

## **Toronto Seniors Housing Corporation (TSHC) Visitor and Guest Policy**

**Policy Sponsor:** Director, Operations

**Approver:** Board of Directors

**Initial Approval Date:** April 28, 2022

**Effective Date:** June 1, 2022

### **Policy Statement**

This policy explains the way Toronto Seniors Housing Corporation will manage visitors and guests of all Toronto Seniors Housing Corporation tenants. Tenants may have visitors or guests in their homes. Toronto Seniors Housing Corporation and other social housing providers know that from time to time tenants may have guests who stay with them in their homes for a number of days at a time. These might include out-of-town guests, or persons who tenants have personal relationships with and are not part of their households.

A tenant may have a guest in their home for a maximum of 30 days, in total, within a 12-month period. The 30 days may be consecutive or non-consecutive days and applies to any one individual that stays in the tenant's unit. In special cases, as defined below, guests may stay in a unit longer than 30 days.

Tenants are responsible for the actions and behaviours of anyone that they invite onto the residential complex including their visitors and guests.

This policy defines Toronto Seniors Housing Corporation's practice for dealing with visitors and guests. It supports Toronto Seniors Housing Corporation's commitment to equitable and quality service and meets legislative requirements.

### **Policy Objectives**

The purpose of this policy is to make sure that all tenants understand their responsibilities related to visitors and guests, and for Toronto Seniors Housing Corporation to meet the following objectives:

- explain when a person is considered a visitor or a guest;
- explain when a market rent household is required to inform Toronto Seniors Housing Corporation of changes to their household composition as required by this policy;
- explain when a rent-geared-to-income household is required to inform Toronto Seniors Housing Corporation of changes to their household composition as required by this policy;
- establish the maximum length of time tenants can have guests;
- establish exceptions to the maximum permitted time for guests;
- balance the tenant's right to use their home and Toronto Seniors Housing

Corporation's requirement to assess household eligibility for housing;

- make sure that subsidies are based on the true household income, including anyone who moves into the unit;
- help to make sure that subsidies are available to households that qualify; and
- ensure that residential units are not improperly transferred or sublet.

## Scope

This policy applies residents in Toronto Seniors Housing Corporation households.

## Out of Scope

Live-in caregivers are not covered by the scope of this policy. If a member of a household requires a live-in caregiver, the tenant must make the request in writing to have the live-in caregiver stay in their unit through their Regional office.

## 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 they are a special case as defined below). Guests are not part of the tenant's household. Guests maintain a home address outside the tenant's unit.

**Live-in caregivers:** Persons who provide support services needed because of a household member's disability or medical condition. They are not considered tenants, visitors or guests.

**Occupants:** For rent-gear-to-income tenancies, an occupant is a person who is a declared member of a rent-gear-to-income 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<sup>1</sup>.

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<sup>1</sup> In certain circumstances, as defined by the *Residential Tenancies Act*, the spouse of a tenant may become a tenant when the tenant dies or vacates the unit. This provision does not apply to some or all of Toronto Seniors Housing Corporation's

**Toronto Seniors Housing Corporation staff:** This includes, but is not limited to, all Toronto Seniors Housing Staff.

**Unauthorized occupants:** Any person who is not a tenant, occupant, visitor, guest, or live-in caregiver as defined by this policy. An unauthorized occupant has no lawful authority to be at a Toronto Seniors Housing Corporation residential complex and has no rights to the rental unit in question.

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

## Roles and Responsibilities

Toronto Seniors Housing Corporation staff are responsible for:

- investigating cases where tenants appear to have guests staying with them for more than 30 days.

Tenants are responsible for:

- the actions and behaviours of their occupants, visitors and guests;
- telling their guests and visitors that they may be asked to prove that they have a home address outside of the unit they are visiting;
- reporting a person that they wish to add to their household composition as outlined in the Addition to Household Composition Directive; and
- complying with this policy.

## Policy Content

### Visitors

Visitors may come to the unit as often as the tenant invites them. Frequent visitors may be asked to prove that they have a home address outside of the unit they are visiting. Tenants are responsible for telling all visitors about this rule.

### Guests

Tenants may have a guest stay in their unit for a maximum of 30 days in total, within a 12-month period and are encouraged to report to Toronto Seniors Housing Corporation all persons staying in the unit for safety and emergency purposes.

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rental units. Anyone faced with this situation must speak with their Regional Manager.

## **Guest who stays longer than 30 days – special cases**

If Toronto Seniors Housing Corporation staff receive information that a person has been staying in a tenant's unit longer than 30 days, Toronto Seniors Housing Corporation staff will investigate and request documentation from the tenant explaining the reason for the stay and information about how long the person is staying to ensure that the person qualifies as a special case guest.

Special cases where a guest may stay longer than 30 days might include, but are not limited to:

- an accommodation-related issue as defined in Toronto Seniors Housing Corporation's Human Rights, Harassment and Fair Access Policy – Tenants and the Ontario *Human Rights Code*, such as the need for someone to provide short-term supportive care to a person with a disability as prescribed by a qualified licensed healthcare professional; or
- the guest lives outside the country and has travel documents to prove their planned return date and leaves on that date.

