



Housing Services Division
 The Regional Municipality of Halton
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www.halton.ca

Community Housing Program Directives

Directive No. 2

Subject: Refusals

The Directions in this notice are to be implemented by the housing providers administered by the Region of Halton under the following programs.

<input checked="" type="checkbox"/>	Provincially Prescribed Non-Profit and Co-operative Housing Programs, including Public Housing
<input type="checkbox"/>	Federal Non-Profit Housing Programs
<input checked="" type="checkbox"/>	Rent Supplement
<input checked="" type="checkbox"/>	Halton Access to Community Housing (HATCH)
<input type="checkbox"/>	Other -

Effective Date:

January 1, 2021

Authority:

Housing Services Act, 2011
 O. Reg. 367/11 s. 32.2; s. 50

Purpose:

The purpose of this policy is to set out the rules for applicants on the HATCH wait list who refuse an offer of housing and for housing providers who refuse an applicant(s).

Background:

O. Reg. 367/11 under the Housing Services Act, 2011 was amended effective January 1, 2020. Section 39 was revoked and replaced with Section 32.2.

Under Section 32.2 a household is no longer eligible for rent-geared-to-income (RGI) assistance if a household refuses an offer from a Service Manager (delegated to Housing Providers under a Service Agreement with Halton Region) for assistance in a unit where the unit meets the occupancy standards and is in a housing project for which the household expressed a preference.

Section 50 was amended on September 23, 2019 to set out an additional ground for which a housing provider may refuse to offer a unit to a household.

Directions:

One Refusal of Housing Offer

Households on the Halton Access to Community Housing (HATCH) wait list will become ineligible for rent-geared-to-income (RGI) assistance and will be removed from the wait list if they refuse **one** offer of housing.

Conditions

- The unit offered must meet the occupancy standards as set out in Directive No. 3.
- The unit offered must be one of the site preferences chosen by the household.
- An offer for a portable housing benefit does not count as a refusal if declined by the household.

What happens when a household refuses an offer of housing?

When a household refuses an offer of housing, they will be deemed ineligible and will be removed from the wait list.

This applies to all applicants on the wait list, including:

- SPP
- Urgent Priority
- Terminally Ill
- Overhoused

Please refer to Directive No. 1

If they wish to receive further offers of housing, they must submit a new application to HATCH and will receive a new application date.

Process

Housing providers

When a housing provider contacts an applicant to make an offer of housing, the housing provider must:

- Advise the household that it is their only offer of housing
- Advise the household that if they refuse the unit or if they are not interested in the offer, that their file will automatically be cancelled and they will have to re-apply to HATCH and receive a new application date.
- If the household views the unit and refuses, the housing provider must have the household sign an acknowledgement that they have refused the unit and have been advised that this was their only offer of housing and understand that they are required to re-apply to HATCH.

Housing providers are required to update the HATCH wait list system with the refusal and the reason(s) noted.



Housing providers are also required to send an e-mail to HATCH at HATCH@halton.ca to advise them that the applicant household refused the offer of housing. The e-mail must include:

- HATCH applicant Code
- Applicant(s) name
- Applicant(s) DOB
- Reason for Refusal

Please refer to the RGI Guide for additional information on offers and refusals.

Rent Supplement

Where a rent supplement building/unit is not listed on the HATCH application an offer for a vacant unit will only be counted as a refusal in the following circumstances:

- The General Rent Supplement wait list is used;
- Direct contact is made with the applicant household within the required timelines;
- The household has been advised of the location of the available unit;
- The household has been advised that if they choose to view the unit it will be their only offer of housing;
- The household has been advised that if they refuse the unit after viewing; do not show up for the viewing or cancels after booking the viewing that their file will automatically be cancelled and they will have to re-apply with a new application date.

Rent Supplement staff are to update the HATCH wait list system with the refusal and the reason(s) noted.

HATCH

HATCH will send the household a written notice that they have been deemed ineligible for RGI assistance and that their file has been cancelled for refusing an offer of housing. The notice must contain information that the household may request a review of the decision.

Extenuating Circumstances

In accordance with O. Reg. 367/11 s. 32.2 (3), Halton Region may determine that a household remains eligible for another offer of housing if they refuse their first offer if there are extenuating circumstances.

The following situations are considered extenuating circumstances where an offer of housing may be recorded by the housing provider as a DNIR (Do Not Increment Refusal) in the HATCH wait list system:

- At the time of offer the applicant or a member of the applicant household is in hospital or receiving addiction treatment, or
- If the applicant is SPP approved and the preferred building is no longer considered safe due to the proximity of the abuser.
- A special needs (wheelchair accessible or support services) applicant identifies that the modifications in the unit do not match their documented needs.
- An applicant household with mobility limitations (i.e. can not do stairs, requires an elevator) is offered a unit that does not address the limitations identified on their application.



