

## **Toronto Seniors Housing Corporation (TSHC) Addition to Family Composition Directive**

**Directive Sponsor:** Director, Operations

**Approver:** Leadership Team

**Initial Approval Date:** May 17, 2022

**Effective Date:** June 1, 2022

### **Introduction**

Toronto Seniors Housing Corporation (TSHC) recognizes that tenants may request that additional person(s) be added to their household composition from time to time due to changes in circumstances.

The Addition to Household Composition Directive will provide the framework to govern the standard practice and procedure in reviewing these requests, while supporting Toronto Seniors Housing Corporation's commitment to equitable quality services and adhering to legal requirements as set out in the applicable legislation.

### **Directive Statement**

TSHC is committed to a fair and equitable approval process for assessing tenants' requests to add members to their household composition.

### **Application of Directive**

This directive applies to all Toronto Seniors Housing Corporation Rent-Geared-to-Income (RGI) and Market Rent households who wish to add new member(s) to their household composition.

### **Directive Guidelines General Principle**

Addition to Household Composition requests should generally be used to reunite families, however, doing so cannot create an underhoused situation that is in

breach of the Occupancy Standards set out in the *Toronto Municipal Code*, Property Standards section.

Household refers to the people who live in a housing unit. Household can refer to one person who lives alone, or to a group of people who live together in a unit.

## **Rent-Geared-to-Income Households**

Households may allow guests to stay with them for up to 30 days, in a twelve-month period, without asking for permission from Toronto Seniors Housing Corporation.

Households must report any guest who wishes to stay longer than 30 days, in a twelve-month period, as per Toronto Seniors Housing Corporation's Visitor and Guest Policy.

## **Households requesting person(s) to be added as a Tenant (Leaseholder) or as an Occupant:**

- To have guest(s) either become a tenant of an RGI unit or be added as an occupant of an RGI unit, the current tenant(s) must submit a completed Addition to Household Composition Request Form to Toronto Seniors Housing Corporation within 30 days of household composition change.
- The person(s) to be added and existing household members must be willing to provide the information, documentation and authorization necessary to determine whether they are eligible for RGI subsidy.

## **Limitations**

Toronto Seniors Housing Corporation may decline to add an individual to an RGI Household if:

- The person(s) to be added does not meet basic eligibility criteria set out in social housing legislation.

- The addition(s) to the household would result in noncompliance with the Occupancy Standards set out in the *Toronto Municipal Code, Property Standards*.
- The existing household or the person(s) to be added has an outstanding balance with a social housing provider in Ontario, does not have a repayment agreement and/or is not up to date with repayments.
- The person(s) to be added was evicted from Toronto Seniors Housing Corporation for a non-arrears related issue in the last two (2) years or has been given a trespass notice and is no longer allowed on the property.

## Important Note

- As per the current social housing legislation and Toronto Seniors Housing Corporation's Visitor and Guest Policy, Addition to Household Composition requests must be submitted to Toronto Seniors Housing Corporation within 30 days of a change to the household composition as a result of a guest intending to reside in the RGI unit.
- The Household may become ineligible for RGI subsidy if new and/or existing members of the household do not meet the basic eligibility criteria set out in the social housing legislation.
- Households must not use Addition to Household Composition requests to assist any person to bypass the centralized waiting list or to assign<sup>1</sup> or sublet<sup>2</sup> the tenancy to another person.
- Toronto Seniors Housing Corporation may proceed with an application to the Landlord and Tenant Board or Court for an eviction if the addition of new a member was for the purpose of assigning the tenancy to another person.

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<sup>1</sup> When a Tenant(s) transfers their rights to occupy the rental unit and legal interests to someone else, and the Tenant(s) does not intend to return to the rental unit.

<sup>2</sup> When a Tenant(s) moves out of the rental unit, lets another person live there for a period of time, but returns to live in the unit before the tenancy ends.

- All applicable penalties as prescribed under the social housing legislation apply to any person who inappropriately helps another person obtain RGI subsidy.

## **Decision on Request**

Toronto Seniors Housing Corporation will inform the household in writing of whether the addition to household composition request is approved or denied.

## **Approved**

### **If the request is approved:**

- A new lease agreement must be signed by all household members who are 59 or older.
- The rent will be recalculated based on the new total household income.
- The new member(s) will be deemed to be adequately housed and will be removed from the centralized waiting list where applicable, with the exception of new member(s) added to a rooming house household.

## **Denied**

### **If the request is denied:**

The household may appeal to the Regional Manager in writing.

If the person(s) to be added is not eligible for RGI subsidy, but the household continues to allow the person(s) to live in the unit, Toronto Seniors Housing Corporation will begin the Loss of Eligibility process and provide the household with 90 days written notice.

