

# Policy

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**Subject:** Eviction Prevention Policy for Social Issues

**Policy Number:** 2021-16

**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 various behavioral issues exhibited by tenants. And to create 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. NCHC also recognizes that tenants have an active role to play in retaining their housing and will provide on-going opportunities for tenants to participate in the eviction prevention process.

## Definitions

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

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

“**Notice of Termination**” means a LTB form of notice to end a tenancy issued by the landlord to the tenant.

## Scope

This policy sets out NCHC’s commitment to preventing evictions due to a tenant’s conduct or vulnerable physical, mental or social conditions. The policy applies to all residential tenants, including rent-geared-to-income (“RGI”) and market tenants. Note that tenants can also be at risk of eviction for non-payment of rent, which are described in the NCHC policy on Eviction Prevention for non-payment of rent (Policy No. 2021-15).

This policy focuses on situations that could lead to eviction under the RTA, such as:

- Substantial interference with the reasonable enjoyment or other rights, interests or privileges of other tenants
- Illegal acts in the rental unit
- Impairment of safety of other tenants
- Damage to property in the rental unit or building
- Overcrowding

Where the conduct of the tenant and/or their guest or visitor have jeopardized the safety of other tenants, staff of NCHC, or others on-site, or at the discretion of the staff, NCHC may initiate eviction proceedings immediately against the tenant by issuing the appropriate Notice of Termination.

## 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 obligations under their signed 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:

- Conducting themselves in a manner which does not interfere with the reasonable enjoyment of the premises by other tenants or the landlord. This responsibility includes ensuring that the conduct of their occupants, guests and/or visitors, as well as their pets, is similarly not disruptive;
- Keeping the rental unit clean and in a reasonable state of repair; and
- Reporting all required maintenance and repairs to the landlord in a timely manner, including any damage caused by the tenant or their occupants, guests or visitors.

## **2. Landlord Responsibilities:**

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

- Engaging with tenants that may need extra support to prevent eviction (such as people with mental health challenges, addictions, cognitive or developmental disability, a complex rent or income profile, or a history of arrears) and implement early intervention strategies, where possible;
- Working with tenants whose tenancy has been jeopardized by their conduct, or the conduct of their occupants, guests and/or visitors, where the safety of other tenants and staff of NCHC has not been jeopardized. This may include serving a Notice of Termination early or the negotiation and development of a personal case plan.
- Wherever possible, to make personal contact with the tenant before filing a Notice of Termination at the LTB;
- Informing tenants of resources available in the community which may support a successful tenancy including, but not limited to, rent assistance programs, legal clinics, and food banks;
- Integrating and coordinating work with other support agencies and the tenant's family and peers to help tenant retain their housing;
- Documenting all efforts and results of communications with tenants during the eviction prevention and eviction process.

## **3. Eviction Prevention – Social:**

Once a Housing Caseworker has been notified and/or identified a problem, behavioural issues will be addressed according to the following general procedure:

1. Identification of issue.
2. Thorough and timely investigation of issue.
3. Communication with tenant to explain the consequences of continuation of this behaviour (i.e. eviction).
4. Involvement of tenant (and tenant support workers or family, if applicable) in remedial plan to correct issue.
5. Resolution of issue with follow-up OR eviction if no progress/resolution achieved and/or issue escalates during the monitoring period.

Efforts 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 residents 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 residents have access to information about current support resources, programs, policies and processes.

### *Accountable Service Delivery*

- Northumberland County residents 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**

Northumberland County ERO - Landlord Tenant Board Process (Guidelines)

Eviction Prevention for Non-Payment of Rent Policy 2021-15

Eviction Prevention Fund Policy (in draft)

Northumberland County Housing Retention Framework