NOTE: A DNIR may only be recorded for an applicant household **ONE TIME ONLY** from any of the above situations with the exception of offers for special needs units.

Housing providers may only approve DNIR's for the above reasons. Please contact your Housing Programs Administrator to discuss any additional extenuating circumstances that may be considered a DNIR. Additional documentation may be required to support the request.

Housing Provider Refuses Household

If the applicant(s) accept the unit but the housing provider denies their application, then their file would remain active for another offer. These are recorded as HP-Denied (Housing Provider-Denied) in the wait list system.

Reasons a Housing Provider can Refuse a Household

O. Reg. 367/11 s. 50 outlines the reasons a household can refuse to offer a unit to an applicant(s) summarized below:

- The household does not meet the provider's mandate (i.e. 65+ building).
- The housing provider has reasonable grounds to believe, based on the household's rental history, that the household may fail to pay rent for the unit in full and at times when it is due.
- If the housing is a shared living situation and the housing provider believes that it would be unreasonable for the household to reside in shared accommodation.
- For housing co-operatives, if the household does not agree to accept its responsibilities as a member of the housing provider or the housing provider has reasonable grounds to believe the household will not accept or will be unable to accept those responsibilities.

- **New! Community Safety**

Where the tenancy of a member of the household was ordered terminated by the Landlord and Tenant Board under the following criteria:

- The eviction was from an HSA-governed housing project and occurred within the last 5 years and,
- The eviction was based on an illegal act (N6) for one or more of the following illegal activities:
 - Production, trafficking, or possession for the purpose of trafficking an illegal drug;
 - The illegal production, distribution or sale of cannabis;
 - The trafficking of persons;
 - The use or attempted use of physical violence against another person;
 - Physical harm, attempted physical harm, or a risk of physical harm to another person; or
 - The use of threats to, intimidation of, or harassment of another person and,
- The eviction order was not overturned by a final decision on appeal and,
- The housing provider has reasonable grounds to believe that accommodating the household would pose a risk to the safety of one or more other persons at the housing project.



The Community Safety rule applies equally to special needs units and covers evictions from any community housing provider in Ontario.

N6 evictions for misrepresentation of income for households in receipt of RGI assistance are **not** covered under this rule.

Required Written Notice to Household

If a housing provider denies a household based on one of the reasons listed above, they are required to notify the household of the refusal in writing and advise them of their right to request a review of the decision. Please see **Appendix 1** for a sample Refusal to Offer a Unit letter.


Note: Notice is only required on the first refusal of a household and does not apply to subsequent refusals by the housing provider with respect to the same household.

Request for a Review of the Decision to Refuse to Offer a Unit

If the applicant requests a review of the decision to refuse to offer a unit, the housing provider is responsible for conducting the review. Housing providers are required to develop procedures for conducting these reviews and in accordance with Program Directive No. 12. The procedure should set out:

- timelines for requesting a review
- timelines for completing a review, including notice of the decision
- that the person or body that refused the offer should not also conduct the review of the decision.

It is recommended to have short timelines for such reviews, as the vacant unit cannot be offered to the next applicant on the wait list until the time to request the appeal has expired or the review has been completed.

DocuSigned by:

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Alex Sarchuk
Commissioner, Social and Community Services Department

Replaces: Program Directive No. 5
Date Released: December 18, 2020
Revised: N/A



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Appendix I

Sample Letter - Notice to Applicants – Refusal to offer a unit

Note: Letter must be on housing provider's letterhead.

To: [insert name(s) of applicant]

You are currently on the Halton Access to Community Housing (HATCH) wait list and received a conditional offer for a **[insert unit size]** unit from **[insert housing provider name]**.

We reviewed information available to us about your household and have made a decision not to offer you a unit because:

- This is a seniors building and you are not 65 years of age or older.
- Your rental history is poor, and we have concerns that you may not pay your rent as required.
- We think [select one] your household is not eligible for special needs housing / the level of service your household requires is significantly greater than the level of service we provide for units in the building / the level of service your household requires is significantly less than the level of service we provide for units in the building.
- You have not been accepted as a member of this Co-operative Housing Provider because **[reason]**.
- The vacancy is for a shared living situation and we believe it is unreasonable for you to live in the unit because **[reason]**.
- You have been evicted from a community housing provider in the last 5 years for a serious illegal act.

If you wish to request a review of this decision you may do so by submitting your request in writing to the office by (***insert date 30 days from the date of the letter, or otherwise as set out in your by-law/policy***).

If you have any questions, please contact the office at **[insert housing provider phone number]**

Sincerely,

Manager
[Name of Non-Profit]

