



# Tenant Transfer Policy

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<b>Policy Owner:</b>	Asset Management
<b>Approval:</b>	Board of Directors
<b>First Approved:</b>	July 1, 2018
<b>Effective Date:</b>	July 1, 2018

## Policy Statement

There are situations where a household's needs cannot be met in the Toronto Community Housing unit where they live. This may be due to changes in their household composition, an accessibility or accommodation need protected by the Ontario *Human Rights Code*<sup>1</sup>.

The Tenant Transfer Policy is intended to identify the criteria for residential tenants to transfer from one Toronto Community Housing unit to another while continuing to comply with legislative responsibilities set out in the *Housing Services Act*,<sup>2</sup> *Residential Tenancies Act*,<sup>3</sup> the Ontario *Human Rights Code*, the *Accessibility for Ontarians with Disabilities Act*,<sup>4</sup> and applicable City of Toronto local rules, by-laws, and property standards.

Toronto Community Housing is committed to applying clearly communicated transfer eligibility criteria to affect transfers in a fair, consistent and timely manner.

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<sup>1</sup> RSO 1990, c H19 [as amended].

<sup>2</sup> 2011, SO 2001, c 6 Sched 1 [as amended].

<sup>3</sup> 2006, SO 2006, c 17 [as amended].

<sup>4</sup> 2005, SO 2005, c 11 [as amended].



## Scope

The Tenant Transfer Policy applies to tenants paying rent geared-to-income who are interested in moving from one Toronto Community Housing unit to another Toronto Community Housing unit.

This policy does not apply to market rent tenants or those in affordable housing units.

This policy does not apply to tenants interested in moving to a social housing unit outside of Toronto Community Housing's portfolio. Tenants who wish to move outside of the Toronto Community Housing portfolio must apply for a unit with the external provider through Housing Connections for rent-geared-to-income housing in the City of Toronto, or the waiting lists for other jurisdictions if they wish to move outside the City of Toronto.

## Values

The Tenant Transfer policy is guided by the following values:

**Transparency** – Toronto Community Housing will clearly communicate transfer eligibility criteria, application procedures, and transfer decisions in accordance with formal rules of procedure.

**Equity** – Toronto Community Housing will be consistent and fair in the support, communication and administration of tenant transfer applications, assessment and relocation procedures associated with this policy.

**Respect** – Toronto Community Housing will provide respectful, professional and courteous service to tenants through the application process including active listening, acknowledgement and clear communication.

**Accountability** – Toronto Community Housing will establish appropriate rules of procedure and tools for the operation of the Tenant Transfer Policy, and will monitor compliance with established service levels on an on-going basis.

**Accessibility** – Toronto Community Housing will continue to provide accessible service and meet its duty to accommodate under the Ontario *Human Rights Code*, and the standards set out in the *Accessibility for Ontarians with Disabilities Act*.



## Definitions

**Accessibility/Accommodation Transfer:** a transfer made on the basis of an Ontario *Human Rights Code* identified need where the authorized household member cannot reasonably be accommodated in their current unit, and can be reasonably accommodated in another available Toronto Community Housing unit.

**Crisis Priority Transfer:** a transfer made on the basis that the current unit is causing or contributing to a direct, immediate, elevated and acute risk to an authorized household member's safety or health that can only be alleviated by moving them to a different unit. Crisis is limited to situations where an authorized household member is a victim or witness suffering intimidation as defined by the procedures, or an authorized household member is the victim or witness of a traumatic incident as defined by the procedures.

**Household:** all the persons who live in the current unit and who the tenant is required to declare to be living in the current unit in accordance with the lease, the *Housing Services Act*, the *Residential Tenancies Act* and/or any other relevant laws. (An authorized household member is a person who is either a tenant or a declared and approved occupant of the unit in question).

**Overhoused:** a situation where a Household is living in a subsidized unit that has more bedrooms than allowed for the number of authorized household members living in the unit. The *Housing Services Act* and City of Toronto local rules require such households to transfer to a correctly sized unit.

**Procedures:** the procedures established under this policy.

**Special Priority Program:** a priority transfer reserved for a household with a member who has been a survivor of domestic abuse or human trafficking.

**Tenant:** the leaseholder who has duly executed a lease with Toronto Community Housing for the current unit and includes all changes of number as required by context (i.e. it should be read to include more than one tenant where more than one leaseholder has executed the lease for the unit with Toronto Community Housing).

**Underhoused:** a situation where a household is living in a subsidized unit that has fewer bedrooms than required for the number of authorized household members living in the unit.



