

# Policy

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**Subject:** Eviction Prevention for non-payment of rent

**Policy Number:** 2021-15

**Effective Date:** November 2, 2023

**Approved by:** NCHC Board of Directors

**Reviewed by:** NCHC General Manager

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## Purpose

To establish a fair, consistent and transparent approach to dealing with non-payment of rent that creates opportunities for tenants to retain their housing, while meeting their obligations under their lease with Northumberland County Housing Corporation (“NCHC”).

## Policy

NCHC is committed to working proactively with its tenants to have successful tenancies and to, where possible, prevent their eviction due to the non-payment of rent. NCHC also recognizes that tenants have an active role to play in retaining their housing and will provide ongoing opportunities for tenants to participate in the eviction prevention process. NCHC will further strive to work with external supports or service agencies to keep tenants housed and to ensure that rent is paid, in order to prevent eviction.

## Definitions

“**LTB**” means the Landlord and Tenant Board

“**RTA**” means the *Residential Tenancies Act*, 2006.

“**L1**” means the application to the LTB to evict a tenant for non-payment of rent and to collect rent owing by the tenant.

“**N4**” means the legal notice to end a tenancy early for non-payment of rent.

“**Eviction Order**” means an eviction order received from the LTB and includes the deadline date for compliance and the authority for sheriff to evict.

“**Guest**” means a person who requires temporary accommodation with a tenant (a Guest sleeps in the tenant’s unit but only for a maximum of 30 days within any 12-month period). A Guest is not part of the tenant’s household. A Guest maintains a home address outside the tenant’s unit.

## Scope

This policy sets out NCHC’s commitment to preventing evictions due to the non-payment of rent. The policy applies to all residential tenants, including rent-geared-to-income (“RGI”) and market tenants. Note that tenants can be at risk of eviction for other reasons, which are described in Eviction Prevention Policy for Social Issues (Policy No. 2021-16)

## Procedure

NCHC manages tenancies with a flexible, person-centered approach that is shaped by a tenant’s individual circumstances, while taking into consideration NCHC’s responsibilities to other tenants and staff.

### 1. Tenant Responsibilities:

Tenants are responsible for meeting their financial obligations as outlined in their lease with NCHC. These obligations are consistent with the *Residential Tenancies Act, 2006*, the *Housing Services Act, 2011* and the *Ontario Human Rights Code, 1990*, and their respective regulations.

Tenant responsibilities include, but are not limited to:

- Payment of their rent, in full, on or before the first day of the month; and

- RGI tenants must report changes in household composition and/or income to ensure accurate and timely calculations of rent and to prevent loss of rental subsidy.

## **2. Landlord Responsibilities:**

NCHC responsibilities and standards, as they relate to supporting successful tenancies, include:

- Engaging with tenants that may need extra support to prevent eviction (such as people with a mental health challenge, addictions, cognitive or developmental disability, a complex rent or income profile, or a history of arrears) and implement early intervention strategies, where possible;
- Making a minimum of three (3) documented attempts to make personal contact with the tenant before filing an L1 at the LTB;
- Offering an opportunity for the tenant to enter into a formal payment agreement in advance of a LTB hearing after an L1 has been filed;
- Offering a range of payment options, such as cash, cheque, debit, e-transfers, pre-authorized payment and pay direct from Ontario Works and Ontario Disability Support Program;
- Providing clear, timely and accurate information regarding the tenant's rent and subsidy;
- Ensuring a fair and transparent process is available to tenants for review of RGI decisions and calculations, by a person or a panel independent from the original decision maker;
- Informing tenants of resources available in the community which may support a successful tenancy including, but not limited to, rent assistance programs, legal clinics, food banks, and community and social services programs and supports;
- Working with tenants to develop repayment agreements that are reasonable and realistic; and,
- Documenting all efforts and results of communications with tenants during the housing retention and eviction process.

## **3. Eviction Prevention – non-payment of rent:**

NCHC is committed to supporting successful tenancies and ensuring that tenants meet their rental responsibilities. The primary strategy for eviction prevention is effective rent collection. Efforts to collect rent and to support tenants at risk of eviction will continue after an order to evict has been issued by the LTB and up to the point where the sheriff is attending.

Managers and staff will have the flexibility and discretion to choose appropriate eviction prevention strategies for different situations, which adhere to the following guiding principles:

*Access to Appropriate Housing*

- Everyone in Northumberland County has the right to safe, affordable housing that meets their needs.

*Flexible, Person-Centered Approach*

- People are complex; “one size fits all” solutions do not work. Supports and interventions should be shaped by a person’s individual needs and circumstances.

*Partnerships and Service Coordination*

- We can achieve better outcomes together. Leveraging the resources and expertise of internal and external partners delivers better results for tenants and the County.

*Early Intervention and Prevention*

- We have policies and procedures in place to help us identify at-risk tenancies and make every effort to establish supports before crises occur.

*Accessible Resources and Supports*

- Accurate, timely information is critical to success. Staff and tenants have access to information about current support resources, programs, policies and processes.

*Accountable Service Delivery*

- NCHC tenants deserve a consistent, high-standard of care and service delivery.

**4. Resources and Services Coordination:**

NCHC recognizes that helping tenants to retain their housing may require the support and assistance of community-based support agencies and the tenant's family and peers.

Depending on the availability of community-based supports and the tenant's family and peers, staff may be required to coordinate access to, and delivery of, services, with the tenant's co-operation, particularly in the short-term, in order to prevent eviction. Staff will look for others to assume a lead role in coordinating services, where possible and appropriate.

Eviction prevention interventions could involve referral to a variety of support services, through Northumberland County and/or community agencies.

## **Repealed Policy**

2008-11PM Alternate Dispute Resolution/Eviction Prevention Policy

## **Legislative Authority**

*Ontario Human Rights Code, 1990*

Ontario Human Rights Commission, Policy on Human Rights and Rental Housing

*Residential Tenancies Act, 2006*

*Housing Services Act, 2011*

## **Cross Reference**

Misrepresentation/Subsidy Eligibility Policy 2021-14

ERO - Landlord Tenant Board Process (Guidelines)

Eviction Prevention Fund Policy (to be drafted)

Eviction Prevention for Social Issues Policy 2021-16

Northumberland County Housing Retention Framework

Notification of Changes and In-Year Reviews Community Housing Directive 2021-13