

## **ELIGIBILITY RULES FOR RENT-GEARED-TO-INCOME ASSISTANCE**

To apply for assistance, applicants must meet certain eligibility criteria and follow certain rules. When an applicant has been housed in a unit where their rent is geared to their income, there are eligibility requirements that they must continue to meet and rules they must follow. Their rent is calculated based on their income, and they pay a portion of the full market rent up to that market rent level. The County of Dufferin provides a subsidy to cover the portion of the full market rent not paid by the tenant.

The County of Dufferin has adopted the Eligibility Rules as described in Ontario Regulation 298/01 of the *Social Housing Reform Act, 2000*, sections 7-17. No local rules have been established. Some timeframes for reporting changes or for the frequency of reviews have been modified. Applicants will be required to update their file annually, and provide information on changes to their information within 20 business days of the change.

### **PART III ELIGIBILITY RULES**

#### **RENT-GEARED-TO-INCOME ASSISTANCE**

##### **Eligibility requirements**

- 7. (1)** A household is eligible for rent-geared-to-income assistance if,
- (a) at least one member of the household is 16 years old or older and is able to live independently;
  - (b) each member of the household meets at least one of the following criteria:
    - (i) the member is a Canadian citizen,
    - (ii) the member has made an application for status as a permanent resident under the *Immigration and Refugee Protection Act* (Canada), or
    - (iii) the member has made a claim for refugee protection under the *Immigration and Refugee Protection Act* (Canada);
  - (c) no removal order has become enforceable under the *Immigration and Refugee Protection Act* (Canada) against any member of the household;
  - (d) Revoked: O. Reg. 220/04, s. 3 (3).
  - (e) in the case of a household other than a special priority household, no member of the household owes, with respect to a previous tenancy in any housing project under any housing program,

- (i) arrears of rent,
  - (ii) money owed as the result of a reimbursement requested by a service manager under section 86 of the Act, or
  - (iii) money owed in respect of damage caused by a member of the household;
- (e.1) in the case of a household other than a special priority household, a member of the household, with respect to a previous tenancy in any housing project under any housing program, owes arrears or money owed as set out in clause (e) and,
- (i) the service manager is satisfied that extenuating circumstances exist, or
  - (ii) any member of the household has entered into an agreement, or made reasonable efforts to enter into an agreement, with the housing provider for the repayment of the arrears or money owed and the service manager is satisfied that the member is making or intends to make all reasonable efforts to repay the arrears or the money owed;
- (f) in the case of a special priority household, no member of the household owes, with respect to a previous tenancy in any housing project under any housing program,
- (i) arrears of rent,
  - (ii) money owed as the result of a reimbursement requested by a service manager under section 86 of the Act, or
  - (iii) money owed in respect of damage caused by a member of the household;
- (f.1) in the case of a special priority household, a member of the household, with respect to a previous tenancy in any housing project under any housing program, owes arrears or money owed as set out in clause (f) and,
- (i) in the case of arrears or money owed in respect of a unit of which the member and the abusing individual are joint tenants,
    - (A) the service manager is satisfied that extenuating circumstances exist, or
    - (B) any member of the household has entered into an agreement, or made reasonable efforts to enter into an agreement, with the housing provider for the repayment of 50 per cent of the arrears or money owed and the service manager is satisfied that the member is making or intends to make all reasonable efforts to repay 50 per cent of the arrears or money owed, and
  - (ii) in the case of arrears or money owed in respect of any other unit,
    - (A) the service manager is satisfied that extenuating circumstances exist, or

(B) any member of the household has entered into an agreement, or made reasonable efforts to enter into an agreement, with the housing provider for the repayment of the arrears or money owed and the service manager is satisfied that the member is making or intends to make all reasonable efforts to repay the arrears or money owed;

(g) one of subclauses (i) and (ii) is true:

(i) no member of the household has been convicted of an offence under section 85 of the Act or a crime under the *Criminal Code* (Canada) in relation to the receipt of rent-geared-to-income assistance, and if an individual who was, but is no longer, a member of the household has been convicted of such an offence or crime, the service manager determines that,

