



Eviction Prevention Policy for Non-payment of Rent (Arrears)

Policy Owner:	Asset Management
Approval:	Board of Directors
First Approved:	September 2002
Effective Date:	July 2014

Policy Summary

This is a policy on eviction prevention related to the non-payment of rent. Tenants are responsible for paying their full rent on the first of every month and reporting changes in income or household composition so that their rent is calculated properly.

Toronto Community Housing is committed to working with tenants so that they meet these responsibilities and, wherever possible, prevent tenants from losing their housing

Policy Statement

Toronto Community Housing is committed to keeping evictions for not paying rent to a minimum.

Toronto Community Housing will work with tenants and external supports or service agencies where possible, to keep tenants housed and to ensure that rent is paid and eviction is the very last resort.

The policy is established within the context of the Shareholder Direction from the City of Toronto, the Housing Services Act, 2012 and the Residential Tenancies Act 2006.



Purpose

The purpose of the policy is to ensure rent is collected as required and to evict as few tenants as possible for not paying their rent.

Scope

This policy applies to:

- the non-payment of rent. Tenants can be evicted for other reasons. These will be described in a separate policy.
- all residential tenants, including rent-geared-to-income (RGI) and market tenants, and tenants living in contract-managed buildings.

Values

Toronto Community Housing is committed to supporting successful tenancies and ensuring that tenants meet their rental responsibilities. We will:

- Recognize tenants as responsible and able participants in maintaining their own tenancy and paying their rent;
- Work with tenants to try to identify solutions, recognizing that tenants sometimes face barriers to maintaining their tenancy through lack of support or access to services;
- Ensure all procedures regarding tenancies at risk are fair, open and equitable (procedural fairness);
- Recognize the right of each individual to be treated fairly, with respect and without discrimination;
- Collect rent on time, because lost revenue means there is less money for building maintenances and other services for all tenants.

Standards

1. Tenants must pay their rent each month. Eviction prevention cannot be an incentive not to pay rent on time and in full.



2. Staff are required to make a minimum of three (3) documented attempts to make personal contact with the tenant before filing an Application to Evict a Tenant for Non-payment of Rent and to Collect Rent the Tenant Owes (L1) at the Landlord and Tenant Board (LTB);
3. At least one reasonable and accessible opportunity for a face-to-face meeting must be given to the tenant during the eviction process
4. Efforts and results of communications with tenants during the eviction process will be documented
5. Clear information on how rent is calculated and rental account status will be made available to tenants
6. A fair and transparent process will be available to tenants for review of RGI decisions and calculations, by a person or a panel independent from the original decision maker
7. Notices to evict will include information on the supports available to tenants to help them pay their rent, including information about local legal clinics.
8. Tenants will be given access to the Eviction Prevention Policy
9. Tenants will be informed of the services offered at the Landlord and Tenant Board including mediation, duty counsel and interpretation services if applicable
10. Tenants who are evicted by the Sheriff will be informed of services offered by external organizations to assist them in finding other accommodation and support

Policy Details

Many people living in Toronto Community Housing have nowhere else to go for secure, permanent housing. At times, some tenants will have trouble paying rent. Toronto Community Housing recognizes this and tries to prevent tenants from losing their housing because of unpaid rent.

The primary strategy for eviction prevention is effective rent collection. Efforts to collect rent and to support tenants facing eviction will continue after an order to evict has been issued by the Landlord and Tenant Board and up to the point where the unit is being re-rented.



Eviction Prevention Strategies

Managers and staff will have the flexibility and discretion to choose appropriate strategies for different situations.

Rent Collection

- Focus on collecting the rent on time
- Provide a range of flexible rent payment options
- Inform tenants about steps to take if they are unable to pay rent, and offer to help tenants develop plans for staying housed
- Negotiate reasonable repayment agreements that best fits the tenant's circumstances
- Explain that tenants are required to indicate changes in income and household composition promptly so that rent calculation is based on the most up to date information

Education

- Educate tenants about their rights and responsibilities and about the Eviction Prevention Policy at lease signing, at regular intervals, and when they are having trouble paying their rent
- Train staff in eviction prevention strategies when they are hired and at regular intervals

Communication

- Communicate directly with tenants at key stages *before* issues escalate, and document all attempts to communicate
- Communicate in a timely fashion and in plain, clear, respectful language
- Ensure documents related to eviction prevention adhere to our standards of translation and interpretation
- Make staff available to talk to tenants in confidence about their situation



Early Intervention

- Identify households that appear to be vulnerable or at a higher risk of eviction, during our interactions with tenants (e.g. unit inspections, annual rent review process).
- Monitor households that appear to be vulnerable or at a higher risk of eviction and respond accordingly
- Intervene early when rent payment is late to help prevent tenants from falling further into arrears

Partnerships and Referrals

- Develop partnerships with organizations that can provide supports to tenants
- Inform tenants about, and connect them to, external organizations and community agencies that can help them maintain a successful tenancy

Compliance and Monitoring

To ensure compliance:

- Toronto Community Housing will verify compliance on every file that proceeds to the Landlord and Tenant Board and will conduct random audits.
- Operational performance related to the range of eviction prevention strategies and rent collection practices will be monitored and gaps will be identified for further action
- Eviction prevention performance reports will be submitted to the Board quarterly

Governing and Applicable Legislation

- Residential Tenancies Act
- Housing Services Act, 2012
- Municipal Freedom of Information and Protection of Privacy Act



- Ontario Human Rights Code

Related Policies and Procedures

- Human Rights, Harassment & Fair Access Policy

Commencement and Review

Revision	Date	Description of changes	Approval
First approval:	September 2002	New	Board of Directors
Revision #1	May 30, 2014	Moved existing policy into new AODA compliance template. No content changes	Strategic Planning and Stakeholder Relations
Revision # 2	June 6, 2014	Minor change: Modified 'Standard 2' to reflect updated timeline for attempts at personal contact as per Updated Arrears Collection Process	Divisional Executive
Last review:	August 2011		Board of Directors

Next Scheduled Review Date: June 2016