



# Non-Residential Use of Space Policy for Agencies

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**Policy Owner:** Tenant and Community Services

**Approval:** Executive Leadership Team

**First Approved:** September 4, 2018

**Effective Date:** November 1, 2018

## Policy Statement

Eligible agencies may use Toronto Community Housing's non-residential spaces for community and programming activities. The objective of this policy is to govern the use of non-residential space by agencies who are providing programs and services to tenants. The proper allocation and use of these non-residential spaces helps Toronto Community Housing meet its strategic priorities of Quality Homes, Vibrant Communities and Positive Tenant Experience as outlined in our Strategic Plan.

The purpose of this Non-Residential Use of Space Policy for Agencies is to set out the terms, conditions and objectives of agencies using non-residential space.

This Policy:

- Establishes eligibility criteria, conditions and restrictions applicable to use of non-residential space;
- Balances the need for equitable allocation of non-residential space with the need to maximize its revenue-generating potential, at no increased financial cost to Toronto Community Housing;
- Ensures that use of non-residential space serves the needs of tenants and supports Toronto Community Housing's strategic objectives; and
- Promotes good tenant/customer service-focus, accountability, equity, inclusivity, transparency, community empowerment, community improvement and sustainability for Toronto Community Housing.



This Policy should be read together with the related procedures.

## Scope

This Policy applies to:

- Agencies;
- Toronto Community Housing employees;
- Service providers under contract with Toronto Community Housing to provide property management services; and
- Non-residential space owned or operated by Toronto Community Housing.

This Policy does not apply to:

- Tenants and tenant led-groups (For more information please refer to the *Non-Residential Use of Space Policy for Tenants and Tenant-Led Groups*);
- Request for Expressions of Interest (REOI); and
- Residential space.

## Values

Agencies' use of non-residential space is guided by the following values:

1. **Tenant/Customer Service-Focused** – Tenants are at the heart of everything that Toronto Community Housing does. Non-residential space must be used in a way that is inclusive and improves the lives of tenants, by helping to connect tenants to programs, supports and services and/or generating revenue to help maintain buildings.
2. **Accountability** – Agencies are responsible for following the terms and conditions and delivering the programming outlined in their use of space agreements.
3. **Equity and Inclusivity** – Toronto Community Housing will be fair and equitable in the allocation and oversight of the use of non-residential space and, as much as possible, ensure programming offered by agencies is available to all tenants and does not unreasonably exclude any group or individual.
4. **Respect** – Toronto Community Housing expects that agencies will demonstrate respect for tenants, staff and community members while using non-residential space. Agencies must comply with all applicable



policies including Toronto Community Housing's *Human Rights, Harassment and Fair Access Policy*, and all applicable legislation including the Ontario *Human Rights Code*, RSO 1990, c H19 (the "Code") and *Accessibility for Ontarians with Disabilities Act, 2005*, SO 2005, c 11 (the "AODA").

5. **Transparency** – Toronto Community Housing will make and communicate decisions about use of non-residential space clearly and fairly.
6. **Tenant Involvement** – Agencies are responsible for maximizing tenant involvement in programs and services.
7. **Community Improvement** – Toronto Community Housing will use the funds acquired through the rental of non-residential space for private events for community building and engagement purposes or as otherwise specified by Toronto Community Housing's *Use of Distribution and Allocation of the Use of Space Funds Policy*.
8. **Sustainability** – Toronto Community Housing will strive to maximize the value of its non-residential space when licensing or leasing non-residential space to agencies by taking into account, among other things, financial considerations and value to tenants provided via programming or other contributions.

## Definitions

**Agency:** In this Policy, an agency is an incorporated not-for-profit organization, a registered charity with the Canada Revenue Agency, a healthcare service provider as defined by the *Regulated Health Professions Act, 1991*, SO 1991, c 18, a City of Toronto department or subsidiary.

**Community Event:** A one-time event:

- that is open to all tenants;
- that is free or charges a nominal fee; and
- where the activities and purpose of the event are to provide tenant support and/or engagement.

**Community Space:** Common space within a Toronto Community Housing building that is not designated for commercial, retail, or industrial use. Community Space is always the main (usually the largest) or only common space in a Toronto Community Housing building.

**Exclusive Use of Space:** Use of commercial or recreational space by an agency where it is the sole occupant for a defined period of time to provide programs,



services, and activities that benefit tenants and which support Toronto Community Housing's strategic priorities as outlined in our Strategic Plan.

**Nominal Fee:** A small amount of money charged for participation in a program or service which is used to recover costs associated with providing the program or service.

**Non-Exclusive Use of Space:** Shared use of non-residential space by tenants, tenant-led groups, and agencies at various times of the day or week on a recurring basis to provide programs, services, and activities that benefit tenants and which support Toronto Community Housing's strategic priorities as outlined in our Strategic Plan.

**Non-Residential Space:** Space within a Toronto Community Housing building that is used for purposes other than providing residential housing. All non-residential space is further designated as one of the following categories:

- community space;
- recreational space; or
- commercial space.

**One-Time Use of Space:** Use of non-residential space by an agency for a defined, nonrecurring time period for a community event.

**Private Event:** A one-time event that is not open to all tenants or the public such as a birthday party or a wedding. Agencies are not permitted to hold private events.