(A) no member of the household knew that the individual who was convicted of the offence or crime was committing it, or

(B) a member of the household knew that the individual who was convicted of the offence or crime was committing it, but the member was not reasonably able to prevent the individual from committing it, or

(ii) a member of the household has been convicted of an offence under section 85 of the Act or a crime under the *Criminal Code* (Canada) in relation to the receipt of rent-geared-to-income assistance, but the household has previously been determined to be ineligible for rent-geared-to-income assistance because of that conviction; and

(h) one of subclauses (i) and (ii) is true:

(i) no member of the household has been found by the Ontario Rental Housing Tribunal, the Landlord and Tenant Board or a court of law to have misrepresented his or her income or the income of his or her household in relation to the receipt of rent-geared-to-income assistance, and if an individual who was, but is no longer, a member of the household has been found to have made such a misrepresentation, the service manager determines that,

(A) no member of the household knew that the individual who was found to have made the misrepresentation was making it, or

(B) a member of the household knew that the individual who was found to have made the misrepresentation was making it, but the member was not reasonably able to prevent the individual from making the misrepresentation, or

(ii) a member of the household has been found by the Ontario Rental Housing Tribunal, the Landlord and Tenant Board or a court of law to have misrepresented his or her income or the income of his or her household in relation to the receipt of rent-g geared-to-income assistance, but,

(A) the household has previously been determined to be ineligible for rent-g geared-to-income assistance because of that finding, or

(B) the service manager determines that the member who was found to have made the misrepresentation is an abused member of a special priority household who was forced to make the misrepresentation by the abusing individual.

(2) For the purpose of clause (1) (a),

(a) an individual is able to live independently if he or she is able to perform for himself or herself the normal essential activities of day-to-day living;

(b) an individual shall be deemed to be able to live independently if the individual is able to live independently with the aid of certain support services and demonstrates that those support services will be provided to him or her when they are required.

(3)-(5) Revoked: O. Reg. 220/04, s. 3 (4).

### **Local eligibility rules, income and asset limits**

8. (1) A service manager may establish a local eligibility rule stating that a household is not eligible for rent-g geared-to-income assistance in a unit in the service area unless the gross household income of the household, as determined under subsections (9) and (10), for a 12-month period determined by the service manager, is less than or equal to the maximum gross household income amount applicable to the unit, as specified in the local eligibility rule.

(2) For the purpose of establishing a local eligibility rule described in subsection (1), a service manager may establish the maximum gross household income amounts that are to apply to units in the service area.

(3) A service manager may establish a local eligibility rule stating that a household is not eligible for rent-g geared-to-income assistance in a unit in the service area unless the aggregate household assets value of the household, as determined under subsections (11), (12) and (13), on the most recent date on which the service manager received information or documents respecting the household's assets, is less than or equal to the maximum aggregate household assets amount applicable to the unit, as specified in the local eligibility rule.

(4) For the purpose of establishing a local eligibility rule described in subsection (3), a service manager may establish the maximum aggregate household assets amounts that are to apply to units in the service area.

(5) The service manager may establish,

- (a) different maximum gross household income amounts for units of different sizes and for units in different parts of the service area;
- (b) different maximum aggregate household assets amounts for units of different sizes and for units in different parts of the service area.

(6) The service manager may from time to time establish new maximum gross household income amounts and new maximum aggregate household assets amounts to replace the old ones.

(7) A service manager shall not establish a maximum gross household income amount for a unit that is less than the household income limit prescribed for a unit of that type and size for the purposes of clause 11 (1) (a) of the Act.

(8) A service manager shall not establish a maximum aggregate household assets amount that is less than \$20,000.

(9) For the purpose of a local eligibility rule established by a service manager under subsection (1), the gross household income of a household, for a 12-month period determined by the service manager, is the sum of all payments of any nature paid to or on behalf of or for the benefit of each of the members of the household during that period, subject to subsection (10).

(10) The service manager may establish a local eligibility rule requiring that specified payments be excluded for the purpose of determining the gross household income of a household and, in that case, the gross household income of a household, for a 12-month period determined by the service manager, is the sum of all payments of any nature paid to or on behalf of or for the benefit of each of the members of the household during that period, excluding the payments that are required to be excluded under the local eligibility rule.

