

Ministry of
Housing

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Greetings,

I am writing to inform you of the amendments that came into force on January 1, 2018 which may impact transitional housing providers.

The updated Long-Term Affordable Housing Strategy recognizes the critical role that transitional housing programs play in supporting the government's goal of ending chronic homelessness by 2025. The *Rental Fairness Act, 2017* makes important changes to the *Residential Tenancies Act, 2006* (RTA), including changes intended to improve outcomes for participants of transitional housing programs.

These amendments provide greater clarity to the sector and give qualifying providers flexibility in operating their programs for a longer period of time to better meet the needs of participants.

In 2016, the Ministry of Housing (MHO) released a consultation paper for public comment on the legislative framework for transitional housing under the RTA. MHO provided the consultation paper to over 200 transitional housing providers, tenant and landlord advocacy organizations, Service Managers, Indigenous partners, and other interested parties. In fall 2016, MHO held a number of in-person consultation sessions with key stakeholders, four focused sessions with people with lived experience in transitional housing programs in Toronto, and distributed a survey to a diverse group of people with lived experience in transitional housing across Ontario.

Many of you provided valuable input during the consultation period and we thank you very much for your time, insight and advice.

To facilitate better results for individuals living in transitional housing, the amendments exempt transitional housing programs from the RTA where the following five conditions have been met:

1. The program consists of living accommodation and accompanying services, where the accompanying services include rehabilitative services, therapeutic services, services intended to support employment, or services intended to support life skills development;

2. The living accommodation is intended to be provided for no more than a four year period;
3. The program is intended to support the participant in subsequently obtaining and maintaining more permanent living accommodation;
4. All or part of the program is provided by, or funded under an agreement with, the federal or provincial government, a municipality, a Service Manager, or a registered charity; and
5. The provider and the program participant have entered into a written occupancy agreement that meets certain specified requirements (outlined below).

The written agreement must state that the provider intends for the living accommodation to be exempt from the RTA, and must also notify the occupant that they may apply to the Landlord and Tenant Board for a determination of whether the RTA applies.

The written agreement must set out the legal name and address of the program provider and the maximum period of the participant's occupancy. It must also outline the participant's rights and responsibilities, the rules for the program, and the circumstances and process that can end a person's participation in the program. The agreement must include the amount the participant has to pay for the occupancy, and any other charges related to the program. It must set out a process to address disagreements, and this process must meet certain requirements. Lastly, the agreement must include the policy regarding finding alternate occupancy for a participant who is no longer a part of the program and the re-admission policy into the program.

The above is intended only as a summary – the specific wording of the exemption is set out in section 5.1 of the RTA.

Transition for Existing Tenancies

Although the amendments have come into force, this exemption does not automatically apply to existing program participants. If an existing participant has a tenancy governed by the RTA, they continue to have the same rights under the RTA unless their tenancy has been lawfully terminated. The RTA allows a landlord and tenant to agree to terminate an existing tenancy and instead enter into a new occupancy agreement that is exempt from the RTA. However, a tenant is not required to agree to this type of arrangement.

If you have any further questions, please contact Andre Trevisan, Manager of the Residential Tenancies Unit (RTU) at andre.trevisan@ontario.ca, or Faryal Khan, Senior Policy Advisor, RTU at faryal.khan@ontario.ca.

Once again, thank you for providing us with your valuable input on these amendments to the RTA.

Regards,

Original Signed By

Janet Hope
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