



Visitor and Guest Policy

Policy Owner: Program Services

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Approved By: Board of Directors

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Policy Summary

Tenants may have Visitors¹ or Guests² in their homes.

Toronto Community Housing and other social housing providers know that from time to time Tenants may have guests who stay with them in their homes for a number of days at a time. These might include out-of-town guests, or persons who Tenants have personal relationships with and are not part of their households.

This policy explains the way Toronto Community Housing will manage Visitors and Guests of all Toronto Community Housing Tenants.

Policy Statement

The Visitor and Guest Policy defines Toronto Community Housing's practice for dealing with Visitors and Guests. It supports our commitment to equitable and quality service and meets legislative requirements.

¹ See definition of Visitor below.

² See definition of Guest below.

A Tenant may have a Guest stay in their home for a maximum of 30 days, in total, within a 12-month period. The 30 days may be consecutive or non consecutive days and applies to any one individual that stays in the Tenant's unit.

In Special Cases as defined below, Guests may stay in a unit longer than 30 days.

Tenants are responsible for the actions and behaviors of anyone that they invite onto the residential complex including their Visitors and Guests.

Purpose

The purpose of this policy is to make sure that all Tenants understand their responsibilities related to Visitors and Guests and for Toronto Community Housing to meet the following objectives:

- Explain when a person is considered a Visitor or a Guest;

- Explain when a market rent household is required to inform Toronto Community Housing of changes to their household composition as required by this policy and further supported by the Addition to Household Composition Directive;
- Explain when a rent-geared-to-income household is required to inform Toronto Community Housing of changes to their household composition as required by this policy and further supported by the Addition to Household Composition Directive;
- Establish the maximum length of time Tenants can have Guests;
- Establish exceptions to the maximum permitted time for Guests;
- Balance the Tenant's right to use their home and Toronto Community Housing's requirement to assess household eligibility for housing;
- Make sure that subsidies are based on the true household income, including anyone who moves into the unit;
- Help to make sure that subsidies are available to households that qualify;

- Ensure that residential units are not improperly transferred or sublet.

Scope

This policy applies to all Toronto Community Housing households.

Live-In Caregivers are not covered by the scope of this policy. If a member of a household requires a Live-In Caregiver, the Tenant must make a request in writing to have the Live-In Caregiver stay in their unit through their Operating Unit office.

Standards

Toronto Community Housing staff are responsible for:

- Investigating cases where Tenants appear to have Guests staying with them for more than 30 days

Tenants are responsible for:

- The actions and behaviours of their Occupants, Visitors and Guests;
- Telling their Guests and Visitors that they may be asked to prove that they have a home address outside of the unit they are visiting;
- Reporting a person that they wish to add to their household composition as outlined in the

Addition to Household Composition Directive; and

- **Complying with this policy.**

Definitions

Visitors

Visitors are persons who visit a Tenant and do not require temporary accommodation with the Tenant (Visitors do not sleep in the Tenant's Unit). Visitors are not part of the Tenant's household. Visitors maintain a home address outside the Tenant's unit.

Guests

Guests are persons who require temporary accommodation with a Tenant (Guests do sleep in the Tenant's unit but only for a maximum of 30 days within any 12-month period unless they are a "Special Case" as defined below). Guests are not part of the Tenant's household. Guests maintain a home address outside the Tenant's unit.

Occupants

For RGI tenancies, an Occupant is a person who is a declared member of an RGI household, who has been added to the household with Toronto Community Housing's consent, but who has not signed a lease with Toronto Community Housing.

For market rent tenancies, an Occupant is a person who has been

added to a market household, with Toronto Community Housing's consent, but has not signed the lease, or an undeclared person who is living in a market rent unit together with the tenant.

Occupants have no right to live in the Tenant's unit once the Tenant moves out.

Tenants

Tenants are persons who have signed a lease and have all Tenant rights and responsibilities related to the tenancy.³

Toronto Community Housing Staff

This includes, but is not limited to, the Operating Unit Manager, Tenant Services Coordinator, and Superintendents, as well as property management agents acting on behalf of Toronto Community Housing.

Live-In Caregivers

Live-In Caregivers are people who provide support services needed because of a household member's disability or medical condition. They are not considered Tenants, Visitors, or Guests.

³ In certain circumstances as defined by the *Residential Tenancies Act* the spouse of a Tenant may become a tenant when the Tenant dies or vacates the unit. This provision does not apply to some or all of Toronto Community Housing's rental units. Anyone faced with this situation must speak with their Operating Unit Manager.

Unauthorized occupants

Any person who is not a Tenant, Occupant, Visitor, or Guest or Live-In Caregiver as defined by this policy is considered an Unauthorized Occupant. An Unauthorized Occupant has no lawful authority to be at a Toronto Community Housing residential complex and has no rights to the rental unit in question.

Policy Details

Visitors

Visitors may come to the unit as often as the Tenant invites them. Frequent Visitors may be asked to prove that they have a home address outside of the unit they are visiting. Tenants are responsible for telling all Visitors about this rule.

