at least 30 days after the date the notice is given. O. Reg. 298/01, s. 55 (4).

(5) Comments must be in writing and must be signed by the individual or individuals providing the comments. O. Reg. 298/01, s. 55 (5).

(6) Comments must be received before the date referred to in paragraph 4 of subsection (3) or, if all members of the household submit to the service manager written waivers of their right to make comments or additional comments, before the day the last of the waivers is received. O. Reg. 298/01, s. 55 (6).

The service manager must allow the members of the household at least 30 days to comment.

Comments from the household must be in writing and must be signed by each individual providing the comments.

The written comments must be received from the household by the date specified in the notice. If all members of the household decide to submit written waivers of their right to comment or to provide additional comments, any written comment must be received before the service manager receives the last waiver.

### 11.1.3 Decision about the special priority household category

**O. Reg. 298/01, s. 55.**

(7) If the decision is with respect to a request for inclusion in the special priority household category, the notices referred to in subsection (2) relating to that decision and the decision with respect to the application for rent-geared-to-income assistance, special needs housing or an internal transfer with which the request was made shall be given only to the individual who made the request and not to all members of the household. O. Reg. 298/01, s. 55 (7).

If the decision is regarding a request for special priority household category, the notices regarding that decision and the decision regarding the application for rent-geared-to-income assistance, special needs housing or an internal transfer must be given only to the individual who made the request and not to any other members of the household.

### 11.1.4 Only one opportunity to comment

**O. Reg. 298/01, s. 55.**

(8) Individuals who have been given an opportunity to comment are not entitled to an additional opportunity to comment even if the decision that is made after any comments are considered is different from the decision that was proposed. O. Reg. 298/01, s. 55 (8).

Individuals are given an opportunity to comment only once, even if the final decision made is different from what was initially proposed.

## 11.2 Internal reviews

### 11.2.1 Decisions that may be reviewed

The Act allows a household to request an internal review of certain types of decisions regarding rent-geared-to-income assistance.

***Social Housing Reform Act, 2000***

**Internal review**

82. (1) A member of a household may request an internal review of any of the following decisions of a service manager, supportive housing provider or lead agency:

1. A decision that the household is ineligible for rent-geared-to-income assistance.
2. A decision that the household is ineligible for special needs housing.
3. A decision respecting the type of accommodation in which the household may be accommodated.
4. A decision respecting the category into which the household has been placed on a waiting list.
5. A decision respecting the amount of geared-to-income rent payable by the household.
6. A decision respecting a deferral of geared-to-income rent payable by the household. SHRA 2000, c. 27, s. 82 (1).

***Social Housing Reform Act, 2000, s. 82.***

**Request for internal review**

(2) The request for an internal review must be made in accordance with such requirements as may be prescribed or, if none are prescribed, in accordance with such requirements as may be established by the service manager, supportive housing provider or lead agency. SHRA 2000, c. 27, s. 82 (2).

### **11.2.2 Notice of decisions that may be reviewed**

The Act requires that if a decision may be reviewed, a household must be notified of the right to request a review and informed about how to make the request and the deadline for making the request. The housing provider must also be kept informed of the details of the request.

***Social Housing Reform Act, 2000*****Notice to household**

81. (1) When giving a household notice of a decision that may be reviewed under section 82, the service manager, supportive housing provider or lead agency shall tell the household that any member of the household is entitled to request a review, and shall include information on how to make such a request and the deadline for doing so. SHRA 2000, c. 27, s. 81 (1).

**Notice to housing provider**

81. (2) The service manager or lead agency shall notify the housing provider of any decision that may affect the housing provider and that may be reviewed under section 82 and of the review process available to members of a household in respect of the decision. SHRA 2000, c. 27, s. 81 (2).

**Same**

81. (3) If a member of a household requests a review under section 82 of a decision that may affect a housing provider, the service manager or lead agency shall notify the housing provider of the details of the request. SHRA 2000, c. 27, s. 81 (3).

Section 56 of O. Reg. 298/01 prescribes how these notices must be given.

