

ADMINISTRATION MANUAL

SUBJECT:	Damage Arrears	POLICY/PROCEDURE #: C-36
SECTION:	C - General Administration	
IMPLEMENTATION DATE:	January 2013	APPROVED BY: General Manager
REVISION DATE(S): REASON FOR CHANGE:	Implementation of Housing Services Act, (effective January 1, 2012)	SIGNATURE: <i>Original Signed by Lora Beckwith, General Manager</i>
RELEVANT LEGISLATION:	Housing Services Act 2011, s. 42 O. Reg. 367/11, s. 26	

PURPOSE

To inform all Niagara Regional Housing (NRH) staff and housing providers of the mandatory requirements, local rules and requirements related to the Housing Services Act (HSA) and damage arrears.

BACKGROUND

The former Social Housing Reform Act (SHRA) specified that a household was eligible for Rent-Geared-to-Income (RGI) if no tenant/member of the household owed, with respect to a previous tenancy in any housing community under any housing program:

- Rent/housing charge arrears;
- Money owed as a result of a repayment agreement; or,
- Money owed in respect of damages caused by a tenant/member of a household

POLICY

Under the HSA, the household is held responsible for rent/housing charge arrears, however, damages to units must be attributed to the household tenant/member(s) responsible for those damages.

PROCESS

There are two potential scenarios:

1. Staff Aware of Damages Prior to Move Out:

When one or all tenant/members of a household vacate a unit and staff are aware/advised of damages to the unit, the tenant/member(s) held responsible for

the damages will be determined based on information from the last income verification, staff's knowledge of the household situation and information provided by the household tenant/members, law enforcement and/or on-site supervisor.

Staff must document the method for allocating the damages, including incident reports, police reports, or other supporting documentation in the tenant file.

2. Staff Not Aware of Damages Prior to Move Out:

When one or all tenant/members of a household vacate a unit and staff are not aware/advised of damages to the unit, the signatories to the lease/occupancy agreement will be held responsible for an equal share of the damages.

Once damage responsibility has been determined, a *Move-Out & Arrears Reporting Form* (Appendix A) must be completed.

Co-operative and Non-Profit housing providers

Co-operative and Non-Profit housing providers must:

- Forward the *Move-Out and Arrears* form to NRH Access for upload into the Provincial Arrears Database. Arrears/damages are entered into the database under each household name as determined by the housing provider.
- Maintain all supporting documentation in cases where the household challenges the amounts recorded in the arrears database
- Continue to pursue collection of all amounts owing through established processes

SUPPORTING FORMS

C-36A – Move-Out and Arrears Reporting