Guests

Tenants may have a Guest stay in their unit for a maximum of 30 days in total, within a 12-month period and are encouraged to report to Toronto Community Housing all persons staying in the unit for safety and emergency purposes.

Guest who stays longer than 30 days – Special Cases

If Toronto Community Housing staff receives information that a person has been staying in a Tenant's unit longer than 30 days, Toronto Community Housing staff will

investigate and request documentation from the Tenant explaining the reason for the stay and information about how long the person is staying to ensure that the person qualifies as a Special Case - Guest.

Special Cases where a Guest may stay longer than 30 days might include, but are not limited to:

- An accommodation-related issue as defined in the Toronto Community Housing's Human Rights, Harassment and Fair Access Policy and the Ontario *Human Rights Code*, such as the need for someone to provide short-term supportive care to a person with a disability as prescribed by a qualified licensed health care professional; or
- The Guest lives outside the country and has travel documents to prove their planned return date and leaves on that date.
- Additional detail about Special Cases is provided in the Visitor and Guest Policy Guideline.

Limitations to stays longer than 30 days

In all cases other than Special Cases, Toronto Community Housing will decline to allow the person to stay with the Tenant.

Toronto Community Housing staff may determine a situation is not a Special Case and a Guest is not

allowed to stay longer than 30 days for the following reasons, including but not limited to:

- The Tenant does not provide appropriate documentation as outlined in the Visitor and Guest Policy Guideline to explain why the Guest needs to stay longer than 30 days;
- The Guest does not intend to leave at the end of the agreed-to term;
- Staff or Tenants have complained about the Guest's behaviour, and Toronto Community Housing is satisfied the complaints are well founded;
- The Guest(s)' stay would result in non-compliance with Occupancy Standards under the Toronto Municipal Code Property Standard.³

Any person located in a residential unit who is not a Tenant, Occupant, Visitor, Guest, or Live-In Care Giver, as defined by this policy is an Unauthorized Occupant and has no lawful right to be on the premises.

³ CHAPTER 629-25, Occupancy Standards, Toronto Municipal Code Property Standard:

"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 using the room."
http://www.toronto.ca/legdocs/municode/1184_629.pdf

Unreported stay

If a person remains longer than 30 days in breach of this policy, Toronto Community Housing may pursue any legal rights available to it including, but not limited to:

- Possible termination of subsidy if it is an RGI household due to failure to notify the landlord of changes in household composition as required by the *Housing Services Act, 2011*;
- Enforcement of any rights available to Toronto Community Housing under the *Trespass to Property Act* against the Unauthorized Occupant; and,
- any action against the tenancy available to Toronto Community Housing.

If an RGI household loses their subsidy they will have to pay the market rent for the unit and will no longer qualify for RGI subsidy. The Tenant has the right to request a review of decisions related to their continued eligibility for rental subsidy.

Rights to Unit

If the Tenant moves out of the unit, all other persons in the unit must also leave. Any Occupant, Guest, Visitor, Live-In Caregiver, Unauthorized Occupant, or anyone else found in the unit after the Tenant moves out will be:

- Ineligible for receipt of the household's RGI subsidy, and

- Identified as trespassing, and Toronto Community Housing will reclaim the unit.

Market Rent Households

A market rent Tenant:

- may allow a Guest to stay in their rental unit. The market rent Tenant may not, however, assign or sublet all or any part of the unit;⁴
- is required by their lease to report any changes in household composition within 30 days of the change;
- may request to add another Tenant to their unit and sign a new lease;⁵
- should report all persons living in the unit even if the Tenant does not wish to add the proposed person to their lease as a Tenant. It is essential for safety and emergency purposes that Toronto Community Housing knows who is living in its units. Occupants do not have any legal rights or entitlements to a Tenant's unit.

Compliance

⁴ Toronto Community Housing reserves the right to take any legal action available against a Tenant who has illegally sublet or assigned their tenancy, and reserves the right to take legal action in relation to unauthorized occupancy of a rental unit.

⁵ Toronto Community Housing reserves the right to refuse to enter into any tenancy in accordance with its normal leasing practices.

- The Operating Unit Manager, or designate, will monitor compliance with the policy on an ongoing basis by reviewing a random sampling of Tenant files.
- Frequency of incidents involving Unauthorized Occupants will be monitored via reports to the Do What's Right fraud hotline and complaints entered into the EasyTrac system.

Governing and Applicable Legislation

- *Ontario Human Rights Code*
- *Housing Services Act, 2011(HSA)*
- *Residential Tenancies Act, 2006 (RTA)*
- *Occupancy Standards, Toronto Municipal Code, Bylaw*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- *Trespass to Property Act (TPA)*

Related Policies and Procedures

- Human Rights, Harassment and Fair Access Policy
- Rent-geared-to-income Tenancy Agreement
- Addition to Household Composition Directive
- Fraud Hotline
- Policy on Evictions for Cause
- Community Standards

Commencement and Review

- This policy takes effect on October 24, 2013
- Next Review Date: October 2015