



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.

## EVICION 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)*

## Eviction Prevention Policy Guidelines

### A. Introduction

At Toronto Community Housing, evictions are a last resort.

In September 2002, Toronto Community Housing adopted an Eviction Prevention Policy. These Guidelines help staff to carry out the policy and assist tenants to keep their homes.

### B. The Guidelines

These guidelines will be used to:

- Make sure all tenants are treated fairly
- Help tenants know what to expect, while allowing staff to deal with special situations
- Make sure tenants have the chance to pay any rent arrears and stay in their homes

**These guidelines apply only to evictions for not paying rent** – not to evictions for other reasons. They are used as part of the rent arrears collection process.

### C. Staff responsibilities

Operating Unit Managers are responsible for eviction prevention through:

- Tenant Education – ensuring tenants have information about what to do if they fall behind in their rent
- Good communication with tenants. Staff must contact tenants at least three times before they are evicted.
- Helping tenants to understand their responsibility and the impact when they don't meet that responsibility.
- Helping each tenant who has trouble paying rent. Staff will help tenants plan ways to stay housed and meet their responsibility.

#### 1. Tenant Education

When new tenants move in, staff will explain that the tenant must:

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- Pay the rent **in full** on the **1<sup>st</sup>** day of every month
- Promptly report any change in income to the Operating Unit (OU) Office
- Promptly report changes in household composition – any change in who lives in the unit – to the OU Office
- Tell the OU Office if they will have trouble paying their rent, so that staff can help early on.

Staff will also:

- Encourage all tenants to use pre-authorized payment (PAP), direct rent payment or other automatic methods to pay rent
- Give each tenant a copy of the *Tenant Handbook*
- Give all new tenants at lease signing, a contact list of area community services (legal clinics, housing help centres etc) to call when they need help or support

Staff may also consider working with legal clinics, housing help centres or other agencies to hold information sessions to remind tenants of their responsibilities and how to seek help if they have problems meeting their responsibilities.

## 2. Early Intervention

Staff will make every effort to:

- Identify tenants that may need extra support to prevent eviction, such as people with a mental illness, cognitive or developmental disability, a complex rent or income profile, or a history of arrears.
- Talk to these tenants about community resources they might find helpful and advise the tenant to seek the help of these agencies to resolve the problem.
- First obtain a tenant's consent where a direct referral is necessary, before involving community support agencies in the effort to keep the vulnerable tenant housed.

## D. Operating Procedures

### 1. Standards

- During the eviction process there *must* be **at least three points** of *direct contact* with tenants **at the Operating Unit level**. Direct contact could include a letter, phone call, visit or any other contact that gives the *specific*

## Eviction Prevention Policy Guidelines

tenant household the chance to respond to the problem and discuss possible solutions.

- The focus of this contact is to ensure the tenant is aware their rent is behind and what could happen because of that, as well as, allow staff to understand the reasons why the rent was not paid.
- Staff should advise the tenant of available options to correct the situation.
- **Staff must record all contacts, attempted contacts and action taken on the tenant's paper and/or electronic files.**

### 2. The Three Points of Direct Contact

#### 1) *Before sending a Notice to End a Tenancy Early for Non-payment of Rent (N4 or Early Termination Notice)*

Staff must:

- Phone or visit or send reminder letter to tenants in arrears to remind them they need to pay the outstanding rent
- Clearly explain the rent arrears – both the amount and what it is for
- Find out why the tenant has not paid the rent, and advise them of the options available to stay housed, such as:
  - An OU repayment agreement that **the tenant can live up to**, given the amount owed, their ability to pay, and any other circumstance. The agreement must clearly explain what will cause Toronto Community Housing to proceed with an eviction application. Staff should offer tenants a chance to meet in-person to discuss the terms and sign the agreement.
  - Short term assistance, such as a local rent bank
  - Using support services such as legal clinics, housing help centres etc. Staff will include the contact information for area legal clinic and/ or housing help centre with any notice to the tenant
  - Involving specialised support agencies where a tenant may need extra help to stay housed. Staff must ask for and receive the tenant's consent before making referrals.
  - Payment for arrears now and using PAP for future rent payments.
- Prepare and serve an early termination/ N4 notice to tenants **only** after direct contact has been made or tried, and the problem was not resolved

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- Attach cover letter (in the tenant's preferred language where known) to early termination/N4 notice explaining that the tenant does not have to move out but must make arrangements to pay the rent or face eviction. The notice must also include contact information for the local legal clinic.
- Document all contacts or attempted contacts and action taken in the tenant's file.