(11) For the purpose of a local eligibility rule established by a service manager under subsection (3), the aggregate household assets value of a household on a given date is the sum of the values of the interests in assets of each of the members of the household on that date.

(12) For the purpose of subsection (11), the following shall not be included in assets:

1. An interest in a motor vehicle that is not used primarily for the operation of a business by a member of the household.
2. Tools of the trade that are essential to the employment of a member of the household.
3. If one member of a household has an interest in or operates one business, business assets that are necessary to the operation of that business, to a maximum of \$20,000.

4. If more than one member of a household has an interest in or operates the same business, business assets that are necessary to the operation of that business, to a maximum of \$20,000 for the business.
5. If one member of the household has an interest in or operates more than one business, business assets that are necessary to the operation of those businesses, to a maximum of \$20,000 for the member.
6. A student grant, loan or award, so long as the member of the household for whose benefit the grant, loan or award is provided remains in attendance in the program of study for which it is intended.
7. A prepaid funeral.
8. An amount received as damages or compensation for,
  - i. pain and suffering resulting from an injury to or the death of a member of the household, or
  - ii. expenses reasonably incurred or to be incurred as a result of an injury to or the death of a member of the household.
9. A payment received under any of the following agreements to which the Province of Ontario is a party:
  - i. The Helpline Reconciliation Model Agreement.
  - ii. The Multi-Provincial/Territorial Assistance Program Agreement.
  - iii. The Grandview Agreement.
10. A payment received under the Extraordinary Assistance Plan (Canada).
11. The cash surrender value of all life insurance policies held by members of the household, to a maximum of \$100,000 for the household.
12. That portion of a loan taken against a life insurance policy that has been or will be used for disability-related items or services.
13. A payment received under the Ontario Hepatitis C Assistance Plan.
14. That portion of a payment received under the *Ministry of Community and Social Services Act* for the successful participation by a member of the household in a program of activities described in paragraph 9 of section 26 of Ontario Regulation 134/98 under the *Ontario Works Act, 1997* that,
  - i. within a reasonable period, as determined by the service manager, is to be used for the member's post-secondary education, or
  - ii. is paid into a Registered Education Savings Plan for one or more of the member's children.
15. A Canada Education Savings Grant paid into a Registered Education Savings Plan for a child of a member of the household.

16. A lump sum payment received under the 1986-1990 Hepatitis C Settlement Agreement made as of June 15, 1999 among the Attorney General of Canada, Her Majesty the Queen in right of Ontario and others.
17. A payment received from Human Resources Development Canada under the program called the "Opportunities Fund for Persons with Disabilities", if the payment has been or will be applied to costs incurred or to be incurred as a result of participation in employment-related activities.
18. Clothing, jewellery and other personal effects of a member of the household.
19. Furniture, appliances, furnishings and decorative or artistic items located in the accommodation occupied by members of the household, unless used by a member of the household primarily for the purpose of operating a business.
20. A payment received from the Government of Alberta as compensation for sterilization.
21. A payment received under the Walkerton Compensation Plan.
22. A beneficial interest in assets of a disabled member of the household, to a maximum of \$100,000, where the assets are held in one or more trusts and are available to be used for maintenance and where the capital of the trusts is derived from an inheritance or from the proceeds of a life insurance policy.
23. Funds held in a Registered Disability Savings Plan, as defined in subsection 146.4(1) of the *Income Tax Act* (Canada), established for the benefit of a member of the household.

[\(13\)](#) A service manager may establish a local eligibility rule specifying additional things that shall not be included in assets for the purpose of subsection (11).

### **Divestment of residential property**

[9. \(1\)](#) If a household is receiving rent-geared-to-income assistance, each member of the household who has a legal or beneficial interest in a freehold or leasehold estate in residential property located in or outside Ontario that is suitable for year-round occupancy shall divest himself or herself of his or her interest in the property and shall give written notice to the service manager of the divestment.

