



Social Housing Directives

Policy No. 2013-33

SECTION	SUBJECT	PAGE 1 OF 5
Review of Decisions	System of Review of Decisions	January 2013 Revised May 2014 Revised September 2014

PURPOSE:

The Service Manager must have a system for dealing with internal reviews in which the review body must have procedural rules for reviews of the following decisions:

- Rent-Geared-to-Income eligibility
- Rent-Geared-to-Income payable
- Occupancy standards
- Priority on Wait List
- Special Needs Housing eligibility

The Service Manager must have rules pertaining to the appointment, removal and remuneration of members of the review body. Rules must set out that member of the review body:

- Cannot have participated in original decision
- Cannot have discussed original decision with decision maker prior to review
- Be knowledgeable about HSA as it pertains to decision

The Service Manager must have procedural rules for its internal review system that must include:

- When a review can be requested
- When the decision of the review body must be made
- Decisions re: SPP applicants must be made within 10 days of request
- Notice of decision to SPP applicants must be given within 5 days of the decision
- Notice must be given only to SPP applicant

The Service Manager may set additional procedural rules.

HOUSING SERVICES ACT:

The following are prescribed, for the purposes of subsection 155 (4) of the Act, as requirements for a Service Manager's system for dealing with reviews:



1. *The rules included in the system must:*
 - i. *Provide for when a review may be requested;*
 - ii. *Provide for when the decision made by the review body must be made;*
 - iii. *Require that no individual who participated in the making of the decision being reviewed may participate in the review as a member of the review body;*
 - iv. *Require that an individual may only participate in a review as a member of the review body if the individual is knowledgeable about the provisions of the Act and the regulations that are relevant to the decision being reviewed; and*
 - v. *Require that no individual who previously discussed the decision being reviewed with the decision-maker participate in the review as a member of the review body and that, during such participation, no member of the review body discuss the decision with the decision-maker except in the course of the review.*
2. *With respect to a determination under subsection 48 (1) or 63 (1) of the Act that a household is not included in the Special Priority household category, the rules included in the system must require that:*
 - i. *A review must be completed and the decision of the review body made within 10 business days after the request for the review is received;*
 - ii. *Notice of the decision and reasons of the review body must be given within five business days after the decision was made; and*
 - iii. *Notice of the decision of the review body must not be given to any other member of the household other than the member who requested the review (367/11 s. 138).*

For the purposes of section 159 of the Act, the date on which a decision is effective shall be determined in accordance with the following:

1. *Subject to paragraph 3 ii, a decision for which a review may be requested under section 156 or 157 of the Act is effective on the later of the day specified by the decision-maker and the day immediately after the last day for requesting a review.*
2. *Despite paragraph 1 or subparagraph 3 ii, the determination, under subsection 50 (1) of the Act, by a Service Manager of the amount of rent payable by a household when the household begins to receive rent-geared-to-income assistance for a unit is effective on the day specified by the Service Manager.*



3. *If a review is requested under section 156 or 157 of the Act:*
- i. *The decision made by the review body is effective on the later of the day specified by the review body and the day the review body made its decision; and*
 - ii. *The decision being reviewed is effective only if the review body provides for it to be effective and, if the review body so provides, the decision being reviewed is effective on the later of day specified by the review body and the day the review body made its decision.*

In the event of a conflict between this section and sections 52 and 53 of Ontario Regulation 298/01 (Determination of Geared-To-Income Rent under Section 50 of the Act) under the Act, sections 52 and 53 prevail (367/11 s. 139).

POLICY:

Request to Review:

A member of a household may request an internal review of any of the following decisions:

1. The household is not eligible for rent-geared-to-income assistance
2. The household is not eligible for Special Needs Housing.
3. The size and type of accommodation in which the household may live.
4. The amount of geared-to-income rent the household pays.
5. The deferral of the geared-to-income rent that the household pays.
6. A household priority on the Wait List.

The request must be received, in writing, fifteen (15) business days after the household receives a notice of decision. The request for review will be directly made to the Service Manager.

The internal review must be completed within thirty (30) business days once the request is received.

The household and the Housing Provider will be notified in writing of the internal review decision within ten (10) business days of the review.

For Special Provincial Priority applicants, a review must be completed and the decision of the review body made within ten (10) business days after the request for the review is received.

For Special Provincial Priority applicants, only the applicant and the Housing Provider, not the household, will be notified in writing of the internal review decision within five (5) business days of the review.



No decision will be made contrary to the Residential Tenancies Act, the Co-operative Corporations Act, and the Housing Services Act.

Composition of Review Committee:

The Review Committee will consist of a quorum of three (3) staff from Housing Providers in the service area and peer Service Managers.

The Service Manager is responsible for appointing the Review Committee members.

Staff from Housing Providers will be selected based on:

1. Property Management experience.
2. Knowledge of the Rent-Geared-to-Income program and related calculations.
3. Knowledge of the Housing Services Act.
4. Knowledge of other relevant legislation such as the Co-operative Corporations Act, the Residential Tenancies Act, etc.

The Service Manager will provide training where necessary.

The Service Manager can relieve Review Committee members of their duties through acknowledgement of concerns.

Members of the committee will not be financially compensated for participating on the Review Committee.

Review Process:

The Review Committee will consider all requests for review submitted in accordance with the requirements of the Housing Services Act.

A review of decision will be undertaken by a quorum of three (3) Committee members.

The three participating Review Committee members:

- Cannot have participated in original decision
- Cannot have discussed the original decision with the decision maker prior to review
- Cannot be associated with the Housing Provider whose decision is under review

The Review Committee will operate by majority consensus.

The Service Manager will solicit necessary documentation from both the applicant and Housing Provider for the Review Committee.



The Review Committee will make decisions based on submitted written documentation unless the Service Manager finds that there are extenuating circumstances that require the Review Committee to meet with the applicant and the Housing Provider.

If the Review Committee meets with the applicant, the applicant may bring a translator, family members, friends, or other advocated of their choice.

The Review Committee will have access to legal opinion if necessary. Payment of legal expenses is the responsibility of the Housing Provider whose decision is under review.

Decisions of the Review Committee are final.

APPROVED BY:

Barbara Springall

Director of Homes, Social and Property Services Department