

**Manitoulin-Sudbury District Services Board  
POLICY & PROCEDURES MANUAL**

Section: H. Ontario Works	Effective Date: July 2009
Topic: 6. Calculating Assistance	Replaces: November 2004
Subject: 6.4.Rent Not Being Paid	
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**POLICY**

If a landlord calls to report a participant is not paying his/her rent, the person who takes the call (either the Case Manger or Integrated Program Assistance) must protect client confidentiality. Therefore they should not give the impression that the client is in receipt of benefits.

**PROCEDURE**

As well, the following steps should be taken:

1. Do not provide the landlord with any information, except that their complaint has been received and that it will be reviewed.
2. If an Integrated Program Assistance takes the call, they should indicate that someone will review the information provided, however the review is confidential and the results of which cannot be provided.
3. The Case Manager will attempt to contact the client to discuss the situation. If the Case Manager is unable to contact the client, the cheque will be put on hold as a last resort, and the event recorded in the Social Assistance Computer System notes.
4. The Case Manager contacts the participant (by phone or in writing) about the reported non- payment of rent and advises that the next cheque is on hold. Details of the conversation **must** be recorded in the Social Assistance Computer System notes.
5. A rent receipt must be produced and verified wherever possible, confirming rent has been paid. However other circumstances may prevail, e.g. participant has moved to a new address and paid rent there (a rent receipt is required). Where a client indicates that there is a landlord/tenant issue, it is not the Case Manager's responsibility to mediate. Simply record the information on the Social Assistance Computer System notes and inform the client, that their may be a future overpayment if rent has not been paid for these months. Case Manager will put a BF in for three months to review.
6. When a participant has had **two recorded instances of non-payment of rent**, the Case Manager shall request that the client complete a 'Pay Direct' form to allow their shelter to be paid directly to their landlord,

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avoiding possible eviction.

At no point should the Case Managers discuss the results of the client interview with the landlord. If the landlord calls back, again indicate that the information they provided is being reviewed, however the results of which are confidential.

**For Social Housing Units owned and operated by Manitoulin-Sudbury DSB the following eviction prevention process should be followed:**

### **Rental Arrears**

- Tenant in arrears of rent as of the first day of the month.
- Social Housing Program Supervisor (SHPS) will review tenant accounts on the 5<sup>th</sup> day of the month to determine who is in arrears and the appropriate steps to take to achieve rental payment.
- Social Housing Program Supervisor will call “new” tenant(s) to the list to discuss rental arrears situation and remedy for same. SHPS logs call on tenant file.
- On 5<sup>th</sup> day of the month SHPS will send a “rent due” letter with HCF pamphlet, to Tenants who are in arrears advising rent is overdue and offering options for financial help. Tenants are advised they have 7 days to pay their rent to avoid issuance of N4.
- If rent is not paid within the 7 day timeframe, SHPS will notify OW Supervisor as to the tenants who are in arrears. SHPS will issue N4 to tenants so that dates fall within the same month.
- The OW Supervisor will notify the CM via email that will be flagged for follow up within 10 days. The CM will try and contact the tenant to assess the situation.
  - If the tenant cannot be reached by telephone, a letter will be sent to them. The letter can be found at: Z:\Staff\OW Letters\Notice of programs available to avoid eviction.doc. A copy of this letter will be sent to the Housing Program Assistant for filing in the tenant’s housing file.
  - If the tenant indicates that they do not want to access these funds, once they receive their L1, the funds will not be available to them.
- Once the CM has attempted to contact the tenant, an email with the outcome will be sent to the OW Supervisor and the SHPS will be copied.
- If rent is not paid by tenant or by way of an OW commitment letter within the specified time frame SHPS will apply to the Tribunal to have tenancy terminated.

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- When a tenant is in receipt of Ontario Works and has had **two recorded instances of non-payment of rent**, the Case Manager shall request that the client complete a 'Pay Direct' form to allow their shelter to be paid directly to their landlord, avoiding possible eviction.

### **Problem Tenant**

- Complaints regarding tenants whose behaviour is reported to the DSB as being of an inappropriate, anti-social or illegal nature will be investigated to determine the validity of the complaint.
- The SHPS will conduct a full and thorough investigation to determine if the facts of the matter warrant further action on the part of the Housing Services Dept.
- The SHPS will meet with the tenant and as deemed appropriate, any others who have knowledge of the complaint or the tenant to determine the validity of the matter. As deemed appropriate SHPS will refer tenant to agencies for help.
- The SHPS will provide a report to the Director of Integrated Social Services outlining the action taken, the findings, including referrals to agencies such as CMA, Health Unit, Ontario Works; the report will provide a recommendation based on the findings.
- The Director of Integrated Social Services will review the SHPS's report and the recommendation. The Housing Mgr will render a decision which may include taking action to terminate the tenancy.
- Where directed the SHPS will commence the eviction process using the remedy provided via the Residential Tenancies Act, Social Housing Reform Act and the Housing Tribunal.

**Note:** The Residential Tenancies Act clearly stipulates the steps which must be taken before a Landlord can apply to terminate a tenancy. The steps are not immediate and the tenants are normally afforded a sufficient period of time to remedy the situation before further action is taken. The Social Housing Program Supervisor is aware of these steps and will, whenever in doubt about process, consult with the Housing Tribunal to ensure the correct protocol is being applied.