

City Guideline – 2017-7

Social Housing Arrears and Eligibility to apply for RGI

Appendix 6 - Toronto Community Housing Corporation (TCHC)

Toronto Community Housing Corporation (TCHC) is required to:

- report household RGI arrears and RGI-related convictions to the Access-to-Housing team; and
- report household market arrears to the Access-to-Housing team for the market units which have a clause in their lease agreement which gives consent (see below).

For TCHC when using the CWL, the Access-to-Housing Team has verified against PWAD the applicant eligible for RGI and has checked for arrears owing; whether a repayment arrangement is in good standing; and if an RGI conviction has been issued.

Reporting market unit arrears and RGI-related convictions

TCHC can only report market households' past arrears or RGI-related convictions if the household has signed a lease agreement which includes a clause granting consent to share this information.

Lease agreement clause - consent to record arrears and convictions into PWAD

As of January 1, 2018, TCHC must add a clause to their **market lease agreements** which includes the following components:

- that if a market unit household members owe arrears to any non-profit or cooperative housing providers, the household will be ineligible for rent-geared-to-income (RGI) assistance, unless they have entered into a repayment arrangement with the provider and are maintaining it in good standing;
- that if, within the last two years, they have been convicted of any offenses under section 55 of the *HSA* or section 85 of the former *Social Housing Reform Act*, or a crime under the *Criminal Code of Canada* in relation to the receipt of rent-geared-to-income assistance, they will be ineligible for rent-geared-to-income assistance; and
- that the housing provider has permission to share their former tenancy arrears and any RGI-related convictions with other former non-profit housing corporations or cooperatives, and other municipal, provincial, and federal departments and agencies involved in the provision of affordable housing.

A sample clause is provided in Figure 2.

Figure 2 – Sample lease agreement clause for market lease agreements

I/We understand that if I/We have any former arrears owing to any non-profit or cooperative housing provider in Ontario and have not made acceptable payment arrangements or are not maintaining those arrangements, I/We will be deemed ineligible for rent-geared-to-income assistance.

I/We understand that if I/We have any convictions which are an offence under section 55 of the *HSA* or section 85 of the former *Social Housing Reform Act*, or a crime under the *Criminal Code of Canada* in relation to the receipt of rent-geared-to-income assistance, that I/We will be deemed ineligible for rent-geared-to-income assistance for a period of two years from the date of the conviction.

I/We further consent to sharing of any former tenant/member arrears and any RGI-related convictions (as outlined above) with non-profit housing corporations or cooperatives, and other municipal, provincial, and federal departments and agencies that assist in the provision of affordable housing.

Minimum arrears amounts and required documentation

Social housing providers are only required to arrears report which are over the minimum amount indicated in Table 1. To report arrears, social housing providers must have the documentation indicated in Table 2.

Table 1 – Minimum value of arrears to report to the Access-to-Housing Team

For arrears accumulated:	Value of arrears equal to or exceeding:
On or before December 31, 2011	No arrears should be entered
Between January 1, 2012 and December 31, 2017	\$500
On or after January 1, 2018	\$100

The following documents must be maintained for all arrears reported. In the event of a dispute of arrears, housing providers will be required to produce this documentation. Housing providers may also be required, at any time, to produce this documentation for audit purposes.

Table 2 - Required documentation

Source of arrears	Required documentation
Rental arrears	<ul style="list-style-type: none"> • A statement documenting the balance owed. • Correspondence with the household which indicates the amount of arrears owed. • Any Loss of Eligibility notices related to the arrears
Damages	Receipts or invoices for the work completed.
Misrepresentation or fraud	The court decision(s) which declares misrepresentation or fraud. (NOT LTB orders for misrepresentation)

Note that:

- **Arrears and convictions not in PWAD:** Arrears and/or RGI-related fraud convictions are applicable to eligibility for RGI whether or not they are recorded in PWAD.
- **Arrears owed by Special Priority Program applicants:** If social housing arrears are accrued by an applicant with Special Priority Program (SPP) status and the arrears were accrued when the applicant was living with the abuser, the applicant is responsible for only half of the arrears owed.
- **Bankruptcy:** If a former household member files for bankruptcy, he or she may be discharged of any debts that are listed on the bankruptcy discharge statement, including rental arrears. Household members must provide the discharge statement in order for the arrears to be removed from PWAD. After verifying that the discharge statement includes social housing arrears, housing providers must report to the Access-to-Housing team that the household member's arrears should be removed from PWAD.

When to report arrears or RGI-related convictions

Social housing providers are required to report on arrears and RGI-related convictions quarterly, within 30 days of the end of periods from January 1st to March 31st, April 1st to June 30th, July 1st to September 30th, October 1st to December 31st. For former tenancies, social housing providers are required to report:

- arrears owed for rent and/or for damages;
- a repayment arrangement entered into for arrears owing;
- defaults on a repayment arrangement made for arrears owing;
- repayment arrangement restored to good standing; and/or
- arrears no longer owed, including if they are discharged for rental arrears due to bankruptcy.

TCHC must also report RGI-related convictions.

Access-to-Housing will provide TCHC with an Excel file for reporting.

TCHC will be required to provide the information listed in Table 3.

Table 3 – Description of information that will be required in the Excel file

Field Name	Description
First Name	The first name of the tenant owing arrears
Last Name	The last name of the tenant owing arrears
Alias	An alternate name by which the tenant may be known
Birth Date	The date of birth for the tenant owing arrears
Street Address	The number and street name for the address where the tenant was renting
Unit	A unit number for where the tenant was renting
City	The city of the tenancy location
Postal Code	Postal code of the tenancy location
Move Out Date	Date the tenant vacated
Arrears Amount	The amount of arrears owed by the tenant

Repayment Agreement	Indicator if a repayment arrangement is setup with the former tenant to repay the arrears they owe
Repayment In Good Standing	Indicator if the repayment arrangement is paid up to date
Misrepresentation Conviction	Indicator if the former tenant owing arrears has a Misrepresentation Conviction
Misrepresentation Conviction Document Id	The document number for the misrepresentation conviction
Misrepresentation Conviction Date	The date of the misrepresentation conviction

TCHC has access to the Provider Portal **and** will upload the report in this portal as shown in Figure 2.

Figure 2 – Steps to upload the arrears report in the Provider Portal

The screenshot shows the 'Housing Connections' website interface. At the top right, there are 'Logout' and 'Help' buttons. The main heading is 'UPLOAD ARREARS FILE'. Below this, the page explains that users can upload current arrears data in Microsoft Excel format. A dropdown menu for selecting a provider is highlighted with a red circle and the number '2'. Below the dropdown, there is a text input field for the Excel filename and a 'Choose File' button, both highlighted with a red circle and the number '3'. At the bottom left, the 'Upload Arrears File' link in the navigation menu is highlighted with a red circle and the number '1'. A 'Submit' button is also visible at the bottom right of the form area.

Review of RGI decisions based on information in PWAD

If an RGI applicant or household disagrees with an RGI eligibility decision related to arrears or RGI-related convictions, they may request a review of the decision with the following review bodies:

Table 4 - Review bodies for RGI eligibility decisions based on arrears or RGI

Situation	Notice of Decision to provide to review body	Body which can review the decision:
An RGI applicant is advised by an Alternative Housing provider that they are not eligible for RGI because of arrears	Not eligible for RGI assistance	Alternative Housing Provider's current system for review
An RGI applicant is advised by the City of Toronto Shelter, Support and Housing Administration staff that they are not eligible for RGI because of arrears	Not eligible for RGI assistance	City of Toronto Housing Access Team Review Body