**O. Reg. 298/01****Notices of decisions**

56. (1) This section prescribes the restrictions and requirements for written notices required under the following provisions of the Act:

1. Subsection 66 (5) (eligibility for assistance).
2. Subsection 67 (4) (type of accommodation).
3. Revoked
4. Subsection 68 (6) (waiting lists for units).
5. Subsection 69 (3) (amount of geared-to-income rent).
6. Subsection 70 (4) (deferral of rent).
7. Subsection 72 (5) (eligibility for special needs housing).
8. Subsection 73 (4) (type of accommodation).

9. Subsection 74 (5) (waiting lists for special needs housing).  
O. Reg. 298/01, s. 56 (1).
- (2) A notice must contain the following:
  1. A statement of the date the decision to which the notice relates was made.
  2. If members of the household were given an opportunity to comment under section 80 of the Act before the decision was made,
    - i. a statement of the date the notice under subsection 55 (2) was given,
    - ii. a statement of the date before which any comments must have been received, and
    - iii. a statement of which members of the household provided comments.
  3. If a member of the household may request an internal review of the decision under section 82 of the Act,
    - i. a statement of the reasons for the decision,
    - 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.
  4. If no member of the household may request an internal review of the decision under section 82 of the Act, a statement that the decision is final and that an internal review may not be requested.  
O. Reg. 298/01, s. 56 (2).
- (3) A notice must be given within seven business days after the decision to which the notice relates is made or within such longer time frame as may be determined by the decision-maker. O. Reg. 298/01, s. 56 (3).

### **Decisions about an application for rent-geared-to-income assistance**

#### **O. Reg. 298/01, s. 56.**

- (4) If a decision is made under subsection 66 (1) of the Act that a household is eligible for rent-geared-to-income assistance, the following apply:

1. The following notices must accompany the notice of the decision that the household is eligible for rent-geared-to-income assistance:
  - i. Notice of the decision, under section 67 of the Act, about what type of accommodation that is permissible.
  - ii. If a request for inclusion in the special priority household category was made with the application for rent-geared-to-income assistance, notice of the decision, under section 68 of the Act, about whether the household should be included in the special priority household category.
  - iii. If the household applied for special needs housing at the same time as it applied for rent-geared-to-income assistance, notice of the decision, under section 72 of the Act, about whether the household is eligible for special needs housing.
2. The notices must be given within seven business days after the last of the decisions to which the notices relate is made. O. Reg. 298/01, s. 56

#### **Decisions about inclusion in the special priority household category**

**5)** If a request for inclusion in the special priority household category was made with the application for rent-geared-to-income assistance or special needs housing, both the notice of the decision relating to the request and the notice of the decision relating to the application shall be given to the individual who made the request but not to all members of the household. O. Reg. 309/07, s. 25 (2).

**(5.1)** If a request is made to be included in the special priority household category on the waiting list for internal transfers, both the notice of the decision relating to the request and the notice of the decision relating to the application shall be given to,

(a) the individual who made the request but not to all members of the household; and

(b) the housing provider.

If a request to be included in the special priority category was made with the application for rent-geared-to-income assistance or special needs housing, both the notices of the decision on the special priority and the assistance must be given only to the individual who made the request and not to any other member of the household.

If the request to be included in the special priority household category involves the waiting list for internal transfers, both the notice of the decision relating to the request and the notice of the decision relating to the application shall be given to both the housing provider and the applicant, but not to other members of the household.

### **11.2.3 Requests for internal reviews**

#### **O. Reg. 298/01**

##### **Requests for internal reviews**

**57.** (1) This section prescribes the requirements relating to requests for internal reviews under section 82 of the Act. O. Reg. 298/01, s. 57 (1).

(2) A request must be in writing. O. Reg. 298/01, s. 57 (2).

(3) A request for an internal review of a decision must be given to the service manager, supportive housing provider or lead agency that made the decision. O. Reg. 298/01, s. 57 (3).

In other words, a request for an internal review must be made in writing and must be given to the service manager or designate.

## **When a request must be received**

### **O. Reg. 298/01, s. 57.**

(4) A request by a member of a household for an internal review of a decision must be received by the service manager, supportive housing provider or lead agency within 10 business days after the day the notice of the decision is received by the member of the household or within such longer time frame as may be determined by the service manager, supportive housing provider or lead agency. O. Reg. 298/01, s. 57 (4).

