



Policy on Evictions for Cause

Policy Owner: Operations

Type: Policy

Date Approved: August 17, 2011

Approved By: Board

Last Reviewed: New Policy

Policy Summary

Toronto Community Housing is committed to strong, safe and healthy communities where tenants can live together, free from intimidation, harassment and reprisals.

Together with the Community Standards approved by the Toronto Community Housing Board, the policy provides a framework for the consistent application and enforcement of those standards to maintain safe and harmonious communities.

The policy outlines Toronto Community Housing's approach and guides decision-making when individual behaviours impact others in the community and could lead to eviction for cause under the *Residential Tenancies Act 2006* (the RTA).

Policy Statement

Toronto Community Housing will manage all tenancies in accordance with:

- The Residential Tenancies Act, 2006 ("RTA")
- Terms of the tenancy agreement (the lease)
- Toronto Community Housing policies, standards and protocols including:
 - Human Rights, Harassment and Fair Access Policy
 - The Community Standards

While Toronto Community Housing recognizes the gravity and impact of eviction, we are prepared to pursue it when actions are in violation of the RTA, the lease or applicable standards and the problem cannot be

resolved in the interest of the community.

Purpose

The goal of the policy is to maintain safe and harmonious communities.

As a landlord, Toronto Community Housing is responsible for the maintenance and repair of its buildings and protecting the rights of tenants as defined under the RTA.

The policy outlines principles and standards Toronto Community Housing will use to deal with actions and behaviours that could interfere with those rights or responsibilities or undermine community safety.

Scope

This policy applies to all tenancies (rent-geared-to-income and market) managed directly by Toronto Community Housing or through contract managers. It applies to all tenants as well as visitors or guests of tenants.

The policy is concerned with behaviours that could lead to eviction under the RTA and applies to the following stipulated causes for eviction:

- Substantial interference with reasonable enjoyment or with

other rights, interests or privileges;

- Damage to Property
- Illegal Act
- Impairment of Safety

This policy does not apply to the following:

- Eviction for fraud and misrepresentation of income
- Ceasing to qualify for social housing
- Ending the tenancy and/or relocation for demolition, conversion, repairs or sale of the property

Values

Toronto Community Housing, its staff and tenants are committed to maintaining and promoting harmonious, safe and liveable communities. Together they adopted the following Community Standards and hold each other accountable for upholding these standards:

1. *We treat each person with respect and courtesy, and value the diversity within our communities.*
2. *We promote peaceful, healthy and safe communities.*

3. *We respect all property within Toronto Community Housing communities, including rental units, personal property, common spaces and business offices.*
4. *We are responsible for our actions and the actions of our children, family members, guests and pets.*
5. *We respect and uphold Toronto Community Housing policies, the Lease Agreement and all applicable laws.*

In upholding these standards and making decisions about evictions for cause, we will:

- Recognize the right of each individual to be treated fairly, with respect and without discrimination. Toronto Community Housing will not accept harassment or discrimination towards any tenant, tenant group or employee.
- Recognize tenants as responsible and able participants in maintaining their own successful tenancy and healthy communities,
- Recognize that some tenants may face barriers in maintaining a successful tenancy as the result of mental health challenges or other disabilities. We will abide by our duty to accommodate under the Human Rights Code.
- Make decisions based on reliable facts; full and fair consideration of

complaints; objective assessment of the facts; and judgement of what will best solve the issue for the community

Standards

Toronto Community Housing will

- Use sufficient relevant and objective facts to support decisions in the eviction process
- Discuss the situation with the tenant prior to making an application to evict with the Landlord and Tenant Board. Sometimes it is not reasonably possible to meet with the tenant. In these cases, clear documentation of the circumstances is required.
- Issue only the appropriate notices of termination, which clearly describe for the tenant the conduct and legal grounds that justify the eviction
- Inform tenants of the services offered through legal aid or at the Landlord and Tenant Board including duty counsel and interpretation services if applicable.

Toronto Community Housing will not pursue evictions for complaints or incidents that occurred more than 3 years earlier unless there are extremely compelling reasons to do so such as:

- The incident is part of a pattern of behaviour that continues to impact the community;
- Similar or related incidents have occurred since the original incident;
- Toronto Community Housing wasn't aware of the incident and it has the potential to seriously impact the community; or
- Other reasons set out in the Guidelines

Policy Details

Toronto Community Housing handles incidents that could lead to eviction in a balanced manner, taking into consideration the specific fact situation; a tenant's individual circumstances; our responsibilities to all tenants and staff; and respecting human rights, procedural fairness and transparency.

A Balanced Approach

- Apply a balanced approach to maintaining harmonious healthy communities as well as individual tenancies – the key consideration is what will best solve the problem for the community
- Use a problem-solving approach, including alternative resolution

methods, giving the tenant an opportunity to correct the problem and negotiating agreements where appropriate

- Facilitate separate third party support services when a tenant faces barriers or difficulties maintaining their own successful tenancy and healthy communities

Fair Review and Resolution

- Respond to complaints and investigate them in a consistent, fair and timely manner to reduce escalation.
- When a tenant does not abide by the Community Standards or the terms of the lease, provide and communicate clear, enforceable and progressive consequences that reflect the severity and persistence of the behaviour.
- Respond in a timely manner to complaints and ensure to the best of our abilities that there are no reprisals to tenants and employees for making a complaint

Circumstances Warranting Eviction

While Toronto Community Housing recognizes the seriousness of eviction and the impact it can have on some tenants for whom it is the

only source of secure permanent housing, we will pursue it where:

- Despite all efforts to resolve the problem, the actions of a tenant, family member, pet or guest continue to negatively impact tenants, staff or the community and the circumstances constitute grounds for eviction under the RTA.
- Eviction may be pursued immediately in very serious situations, generally involving serious impairment of safety or serious criminal activity.

Compliance

Toronto Community Housing will:

- Develop and maintain guidelines to assist staff in interpreting and applying this policy.
- Ensure clear documentation practices are in place
- Monitor the effectiveness of community standards and this policy in responding to and reducing incidents and behaviours that impact the health of communities
- Provide quarterly reports to the Board on eviction rates

Governing and Applicable Legislation

- Residential Tenancies Act
- Social Housing Reform Act
- Municipal Freedom of Information and Protection of Privacy Act
- Ontario Human Rights Code

Related Policies and Procedures

- The Community Standards Complaint Process
- Human Rights Harassment and Fair Access Policy

Commencement and Review

This policy takes effect upon approval.

Next Review Q3 2012