

Toronto Seniors Housing Corporation (TSHC) Evictions for Cause Policy

Policy Sponsor: Director, Operations

Approver: Board of Directors

Initial Approval Date: April 28, 2022

Effective Date: June 1, 2022

Policy Statement

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

In implementing this policy, Toronto Seniors Housing Corporation 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.

Toronto Seniors Housing Corporation will manage all tenancies in accordance with:

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

While Toronto Seniors Housing Corporation 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.

Policy Objective

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

As a landlord, Toronto Seniors Housing Corporation is responsible for ensuring the maintenance and repair of buildings it manages is completed, and does not

interfere with the rights of tenants as defined by the RTA.

The policy outlines principles and standards Toronto Seniors Housing Corporation 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 Seniors Housing Corporation, including rent-geared-to-income (RGI), affordable housing 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;
- impairment of safety;
- fraud and misrepresentation of income;
- illegal sublet unauthorized occupancy;
- ending the tenancy and/or relocation for demolition, conversion, repairs or sale of the property;
- illegal acts.

Out of Scope

This policy does not apply to the following:

- arrears; or
- ceasing to qualify for social housing.

Definitions

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 under the special circumstances as defined by the Visitor and Guest Policy and approved by TSHC). 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

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.

who is a declared member of an RGI household, who has been added to the household with Toronto Seniors Housing Corporation's consent, but who has not signed a lease with Toronto Seniors Housing Corporation.

For market rent tenancies, an occupant is a person who has been added to a market household, with Toronto Seniors Housing Corporation'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.

Visitors: Persons who visit a tenant and do not require temporary accommodation with the tenant. Visitors are not part of the tenant's household. Visitors maintain a home address outside the tenant's unit.

Values

Toronto Seniors Housing Corporation, its staff and tenants are committed to promoting successful tenancies while maintaining harmonious, safe, healthy and livable 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 Seniors Housing Corporation 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 Seniors Housing Corporation 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 Seniors Housing Corporation 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 Seniors Housing Corporation 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 Seniors Housing Corporation was not aware of the incident and it has the potential to seriously impact the community; or,
- other reasons set out in the procedures.

Policy Details

Toronto Seniors Housing Corporation handles incidents that could lead to eviction in a balanced manner, taking into consideration the specific fact situation; a tenant's individual circumstances; Toronto Seniors Housing Corporation's responsibilities to all tenants and staff; and, Toronto Seniors Housing Corporation'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

Toronto Seniors Housing Corporation 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 Seniors Housing Corporation will provide and communicate clear, enforceable and progressive consequences that reflect the severity and persistence of the behaviour.

Circumstances Warranting Eviction

While Toronto Seniors Housing Corporation recognizes the seriousness of eviction and the impact it can have on some tenants for whom Toronto Seniors Housing Corporation 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 Seniors Housing Corporation 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.

Related Legislation, Regulations, and TSHC Policies:

- *Residential Tenancies Act, 2006*
- *Housing Services Act, 2012*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Ontario Human Rights Code*
- TSHC Guide to Contacting Tenants, Documentation and Record Keeping
- TSHC Human Rights, Harassment and Fair Access Policy - Tenants
- TSHC Tenant Complaint Process
- TSHC Visitor and Guest Policy

Amendments (Revision History):

Initial policy approved by Board of Directors on April 28, 2022, effective June 1,

2022.

Next Scheduled Review Date: 2025

This policy will be reviewed once every three years.

Policy Contact

Manager, Business Operations and Compliance

Appendices

- TSHC Evictions for Cause Procedures (under review)