



Evictions for Cause Policy

Policy Owner:	Asset Management
Approval:	Board of Directors
Approval Date:	May 1, 2015
First Approved:	August 17, 2011
Effective Date:	May 1, 2015

Policy Summary

Toronto Community Housing is committed to promoting successful tenancies while making sure that tenants can live together in strong, safe, and healthy communities.

The Eviction for Cause Policy outlines Toronto Community Housing's approach and guides decision-making when individual behaviours impact others in Toronto Community Housing communities and are grounds for eviction for cause under the *Residential Tenancies Act, 2006* (the RTA).

In implementing this Policy, Toronto Community Housing is committed to making sure that individual rights under the *Ontario Human Rights Code* (the "Code") are upheld, and that all tenants can live together in strong, safe, and healthy communities.

Policy Statement

Toronto Community Housing will manage all tenancies in accordance with:

- The *RTA*;
- The *Ontario Human Rights Code*;
- Terms of the tenancy agreement (the "Lease"); and
- Toronto Community Housing policies, procedures, standards and protocols including but not limited to:
 - Human Rights, Harassment and Fair Access Policy;



- The established tenant complaint process.

While Toronto Community Housing recognizes the gravity and impact of eviction, it is prepared to pursue eviction when the legal grounds for eviction exist and the problem cannot be resolved in the interest of the community without pursuing eviction.

Purpose

The goal of the Policy is to promote successful tenancies while maintaining safe and harmonious communities.

As a landlord, Toronto Community Housing is responsible for the maintenance and repair of its buildings and ensuring that it does not interfere with the rights of tenants as defined by the RTA.

The policy outlines principles and standards Toronto Community Housing will use to deal with actions and behaviours that result in tenants not complying with their responsibilities, interfere with the rights of other tenants or the landlord, or undermine community safety.

Scope

This Policy applies to all residential tenants directly managed by Toronto Community Housing and tenants living in contract managed buildings, including rent-geared-to-income (RGI) and market tenants. It also applies to occupants, visitors, and guests insofar as tenants are responsible for the conduct of all occupants, guests, and visitors who they invite onto the residential complex¹.

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 acts; and,
- Impairment of safety.

¹ The tenant is also responsible for the conduct of any visitor or guest that an occupant of their unit has invited onto the residential complex



This Policy does not apply to the following:

- Fraud and misrepresentation of income;
- Arrears;
- Illegal sublet unauthorized occupancy;
- Ceasing to qualify for social housing; or,
- 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 promoting successful tenancies while maintaining harmonious, safe, healthy and liveable communities.

In 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, 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 vulnerabilities, including but not limited to mental health issues, or disabilities. We will abide by our duty to accommodate under the *Ontario Human Rights Code*;
- make decisions based on what we believe to be reliable information. full and fair consideration of complaints; objective assessment of the facts, and, judgment of what will best solve the issue for the community.

Standards

Toronto Community Housing will:

- 1) use sufficient, relevant and objective facts to support decisions in the eviction process;



- 2) 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 or appropriate to meet with the tenant. In these cases, clear documentation of the circumstances is required;
- 3) issue only the appropriate notices of termination, which clearly describe for the tenant the conduct and legal grounds that justify the notice;
- 4) Inform tenants of the services offered through legal aid clinics as well as the need for translation services upon Toronto Community Housing issuing a Notice to Terminate a Tenancy; and,
- 5) Ensure that, where an order to terminate a tenancy has been issued by the Landlord and Tenant Board, tenants are sent information on supports that may be available to them including information about shelters.

Toronto Community Housing will not pursue evictions for complaints or incidents that occurred more than three (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 was not aware of the incident and it has the potential to seriously impact the community; or,
- Other reasons set out in the procedures.

Definitions

Visitors: 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: 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 by the Visitor and Guest Policy). Guests are not part of the tenant's household. Guests maintain a home address outside the tenant's unit.

Occupants: For Rent-Geared-to-Income (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: Persons who have signed a lease and have all tenant rights and responsibilities related to the tenancy.²

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; Toronto Community Housing's responsibilities to all tenants and staff; and, Toronto Community Housing's responsibility to respect 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

² 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.



Toronto Community Housing will ensure that complaints are addressed and investigated in a consistent, fair and timely manner to reduce escalation.

When a tenant does not abide by the terms of the lease, and/or the RTA, Toronto Community Housing will provide and communicate clear, enforceable and progressive consequences that reflect the severity and persistence of the behaviour.

Circumstances Warranting Eviction

While Toronto Community Housing recognizes the seriousness of eviction and the impact it can have on some tenants for whom Toronto Community Housing is the only source of secure permanent housing, we will pursue eviction when:

- despite all efforts to resolve the problem, the actions of a tenant, household, pet, guest or occupant 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 and Monitoring

Toronto Community Housing will:

- develop and maintain procedures to assist staff in interpreting and applying this policy;
- ensure clear documentation practices are in place;
- monitor the effectiveness of this Policy in responding to and reducing incidents and behaviours that negatively impact the health of communities; and,
- provide quarterly reports to the Board on eviction rates.

Governing and Applicable Legislation

- *Residential Tenancies Act, 2006*
- *Housing Services Act, 2012*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Ontario Human Rights Code*



Related Policies and Procedures

- Evictions for Cause Procedures
- Guidelines for Documentation



- Human Rights Harassment and Fair Access Policy
- Tenant Complaint Process
- Visitor and Guest Policy

Commencement and Review

Revision	Date	Description of changes	Approval
First approval:	August, 2011	New	Board of Directors
Revision # 1	March 2015	<u>Minor revision:</u> <ul style="list-style-type: none"> • Removal of references to retired Community Standards process. • Added 'Definitions' section to provide clarity and easily accessible information to readers re: the legal definitions of the following terms: Tenant, Occupant, Guest and Visitor (definitions approved by the Board in 2013 as per the Visitor and Guest Policy) • Updated 'Related Policies & Procedures' list 	Divisional Executive – VP Asset Management

Next Scheduled Review Date: July 2017