

Subject: Service Manager Appeal

Date: April 01, 2017
Replaces: February 22, 2017

Applicable to The policy and procedures contained in this document apply to the following:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Municipal & Private Non-Profit | <input type="checkbox"/> Federal Non-Profit |
| <input checked="" type="checkbox"/> Co-operatives | <input checked="" type="checkbox"/> Rent Supplement*
<small>*incl. former OCHAP/CSHP</small> |
| <input checked="" type="checkbox"/> Peel Access to Housing (PATH) | |

Content This document contains the following:

Purpose
HIP P&P updated
Terminology
Appealable Decisions
Appeals Specialist
Requirements of Housing Providers
Peel Policy: Mediation
Appeals Considered for Mediation
Procedure: Mediated Appeal
Final Decision
Legislation
Questions
Appendix I
Letters/Forms

Purpose The purpose of this document is to provide housing providers, Peel Access to Housing (PATH) and Region of Peel staff with Peel's Service Manager Appeal policy and process under the *Housing Services Act, 2011* (which continues to include the mediation process implemented in 2011).

HIP P&P Updated

The policy and process Peel implemented for Service Manager Appeals under the *Social Housing Reform Act, 2000* (SHRA) continues to meet the requirements prescribed under the *Housing Services Act, 2011* (HSA).

To date Peel’s Service Manager Appeals policy and process has been effective and therefore has not changed under the HSA.

The Service Manager Appeal HIP P&P has been updated however to

- clarify requirements prescribed under the HSA including decisions that are appealable
- reflect the terminology used in the HSA, and
- reference the HSA and its Regulations.

Terminology

The HSA uses the term “review” instead of “internal review” (which was used in the SHRA) to explain a household member’s request for a review of certain decisions made about the household’s RGI housing or subsidy, or the household’s application for RGI housing/subsidy.

The Region of Peel used the term “Service Manager Appeal” instead of “internal review” under the SHRA and will continue to use “Service Manager Appeal” under the HSA.

Appealable Decisions

Under the HSA, households that

- are receiving rent-geared-to-income (RGI) assistance
- are living in special needs housing, or
- have applied for RGI assistance or special needs housing are permitted to request a review of certain decisions (i.e. a Service Manager appeal).

The household has 30 calendar days from the date the Notice of Decision Letter was received to submit a Service Manager Appeal Request Form.

Decisions that can be appealed are outlined in the table below.

Type of Decision	Additional Details and Example
The household is determined ineligible for RGI assistance	<p>Applies to a household that is determined ineligible</p> <ul style="list-style-type: none"> ○ at the application stage ○ while on the Centralized Wait List (CWL), or ○ while receiving RGI assistance <p>A decision of ineligibility may be due to the following factors:</p> <ul style="list-style-type: none"> ○ household income is too high

	<ul style="list-style-type: none"> ○ household asset is above limit ○ household reactivation request is over the required timeframe and/or limit ○ household failed to submit necessary documents ○ household failed to report changes within the required timeframe ○ household does not have the ability to live independently ○ applicant refused three offers of social housing ○ immigration/residency status
The household is not eligible for special needs housing	<p>This applies to a household that</p> <ul style="list-style-type: none"> ○ applies for a special needs unit but is determined not to meet eligibility criteria for it (i.e. no member of the household uses a wheelchair on a regular basis or requires provincially-funded support services in order to live independently) <p>or</p> <ul style="list-style-type: none"> ○ is residing in a special needs unit but no longer meets eligibility criteria (e.g. the household member that required the special needs housing has moved out of the unit).
Size and type of accommodation permissible for household	<p>This refers to the Occupancy Standards and the mandate of the building (i.e. seniors versus family building).</p> <p>This also includes any requested restrictions that are not approved by PATH.</p>
The amount of geared-to-income rent payable by the household	<p>This relates to the amount of rent a household is required to pay based on proof of income the household provides.</p>
<p>A household cannot</p> <ul style="list-style-type: none"> ○ be added to a wait list for a special priority category for which the household has applied to be added to and which takes priority over the chronological wait list, <p>or</p> <ul style="list-style-type: none"> ○ remain on a wait list that has special priority status 	<p>This relates to the CWL's categories for housing such as:</p> <ul style="list-style-type: none"> ○ Victims of Family Violence priority status ○ medical priority status ○ overhoused status. <p>Note: a household's application date is not considered a category on the wait list and therefore it cannot be appealed via this review process.</p>

Important: If a household voluntarily withdraws from RGI assistance and/or the CWL for RGI housing, the household cannot afterwards file an appeal via this review process because the decision to withdraw was made by the household and not by PATH or the housing provider.

Decisions Resulting in Termination of RGI Subsidy

Where a housing provider has decided and issued a 90 day notice to terminate RGI subsidy and change the household to market rent, refer to the following chart for procedures related to reinstating the subsidy:

If the housing provider has ...	Then ...
not yet charged the household market rent and is within the 90 day notice period	the housing provider is authorized to reinstate the subsidy.
already charged the household market rent and is beyond the 90 day notice period	the housing provider must first seek approval from the service manager to reinstate the subsidy.

Appeals Specialist

In the Region of Peel, “Service Manager Appeals” are reviewed by a designated staff person with the title Appeals Specialist.

The Appeals Specialist meets the requirements of the review body as prescribed in O. Reg. 367/11, s. 138 in that the Appeals Specialist:

- Never will have participated in making the initial decision for which the household is now requesting a review of (i.e. appealing the decision).
- Is knowledgeable about the provisions of the Act and regulations that are relevant to the decision being reviewed.
- Never will have previously discussed the decision that is under review with the decision-maker at the time the initial decision was being made.
- Will only discuss the decision that is under review with the individual or party involved in making the initial decision for the purpose of and during the duration of the review.

