



Housing Services Division  
 The Regional Municipality of Halton  
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## Community Housing Program Directives

### Directive No. 4

### Subject: Overhoused

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 type="checkbox"/>	Halton Access to Community Housing (HATCH)
<input type="checkbox"/>	Other –

#### Effective Date:

January 1, 2021

#### Authority:

Housing Services Act, 2011 s. 42; O. Reg. 367/11 s. 38  
 Program Directive No. 2 - Refusals

#### Purpose:

The purpose of this policy is to set out the rules for households who are deemed overhoused in accordance with Halton's established Occupancy Standards (Directive No. 3)

#### Background:

S. 38 of O. Reg. 367/11 states that a service manager may make a local eligibility rule that a household will become ineligible for rent-g geared-to-income (RGI) assistance if it occupies a unit that is larger than the largest size permissible under the occupancy standards set by Halton Region. These households are deemed to be overhoused.

The local rule must provide that a household retains their eligibility for RGI assistance:

- for one year after the household has been notified that they are overhoused and/or
- the household is following the process set out in this Directive to be transferred to a suitable sized unit in accordance with the occupancy standards.

## Directions:

### Requirement to Transfer

A household who has been found to be living in a larger unit than they qualify for under the occupancy standards set by Halton Region (Directive No. 3) will be required to transfer to a suitable sized unit once they have been overhoused for a one-year period.

### Ineligibility for RGI Assistance

Overhoused households will cease to be eligible for RGI assistance one-year from the date they were first notified unless they comply with the following process.

### Process:

#### Step 1. Notice of Overhousing

1. Upon determining that a household is occupying a larger unit than it is eligible for, the housing provider will issue a letter to the household advising them that they are overhoused.

The letter must include:

- a statement that a review will be conducted in one year
- the options available to the household
- a statement that the household could lose their RGI assistance if, after the one year period is over, they do not comply with the process to transfer to a suitable sized unit. (see Appendix I for a sample letter)

2. The housing provider may add the household to their internal transfer list at the sole discretion of the housing provider in accordance with their own internal transfer policy and may transfer the household to a suitable sized unit **within the first year, if:**

- the provider has a suitable sized unit
- the household is at the top of the internal list and
- the household agrees to the transfer

Any offers received during the first one-year period of being overhoused have no impact on RGI eligibility.

3. The household may also elect, during the first year, to add their name to the centralized wait list.
4. The household is not entitled to a review of this decision as they are not required to move at this point and cannot be deemed ineligible for RGI assistance until after the one year period has ended.



## Step 2. After one-year period

1. At the end of the one-year period, (if a household has not been transferred to an appropriately sized unit) the housing provider will conduct an eligibility review. If the household is eligible for RGI and remains overhoused, the housing provider will forward to the household:
  - A letter advising the household that they remain overhoused and informing them of the process to move AND
  - The Overhoused Application for Transfer (OAT) form AND
  - A Building Selections List from HATCH

(see **Appendix II** for a sample letter and the OAT form)

2. The household will be required to complete Section A and sign the Release and Consent on the OAT form and return it, along with the Building Selections List to the office of the housing provider within 10 business days.
3. The housing provider is to complete Section B on the OAT form and submit both the OAT form and the building selection list to HATCH and proof of status in Canada for all household members.

#### 4. Housing Selections:

- The household is required to select a **minimum of five (5)** housing locations on the selection list (which can include their current location) and may choose as many as they wish. Households may only select their current location if the provider has suitable sized units in the building/complex. *Exceptions for Acton, Milton, and Georgetown can be reviewed by the Housing Programs Administrator*
- HATCH will notify the household that their name has been placed on the centralized wait list. A copy will be provided to the housing provider.
- The date of application on the HATCH wait list is the original date of the household's application for RGI assistance or the date they signed the lease/occupancy agreement if the application date is not known.

A minimum of 5 housing locations must be selected by overhoused households (exceptions for Milton and Halton Hills)

#### 5. Housing providers are required to notify HATCH if an overhoused household:

- refuses or accepts an internal transfer offer
- refuses an offer from the centralized wait list
- vacates the unit
- becomes ineligible for RGI assistance
- is no longer overhoused



### **Continued Receipt of RGI Assistance**

The household will continue to receive rent-geared-to-income assistance at their current location, provided that it complies with all the eligibility and lease/occupancy agreement requirements.