(5) The service manager, supportive housing provider or lead agency that made a decision may extend the time for giving a request for a review if the service manager, supportive housing provider or lead agency is satisfied that the member of the household acted in good faith and was unable to comply with subsection (4) because of absence, accident, illness or some other reason beyond the member's control. O. Reg. 298/01, s. 57 (5).

The request must be received within 10 business days or more as determined by the organization after the household receives the notice of the decision.

The service manager, supportive housing provider or lead agency that made a decision may extend the time for giving a request for a review if satisfied that the household acted in good faith and was unable to comply with the deadline date because of a reason beyond the member's control.

## **Request to review a decision about inclusion in the special priority household category**

### **O. Reg. 298/01, s. 57.**

(6) A request to review a decision with respect to a request for inclusion in the special priority household category may be given only by the individual who made the request for inclusion. O. Reg. 298/01, s. 57 (6).

(7) A request to review a decision with respect to an application for rent-geared-to-income assistance with which a request for inclusion in the special priority household category was made may be given only by the individual who made the request for inclusion. O. Reg. 298/01, s. 57 (7).

Only the person who made the request for inclusion in the special priority household category may apply for review of a decision that involves, or is associated with, that request.

### **Withdrawing a request for review**

#### **O. Reg. 298/01, s. 57.**

(8) An individual may withdraw their request to review a decision by giving written notice of the withdrawal to the service manager, supportive housing provider or lead agency to whom the request was given but such a withdrawal is not effective if it is received after the review is completed. O. Reg. 298/01, s. 57 (8).

## **11.2.4 Conducting internal reviews**

#### ***Social Housing Reform Act, 2000***

##### **Conduct of review**

**83.** (1) An internal review file must be conducted in accordance with such requirements as may be prescribed. SHRA 2000 c. 27, s. 83 (1).

##### **Same**

(2) The *Statutory Powers Procedure Act* does not apply to an internal review. SHRA 2000, c. 27, s. 83 (2).

The rules for conducting internal reviews are prescribed in O. Reg. 298/01. The rules prescribed in section 58 are the only rules that are prescribed. The requirements in the *Statutory Powers Procedure Act* do not apply.

#### **O. Reg. 298/01**

##### **Conduct of internal reviews**

**58.** (1) This section prescribes requirements for the conduct of an internal review by a service manager, supportive housing provider or lead agency. O. Reg. 298/01, s. 58 (1).

(2) No individual who participated in the making of the decision being reviewed shall participate in the review of that decision. O. Reg. 298/01, s. 58 (2).

- (2.1) After receipt of a request for a review of a decision, the service manager, supportive housing provider or lead agency, as the case may be, shall disclose the information that led to the decision to the person who made the request.
- (3) If the review is with respect to a request for inclusion in the special priority household category made with the household's application for rent-gear-to-income assistance, or for inclusion in the special priority household category on the waiting list for special needs housing or on the waiting list for internal transfers,
- (a) the review shall be completed within 10 business days after the request for the review is received; and
  - (b) within five business days after the review is completed,
    - (i) written notice of the result of the review shall be given to the member who made the request but not to all members of the household, and
    - (ii) if the decision made on the review is with respect to a request to be included in the special priority household category on the waiting list for internal transfers, the written notice of the decision made on the review shall be given to the housing provider, but the reasons for the decision shall not be given.
- (4) If the review is with respect to anything other than the matters described in subsection (3),
- (a) the review shall be completed within 10 business days after the request for the review is received or within such longer time frame as may be determined by the service manager, supportive housing provider or lead agency; and
  - (b) written notice of the result of the review shall be given to all persons affected by the decision within five business days after the review is completed or within such longer time frame as may be determined by the service manager, supportive housing provider or lead agency. O. Reg. 309/07, s. 26 (2).
- (5) The individual or individuals conducting the review may substitute their decision for the decision being reviewed. O. Reg. 298/01, s. 58 (5).

Revoked

When a request for an internal review is made, the applicant is to be provided with information used to make the initial decision.

Time frames for the internal review process will differ depending on whether it involves an internal review on a decision regarding special priority status or not. If

the review involves a decision on special priority status the review must be completed within 10 days and notice of the decision given within five days of the decision being made. Where special priority decisions are not involved, service managers can set longer time frames.