Additional detail about special cases is provided in the Visitor and Guest Policy Guideline.

## **Limitations to stays longer than 30 days**

In all cases other than the special cases outline above, Toronto Seniors Housing Corporation will decline to allow the person to stay with the tenant.

Toronto Seniors Housing Corporation staff may determine a situation is not a special case and a guest is not allowed to stay longer than 30 days for the following reasons including, but not limited to:

- the tenant does not provide appropriate documentation as outlined in the Visitor and Guest Policy Guideline to explain why the guest needs to stay longer than 30 days;
- the guest does not intend to leave at the end of the agreed-to term;
- staff or tenants have complained about the guest's behaviour, and Toronto Seniors Housing Corporation is satisfied the complaints are well founded; and
- the guest(s)' stay would result in non-compliance with Occupancy Standards under the Toronto Municipal Code Property Standard<sup>2</sup>.

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<sup>2</sup> CHAPTER 629-25, Occupancy Standards, Toronto Municipal Code Property Standard:

“The maximum number of persons living in a habitable room shall not exceed one person for each nine square metres (96.8 sq. ft.) of habitable room floor area.”

Any person located in a residential unit who is not a tenant, occupant, visitor, guest, or live-in caregiver as defined by this policy is an unauthorized occupant and has no lawful right to be on the premises.

## **Unreported stay**

If a person remains longer than 30 days in breach of this policy, Toronto Seniors Housing Corporation may pursue any legal rights available to it including, but not limited to:

- possible termination of subsidy if it is a rent-geared-to-income household due to failure to notify the landlord of changes in household composition as required by the *Housing Services Act, 2011*;
- enforcement of any rights available to Toronto Seniors Housing Corporation under the *Trespass to Property Act* against the unauthorized occupant; and
- any action against the tenancy available to Toronto Seniors Housing Corporation.

If a rent-geared-to-income household loses their subsidy, they will have to pay the market rent for the unit and will no longer qualify for a rent-geared-to-income subsidy. The tenant has the right to request a review of decisions related to their continued eligibility for rental subsidy.

## **Rights to unit**

If the tenant moves out of the unit, all other persons in the unit must also leave. Any occupant, guest, visitor, live-in caregiver, unauthorized occupant, or anyone else found in the unit after the tenant moves out will be:

- ineligible for receipt of the household's rent-geared-to-income subsidy; and
- identified as trespassing.

Toronto Seniors Housing Corporation will reclaim the unit.

## **Market rent households**

A market rent tenant:

- may allow a guest to stay in their rental unit. The market rent tenant may not,

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“The minimum floor area of a room used by two or more persons for sleeping shall be four square metres (43 sq. ft.) for each person using the room.”

[http://www.toronto.ca/legdocs/municode/1184\\_629.pdf](http://www.toronto.ca/legdocs/municode/1184_629.pdf)

however, assign or sublet all or any part of the unit<sup>3</sup>;

- is required by their lease to report any changes in household composition within 30 days of the change;
- may request to add another tenant to their unit and sign a new lease<sup>4</sup>;
- should report all persons living in the unit even if the tenant does not wish to add the proposed person to their lease as a tenant. It is essential for safety and emergency purposes that Toronto Seniors Housing Corporation knows who lives in its units. Occupants do not have any legal rights or entitlements to a tenant's unit.

## Compliance and Monitoring

The Regional Manager, or designate, will monitor compliance with the policy on an ongoing basis by reviewing a random sampling of tenant files.

Frequency of incidents involving unauthorized occupants will be monitored via reports to the fraud and waste hotline and complaints entered into the HoMES system.

## Related Legislation, Regulations, and TSHC Policies:

- *Housing Services Act, 2011*
- *Municipal Freedom of Information and Protection of Privacy Act, 1990*
- *City of Toronto Occupancy Standards*
- *Ontario Human Rights Code*
- *Residential Tenancies Act, 2006*
- *Trespass to Property Act, 1990*
- TSHC Addition to Household Composition Directive
- TSHC Human Rights, Harassment and Fair Access Policy - Tenants
- TSHC Evictions for Cause Policy
- TSHC Tenant Charter

## Amendments (Revision History):

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

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<sup>3</sup> Toronto Seniors Housing Corporation reserves the right to take any legal action available against a tenant who has illegally sublet or assigned their tenancy, and reserves the right to take legal action in relation to unauthorized occupancy of a rental unit.

<sup>4</sup> Toronto Seniors Housing Corporation reserves the right to refuse to enter into any tenancy in accordance with its normal leasing practices.

**Next Scheduled Review Date: 2027**

This policy will be reviewed once every five years.

**Policy Contact**

Manager, Business Operations and Compliance

**Appendices**

- Visitor and Guest Policy Agreement