



Non-Residential Use of Space Policy for Tenants and Tenant-Led Groups

Policy Owner: Tenant and Community Services

Approval: Executive Leadership Team

First Approved: September 4, 2018

Effective Date: November 1, 2018

Policy Statement

Eligible tenants and tenant-led groups 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 tenants and tenant-led groups that 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 Tenants and Tenant-Led Groups* ("Policy") is to set out the terms, conditions and objectives of tenants and tenant-led groups using non-residential space.

This Policy:

- Establishes eligibility criteria, conditions and restrictions applicable to use of non-residential space;
- Ensures that use of non-residential space serves the needs of tenants and supports Toronto Community Housing's strategic objectives; and
- Promotes accessibility, equity, transparency, inclusivity, respect and accountability for Toronto Community Housing, tenants and tenant-led groups.

This Policy should be read together with the related procedures.

Scope

This Policy applies to:



- Tenants and tenant-led groups;
- 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:

- Agencies (For more information please refer to the Non-Residential Use of Space Policy for Agencies); and
- Residential space.

Values

Tenant and tenant-led groups' use of non-residential space is guided by the following values:

1. **Access** – Toronto Community Housing will seek to make community space reasonably available and easy to access.
2. **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 tenants and tenant-led groups is available to all tenants and does not unreasonably exclude any group or individual.
3. **Transparency** – Toronto Community Housing will make and communicate decisions about use of non-residential space clearly and fairly.
4. **Respect** – Toronto Community Housing expects that tenants and tenant-led groups will demonstrate respect for other tenants, staff and community members while using non-residential space. Tenants and tenant-led groups must comply with the Tenant Charter, 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") as amended from time to time.
5. **Accountability** – Tenants and tenant-led groups are responsible for following the terms and conditions and delivering the programming outlined in their Use of Space Agreements.



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.

Commercial Space: Space within a Toronto Community Housing building that is designated by Toronto Community Housing for commercial, retail or industrial use, which permits commercial or mercantile activity and can be leased out in exchange for rental revenue. Commercial space is not available to tenants or tenant-led groups for use under this Policy.

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 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 into one of the following categories:

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



One-Time Use of Space: Use of non-residential space by a tenant or tenant-led groups for a defined, nonrecurring, time period for a:

- private event; or
- 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. Only tenants or tenant-led groups are permitted to use non-residential space for 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”), as amended from time to time.

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.

Tenant-Led Group: A formal or informal group of tenants who gather to advocate on behalf of tenants and/or organize activities to support and/or engage tenants within the community.

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

Tenants and tenant-led groups must satisfy all eligibility criteria in order to be considered for use of non-residential space.

Community Events and Non-Exclusive Use of Space

In order to be eligible for community events and non-exclusive use of space, tenants and tenant-led groups 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*.

Private Events

In order to be eligible for private events, tenants and tenant-led groups must 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:

Private Events

As determined by Toronto Community Housing, tenants and tenant-led groups holding a private event will be charged a fee for use of the non-residential space, as per the fee schedule included in the *Non-Residential Use of Space Procedures – Private Events*.



Community Events

Tenants and tenant-led groups holding a community event will not be charged a fee for use of the non-residential space.

Non-Exclusive Use of Space

Tenants and tenant-led groups entering into non-exclusive use of space agreements will not be subject to cost-recovery or rent charges to occupy the agreed upon non-residential space for the prescribed programs and/or services.

Vulnerable Sector Screening Requirements

When providing programs and services to vulnerable tenants, all tenants and tenant-led groups must 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 tenant or tenant-led group’s completion of VSS’s and to verify that all VSS’s have been completed.

Insurance Requirements

All tenants and tenant-led groups using community or recreational space must obtain valid and appropriate insurance as required by Toronto Community Housing and provide proof of coverage for the duration of the term of the use of space agreement. Tenants and tenant-led groups are required to have insurance coverage before entering into a use of space agreement.

Eligibility for Toronto Community Housing’s Insurance Coverage

Tenants and tenant-led groups entering into use of space agreements may be eligible for coverage under Toronto Community Housing’s insurance policy.

To be considered for eligibility, the tenant or tenant-led group must submit a completed application to use non-residential space to Toronto Community Housing’s Fire Life Safety & Risk Management Department for review and consideration at least 30 days prior to the event or first date of a recurring event or as otherwise advised by Toronto Community Housing.

Ineligibility for Toronto Community Housing’s Insurance Coverage

Private events are not eligible for coverage under Toronto Community Housing’s Insurance Coverage. If the tenant or tenant-led group is ineligible for coverage under Toronto Community Housing’s insurance policy, the tenant or tenant-led



group is required to obtain the appropriate insurance and provide proof of insurance coverage before entering into a use of space agreement.

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 offered by tenants and tenant-led groups meet the objectives of this Policy.

Tenants and tenant-led groups will have at least one check-in meeting during the term of the use of space agreement.

Tenants and tenant-led groups 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 and Fire Life Safety & Risk Management Department 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
- *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