### **Household requests to have name removed from list**

If the household asks to have its name removed from the HATCH centralized wait list (after the one-year period has passed), the household will cease to qualify for RGI assistance.

HATCH staff will notify the housing provider and the tenant/member. The housing provider will then issue the household a notice that they are no longer eligible for RGI assistance, in accordance with applicable legislation and/or service manager local rules.

### **Extensions**

In certain circumstances, the housing provider may determine that an extension may be warranted for an overhoused household. Upon recommendation by the housing provider for approval by your Housing Programs Administrator, extensions may be granted for an RGI household to remain overhoused in the following circumstances:

- A member of the household is pregnant.
- There are children temporarily in the care of the Children's Aid Society (CAS) and there is a plan of care for them to be returned to the household.
- The tenant/member is disabled and is actively seeking a live-in caregiver or roommate.
- The tenant/member is temporarily unable to move due to an illness or disability.
- The tenant/member will be eligible to apply for seniors housing within the next two years.
- The tenant/member is overhoused by only one bedroom and there is reason to believe that they may need to further downsize within the next two years (e.g. another child is expected to move out of the unit).

An extension may be granted up to a maximum of 24 months, plus the original 12 months for a total overhoused time period of 36 months. Depending on the circumstances, extensions may be granted for up to 12-months at a time to the maximum period.

### **Offer(s) of Accommodation**

The household will be offered ONE appropriately sized RGI unit from their five (5) preferred building selections in accordance with the chronological wait list system, or internal transfer system. At the time of offer, the housing provider is to conduct a full eligibility review to confirm eligibility for RGI assistance.



## Refusal of Offer


If the household refuses the offer they will be deemed ineligible for RGI assistance under this Directive.

Upon refusal of the offer, HATCH staff will notify the housing provider and the tenant/member. The housing provider will then issue the household a notice that they are no longer eligible for RGI assistance, in accordance with applicable legislation and/or service manager local rules.

## Review of the decision

Households are eligible for a review of a decision to deem the household ineligible for RGI under this Program Directive. (HSA, s. 156)

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DocuSigned by:  
  
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Alex Sarchuk

Commissioner, Social and Community Services Department

Replaces: Directive No. 16
Date Released: December 18, 2020
Revised: N/A



## **Appendix I**

### **Sample Letter - Notice to Household**

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

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## **Notice to Overhoused Household**

Date  
Name  
Address

Dear Resident(s):

Based on a review of your file on XX, your household has been deemed overhoused. This means that you live in a unit that is larger than you need. Overhoused tenants/members normally have to move to a smaller unit so that someone else on the wait list who needs a larger unit can be offered one.

### **What does this mean for your household?**

When you live in a rent-geared-to-income (RGI) unit, the Service Manager (Halton Region) has set rules about the size of the unit that you can live in and still remain eligible for RGI subsidy.

Based on the review conducted it has been determined that the largest unit your household is eligible for is a <bedroom size> bedroom unit and you currently reside in a <bedroom size> bedroom unit. This means that you are overhoused.

### **Will we be required to move to another unit?**

**Yes.** However, the *Housing Services Act, 2011* allows households who have been deemed overhoused to remain in their current unit for a period of 12 consecutive months from the date they are notified they are overhoused, however, you can choose to move at any time.

We will conduct a review of your file in 12 months. If you are still overhoused at that time, you will be required to follow the process to move to a suitable sized unit in order to continue to be eligible for RGI subsidy. This may require that you move out of your current location if there are no suitable sized units available with your current housing provider. We will advise you of the process at that time.

Please be sure to advise our office of any changes to your household within 30 days.



## Right to request a review of the decision

If you disagree with this decision, you may request a review of this decision. To request a review of this decision, you must ask the office for a Request for a Review form. The form must be completed and submitted to the office within 30 days from the date on this letter (enter date +30 days). Office staff may contact you to discuss your request to see if your questions can be answered without the need for a formal review.

If you still disagree with the decision, your request for a review will be forwarded to the Service Manager Review Committee. Halton Region will contact you with a time and date for the review.

If a request for a review is not received by the office (by date XXXX), then the decision made in this letter is final.

If you make a request for a review and then decide that you no longer want the review to take place, you must advise the office in writing that you have changed your mind.

If you have any questions, please contact the office at \_\_\_\_\_.

Signature

Name of Person Signing

Title

Phone

