



ADMINISTRATION MANUAL

SUBJECT:	Social Eviction Prevention	POLICY/PROCEDURE #: G-21
SECTION:	G - Housing Operations	
IMPLEMENTATION DATE:	November 2013	APPROVED BY: General Manager
REVISION DATE(S): REASON FOR CHANGE:		SIGNATURE: <i>Original Signed by Lora Beckwith, General Manager</i>
RELEVANT LEGISLATION:	Housing Services Act (HSA), 2011 Residential Tenancies Act (RTA), 2006 Fire Protection and Fire Prevention Act 1997	

PURPOSE

To formalize and systemize a fair, consistent and transparent approach that creates opportunities for tenants to retain tenancy and avoid eviction for social issues in Niagara Regional Housing (NRH) owned units, while recognizing the right of the whole community to peaceful co-existence.

Definitions

N5 form (Notice to Terminate a Tenancy Early) - is the legal notice to the tenant who is at risk of eviction due to wilful or negligent damage, interference with the reasonable enjoyment/lawful rights of the landlord or another tenant and/or the number of people living in the unit is more than permitted

L2 – is the application to the Landlord Tenant Board (LTB) to legally terminate a tenancy and evict a tenant

Eviction Order – is the order received from the Landlord and Tenant Board and includes the authority for sheriff to evict and the deadline date for compliance

POLICY

NRH tenants are often in vulnerable economic, physical/mental or social conditions and should be given every reasonable opportunity to avoid eviction from an NRH-owned unit. While not a direct provider of support services, NRH will link with agencies and work with tenants to avoid eviction for social reasons according to the established process.

Social eviction may be pursued if:

- The tenant, guest or another occupant of the unit has willfully or negligently damaged the unit
- The tenant, guest or another occupant of the unit has substantially interfered with:

- The reasonable enjoyment of the residential complex by the landlord or another tenant
- Another lawful right, privilege or interest of the landlord or another tenant
- The number of people living in the unit is more than permitted
- The safety of tenants is compromised

NRH's Social Eviction Prevention Policy is designed to:

- Protect NRH tenants and assets by maintaining units in a good state of repair
- Comply with health and safety and fire code standards
- Ensure there is communication with tenants so that they know the expectations and responsibilities of living in NRH communities
- Ensure that communication with tenants is quick and clear when they are having difficulties meeting their tenancy obligations
- Help the tenant retain the tenancy (short-term and long-term) through linkages with appropriate programs, services and supports in a service-coordinated approach
- Ensure that the behaviour of tenants does not negatively affect the rest of the community
- Ensure a fair and thorough investigation of tenant issues

PROCEDURE

Social issues may be prevented if tenants have clear information about the expectations of tenancy and are assisted in areas of concerns early in their tenancy.

Once identified as a problem, social issues will be addressed according to the following general procedure:

1. Identification of issue (ex. hoarding, disruptive behaviour etc.)
2. Thorough and timely investigation of issue
3. Communication with tenant to explain the consequences of continuation of this behaviour (ie. eviction)
4. Involvement of tenant in remedial plan to correct behaviour
5. Resolution of behaviour with follow-up OR eviction if no resolution achieved

Tenants are responsible to meet their obligations as per their signed Tenancy Agreement, the Housing Services Act (HSA), the Residential Tenancies Act (RTA) and NRH's policies. NRH will facilitate this compliance by ensuring that tenants receive clear and complete information about the expectations of tenancy, working with tenants to address vulnerabilities/concerns whenever possible before problems arise and by working with tenants to resolve social issues when they occur. As a result, the prevention of social eviction begins at lease-signing and requires the support of staff as follows:

Tenant Placement Coordinator (TPC) will:

- Explain expectations of tenancy when the tenancy agreement is signed
- Provide information about policies and procedures through the NRH Tenant Handbook/Calendar and Tenant Orientation Video
- Identify tenant vulnerabilities in Yardi (software program)
- Provide the opportunity for new tenants to request assistance and/or notify NRH of vulnerabilities through Tenant Referral Form at intake
- Inform tenants that translation/accessibility services will be made available if needed

Property Administrator (PA) will:

- Inspect units on a regular basis to identify:
 - Clutter or cleanliness issues
 - Fire code violations (ex. smoke alarms, door closers etc.)
 - Pests
 - Human or animal waste
 - Window closures
 - Damage to units beyond normal wear and tear
- Identify tenant vulnerabilities for Community Program Coordinator (CPC) and document in Yardi
- Routinely attend communities to connect with tenants
- Promptly and thoroughly investigate issues that may affect tenancy
- Advise tenants of new policies through notices and correspondence
- Advise tenants of issues that may affect their tenancies and the means to avoid eviction as soon as possible
- Inform tenants that translation/accessibility services will be made available if needed
- Contribute to *Housing Herald* and other communication materials to address community issues
- Issue N5 to tenants who refuse to resolve identified issues or allow access to unit