[\(2\)](#) The divestment must occur and the notice must be given,

- (a) within 180 days after the first day of the month in respect of which the household begins to receive rent-geared-to-income assistance, if the member has the interest in the property at the time the household begins to receive rent-geared-to-income assistance; or
- (b) within 180 days after the first day of the month in which the member acquires the interest in the property, if the member acquires the interest in the property after the household begins to receive rent-geared-to-income assistance.

(3) The service manager may extend the time for effecting the divestment and giving the notice for such period of time as the service manager considers appropriate, if the service manager is satisfied that there are reasonable grounds to do so.

(4) If the interest in the estate in the residential property is held jointly by an abused member of a special priority household and the abusing individual, and if the abused member notifies the service manager that he or she believes that the divestment or the taking of steps to effect the divestment would place him or her at risk of abuse from the abusing individual, the service manager shall extend the time for effecting the divestment and giving the notice for such period of time as the service manager considers appropriate.

(5) In this section,

"divest", in relation to a legal or beneficial interest in a freehold or leasehold estate in property, means to complete the transfer of the interest in the property or to terminate the lease of the property; ("se dessaisir")

"residential property" means,

- (a) a property all of which is used for residential purposes or any portion of such a property, or
- (b) in the case of a property part of which is used for residential purposes and part of which is used for other purposes, any portion that is used for residential purposes. ("bien résidentiel")

### **Notice of changes**

10. (1) A household receiving rent-geared-to-income assistance shall,

- (a) within 10 business days after each change in a document or information that the household has provided to the service manager, or within such longer period as the service manager may allow, give the service manager notice setting out the change in the form and manner required by the service manager; and
- (b) in the case of a change in a document, provide the changed document to the service manager within the period of time specified by the service manager.

(1.1) A service manager may extend, one or more times, the period within which a household must give the service manager notice under clause (1) (a) and the period initially specified by the service manager under clause (1) (b), and each extension of a period may be made either before or after the expiry of the period.

(2) This section does not apply to a household receiving rent-geared-to-income assistance in a unit provided by an alternative housing provider under its mandate to provide housing to households that are homeless or hard to house, if the alternative housing provider notifies the service manager that it is of the view that requiring the household to comply with this section is inappropriate in the circumstances.

## **Review of eligibility**

**11. (1)** Once in every 24-month period after a household is determined to be eligible for rent-geared-to-income assistance, the service manager shall review the eligibility of the household and shall determine whether the household continues to be eligible for rent-geared-to-income assistance.

**(2)** Once in every 12-month period after a household begins to receive rent-geared-to-income assistance, the service manager shall review the eligibility of the household and shall determine whether the household continues to be eligible for rent-geared-to-income assistance.

**(2.1)** The service manager may review the eligibility of the household more frequently than as set out in subsections (1) and (2), if the service manager considers such a review to be desirable.

**(3)** The household subject to the review shall provide such information and documents as the service manager may require within the time period specified by the service manager.

**(3.1)** A service manager may extend, one or more times, the period initially specified by the service manager under subsection (3), and each extension of a period may be made either before or after the expiry of the period.

**(3.2)** Subsection (3) does not apply to a household that is in housing, or is on a waiting list for housing, provided by an alternative housing provider under its mandate to provide housing to households that are homeless or hard to house, if the alternative housing provider notifies the service manager that it is of the view that requiring the household to comply with subsection (3) is inappropriate in the circumstances.

**(4)** The service manager may require a consent signed by any member of the household who is 16 years old or older, consenting to the disclosure to the service manager of information and documents required by the service manager for the purpose of the review.

