

**APPLICABLE TO:**

<input checked="" type="checkbox"/>	Provincial Reform Non-Profit
<input checked="" type="checkbox"/>	Provincial Reform Co-operative
<input checked="" type="checkbox"/>	OCHAP Rent Supplement
<input type="checkbox"/>	Federal

**DATE: October 4, 2013**

<input checked="" type="checkbox"/>	Mandatory
<input type="checkbox"/>	For Information

**SUBJECT: Housing Services Act and Regulations – Tenancy/Occupancy Agreements**

**Background**

The *Social Housing Reform Act* has been repealed and replaced with the *Housing Services Act (HSA)* effective January 1, 2012.

A local rule related to tenancy/occupancy agreements has been established that maintains status quo, and is attached to this Notice.

**Tenancy/Occupancy Agreements**

The tenancy/occupancy agreement requirements reflect the previous SHRA legislation for both non-profits and co-operatives and include the following:

- Providers must have a tenancy/occupancy agreement in place with the household before providing RGI;
- Term must not exceed one year;
- Must specify the amount of rent/housing charge that would be payable if the unit were market, the amount of RGI payable, and all other allowable charges prior to receiving RGI;
- Must provide that the amount of RGI payable is subject to change if the household's financial circumstances change;
- Must restrict occupancy of the unit to the members of the household;
- Prohibits the assignment of the tenancy/occupancy agreement and prohibits subletting;
- Must be executed by every individual whose income is taken into consideration or who is a member of the household and is at least 16 years of age, except where they are in full-time attendance at school;
- Provider cannot refuse to enter into a tenancy/occupancy agreement if the household is unable to pay the charges at signing, other than rent/housing charge, if the household agrees to a payment schedule.

**Housing Provider's Role**

1. Housing providers must ensure their tenancy/occupancy agreements comply with the local rule;
2. Provide a copy of the local rule to their board of directors and ensure they understand the requirements of the local rule;
3. Adopt a new or revised provider policy/by-law in compliance with the local rule, where applicable;
4. Ensure all staff responsible for the administration and management of the social housing program to which this Notice applies is familiar with the local rule as established, as well as the *Housing Services Act* and Regulations.

**Service Manager's Role**

NRH will confirm compliance during operational reviews.

If you have any questions or concerns regarding this notice, please contact your Housing Administrator at (905) 682-9201.

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Lora Beckwith, General Manager

Enclosure:

Appendix A – Tenancy/Occupancy Agreement



ADMINISTRATION MANUAL

<b>SUBJECT:</b>	Tenancy/Occupancy Agreements	<b>POLICY/PROCEDURE #:</b> F -2
<b>SECTION:</b>	F – Local Rules	
<b>IMPLEMENTATION DATE:</b>	September 2013	<b>APPROVED BY:</b> Lora Beckwith, General Manager
<b>REVISION DATE(S):</b>  <b>REASON FOR CHANGE:</b>	Implementation of Housing Services Act, (effective January 1, 2012)	<b>SIGNATURE:</b> <i>Original Signed by Lora Beckwith, General Manager</i>
<b>RELEVANT LEGISLATION:</b>	Housing Services Act 2011, O. Reg. 367/11, s. 96 & 100	

**PURPOSE**

To inform Niagara Regional Housing (NRH) staff and housing providers of the mandatory requirements, local rules and requirements related to the Housing Services Act (HSA) and associated regulations related to Tenancy and Occupancy Agreements.

**BACKGROUND**

The former Social Housing Reform Act (SHRA) contained mandatory requirements for Rent Geared to Income (RGI) tenancy/occupancy agreements. In 2011, the Housing Services Act replaced the SHRA and gave Service Managers the option to develop local standards for Tenancy/Occupancy Agreements with the following mandatory provincial requirements:

- Provider must have a tenancy/occupancy agreement in place with the household before providing RGI
- Household must be informed of the market rent/housing charge for the unit prior to receiving RGI
- Provider cannot refuse to enter into a tenancy/occupancy agreement if the household is unable to pay the charges at signing, other than rent/housing charge, if the household agrees to a payment schedule

**POLICY**

A local rule has been established that maintains status quo, so that the Tenancy/Occupancy Agreement requirements reflect the previous SHRA legislation for both non-profits and co-operatives, and include the HSA requirements as follows:

- Provider must have a Tenancy/Occupancy Agreement in place with the household before providing RGI (*per HSA*)
- Term must not exceed one year
- Must specify the amount of rent/housing charge that would be payable if the unit were market (*per HSA*), the amount of RGI payable, and all other allowable charges prior to receiving RGI
- Must provide that the amount of RGI payable is subject to change if the household's financial circumstances change
- Must restrict occupancy of the unit to the members of the household
- Prohibits the assignment of the Tenancy/Occupancy Agreement and prohibits subletting
- Must be executed by every individual whose income is taken into consideration or who is a member of the household and is at least 16 years of age, except where they are in full-time attendance at school
- Provider cannot refuse to enter into a Tenancy/Occupancy Agreement if the household is unable to pay the charges at signing, other than rent/housing charge, if the household agrees to a payment schedule.

**SUPPORTING FORMS**

n/a