



City Guideline – 2017-7

Social Housing Arrears and Eligibility to apply for RGI

Appendix 2 - Market and Rent-Geared-to-Income (RGI), Section 78 Housing Providers

Social housing providers who deliver the Market and Rent-Geared-to-Income (RGI), Section 78 program, are 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 social housing providers using the CWL, the Access-to-Housing Team has verified against PWAD that applicants on your subsidiary list are eligible for RGI.

Housing Providers authorized to house applicant households outside the CWL process, must contact the Access-to-Housing Team to assess the household applicant for arrears.

Reporting market unit arrears and RGI-related convictions

Social housing providers can only report market households' past arrears or RGI-related convictions if the household has signed a lease agreement giving consent to share the information.

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

As of January 1, 2018, it is strongly recommended that social housing providers add a clause to their **market lease agreements** which includes the following components:

- that if a market unit household member owes 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 report arrears 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 including arrears by former market households which have the appropriate clause in their lease agreement allowing to share this information;
- 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.

Social housing providers must also report RGI-related convictions.

Access-to-Housing will provide social housing providers with an Excel file for reporting. Social housing providers must list the names of all household members when completing the Excel sheet. For example, in a household with five persons aged 16 or older, there would be five rows completed, each listing the name of each household member and the related arrears, repayment or conviction information.

Social housing providers are required to provide the information listed in Table 3.

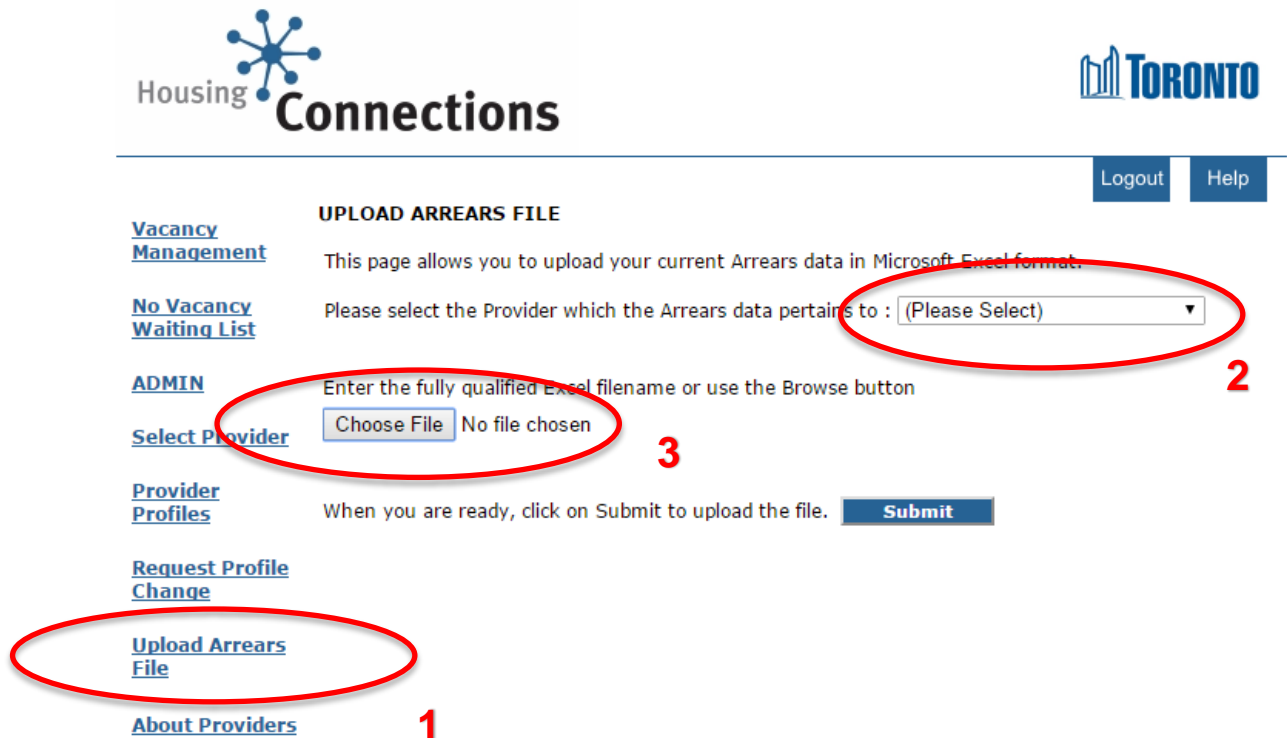
Table 3 – Description of information that will be required in the Excel file

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

Providers with access to the Provider Portal will upload the report in this portal as shown in Figure 2. Those who do not have access to the portal will receive instructions on how to report.

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



The screenshot shows the 'Housing Connections' portal interface. On the left, there is a navigation menu with links: [Vacancy Management](#), [No Vacancy Waiting List](#), [ADMIN](#), [Select Provider](#), [Provider Profiles](#), [Request Profile Change](#), [Upload Arrears File](#) (circled in red with a '1' next to it), and [About Providers](#). The main content area is titled 'UPLOAD ARREARS FILE' and contains the following text: 'This page allows you to upload your current Arrears data in Microsoft Excel format.' Below this is a dropdown menu for 'Please select the Provider which the Arrears data pertains to : (Please Select)' (circled in red with a '2' next to it). Underneath is a text input field for 'Enter the fully qualified Excel filename or use the Browse button' with a 'Choose File' button and 'No file chosen' text (circled in red with a '3' next to it). At the bottom right, there is a 'Submit' button. The 'Toronto' logo is visible in the top right corner, and 'Logout' and 'Help' buttons are in the top right of the main content 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

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