

Subject: Housing Provider Internal Review Policy Requirement

Date: May 17, 2016

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

- Municipal & Private Non-Profit Federal Non-Profit
- Co-operatives Rent Supplement*
*incl. former OCHAP/CSHP
- Peel Access to Housing (PATH)
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Content This document contains the following information:

Purpose
Duty to accommodate
Service Manager appeals
Policy recommendations
Examples of reviewable decisions to the housing provider
Review body
Timelines for internal review process
Resources
Questions

Purpose The purpose of this document is to:

- inform housing providers of their requirement to create and post an internal review policy for tenants/members (i.e. for co-ops this includes as part of the by-law book)
 - provide some guidelines around what information should be included in the policy, and
 - implement this policy in order to protect the boards and tenants/members while providing equal opportunity for views/interests to be expressed.
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Duty to accommodate Under the *Human Rights Code* (HRC) housing providers have a “duty to accommodate” persons with disabilities.

**Service
Manager
appeals**

This policy does not replace the [Service Manager Appeal HIP](#) policy.

Provisions under the HSA require certain decisions must be reviewed by the Service Manager, and not by the review body. The decisions which a household must request an appeal from the Service Manager include:

- The household is not eligible for rent-geared-to-income (RGI) assistance
- The household is not eligible for special needs housing
- Size and type of accommodation permissible for household
- The amount of RGI assistance rent payable by the household
- A household cannot be added to a wait list for special priority or remain on a wait list that has special priority

Important: Households must be advised of their right to appeal these decisions.

**Policy
requirements**

The Service Manager requires all housing providers create and post an internal review policy accessible to all tenants/members.

All tenants/members should be made aware of their ability to request an internal review of decisions made which negatively impacts their household.

Internal Review Policy Content

Each housing provider's internal review policy should contain the following:

- A clear, fair, and transparent process for all tenants/members
 - Procedural steps the tenant/member must take when requesting an internal review
 - Types of decisions made that can or cannot be appealed by requesting an internal review
 - An explanation of the timeline requirements for requesting an internal review
 - An overview of the process so that tenants/members are aware of how the internal review process works
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**Examples of
reviewable
decisions to the
housing
provider**

Following are some examples of decisions made where a tenant/member can request an internal review of the housing provider:

- Declining a request for an internal transfer, including requests for an additional bedroom
- Declining a request for adding an additional person to the household
- Declining a request for a parking pass
- Declining a request for extending a visitor's stay (i.e. does not meet exceptional circumstances)
- Refusal to offer a unit

Review body Each housing provider will need a review body to make final decisions about internal review requests. For example, a single individual or a subcommittee of the board.

The HSA (s. 158) stipulates the following rules for the review body when a review is requested:

- It may substitute its decision for the decision that was reviewed
- It shall give its decision and reasons for decision in writing
- It shall give notice of the decision and reasons to the applicant/tenant/member who requested the review and the person who made the decision that was reviewed

As per O. Reg 367/11 (s. 138), the actual member(s) of the review body must:

- Not have participated in the making of the decision being reviewed
- Be knowledgeable about the provisions of the HSA and regulations
- Not have discussed the decision being reviewed with the decision maker
- Not discuss the decision with the decision maker except in the course of the review

Timelines for internal review process The Service Manager recommends that housing providers follow the timelines outlined in O. Reg 367/11 (s. 138) when an internal review is requested:

- 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**
- Notice of the decision and reasons of the review body must be given **within five business days** after the decision was made

Resources [Review of decisions \(sample policy\)](#) – Ontario Non-Profit Housing Association

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