

# Policy

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**Subject:** Guest/Visitor Policy

**Policy Number:** 2021-18

**Effective Date:** November 2, 2023

**Approved by:** NCHC Board of Directors

**Reviewed by:** NCHC General Manager

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## Purpose

Northumberland County Housing Corporation (“NCHC”) recognizes that from time-to-time tenants may have guests who stay with them in their homes for a period of time. These might include out-of-town guests, or persons who tenants have personal relationships with but are not part of their households. The purpose of this policy is to make sure that all tenants understand their responsibilities with respect to guests and for NCHC 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 NCHC of changes to their household composition as required by this policy and further supported by the Notification of Changes and In-Year Reviews Directive;
- Explain when a rent-geared-to-income (“**RGI**”) household is required to inform NCHC of changes to their household composition as required by this policy and further supported by the Notification of Changes and In-Year Reviews Directive;
- Establish the maximum length of time RGI Tenants can have guests;

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- Establish exceptions to the maximum length of time permitted for guests of RGI Tenants;
  - Balance the Tenant’s right to use their home and NCHC’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 ensure that subsidies are available to households that qualify; and
  - Ensure that RGI units are not being transferred or sublet.

The *Housing Services Act*, 2011 requires housing providers to establish rules for the temporary accommodation of guests in its RGI units and to provide a copy of the rules to the service manager and to households residing in those units.

This guest policy defines NCHC’s practice for dealing with visitors, guests, occupants and tenants. It supports NCHC’s commitment to equitable and quality service and meets legislative requirements.

## Definitions

### Visitors

- Visitors are persons who visit a Tenant and do not require temporary accommodation with the Tenant (i.e. 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.

### Guests

- Guests are persons who require temporary accommodation with a Tenant (Guests sleep in the Tenant’s unit but only for a maximum of 30 days within any 12-month period unless they qualify under the “Special Cases” defined below). Guests are not part of the Tenant’s household. Guests maintain a home address outside the Tenant’s unit.

### Occupants

- For RGI tenancies, an Occupant is a person who is a declared member of an RGI household, who has been added to the household with NCHC's consent, but who has not signed a lease with NCHC.
- For market rent tenancies, an Occupant is a person who has been added to a market rent household, with NCHC'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**

- Tenants are persons who have signed a lease and have all the rights and responsibilities related to the tenancy.

### **Live-In Caregivers**

- Live-In Caregivers are persons who provide support services needed because of a household member's disability or medical condition. They are not considered Tenants, Visitors, or Guests.

### **Unauthorized Occupants**

- Any person who is not a Tenant, Occupant, Visitor, Guest or Live-In Caregiver, as defined by this policy is considered an Unauthorized Occupant. An Unauthorized Occupant has no lawful authority to be at a NCHC residential complex and has no rights to the rental unit in question.

## **Policy**

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; and
- Complying with this policy.

## Procedures

### General

- Visitors may come to a Tenant's unit as often as the Tenant invites them.
- NCHC will not issue any keys to a Visitor or Guest of a Tenant.
- NCHC will not issue a parking spot to a Visitor or Guest of a Tenant.

### RGI Households

#### Guests

- Tenants of a RGI household may have any Guests stay in their home for a maximum of 30 days within a 12-month period. The 30 days may be consecutive or non-consecutive days.
- In Special Cases, Guests may stay in a RGI unit longer than 30 days. Such Special Cases might include:
  - An accommodation-related issue as defined in 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 health care professional; or
  - The Guest lives outside the country and has travel documents to prove their planned return date and leaves on that date.

(collectively, "**Special Cases**", and each a "**Special Case**")

#### Guests who Stay Longer than 30 Days

- If NCHC staff receive information that a person has been staying in a RGI Tenant's unit longer than 30 days in a given 12 month period, NCHC 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.

- All requests relating to a Special Case must be made in writing and will be reviewed on a case-by-case basis. NCHC reserves the right to request further information and documentation as required to assist in making the decision.
- NCHC 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 (non-exhaustive list):
  - The Tenant does not provide appropriate documentation 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 NCHC is satisfied the complaints are well founded; and/or
  - The Guest's stay would result in non-compliance with occupancy standards under the applicable municipality's property standard by-law.

### **Enforcement**

- If a Guest remains in a RGI Tenant's unit longer than 30 days in breach of this policy, NCHC may pursue any legal rights available to it including, but not limited to:
  - Termination of the RGI subsidy due to failure to notify the landlord of changes in household composition as required by the *Housing Services Act, 2011*.
    - If an RGI household loses their subsidy they will have to pay the market rent for the unit. The Tenant has the right to request a review of decisions related to their continued eligibility for rental subsidy.
  - The Guest being considered an Unauthorized Occupant, which would allow NCHC to enforce any of its rights under the *Trespass to Property Act* against the Unauthorized Occupant.

### **Rights to Unit**

- If all Tenants of a RGI unit are no longer in possession 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(s) moves out will:

- not have any legal rights or entitlements to the unit;
- be ineligible for receipt of the household's RGI subsidy; and
- be identified as trespassing.

### **Additions to Households**

- RGI Tenants must report any new persons in the unit within 30 days of their moving into their unit.
- Where an RGI Tenant wishes their Guest to be added to the household, they must provide notice in writing to NCHC.
- Persons wishing to join RGI households must:
  - Complete an application including proof of their income and proof of status in Canada;
  - Not owe any arrears to any social housing provider in Ontario;
  - Not be guilty of obtaining RGI subsidy wrongfully, or misrepresenting income, within the last 2 years;
  - Not own any residential property, unless they agree to sell their property within 180 days of moving in; and
  - Not cause the household to exceed the maximum household assets value established by the service manager.
- If the Guest requesting to be added to the RGI household is not eligible for an RGI subsidy, NCHC will inform the Tenant. NCHC may allow the Guest to become a Tenant or Occupant, but NCHC will remove the household's subsidy within the time specified in the *Housing Services Act, 2011*.
- If the Guest is eligible for an RGI subsidy and meets the necessary criteria under *O. Reg 367/11* then NCHC will allow the Guest to become a Tenant or Occupant, subject to occupancy standards. Any new Tenant will be required to sign a new lease and the rent will be recalculated based on total household income. Any

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## **Market Rent Households**

### Guests

- Guests may come to a market rent household as often as the Tenant invites them.

### Additions to Household

- A Tenant is required by their lease to report any changes in household composition within 30 days of the change. It is essential for safety and emergency purposes that NCHC knows who is living in its units.
- A Tenant may request to add another Tenant to their unit and sign a new lease.

## **Appeals Process**

Any tenant who disagrees with NCHC's decision regarding a Visitor or Guest must file a written dispute within 30 days of the decision being made.

## **Repealed Policy**

N/A

## **Legislative Authority**

Ontario Human Rights Code

Housing Services Act, 2011(HSA)

Residential Tenancies Act, 2006 (RTA)

Occupancy Standards By-law, Relevant Policies

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)



Trespass to Property Act (TPA)

If there are any questions, contact the Northumberland County Housing Corporation at 905-372-3329.