



Directive

Addition To Household Composition

October 2011

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Introduction

Toronto Community Housing recognizes that tenants may request that additional person(s) be added to their household composition from time to time due to changes in circumstances.

Since the amalgamation and implementation of the Social Housing Reform Act, 2000 (SHRA) and Residential Tenancies Act, 2006 (RTA), there has not been a standard policy and/or procedure in place to process these requests. This has created inconsistencies in practices across Toronto Community Housing communities.

The Addition to Household Composition Directive will provide the framework to govern the standard practice and procedure in reviewing these requests, while supporting Toronto Community Housing's commitment to equitable quality services and adhering to legal requirements as set out in the applicable legislation.

Directive Statement

Toronto Community Housing is committed to a fair and equitable approval process for assessing tenants' requests to add members to their household composition.

Application of Directive

This directive applies to all Toronto Community Housing Rent-Geared-to-Income (RGI) and Market Rent households who wish to add new member(s) to their household composition.

Directive Guidelines

General Principle

Addition to Household Composition requests should generally be used to reunite families, however, doing so cannot create an underhoused situation that is in breach of the “Occupancy Standards” set out in Chapter 629-25 of the Toronto Municipal Code, Property Standards section should not be created.¹

Household refers to the people who live in a housing unit. Household can refer to one person who lives alone, or to a group of people who live together in a unit.

Rent-Geared-to-Income (RGI) Households

Households may allow guests to stay with them for up to 30 days, in a twelve month period, without asking for permission from Toronto Community Housing.

Households must report any guest who wishes to stay longer than 30 days, in a twelve month period, as per Toronto Community Housing’s Guest Policy.

Households requesting person(s) to be added as a Tenant (Leaseholder) or as an Occupant:

- To have guest(s) either become a tenant of an RGI unit or be added as an occupant of an RGI unit, the current tenant(s) must submit a completed Addition to Household Composition Request Form to Toronto Community Housing within 30 days of household composition change.
- The person(s) to be added and existing household members must be willing to provide the information, documentation and authorization necessary to determine whether they are eligible for RGI subsidy.

¹ CHAPTER 629-25, Occupancy Standards, Toronto Municipal Code Property Standards:

“The maximum number of persons living in a habitable room shall not exceed one person for each nine square metres (96.8 sq. ft.) of habitable room floor area.”

“The minimum floor area of a room used by two or more persons for sleeping shall be four square metres (43 sq. ft.) for each person so using the room.”

Limitations

Toronto Community Housing may decline to add an individual to an RGI Household if:

- The person(s) to be added does not meet basic eligibility criteria set out in social housing legislation.
- The addition(s) to the household would result in non-compliance with the Occupancy Standards set out in the Toronto Municipal Code, Property Standards.
- The existing household or the person(s) to be added has an outstanding balance with a social housing provider in Ontario, does not have a repayment agreement and/or is not up to date with repayments.
- The person(s) to be added was evicted from Toronto Community Housing for a non-arrears related issue in the last 2 years or has been given a trespass notice and is no longer allowed on the property.

Important Note

- As per the current social housing legislation and Toronto Community Housing’s Guest Policy, Addition to Household Composition requests must be submitted to Toronto Community Housing within 30 days of a change to the household composition as a result of a guest intending to reside in the RGI unit.
- The Household may become ineligible for RGI subsidy if new and/or existing members of the household do not meet the basic eligibility criteria set out in the social housing legislation.
- Households must not use Addition to Household Composition requests to assist any person to bypass the centralized waiting list or to assign² or sublet³ the tenancy to another person.

² When a Tenant(s) transfers their rights to occupy the rental unit and legal interests to someone else, and the Tenant(s) does not intend to return to the rental unit.

³ When a Tenant(s) moves out of the rental unit, lets another person live there for a period of time, but returns to live in the unit before the tenancy ends.

- Toronto Community Housing may proceed with an application to the Landlord and Tenant Board or Court for an eviction if the addition of new a member was for the purpose of assigning the tenancy to another person.
- All applicable penalties as prescribed under the social housing legislation apply to any person who inappropriately helps another person obtain RGI subsidy.

Decision on Request

Toronto Community Housing will inform the household in writing of whether the addition to household composition request is approved or denied.

Approved

If the request is approved:

- A new lease agreement must be signed by all household members who are 16 or older.
- The rent will be recalculated based on the new total household income.
- The new member(s) will be deemed to be adequately housed and will be removed from the centralized waiting list where applicable, with the exception of new member(s) added to a rooming house household.

Denied

If the request is denied:

The household may appeal to the Operating Unit Manager in writing.

If the person(s) to be added is not eligible for RGI subsidy, but the household continues to allow the person(s) to live in the unit, Toronto Community Housing will begin the Loss of Subsidy process and provide the household with 90 days written notice.

Market Rent Households

A Tenant is a leaseholder that has a contractual relationship with Toronto Community Housing. The Tenant(s) has sole responsibility for the rent, the unit, and is responsible for the actions of all non-tenants whom they permit to be on the Leased Premises.