**Recreational Space:** Space within a Toronto Community building that is not designated for commercial, retail or industrial purposes. Recreational space is supplementary to community space, and is not the main or only common space in a Toronto Community Housing building.

**Residential Space:** Space that is used for residential housing pursuant to the *Residential Tenancies Act, 2006*, SO 2006 c 17 (the "RTA").

**Tenant:** A person who, pursuant to a residential lease agreement with Toronto Community Housing or a Toronto Community Housing-approved sub-landlord, lives in a Toronto Community Housing building.

**Vulnerable Tenants:** Tenants who are vulnerable due to the interaction between the challenges that the tenant faces in fulfilling their obligations as a residential tenant and the resources that they can access while facing those challenges. Vulnerability may affect the ability of a Toronto Community Housing tenant to live independently (see Toronto Community Housing's *Vulnerability Definition Policy*).



## Policy Details

### Equity Impact Statement

Toronto Community Housing is committed to providing an inclusive living environment free of discrimination and harassment consistent with the principles outlined in the *Ontario Human Rights Code* (“Code”), and the *Accessibility for Ontarians with Disabilities Act* (“AODA”).

Use of non-residential space must not conflict with Toronto Community Housing’s policies, including but not limited to Toronto Community Housing’s *Human Rights, Harassment and Fair Access Policy* or with applicable legislation including but not limited to the *Code* and *AODA*.

### Eligibility Criteria for Use of Space

Agencies must satisfy all eligibility criteria in order to be considered for use of non-residential space.

#### Community Events, Non-Exclusive and Exclusive Use of Space

In order to be eligible for community events, non-exclusive and exclusive use of space, agencies must:

1. primarily serve and benefit tenants by meeting a community need or priority and support Toronto Community Housing’s strategic objectives; and
2. have a mandate and conduct activities that do not conflict with Toronto Community Housing’s mission or policies, or with applicable legislation including but not limited to the *Code*, *AODA* and the *RTA*.

### Allocation and Decision-Making

Toronto Community Housing is responsible for allocation and decision-making for use of non-residential space. Tenant and Community Services Division, in consultation with Asset Management Division, Fire Life Safety & Risk Management Department and Commercial Business Unit, are tasked with assessment and approval of use of space agreements.

### Fees and Rental Charges

The following outlines fees, rental charges and costs for use of non-residential space:



### Community Events and Non-Exclusive Use of Space

An agency holding a community event or entering into a non-exclusive use of space agreement will not be charged a fee for use of the non-residential space.

### Exclusive Use of Space

An agency entering into an exclusive use of space agreement will be charged a rental fee of:

1. Full cost-recovery of all operating costs, including utilities and realty taxes (“operating costs”);
2. Below-market rent and operating costs; or
3. Market rent and operating costs.

Toronto Community Housing reserves the right to determine the applicable rental fee based on an assessment of the value of the programs and services being provided to tenants by the agency.

## **Vulnerable Sector Screening Requirements**

When providing programs and services to vulnerable tenants, all agencies must at their own expense, complete a Toronto Police Service Vulnerable Sector Screening (“VSS”) for each individual providing such programs and services.

Toronto Community Housing, at any time and in its sole discretion, shall be entitled to inspect all documentation and records relating to any agency’s completion of VSS’s and to verify that all VSS’s have been completed.

## **Insurance Requirements**

All agencies using non-residential space must obtain the appropriate insurance and provide proof of insurance coverage.

## **Monitoring and Evaluation**

All use of space agreements are subject to check-in meetings with Toronto Community Housing staff to ensure that the programs or services being offered by agencies meets the objectives of this Policy.

Agencies will have at least one check-in meeting during the term of the use of space agreement.

Agencies are required to track and report on specific metrics as outlined in the use of space agreement.



## Compliance

Tenant and Community Services Division is tasked with assessment, review and monitoring of this Policy.

Tenant and Community Services Division, in consultation with Asset Management Division, Fire Life Safety & Risk Management Department and Commercial Business Unit is responsible for monitoring staff activity to ensure compliance with this Policy and related procedures.

## Governing and Applicable Legislation

Includes, but is not limited to:

- *Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c 11;*
- *Commercial Tenancies Act, RSO 1990, c L7;*
- *Human Rights Code, RSO 1990, c H19; and*
- *Residential Tenancies Act, 2006, SO 2006, c 17.*

## Related Policies and Procedures

- Elections Policy
- Human Rights, Harassment and Fair Access Policy
- Non-Residential Use of Space Policy for Agencies
- Non-Residential Use of Space Policy for Tenants and Tenant-Led Groups
- Non-Exclusive and Exclusive Use of Space Procedures for Agencies
- Non-Exclusive Use of Space Procedures for Tenants and Tenant-Led Groups
- One-Time Use of Space Procedures for Agencies
- One-Time Use of Space Procedures for Tenants and Tenant-Led Groups
- Use of Distribution and Allocation of the Use of Space Funds Policy
- Vulnerability Definition Policy
- Vulnerability Operational Guideline



## Commencement and Review

| Revision        | Date              | Description of changes | Approval                  |
|-----------------|-------------------|------------------------|---------------------------|
| First approval: | 2008              | New                    | Board of Directors        |
| Revision #1     | September 4, 2018 | Full policy revision   | Executive Leadership Team |

**Next Scheduled Review Date:** September 2020