## **Market Rent Households**

A Tenant is a leaseholder that has a contractual relationship with Toronto Seniors Housing Corporation. The Tenant(s) has sole responsibility for the rent, the unit, and is responsible for the actions of all non-tenants whom they permit to be on

the Leased Premises.

An Occupant is a non-leaseholder adult who resides in a unit, but has not signed a lease with Toronto Seniors Housing Corporation. An Occupant does not have a contractual relationship with Toronto Seniors Housing Corporation, and has no legal rights, entitlements, or responsibilities to the Leased Premises.

A Market Rent Tenant may allow an Occupant(s) to reside in their rental unit. The Market Rent tenant may not, however, assign or sublet all or any part of the Leased Premises.

A Market Rent Tenant is required by their lease to report any changes in household composition within the same month the change occurs.

A Market Rent Tenant may request to add another Tenant to their unit and sign a new lease. It is up to the current Market Tenant to apply and not the proposed new tenant.

## **Reporting Occupants**

Even where a Market Rent Tenant does not wish to add an Occupant as an additional Leaseholder, it is important that the Tenant reports all persons living with them in their unit. It is essential for safety and emergency purposes that TSHC knows who is living in its units.

Where a Tenant has reported that an Occupant resides in their unit, the Occupant may be entitled to apply for parking at the same rate that the Tenant pays for parking, provided other set of key requirements are met.

## **Household requesting person(s) to be added as a Tenant (Leaseholder)**

- To have a person(s) become an additional Leaseholder, the original Market Tenant must submit a completed Addition to Household Composition Request Form.

- The person(s) to be added must be willing to provide the information, documentation and authorization necessary to determine whether they are eligible to be added to a Market Rent household.

## Limitations

Toronto Seniors Housing Corporation may decline to sign a new lease to add an individual as an additional Tenant to a Market Rent household if:

- The person(s) to be added has no legal status in Canada as prescribed by Citizenship and Immigration Canada (i.e. legal status in Canada includes, but is not limited to, having a student visa, work permit, citizenship, permanent residency, being a refugee, etc.).
- The addition(s) to the household would result in noncompliance with the Occupancy Standards set out in the *Toronto Municipal Code*, Property Standards section.
- The person(s) to be added has an outstanding balance from a current or former tenancy with Toronto Seniors Housing Corporation or Toronto Community Housing Corporation.
- The person(s) to be added was evicted from Toronto Seniors Housing Corporation or Toronto Community Housing Corporation through an order of the Landlord and Tenant Board based on an illegal act (commonly referred to as an “N6”) in the last five (5) years.

## Important Note

Toronto Seniors Housing Corporation will **not** sign a new lease to add an individual as an additional Tenant if either:

- The existing household has an outstanding balance with TSHC; or
- There is an active legal proceeding against the existing household for any arrears or non-arrears issue.

## **Decision on Request**

Toronto Seniors Housing Corporation will inform the household in writing of whether the addition to household composition request is approved or denied.

## **Approved**

### **If the request is approved to add new member(s) as Market Tenants (Leaseholders):**

- A new lease agreement must be signed by all Tenant(s) of the household (existing and new).

### **If the request is to add a new member as an Occupant and not a Leaseholder, then:**

- A new lease agreement is not required, but the Market Tenant may choose to sign a new lease with the new Occupant(s) listed in the “Occupants” section of the lease.
- The Occupant(s) shall have no rights or responsibilities to the unit.
- The existing Tenant(s) continues to be solely responsible for the rent, maintains all legal rights and responsibilities in relation to the unit, and is responsible for Occupant(s)’ actions on the leased premises.
- The Occupant(s) do not have any right to remain in the unit after the Market Tenant(s) (Leaseholder) moves out.

## **Denied**

### **If the request is denied:**

- The household may appeal to the Regional Manager in writing.

## **Accountability**

- The Tenant Engagement and Services Supervisor will monitor application of this directive on an on-going basis.
- Random sampling reviews will be conducted on an annual basis by the Business Operations and Compliance Team.

## **Related Legislation, Regulations, and TSHC Policies:**

- *Housing Services Act, 2011*
- *Municipal Freedom of Information and Protection of Privacy Act*
- Occupancy Standards of the *Toronto Municipal Code*, Property Standards section - Bylaw
- *Ontario Human Rights Code*
- *Residential Tenancies Act, 2006*
- TSHC Visitor and Guest Policy
- TSHC Human Rights, Harassment and Fair Access Policy - Tenants
- TSHC Market Rent Tenancy Agreement
- TSHC Rent-Geared-To-Income Tenancy Agreement

## **Amendments (Revision History):**

Directive reviewed on May 17, 2022 by Board of Directions, effective June 1, 2022.

## **Next Scheduled Review Date: 2027**

This policy will be reviewed once every five years.

## **Directive Contact**

Manager, Business Operations and Compliance