## 11.3 Notices

Section 59 of O. Reg. 298/01 prescribes rules about how notices are to be given that apply to all of the required notices regarding rent-geared-to-income assistance.

### **O. Reg. 298/01**

#### **General rules for notices**

**59.** (1) This section applies with respect to notices under this Regulation and under Part V of the Act. O. Reg. 298/01, s. 59 (1).

(2) Unless otherwise provided, a notice to be given to a household shall be given to such members of the household as the service manager may require

(3) A notice may be given to a person by,

- (a) giving the notice directly to the person;
- (b) leaving the notice at the last known address of the person, either in a place that appears to be for incoming mail or with an individual who appears to be 16 years old or older; or
- (c) mailing the notice to the person to the last known address of the person. O. Reg. 298/01, s. 59 (3).

Unless otherwise specified, a notice to be given to a household must be given to members of the household as required by the service manager. Note that subsection 56 (4) of O. Reg. 298/01 makes an exception for notices regarding special priority status, and such notices can only be given to the individual member who made the request.

### 11.3.1 When a notice is given or received

#### **O. Reg. 298/01, s. 59**

(4) For the purposes of this Regulation, a notice,

- (a) shall be deemed to have been given on the day it is given under clause (3) (a), left under clause (3) (b) or mailed under clause (3) (c); and
- (b) shall be deemed to have been received on the day it is given under clause (3) (a), on the first business day after it is left under clause (3) (b) or on the fifth business day after it is mailed under clause (3) (c). O. Reg. 298/01, s. 59 (4).

### **11.3.2 If members of a household live at one address**

#### **O. Reg. 298/01, s. 59**

(5) A notice that is to be given to more than one member of the same household may be given by giving a single notice, addressed to all the members of the household, to any member of the household in accordance with subsection (3). O. Reg. 298/01, s. 59 (5).

### **11.3.3 If household members do not all live at one address**

#### **O. Reg. 298/01, s. 59**

(6) If the person giving a notice to a household knows of more than one address at which members of the household live, the following apply:

1. Subsection (5) does not apply.
2. A notice to the household may be given, under clause (3) (b) or (c), by giving one notice, addressed to all the members of the household, at each of the known addresses. O. Reg. 298/01, s. 59 (6).

## **11.4 When a decision takes effect**

The Act specifies when decisions take effect and when they are final, addressing both decisions that are subject to an internal review and those that are not.

***Social Housing Reform Act, 2000***

**When decision takes effect**

**84.** (1) A decision by a service manager under section 66, 67, 68, 69, 72, 73 or 74 or a decision of a supportive housing provider or lead agency under section 72, 73 or 74 is effective from the date specified by the service manager, supportive housing provider or lead agency, whether that date is before, on or after the date the decision was made. SHRA 2000, c. 27, s. 84 (1).

**When non-reviewable decision is final**

(2) A decision that is not reviewable by an internal review is final when it is made. SHRA 2000, c. 27, s. 84 (2).

**When reviewable decision is final**

(3) A decision that is reviewable by an internal review is final when the prescribed period for requesting the internal review expires, if no internal review is requested within that period. SHRA 2000, c. 27, s. 84 (3).

**When reviewer's decision is final**

(4) A decision of a person conducting an internal review is final when it is made. SHRA 2000, c. 27, s. 84 (4).

## 12 Making Information Available to the Public

Section 79 of the Act requires the service manager to make information available to the public about rules for rent-geared-to-income assistance. The information must be made available to the public on request, to copy at their own expense. However, a copy of the information must be given to each housing provider and to each household applying for rent-geared-to-income assistance.

### ***Social Housing Reform Act, 2000***

#### **Public inspection of rules**

**79.** Upon request, a service manager shall make available a copy of the application procedures, local eligibility rules, local occupancy standards and local priority rules for inspection by any person during normal business hours at a place designated by the service manager and the person may copy them at his or her own expense. SHRA 2000, c. 27, s. 79.

O. Reg. 298/01 requires the service manager to make information available to the public that would help them to apply (e.g., where housing projects are located), as well as about the rules for rent-geared-to-income assistance.