## Standards

### ***Standards Applied to All Transfer Requests (excluding Special Priority Program)***

- If the household's application is complete, the household will be notified whether the application has been approved or declined for a transfer within the defined service levels. Reasons for decision will be provided.
- Offers for a transfer will be made to Households in order of the defined priorities, and then chronological order by approval date within each respective category. The priority order of transfer requests are as follows:
  - (1) Special Priority Program;
  - (2) Crisis Priority;
  - (3) Accessibility/Accommodation;
  - (4) Overhoused;
  - (5) Underhoused.

Note: Accessibility/Accommodation transfer requests are subject to the requirements of the Ontario *Human Rights Code* and are paramount to other priority categories by law. As such, they are handled on a case-by-case basis in compliance with the Ontario *Human Rights Code* and the terms established within Toronto Community Housing's Human Rights, Harassment and Fair Access Policy and Toronto Community Housing's Accessibility Policy.

- Households eligible for a transfer will be offered an appropriate unit based on the size of their household in accordance with the City of Toronto's RGI Occupancy Standards (unless no units of this size are available).
- Transfers will only be made with the following conditions:
  - (1) The household must either:
    - (a) not owe money to Toronto Community Housing for arrears of rent, overpaid subsidy, or damages to the unit; or
    - (b) if the household does own money to Toronto Community Housing for any reason listed above, it must have entered into a repayment agreement with Toronto Community Housing for the money owed, and not have defaulted on this agreement;



- (2) The tenancy cannot be the subject of an eviction order; and
- (3) If there are any active termination of tenancy proceedings against the household, the household must consent to those proceedings continuing against the tenancy at the new address.

### ***Standards Applied to Crisis Priority Transfer Requests***

- Households eligible for a Crisis transfer will be offered up to a limit of three unit options from the currently available housing stock with no applied preference criteria.
- Should a tenant who is eligible for a Crisis transfer decline the housing offered to them, their transfer application will be closed. The tenant will not be able to apply for a transfer for the same reason again unless there has been a material change in circumstances.
- If a tenant believes that there was a procedural error in the way their transfer application was handled (e.g. that there was bias, or that important documents or information were ignored in the decision making process), the tenant will have the opportunity to request a procedural review of the decision made within a defined period of time.

### ***Standards Applied to Accommodation/Accessibility Transfer Requests***

- Accommodation/Accessibility transfer requests will be managed in compliance with the Ontario *Human Rights Code*, and Toronto Community Housing's Human Rights Harassment and Fair Access Policy, Accessibility Policy, Accessibility in the Built Environment Policy and Building Standards for Accessibility, and Accessible Customer Service Policy.
- Identified Accommodation/Accessibility needs will be assessed *in situ* in advance of considering a transfer.

### ***Standards Applied to Overhoused Situations***

- Overhoused situations will be dealt with in accordance with the rules and decision making processes established by the *Housing Services Act* and



the City of Toronto as the Service Manager under the *Housing Services Act*.

## Policy Details

The Tenant Transfer Policy will cover all situations where a tenant requests a transfer to another Toronto Community Housing unit. Tenant-requested transfers will be limited to the categories defined within the Tenant Transfer Policy and in compliance with relevant legislation.

Toronto Community Housing-initiated transfers (e.g. for large scale redevelopment or demolition projects, major disasters, etc.) are addressed in Toronto Community Housing's Relocation Policy.

## Compliance and Monitoring

Toronto Community Housing's Internal Audit division will monitor adherence to this policy by periodic audit.

## Governing and Applicable Legislation

- [Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c 11 \[as amended\]](#)
- [Housing Services Act, 2011 SO 2011, c 6 Sched. 1 \[as amended\]](#)
- [Human Rights Code, RSO 1990, c H19 \[as amended\]](#)
- [Residential Tenancies Act, 2006, SO 2006, c 17 \[as amended\]](#)
- City of Toronto by-laws, property standards, and local rules

## Related Policies and Procedures

- [Accessible Customer Service Policy](#)
- [Accessibility Policy](#)
- [Accessibility in the Built Environment Policy and Building Standards for Accessibility](#)



- [Human Rights, Harassment and Fair Access Policy](#)
- [Relocation Policy](#)
- [Tenant Charter](#)
- [Tenant Complaint Process](#)
- [Tenant Transfer Policy - Rules of Procedure](#)

## Commencement and Review

Revision	Date	Description of changes	Approval
First approval:	July 2006	New	Board of Directors
Revision #1	July 2018	Updated for addition of Crisis priority transfer category, replacement of “Medical Priority” with Accessibility/ Accommodation, and elimination of “Safety at Risk” priority category and non-priority category	Board of Directors

**Next Scheduled Review Date: July 2020**