

## **Community Housing Directive**

### **RGI 2020-02 Housing Provider Refusals to House**

Date of Directive: September 23, 2019

Replaces Directive: RGI-2018-01

Effective Date:  Immediate  
 Until further notice  
 To be updated annually

Legislation: Housing Services Act (HSA), 2011

Reference: Ontario Regulation 367/11, s 50, 77

Applies to:  HSA Providers (NOT including Special Needs Providers)  
 Non-HSA Providers  
 Housing Access Peterborough (HAP)

#### **Intent**

To establish rules to allow a Housing Provider not to offer a unit to a household on the wait list while minimizing barriers to people accessing Social Housing.

#### **Policy**

A Housing Provider has the authority to refuse to offer a unit to a household in the following circumstances:

1. The Housing Provider has a legislated mandate and offering the unit to the household would be contrary to that mandate;
2. The Housing Provider has reasonable grounds to believe, based on the household's rental history, that the household may fail to fulfil its obligations to pay rent for the unit in the amount and at the times the rent is due;
3. The Housing Provider is a non-profit housing co-operative and 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 that the household will not accept or will be unable to accept those responsibilities; or
4. The unit is one in which individuals will reside in a shared living situation and the Housing Provider has reasonable grounds to believe that it is unreasonable for the household to reside in the shared accommodation.
5. A member of the household was evicted within the last five years from an HSA-governed housing project through an order of the Landlord and Tenant Board based on an illegal act.

In order to refuse a household, the Housing Provider must also have reasonable grounds to believe the household would pose a risk to the safety of one or more other people at the housing project. This ground of refusal is only available where the past eviction order was based on the following types of serious illegal activity:

- Production, trafficking, or possession for the purpose of trafficking an illegal drug;
- Illegal production, distribution or sale of cannabis;
- Physical violence or attempted physical violence against another person;
- Physical harm, attempted physical harm, or a risk of physical harm to another person;
- Human trafficking; or

- Use of threats to, intimidation of, and harassment of another person.

All records and disclosures of past evictions that meet the criteria of refusal reason number five (i.e. illegal activity and impairment of safety) must meet applicable privacy legislation.

### Implementation

If a Housing Provider refuses to offer a unit to a household, they must:

- a. Notify the household of the refusal in writing, citing the relevant area of the legislation that applies to the reason for refusal, and
- b. Notify Housing Access Peterborough of their refusal in writing.

All written notices of refusal must include information on the household's right to request a review of the decision. See Peterborough City and County Community Housing Guide for complete details regarding the review process, including timelines.

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