### **O. Reg. 298/01**

#### **Public information provided by service manager**

**60.** (1) It is a duty of the service manager that the service manager make the following information available for inspection by members of the public during normal business hours:

1. The housing projects within the service manager's service area and the housing providers that operate them.
2. How to apply for rent-geared-to-income assistance.
3. The eligibility criteria for rent-geared-to-income assistance.
4. The requirements to be included in the special priority household category.
- 4.1 The requirements to be included in the categories established by the service manager under local priority rules and ranking rules for these categories.
5. The provincial and local occupancy standards in force within the service manager's service area.
6. The requirements relating to waiting lists.
7. The geographic areas into which the service manager has divided its service area for the purposes of its centralized waiting list.

8. The rules and procedures in respect of the transfer of households to a unit in a housing project operated by a different housing provider.
9. The type of decisions of the service manager that are subject to internal review.
  - 9.1 The rules and procedures of the service manager in respect of the internal review of decisions.
  - 9.2 The rules and procedures of the service manager in respect of the opportunity for members of the household to comment on information that may form a significant basis for a decision that is adverse to the household.
10. The alternative housing providers that provide housing within the service manager's service area to homeless or hard to house households.
11. The criteria to be met for accommodation in a unit provided by the alternative housing providers under their mandates to provide housing to homeless or hard to house households.
12. The mandates, established under section 99 of the Act, of each housing provider that operates a housing project within the service manager's service area.
13. The housing projects within the service manager's service area that provide special needs housing and the supportive housing providers that operate them.
  - 13.1 The housing projects within the service manager's service area that contain modified units, and the type of modified units.
14. How to apply for special needs housing.
15. The eligibility criteria for special needs housing.
16. The services offered by each supportive housing provider.
17. The nature of the special needs housing provided by each supportive housing provider.
18. The type of decisions of supportive housing providers that are subject to internal review.
19. The rules and procedures of supportive housing providers in respect of the internal review of decisions.
20. The rules and procedures of supportive housing providers in respect of the opportunity for members of the household to comment on information that may form a significant basis for a decision that is adverse to the household. O. Reg. 298/01, s. 60 (1); O. Reg. 182/02, s. 6 (1).

A service manager must make the information specified in subsection 60 (1) available to the public during normal business hours. Any member of the public may make a copy of the information at their own expense.

**O. Reg. 298/01, s. 60.**

(3) It is a duty of a service manager to provide the information described in subsection (1) to each housing provider that operates a housing project within the service manager's service area. O. Reg. 298/01, s. 60 (3).

A service manager must also provide the information to each housing provider that operates a housing project in the service area. This allows the housing provider to meet its obligations under O. Reg. 339/01 to provide information to the public.

**O. Reg. 298/01, s. 60.**

4. It is the duty of the service manager to provide a copy of the information described in paragraphs 4, 4.1, 5, 6, 8, 9, 9.1, 9.2, 10, 18, 19 and 20 of subsection (1) to an applicant for rent-geared-to-income assistance upon receipt of an application. O. Reg. 556/05, s. 17 (2).

A copy of certain parts of the information specified in subsection 60 (1) must also be directly provided to each household applying for rent-geared-to-income assistance at the time they first make their application. This ensures that applicants understand the rules that apply to their application and the process for asking for a review of a decision.

## 13 Definitions

The following are terms used in this Guide that are defined in the *Social Housing Reform Act, 2001* or its regulations.

“ **abuse**” means,

(a) one or more incidents of

(i) physical or sexual violence

(ii) controlling behaviour, or

(iii) intentional destruction of or intentional injury to property, or

(b) words, actions, or gestures that threaten an individual or lead an individual to fear for his or her safety. (“ mauvais traitements”)

“**abused**” and “**abusing**” have meanings corresponding to the meaning of “abuse” ; (“maltrate” and “maltraitant”)

“**alternative housing provider**” means a housing provider that has a mandate under section 99 of the Act to provide housing to households that are homeless or hard to house;

“**approved local transfer plan**” means a plan of the service manager under section 14 of the Act that has been approved by the Minister under that section.