Community Programs Coordinator (CPC) will:

- Follow up on tenant needs identified on Tenant Intake referral form with referrals to appropriate support services
- Regularly dialogue with tenants and Tenant Advisory Group (TAG)
- Identify vulnerabilities that may affect tenancies whenever possible and begin to work with tenant through referrals
- Document issues and actions in Yardi

- Explain consequences of failure to comply with Tenancy Agreement and explain the eviction process
- Contribute to *Housing Herald* and other communication materials to address community issues
- Resolve issues directly with tenants through discussion, Tenant Associations or mediation
- Inform tenants that translation/accessibility services will be made available if needed
- Inform tenants about the various general resources available to them from the Niagara Region and from the community at large and offer assistance where necessary to access to these resources
- Encourage tenants to involve family or other supports if appropriate
- Notify appropriate agencies when necessary for supports
- Provide NRH policies upon request

Tenant Support Representative (TSR) will:

- Identify and document tenant vulnerabilities in Yardi
- Inform tenants that translation/accessibility services will be made available if needed

Addressing Social Issues

The P.A. will directly contact tenants who have behaved in a manner contravening the Tenancy Agreement as quickly as possible after the incident(s) to begin assisting them to avoid eviction. CPCS and PAs will remain in contact and collaborate on all actions (*C-11 – Community Programs Case Management*). Whenever possible, contact with tenants should be face-to-face.

There must be a fair and thorough investigation of complaints that could lead to eviction. Situations that are deemed to be of high risk to the health and safety of the community are addressed in Policy G-28 (Eviction for Illegal Act/Misrepresentation of Income).

All attempts at contact and information related to the investigation will be documented in Yardi.

The objective of contacting tenants is to ensure that:

- They are given an opportunity to present their perspective to Staff
- They are advised as quickly as possible about the issue so that they have an opportunity to change the offending behaviour
- Those who experience specific circumstances that contribute to the offending behaviour are identified and have access to services and programs that could help to eliminate or mitigate them

If necessary to facilitate communication, in accordance with privacy legislation (*C-16 – Information Access and Privacy Protection Policy*), the CPC will contact advocate/family member/service agency to assist the tenant.

Resources and Services Coordination

Eviction prevention interventions could involve referral to a variety of support services, including but not limited to:

- Family and Children’s Services (FACS)
- Canadian Mental Health Association (CMHA)
- Addiction Services
- Fire Services
- Seniors Community Programs
- etc.

A tenant’s failure to discontinue the offending behaviour and/or work toward resolution, will lead to the initiation of the eviction process.

Initiation of Social Eviction

Depending on the circumstances and in accordance with the professional judgement of the Property Administrator, tenants may be evicted for social reasons through the issuance of an N5 or an N7 as follows:

Notice of Termination (N5)

When the risk of eviction has been established, staff will continue to work together according to the following process to permit the tenant the opportunity to avoid eviction:

1. The PA will make reasonable efforts to contact the tenant within five days of becoming aware of a situation to ensure that the tenant knows that there is an issue of non-compliance with the Tenancy Agreement
2. The PA reviews the Tenancy Agreement with the tenant to ensure they are fully aware of their responsibilities
3. Terms for compliance are established through collaboration of CPC and PA in accordance with *Policy C-11*
4. The tenant is made aware of community support agencies to assist with improved lifeskills

If the above steps are unsuccessful, the N5 will be served.

Whenever possible, CPCs should be notified of social issues before issuance of a N5.

The N5 process is divided into two parts:

1. First Notice of Termination - If the above resolutions have been attempted unsuccessfully, the tenant will receive a N-5 with the box checked "first notice of termination", specifying the reason for the N5 and allowing seven days for the problem to be corrected. If the problem is not corrected, application may be made to the Landlord and Tenant Board to have the tenant evicted.

2. Second Notice of Termination – If the first notice of termination was voided through successful resolution within the seven days, and another incident occurs within six months, the tenant will receive the N5 with the second box checked "Second Notice of Termination".

Before making application to legally terminate the tenancy (L2), the PA and CPC must discuss the eviction with their respective manager, and if approved, application is made for an eviction order.

Remedies After Notice of Eviction

Eviction can be avoided through:

- Settlement before the hearing
- A mediated agreement
- Demonstration of significant progress

Remedies After Eviction Order

At any point in the eviction process, up to and including "last minute requests", tenant efforts to stop an eviction order can be accepted if the tenant has demonstrated a willingness to resolve the issue and has ongoing support.

SUPPORTING FORMS:

G-21-A - N-5 Notice to Terminate Tenancy Early

G-21-B – N-5 Cover Letter

G-21- C – L -2

RELATED POLICIES:

C-11 – Community Programs Case Management Policy

G-28 - Eviction for Illegal Act/Misrepresentation of Income

C-16 – Information Access and Privacy Protection Policy