**(5)** Subsection 5 (9) applies, with necessary modifications, to a consent under this section.

**(6)** Subsections 5 (3), (4), (10) and (11) apply, with necessary modifications, to a review under this section.

## **Cessation of eligibility**

**12. (1)** A household that has been determined by a service manager to be eligible for rent-geared-to-income assistance ceases to be eligible for such assistance, whether or not the household is receiving such assistance, if,

- (a) the service manager discovers that, at the time of the initial or a subsequent determination of eligibility, the household did not meet an eligibility requirement set out in subsection 7 (1);

- (b) the household has ceased to meet, or does not meet, an eligibility requirement set out in subsection 7 (1);
- (c) Revoked: O. Reg. 309/07, s. 6 (1).
- (d) subject to subsections (2) and (3), the service manager discovers that, at the time of the initial or a previous determination of eligibility, the household did not satisfy a local eligibility rule that had been established by the service manager under section 8;
- (e) subject to subsections (2) and (3), the household has ceased to satisfy, or does not satisfy, a local eligibility rule established by the service manager under section 8;
- (f) the household fails to comply with subsection 5 (5);
- (g) a member of the household fails to comply with section 9;
- (h) the household fails to comply with section 10, and the change in respect of which the household was required to notify the service manager would have resulted in,
  - (i) an increase in the geared-to-income rent payable by it, or
  - (ii) the household no longer being eligible for the unit it occupied;
- (i) the household fails to comply with section 11;
- (j) the household ceases to be eligible under paragraph 3 of section 33;
- (j.1) the household fails to comply with paragraph 8.1, 8.2 or 8.3 of section 37;
- (k) the household ceases to be eligible under section 39 as a result of refusing three offers of a rent-geared-to-income unit; or
- (l) the household fails to comply with section 52.

(1.1) Despite subsection (1), a service manager may determine that a household that has otherwise ceased to be eligible for rent-geared-to-income assistance continues to be eligible for such assistance if the service manager is satisfied that extenuating circumstances exist.

(2) If a household is receiving rent-geared-to-income assistance in a unit at the time a service manager establishes a maximum gross household income amount applicable to the unit for the purposes of a local eligibility rule established under subsection 8 (1),

- (a) if the gross household income of the household, as determined under subsections 8 (9) and (10), exceeds the maximum gross household income amount at the time of its establishment, the household does not cease to be eligible for rent-geared-to-income assistance for a failure to satisfy the local eligibility rule;

(b) if the gross household income of the household, as determined under subsections 8 (9) and (10), does not exceed the maximum gross household income amount at the time of its establishment but subsequently increases to the point where it exceeds the maximum gross household income amount, the household ceases at that point to be eligible for rent-geared-to-income assistance for a failure to satisfy the local eligibility rule.

(3) If a household is receiving rent-geared-to-income assistance in a unit at the time a service manager establishes a maximum aggregate household assets amount applicable to the unit for the purposes of a local eligibility rule established under subsection 8 (3),

(a) if the aggregate household assets value of the household, as determined under subsections 8 (11), (12) and (13), exceeds the maximum aggregate household assets amount at the time of its establishment, the household does not cease to be eligible for rent-geared-to-income assistance for a failure to satisfy the local eligibility rule;

(b) if the aggregate household assets value of the household, as determined under subsections 8 (11), (12) and (13), does not exceed the maximum aggregate household assets amount at the time of its establishment but subsequently increases to the point where it exceeds the maximum aggregate household assets amount, the household ceases at that point to be eligible for rent-geared-to-income assistance for a failure to satisfy the local eligibility rule.

(4) A household receiving rent-geared-to-income assistance ceases to be eligible for such assistance if, for a period of 12 consecutive months, the geared-to-income rent payable by it for the unit it occupies, as determined under section 47, is equivalent to the rent that would be payable for the unit by a household not receiving rent-geared-to-income assistance.

(5) In the case of a household that is receiving rent-geared-to-income assistance, if the service manager is of the opinion that a member of the household may be eligible to receive income of a type set out in subsection (6) and the member is not receiving such income, the service manager shall give the household a written notice,

(a) stating that the member may be eligible to receive income of the type specified in the notice;

(b) requesting the member to apply for that income and to make reasonable efforts to do whatever is required for the purpose of obtaining a decision on the application and receiving that income; and

(c) giving the household a reasonable period of time specified in the notice within which to inform the service manager of the results of the application.