“**band**” means a band, as defined in the *Indian Act* (Canada);

“**benefit unit**” means a benefit unit under the Ontario Works Act, 1997 or the Ontario Disability Support Program Act, 1997;

“**business day**” means a day from Monday to Friday, other than a holiday;

“**centralized waiting list**” means the waiting list established under section 35;

“**child**”, in relation to an individual, means a child of that individual born within or outside marriage (unless that child has been adopted by one or more other individuals in Ontario or according to the law of another jurisdiction), a child adopted by that individual in Ontario or according to the law of another jurisdiction, and a child whom the individual has demonstrated a settled intention to treat as a child of his or her family, but does not include a child placed in the individual’s home as a foster child for consideration by another person having lawful custody;

“**community health care worker**” means an individual employed by a community health centre to provide health and health promotion education and information and to administer health and health promotion programs;

“**decision-maker**” means the service manager, supportive housing provider or lead agency to which a household applies for special needs housing under subsection 71 (1) of the Act.;

“**dependant**” has the same meaning as in Ontario Regulation 134/98 made under the *Ontario Works Act, 1997*;

“**divest**”, in relation to a legal or beneficial interest in a freehold or leasehold estate in property, means to complete the transfer of the interest in the property or to terminate the lease of the property;

“**designated housing project**” means, with respect to a service manager, a housing project located in the service manager’s service area that is subject to a housing program prescribed for the purposes of this Part. SHRA 2000, c. 27, s. 62;

**“family unit”** means,

- (a) an individual, the individual’s spouse and all of the children of both or either of them who are living with them,
- (b) an individual and the individual’s spouse living with him or her, if neither has any children,
- (c) an individual and the individual’s children living with him or her, if the individual has no spouse, or
- (d) an individual, if the individual has no spouse and no children;

**“full-time attendance”**, in relation to a student attending a recognized educational institution, means, in the case of a student having a permanent disability, taking at least 40 per cent of a full course load, and in the case of any other student, taking at least 60 per cent of a full course load, as determined from the course calendar of the educational institution;

**“household”** means an individual who lives alone or two or more individuals who live together;

**“housing project”** means all or part of the residential accommodation, including facilities used for ancillary purposes, located in one or more buildings used in whole or in part for residential accommodation;

**“housing provider”** means a person who operates a housing project;

**“internal transfer”** has the same meaning as in Ontario Regulation 339/01 (Housing Projects Subject to Part VI of the Act) made under the Act; (“transfert interne”)

**“lead agency”** means a lead agency designated under section 88 of the Act;

**“market unit”** means a unit that is in a housing project and that is not a rent-geared-to-income unit;

**“Minister”** means the Minister of Municipal Affairs and Housing or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*;

**“Ministry”** means the ministry of the Minister;

**“modified unit”** means a unit that has been modified so as to be accessible to an individual with a physical disability or so as to allow an individual with a physical disability to live independently;

**“non-profit housing co-operative”** means a non-profit housing co-operative under the *Co-operative Corporations Act*;

**"operating agreement"** means an agreement, a memorandum of understanding, a letter of commitment or any combination of them, whether oral, written or in part oral and in part written, entered into before this section comes into force between a housing provider and one or more of the Crown in right of Ontario, the Crown in right of Canada, the Minister, the Ministry, a minister or ministry of the Crown in right of Canada, the Ontario Housing Corporation, Canada Mortgage and Housing Corporation, a local housing authority, an agent of the Crown in right of Ontario and an agent of the Crown in right of Canada under which funding is provided to the housing provider with respect to a housing project under a housing program;

**"parent"**, in relation to another individual, means a natural parent of the other individual (unless the other individual has been adopted by one or more other individuals in Ontario or according to the law of another jurisdiction), an adoptive parent of the other individual who has adopted that individual in Ontario or according to the law of another jurisdiction, and an individual who has demonstrated a settled intention to treat the other individual as a child of his or her family, but does not include an individual in whose home the other individual has been placed as a foster child for consideration by another person having lawful custody;

**"person"** means an individual, a corporation, the Crown, a municipality, an agency, a board, a commission or any other entity;