Requirements of Housing Providers

Notice of Decision Letters

Housing providers are required to send a Notice of Decision Letter to a household when any decision is made that impacts a household’s housing and/or RGI assistance.

The table below indicates what to include in the Notice of Decision Letter when a decision is or is not subject to Service Manager appeal.

If a decision is...	Then the Notice of Decision Letter must include...
<i>not</i> subject to a Service Manager Appeal	<ul style="list-style-type: none"> • date of the decision to which the notice relates • reason(s) for the decision • a statement that the decision is <i>final</i>, and that • an appeal to the Service Manager may <i>not</i> be requested
subject to an appeal	<ul style="list-style-type: none"> • date of the decision to which the notice relates • reason(s) for the decision • member of the household is entitled to request an appeal to the Service Manager • information on how to request an appeal, and • deadline for requesting the appeal

Appeals Request Received

If a housing provider receives a copy of an appeal request from the appellant all relevant information or documents should be submitted **immediately** to the attention of the Appeals Specialist at the Region of Peel.

Information/documents can be emailed, or faxed to the Appeals Specialist (fax number: 905-453-0168).

Appeals Specialist Requests Information

If a housing provider is contacted by the Appeals Specialist about an appeal the information the Appeals Specialist requests must be provided by email or fax within:

- one business day for internal service providers, and
- two business days for all external service providers.

Peel Policy: Mediation

Wherever possible, the Appeals Specialist will work with all parties through a mediated approach to seek a mutual resolution to the issue at hand that would preclude the need for a formal decision.

The overall intent of the mediation process is to reach a mutually satisfying resolution to which both parties are amenable, thereby precluding the necessity to render a formal Service Manager Decision on the Appeal in favour of one party or the other. Mediation provides an opportunity to enhance resident/provider relations as it sets the platform to educate and inform all parties about the processes associated with the specifics of the issue at hand. Both the appellant and provider must be amenable to the mediation process for it to proceed.

Through this process, the Appeals Specialist could examine whether or not information that was not available during the original decision process has been provided. Mutual resolution may involve withdrawal of the appeal by the appellant.

**Appeals
Considered for
Mediation**

The Appeals Specialist will always use best judgment when determining whether mediation should be attempted with an appeal.

The following are two examples of when mediation may be applied.

Example 1:

The Housing Provider makes a decision affecting the household. After receiving the decision notice the household submits a request for a Service Manager Appeal and also provides new information or documentation that if provided earlier, could have prevented the original decision.

In this instance, the Service Manager Appeals Specialist will contact the Housing Provider to determine if they are open to reviewing their original decision with the possibility of overturning it.

Example 2:

The appellant received a decision of a new RGI rent/housing charge and disagrees because they believed their expenses should be taken into consideration in determining their RGI payment. Not fully understanding the RGI rules they submit a Service Manager Appeal.

In this case the Appeals Specialist will contact the appellant to inform them of the rules pertaining to RGI calculation and discuss if they are open to the prospect of withdrawing their appeal.

**Procedure:
Mediated
Appeals**

In cases where the appeal is under mediation, the Appeals Specialist will contact the appellant and the Housing Provider or Region of Peel staff by telephone to discuss the appeal.

The Appeals Specialist will confirm the mediated or withdrawn appeal with all parties involved in writing.

Final Decision

In situations where a mutual resolution has not been reached between the parties, or the appeal was not suitable for mediation, the Appeals Specialist will compile all information from the appellant and housing provider and forward it to the Director of Housing Services or Designate, who will then review the file and render a final decision.

Legislation

[*Housing Services Act, 2011*](#), s. 155 to 159

[O. Reg. 367/11](#), s. 138 & 139

Questions If you have any questions regarding this document, contact your Housing Programs Specialist at the Region of Peel.

Appendix I Notice of Decision Letter - Appealable Decisions (SAMPLE)

Letters/Forms

- Region of Peel – [Service Manager Appeal Request form](#)
- Notice of Decision Letter template (for housing provider use)

Appendix I

Notice of Decision Letter - Appealable Decisions (SAMPLE)

Notice to housing providers: *This is a sample Notice of Decision Letter. A fillable template is available via the HIP Policies and Procedures Index page under the Service Manager Appeal HIP, or by clicking [here](#).*

If you do not want to use the template please ensure your version captures the necessary information (as provided in the sample below) and print on your letterhead.

(Insert date letter will be issued)

Dear *(Insert name of Tenant/Member)*,

This notice is to advise you of a decision made with regard to:

- Your eligibility for RGI assistance
- The amount of rent you are required to pay
- The size of accommodation you are eligible for under the occupancy standards
- Your eligibility for special needs housing
- Other _____

The decision was made on *(insert date decision was made)*, and was based on the following reason(s):

- Non-compliance *(insert specific details about the reason)*
- Change of Income *(insert specific details about the reason)*
- Other *(insert specific details about the reason)*

If you disagree with this decision, you have the right to appeal the decision to the Region of Peel Service Manager within **30 calendar days** of receiving this notice.

To request a Region of Peel Service Manager Appeal, you must complete a Region of Peel Service Manager Request Form, which is available:

- from your housing provider's office, or
- directly from the Region of Peel's website at:
<http://www.peelregion.ca/housing/provider/hip/policies/>

Sincerely,

(Insert name of staff person and job title)