### **2) Before sending a request to file an Application to Evict a Tenant for Non-payment of Rent and to Collect Rent the Tenant Owes (L1) with Landlord and Tenant Board**

Staff must:

- Phone or visit the tenant to see if the arrears can be resolved through a OU repayment agreement or other steps
- Advise the tenant that if the problem is not resolved within a specified time frame, Toronto Community Housing will apply for an eviction order with the Landlord and Tenant Board
- Prepare and send the file to the Residential Tenancy Act Unit where no community level solution with the tenant was possible.
- Document all contacts, attempted contacts, and action taken in the tenant's file.

### **3) After the Landlord and Tenant Board grants an Order to Evict**

Staff must:

- Phone or visit the tenant to find out whether they wish to stay in the unit or move out
- Advise the tenant that the eviction could be stopped if the arrears are paid in full before the *Order to Evict* is filed with the Sheriff.
- Give the tenant a deadline (within the limit before the Order expires) for paying the arrears and stopping the Sheriff
- Explain to the tenant what will happen if evicted. Discuss how the tenant can re-apply for social housing, and how to find emergency housing.
- Inform the tenant the he/she is still responsible for paying the arrears even if evicted and that they may be refused entry to any social housing provider if they have an outstanding balance

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- Accept last minute requests to stop an eviction order if the tenant pays the **full** amount listed in the *Order to Evict*. The tenant is also responsible for the cost of filing the order and may pay this amount at the time a request to stop the order is made or enter into an agreement to do so within three months of the stopped order

**Exception:** The Operating Unit Manager, in consultation with the Director, Property Management, may decide to refuse payment and proceed with the eviction if:

- an eviction “for cause” has been filed with the Landlord and Tenant Board against the tenant *and*
- the tenant knows about the eviction for cause
- Document all contacts and actions taken in the tenant’s file.

### 3. Returning to the unit after eviction

An evicted tenant can be re-housed (return to the unit) under eviction if:

- The unit has not been re-rented
- The tenant pays the full arrears balance as stated in the eviction order plus the legal fees within 3 business days of the Sheriff changing the lock. The OU can extend the deadline for this payment.
- **Where** an evicted tenant is unable to pay both the arrears balance as stated in the eviction order plus the legal fees, the tenant will be re-housed providing he/she pays the arrears as stated in the eviction order and enter into an agreement to pay the Sheriff fee, damages or any other unpaid costs.

### 4. Eviction for Persistently Late Rent Payment

Toronto Community Housing does not usually evict tenants for late rent payment. However, Operating Units may start an eviction for persistently late rent payments if **all of the following apply:**

- In at least 7 of the past 12 months, the tenant did not pay their full rent until after the 5<sup>th</sup> day of the month, and did not have an agreement to do so, **and**
- The tenant was taken to the Landlord and Tenant Board at least once in the past 12 months, **and**
- In at least 2 of the past 12 months, the tenant was sent a reminder letter saying they were in breach of the lease and must pay on time, **and**

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- The OU Manager reviews the file and agrees to begin eviction for persistently late rent payments.

### 5. Responsibilities of Residential Tenancy Act Unit (RTA Unit)

- The RTA Unit will file an Application to Evict a Tenant for Non-payment of Rent and to Collect Rent the Tenant Owes (L1) with the Landlord and Tenant Board **only after**:
  - Confirming that staff directly contacted the tenant, or tried to contact the tenant, and the problem was not resolved
- At the Landlord and Tenant Board, Toronto Community Housing will first try to negotiate a mediated settlement.
- Toronto Community Housing will **only** pursue a hearing if a settlement cannot be reached or a “for cause” action has been launched against the tenant.
- The RTA Unit will file an Order with the Sheriff **only after**:
  - confirming that staff directly contacted or tried to contact the tenant, and there was no resolution to stop the eviction; and
  - the Operating Unit Manager, has approved legal action

### E. Accountability

The Governance and Performance Unit will report on and evaluate “corporate performance” as it relates to eviction prevention and arrears

The Operations Division is responsible to monitor eviction prevention and arrears at the Operating Unit level.

The Operations Division, Program Services Unit will oversee implementation of the guidelines and will monitor adherence starting two months after these guidelines are communicated to staff.

### F. Review

These guidelines will be reviewed 18 months after they are in effect.