**"prescribed"** means prescribed by the regulations;

**"recognized educational institution"** means,

- (a) a school, as defined in the Education Act,
- (b) a university,
- (c) a college of applied arts and technology established under section 5 of the Ministry of Training, Colleges and Universities Act,
- (d) a private vocational school, as defined in the Private Vocational Schools Act, or
- (e) a private school, as defined in the Education Act, for which a notice of intention to operate has been submitted to the Ministry of Education in accordance with that Act;

**"rent"** means,

- (a) in relation to a unit in a non-profit housing co-operative under the Co-operative Corporations Act occupied by a member of the co-operative, housing charges as defined in that Act, other than sector support levies and initial membership fees, or
- (b) in all other cases, rent as defined in the *Residential Tenancies Act, 2006*;

**"regulations"** means regulations made under this Act;

**"rent-geared-to-income assistance"** means financial assistance provided in respect of a household under a housing program to reduce the amount the household must otherwise pay to occupy a unit in a housing project;

**"rent-geared-to-income unit"** means a unit in a housing project that either is occupied by a household receiving rent-geared-to-income assistance or is available for occupancy by a household eligible for rent-geared-to-income assistance;

**"rent supplement agreement"** means an operating agreement under a rent supplement program established by the Minister;

**"recipient"** has the same meaning as in the *Ontario Works Act, 1997*; O. Reg. 298/01, s. 46. O. Reg. 342/05, s. 5.

**"residential property"** means,

- (a) a property all of which is used for residential purposes or any portion of such a property, or
- (b) in the case of a property part of which is used for residential purposes and part of which is used for other purposes, any portion that is used for residential purposes.

**"service area"**, in relation to a service manager, means the geographic area specified as the service area of that service manager under subsection 4 (2) of the *Act*;

**"service manager"** means a municipality, agency, board or commission designated as a service manager under subsection 4 (1) of the *Act*;

**"settlement services worker"** means an individual employed by an agency or organization to assist individuals coming to Ontario to settle in, adapt to and be integrated into the community;

**"shelter worker"** means an individual employed by an agency or organization to assist individuals for whom the agency or organization provides accommodation in an emergency or transitional shelter because of homelessness or abuse;

**"social service worker"** means an individual who performs the role of a social service worker within the meaning of section 10 of Ontario Regulation 383/00 made under the *Social Work and Social Service Work Act, 1998*;

**"social worker"** means an individual who performs the role of a social worker within the meaning of section 9 of Ontario Regulation 383/00 made under the *Social Work and Social Service Work Act, 1998*;

**"special needs housing"** means a unit that is occupied by or is made available for occupancy by a household having one or more individuals who require accessibility modifications or provincially-funded support services in order to live independently in the community;

**“special priority household”** means a household that a service manager has determined should be included in the special priority household category under section 25 of O. Reg. 298/01;

**“spouse”**, in relation to a member of a household, means,

- (a) an individual who, together with the member, has declared to the service manager that the individual and the member are spouses, or
- (b) an individual 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,
  - (i) the individual is providing financial support to the member,
  - (ii) the member is providing financial support to the individual, or
  - (iii) the individual and the member have a mutual agreement or arrangement regarding their financial affairs. (“conjoint”) O. Reg. 298/01, s. 4 (1); O. Reg. 342/05, s. 1 (1-4).

(2) For the purpose of the definition of “spouse”, sexual factors shall not be investigated or considered in determining whether or not an individual is a spouse. O. Reg. 342/05, s. 1 (5).

**“supportive housing provider”** means a housing provider providing special needs housing in a housing project operated by it;

**“transferred housing program”**, in relation to a service manager, means a housing program for which responsibility has been transferred to the service manager under section 10 of the *Act*, and in respect of which the transfer has taken effect;

**“transferred housing project”**, in relation to a service manager, means a housing project that is subject to a transferred housing program and that has been prescribed for the purposes of section 10 of the *Act*;

**“unit”** means a unit intended for use as residential accommodation in a housing project;

**“victim services worker”** means an individual employed by an agency or organization to provide support initiatives for victims of crime and disaster.

(1.1) For the purpose of the definition of “abuse”, abuse is done by any of the following persons against an individual:

1. The individual's spouse, parent, child or other relative.
2. A person who is sponsoring the individual as an immigrant.

3. A person on whom the individual is emotionally, physically or financially dependent. O. Reg. 309/07, s. 1 (4).