



Toronto  
Community  
Housing

# Policy on Eviction Prevention

Toronto Community Housing (TCHC) tries, whenever possible, to prevent tenants from losing their housing because of unpaid rent. Tenants can be evicted from TCHC for reasons other than non-payment of rent. These will be described in a separate policy, but will share some of the principles outlined here. Procedures for implementing the policy will be developed after it has been approved by the Board of Directors. The procedures will draw on the experience and knowledge of TCHC staff and stakeholders.

## INTRODUCTION

This is a policy on eviction prevention related to the non-payment of rent. It is intended to build and improve on TCHC's successful past practices. Tenants are responsible for:

- paying their full rent for by the first of every month; and
- reporting all changes in income or household composition as soon as the change occurs, so that the rent is calculated properly.

TCHC is committed to helping tenants meet these responsibilities.

Most tenants pay their rent in full and on time. But because TCHC is home to many people with low-incomes, we recognize that sometimes tenants have trouble paying the rent. This policy tries to balance the needs and responsibilities of all tenants.

## PURPOSE

The purpose of this policy is to evict as few tenants as possible for not paying rent. The policy describes prevention strategies such as early intervention, education, communication, and individual plans to help tenants stay housed.

## APPLICATION OF POLICY

This policy applies to all TCHC tenants, including both market and rent geared-to-income tenants.

This policy applies to staff in communities directly managed by TCHC and communities where property management services are contracted. Where the words "TCHC staff" and "Community Manager" are used in this policy, they apply also to third party staff and to community managers.

# POLICY STATEMENT

TCHC is committed to keeping evictions for not paying rent to a minimum. Many people living in TCHC housing have nowhere else to go for secure, permanent housing. TCHC recognizes this and commits to working with tenants to ensure that eviction is the very last resort.

## The Manager's Role

Community Managers are responsible for eviction prevention through:

- education,
- communication, and
- helping each tenant who has difficulty with rent payments to develop a good strategy for staying housed.

## Contact with Tenants

Community Managers will ensure that there is direct contact with a tenant in at least these key points in the rent collection process:

- when sending a late payment notice to the tenant;
- when a tenant gives notice that they are having problems paying the rent;
- before TCHC files an application with the Ontario Rental Housing Tribunal; and
- at the time the Ontario Rental Housing Tribunal makes a decision.

Staff will use eviction prevention strategies to work with any tenant who comes forward at any point in the process. The community office will make every reasonable effort to contact the tenant directly and will document all attempts.

## Contact when filing with the Ontario Rental Housing Tribunal

The office will make staff available to hold a face-to-face meeting before filing an application with the Ontario Rental Housing Tribunal.

Efforts to collect rent and support a tenant facing eviction will continue after an application has been filed with the Tribunal and all through the legal process. However, these efforts must not interfere with the tenant's right to due process under the *Tenant Protection Act*.

Tenants are entitled to help from a third party during the legal process. TCHC cannot represent them, because it conflicts with the landlord role. TCHC staff will give tenants information about external help that may be available to them.

## PRINCIPLES

- Because TCHC is home to many low-income tenants, we recognize that some tenants have trouble paying the rent. We will work with tenants to help them keep their housing.
- The success of the eviction prevention strategy depends on clear communication. Tenants have the right to a clear, complete explanation of their rent.
- Tenants must pay their rent each month. Eviction prevention strategies must not be an incentive not to pay rent on time and in full.
- Tenants must tell TCHC about changes in income and household composition promptly to ensure accurate and timely calculations of rent.
- TCHC is responsible to all tenants for collecting rent on time, because lost rent revenue means there is less money for building maintenance and other services for all tenants.

## EVICITION PREVENTION STRATEGIES

Community Managers and staff responsible for eviction prevention will have the flexibility to choose appropriate strategies for each situation. The strategies used must respect the principles of the policy and may include:

### Education Strategies

- TCHC will clearly inform tenants of the actions they can take and their obligations.
- TCHC will give tenants information about the eviction prevention policy. This includes any help for tenants in short-term crisis (intervention strategies).
- Staff will educate tenants at the time they sign their lease and when there is a problem with paying rent.

### Rent Payment Strategies

- Tenants must tell TCHC about changes in income and household composition promptly so that their rent calculation is based on their actual situation. TCHC will explain this to tenants when they sign their lease and at least once a year in the annual rent review information package.
- TCHC will make every effort to use the most current information on file to calculate rent.

TCHC will provide a range of options to make it as easy as possible for tenants to make payments, such as:

- pre-authorized payment,
- cash payments at banks,
- ATM payments,
- internet banking,
- rent paid directly by a pension or social assistance provider,
- other local methods (excluding receipt of cash payments in community offices).

## Communication Strategies

- When a tenant is late paying rent, TCHC will contact them within 8 business days to find out why and to help solve the problem. Staff will stay in regular contact until the problem is solved.
- This step can be taken even sooner when the tenant comes forward with the problem before the rent payment is due. Tenants should tell TCHC about changes in their circumstances that may affect their ability to pay the rent.
- TCHC will make staff available to talk to tenants in confidence about their situation and ways to solve the problem.
- TCHC will keep clear records of the rent calculation and payment history showing how the arrears came about and will give this to the tenant.

## Intervention Strategies

The following is a list of possible intervention strategies. Managers at the community level have the ability to choose the intervention that best fits the tenant's circumstances. Managers must keep records of all interventions.

- Develop a payment strategy that suits the tenants circumstances best.
- Negotiate a repayment agreement. Guidelines around repayment schedules will be implemented as part of the implementation with the input of stakeholders.

**Note:** The point at which TCHC will file an application with the Ontario Rental Housing Tribunal will be clearly spelled out in any repayment agreement.

- Work with other organizations to get the tenant budget counseling and other community support services.
- Work closely and intensively with community support agencies to keep vulnerable people housed. Vulnerable tenants include people with mental illness, seniors, and people with developmental or physical disabilities. They are at serious risk of becoming homeless if evicted.

## ACCOUNTABILITY

- Performance reporting will monitor both rent collection and eviction rates. Staff performance measures will support eviction prevention as a key performance indicator.
- Performance indicators related to rent collection and eviction prevention will be reported to the Board of TCHC in the quarterly performance report.
- TCHC will report on the number, the cost, and rationales for evictions each year.
- TCHC will work with stakeholders to develop and monitor guidelines and procedures to ensure the success of the eviction prevention policy.

## STANDARDS

- TCHC will try to make direct contact in at least these three critical points in the rent collection process:
  - upon late payment or when a tenant comes forward with a problem;
  - before an application is made to the Ontario Rental Housing Tribunal;
  - once the Ontario Rental Housing Tribunal has made a decision.
- All attempts at direct contact will be documented.
- Rent collection notices issued by TCHC will include information on the interventions that are available to tenants.
- Late payment notices will be issued within 8 days of due date.
- Clear information on rental account status will be available to tenants.
- The point at which an application will be made to the Ontario Rental Housing Tribunal will be clearly spelled out in any repayment agreement entered into between TCHC and the tenant.
- Eviction prevention will be practiced through the entire rent collection process.
- Eviction prevention and rent collection indicators will be reported on a quarterly basis.
- Eviction prevention data will be included in TCHC reporting.

## POLICY REVIEW

- This policy will be reviewed 18 months after implementation to determine if outcomes are being achieved.
- The policy review will include feedback from tenants, staff and other agencies.

*Approved by TCHC Board of Directors (September 30, 2002)*