An Occupant is a non-leaseholder adult who resides in a unit, but has not signed a lease with Toronto Community Housing. An Occupant does not have a contractual relationship with Toronto Community Housing, and has no legal rights, entitlements, or responsibilities to the Leased Premises.⁴

A Market Rent Tenant may allow an Occupant(s) to reside in his/her rental unit. The Market Rent tenant may not, however, assign⁵ or sublet⁶ all or any part of the Leased Premises.

A Market Rent Tenant is required by his or her lease to report any changes in household composition within the same month the change occurs.

A Market Rent Tenant may request to add another Tenant to his or her unit and sign a new lease. It is up to the current Market Tenant to apply and not the proposed new tenant.

Reporting Occupants

Even where a Market Rent Tenant does not wish to add an Occupant as an additional Leaseholder, it is important that the Tenant report all persons living with him or her in his or her unit. It is essential for safety and emergency purposes that TCHC know who is living in its units.

Where a Tenant has reported that an Occupant resides in his or her unit, the Occupant may be entitled to apply for parking at the same rate that the Tenant pays for parking, provided other set requirements are met.⁷

⁴ Depending on the particular building, where a Tenant (Leaseholder) dies in possession of the unit, or leaves the unit without notice to TCHC and without an agreement to terminate the tenancy, and leaves a non-tenant spouse in the unit, the non-tenant spouse may become a Tenant. See Section 3 of O. Reg. 516/06 under the *Residential Tenancies Act*.

⁵ See note 2 above.

⁶ See note 3 above.

⁷ See Tenant Parking Terms & Conditions.

Household requesting person(s) to be added as a Tenant (Leaseholder):

- To have a person(s) become an additional Leaseholder, the original Market Tenant must submit a completed Addition to Household Composition Request Form.
- The person(s) to be added must be willing to provide the information, documentation and authorization necessary to determine whether they are eligible to be added to a Market Rent household.

Limitations

Toronto Community Housing may decline to sign a new lease to add an individual as an additional Tenant to a Market Rent household if:

- The person(s) to be added has no legal status in Canada as prescribed by Citizenship and Immigration Canada (i.e. legal status in Canada includes, but is not limited to, having a student visa, work permit, citizenship, permanent residency, being a refugee...etc.)⁸
- The addition(s) to the household would result in non-compliance with the Occupancy Standards set out in the Toronto Municipal Code, Property Standards section.⁹
- The person(s) to be added has an outstanding balance from a current or former tenancy with Toronto Community Housing.
- The person(s) to be added was evicted from Toronto Community Housing for non-arrears issue in the last 2 years or has been given a trespass notice and is no longer allowed onto the property.

⁸ Nothing in this section should be interpreted as being in conflict with O. Reg. 290/98. http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_980290_e.htm

⁹ See note 1 above.

Important Note

Toronto Community Housing will NOT sign a new lease to add an individual as an additional Tenant if either:

- The existing household has an outstanding balance with TCHC; **or**
- There is an active legal proceeding against the existing household for any arrears or non-arrears issue.

Decision on Request

Toronto Community Housing will inform the household in writing of whether the addition to household composition request is approved or denied.

Approved

If the request is approved to add new member(s) as Market Tenants (Leaseholders):

- A new lease agreement must be signed by all Tenant(s) of the household (existing and new).

If the request is to add a new member as an Occupant and not a Leaseholder, then:

- A new lease agreement is not required, but the Market Tenant may choose to sign a new lease with the new Occupant(s) listed in the "Occupants" section of the lease.
- The Occupant(s) shall have no rights or responsibilities to the unit.¹⁰
- The existing Tenant(s) continues to be solely responsible for the rent, maintains all legal rights and responsibilities in relation to the unit, and is responsible for Occupant(s)' actions on the leased premises.
- The Occupant(s) do not have any right to remain in the unit after the Market Tenant(s) (Leaseholder) moves out.¹¹

Denied

If the request is denied:

- The household may appeal to the Operating Unit Manager in writing.

¹⁰ See note 4 above.

¹¹ See Note 4 above.

Applicable Legislation and Reference Documents

The following legislation and reference documents apply to this directive:

- *Housing Services Act, 2011 (HSA)*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- Occupancy Standards, Chapter 629-25 of the Toronto Municipal Code, Property Standards section - Bylaw
- *Ontario Human Rights Code*
- *Residential Tenancies Act, 2006 (RTA)*
- *Social Housing Reform Act, 2000 (SHRA)*
- Toronto Community Housing Guest Policy
- Toronto Community Housing Human Rights, Harassment and Fair Access Policy
- Toronto Community Housing Market Rent Tenancy Agreement
- Toronto Community Housing Rent-Geared-To-Income Tenancy Agreement
- Toronto Community Housing Tenant Parking Terms & Conditions

Accountability

- The Operating Unit Manager will monitor the application of this Directive on an on-going basis.
- Random sampling reviews will be conducted on an annual basis by Program Services.

Directive Review

This directive will be reviewed within 2 years following implementation.

Approvals

Approved by Toronto Community Housing Chief Operating Officer and Direct Reports, August 2011

Directive Contact

Program Services