(6) The types of income referred to in subsection (5) are:

1. Basic financial assistance under the *Ontario Works Act, 1997*.

2. Support under the *Divorce Act* (Canada), the *Family Law Act* or the *Interjurisdictional Support Orders Act, 2002*.
3. Benefits under the *Employment Insurance Act* (Canada).
4. Any pension or other benefit that an individual who is 65 years of age or older is or may be entitled to receive from the Government of Ontario or the Government of Canada, other than a pension or other benefit that is available to an individual before the month in which the individual attains 65 years of age.
5. Support or maintenance resulting from an undertaking given with respect to the member under the *Immigration Act* (Canada) or the *Immigration and Refugee Protection Act* (Canada).

(7) A household that has been given a notice under subsection (5) ceases to be eligible for rent-geared-to-income assistance if the service manager,

- (a) receives no response from the household within the period of time specified in the notice; or
- (b) concludes, on the basis of a response received from the household within the period of time specified in the notice, that the member has failed to make reasonable efforts to obtain income of the type specified in the notice.

### **Local eligibility rule, absence from unit**

13. (1) A service manager may establish a local eligibility rule stating that,

- (a) a household receiving rent-geared-to-income assistance ceases to be eligible for such assistance if all of the members of the household have been absent from the unit for at least the maximum absence period specified in the rule;
- (b) if a household has only one member and that member is absent from the unit for a period of time because of medical reasons, the member shall be deemed not to be absent from the unit during that period for the purpose of clause (a); and
- (c) if a household has two or more members, one member is absent from the unit for a period of time because of medical reasons, and the others are absent from the unit for that period of time because they need to be accommodated elsewhere as a result of the absence of the first member, all the members of the household shall be deemed not to be absent from the unit during that period for the purpose of clause (a).

(2) A service manager may establish a maximum absence period for the purpose of establishing a local eligibility rule described in subsection (1), and the service manager may from time to time establish a new maximum absence period to replace the old one.

(3) A maximum absence period shall be a period consisting of a specified number of consecutive days.

(4) A service manager shall not establish a maximum absence period that is less than 60 consecutive days.

### **Consequences of cessation of eligibility**

14. (1) If a service manager determines that a household receiving rent-geared-to-income assistance has ceased to be eligible for such assistance,

- (a) the service manager shall cease to provide rent-geared-to-income assistance in respect of the household, beginning with the month specified in subsection (3); and
- (b) the household shall pay rent for the unit it occupies at the rate at which rent is payable for the unit by a household not receiving rent-geared-to-income assistance, beginning with the month specified in subsection (3).

(2) Subsection (1) does not apply if one or more members of the household request an internal review of the service manager's decision and the service manager's decision is reversed on the internal review.

(3) The month as of which the provision of rent-geared-to-income assistance must cease and the payment of the higher rent must begin is the month immediately following the 90th day after the date the service manager gives the household written notice under subsection 66 (5) of the Act of the service manager's decision that the household has ceased to be eligible for rent-geared-to-income assistance.

### **Notice to housing provider**

15. Within seven business days after determining that a household receiving rent-geared-to-income assistance in a unit has ceased to be eligible for such assistance or within such longer time frame as may be determined by the service manager, a service manager shall give the housing provider providing the unit written notice of the service manager's decision and of the review process available to members of the household in respect of the decision.

### **Reapplication**

16. (1) A household that is determined by a service manager to be ineligible for rent-geared-to-income assistance because it fails to meet the requirements of clause 7 (1) (g) may not reapply for rent-geared-to-income assistance for a period of two years from the date of the offence or crime referred to in subclause 7 (1) (g) (i) or (ii).

(2) A household that is determined by a service manager to be ineligible for rent-geared-to-income assistance because it fails to meet the requirements of clause 7 (1) (h) may not reapply for rent-geared-to-income assistance for a period of two years from the date of the misrepresentation referred to in subclause 7 (1) (h) (i) or (ii).

**Local eligibility rule, reapplication**

[17. \(1\)](#) A service manager may establish a local eligibility rule that is identical to subsection 16 (1) except for the fact that the period specified by the service manager is a period longer than two years.

[\(2\)](#) A service manager may establish a local eligibility rule that is identical to subsection 16 (2) except for the fact that the period specified by the service manager is a period longer than two years.