

**Subject: Victims of Family Violence (VOFV)**

**Date: April 09, 2020**

**Replaces: April 1, 2018**

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

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

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**Purpose** This document addresses the administration of applications for inclusion in the Special Priority Housing Category for priority placement on the waiting lists for rent-g geared-to-income (RGI) assistance housing. It also covers the most recent regulatory amendments that determine how such applicants should be administered under the HSA and the regulation under this Act, O. Reg. 367/11.

Specifically, this document refers to the request for inclusion in the special priority household category where a member of the household is or was a victim of family violence (VOFV).

**Note:** For applicants seeking inclusion in the special priority household category as a victim of human trafficking, refer to the [Victims of Human Trafficking \(VOHT\)](#) HIP policy. Applicants can only apply for one of the special priority household categories at a time.

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**Overview** The Region of Peel Housing and Property Department (now known as Human Services) and the Stakeholders Advisory Committee (STAC) originally created this procedure in response to the special priority for Victims of Family Violence (VOFV) prescribed under the HSA. This procedure ensures compliance with the regulations referred to above.

It is intended to provide an efficient application process and make effective use of Peel Access to Housing (PATH) staff resources to assist the VOFV. This procedure applies to those applicants seeking inclusion in the Special Priority Housing Category for priority placement on the waiting lists for rent-g geared-to-income (RGI) assistance housing, special needs housing and /or internal transfers.

Any member of the household who is 16 years of age or older can request in writing that the service manager determine the household be considered for special priority as a VOFV on the centralized waiting list (CWL) and or internal transfer list with social housing providers.

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**Background – Legislative/Discussion** Section 48 (1) of the HSA states *“The service manager shall determine the priority of households waiting for rent-g geared-to-income assistance, including whether a household is included in a category given priority over other categories.”*

Further, section 48 (3) states *“A service manager’s priority rule does not apply to the extent that it conflicts with a provincial priority rule, unless the provincial priority rule provides otherwise.”*

The special priority household category is the only mandated priority status for entry into Social Housing. Approved special priority applicants are housed first and before any other priority established at the local level. O. Reg. 367/11, sections 47 (6).

O. Reg. 367/11, sections 52 to 58.1 prescribes how the service manager will address applications for priority status from members of households who have been the victims of abuse.

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**Definition of Abuse and Alleged Abuser**

**O. Reg. 367/11, s.1 (1)(2).** The definition of abuse provides the context of domestic violence and therefore focuses the policy on abuse within an abusive relationship with respect to a member of the household.

Abuse includes one or more incidents of;

- physical or sexual violence
- controlling behaviour
- intentional destruction of or intentional injury to property
- words, actions or gestures that threaten the member or lead the member to fear for his or her safety

Abuse is done by any of the following persons against a household member:

- the household member's intimate partner, parent, child or other relative
- a person who is sponsoring the household member as an immigrant
- a person on whom the household member is emotionally, physically or financially dependent
- a person who is emotional, physically, or financially dependent on the household member.

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**Eligibility**

**O. Reg. 367/11, s.24 (1)(2).** All eligibility determinations for RGI housing are made in compliance with the HSA and its corresponding regulations. To be eligible for consideration as a VOFV, all applicants for RGI units in buildings affected by the HSA are required to meet the standard RGI determinations. This includes but is not limited to the basic eligibility criteria for RGI i.e. a verifiable source of income, legal status in Canada, and a positive tenancy record if there is a history of living in social housing.

**O. Reg. 367/11, s.54 (1).** Once RGI eligibility has been determined, a household is eligible to be included in the special priority category if,

- the member of the household has been the subject of abuse by another individual;
- the abusing individual is or was living with the member of the household or is sponsoring the member as an immigrant; and
- the abused household member intends to live permanently apart from the abusing individual.

In addition to the eligibility criteria mentioned above, the abuse must have taken place in Canada.

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**Three Month Application Rule**

**O. Reg. 367/11, s. 54 (2).** When households are no longer living with the abuser, applications for special priority status should normally be made within three months of separation from the abuser.

The service manager has discretion to consider accepting applications beyond three months of separation provided that a verification of abuse required under clause 58 has been met and the service manager is satisfied that the abuse is ongoing at the time the request is submitted.

In situations where the abused member is living in a shelter or in temporary housing with supports; or in other extenuating circumstances. Refer to section 54 (2)(3) in O. Reg. 367/11 for the complete list of considerations.

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**Request Requirements**

**O. Reg. 367/11, s. 56 (1-3).** The request to be included in the special priority household category must be in writing and made by a member of the household who is 16 years old or older. The request must include a written consent from the abused member, or a person authorized to consent on the abused member's behalf, consenting to the disclosure of information and documents required by the service manager to verify the requirements as outlined under clause 54 (1)(a).

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**Verification (Declaration)/Record of Abuse**

**O. Reg. 367/11, s. 58 (1-4).** The Service Manager must accept a record prepared by "any other individual who knows about the abuse", but may also require a declaration of the truth of the record, administered by a Commissioner for taking affidavits.

Amendments have been made to require written verification of abuse and remove the previous option for verbal verification. However, the Service

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Manager can waive the written verification (and accept verbal verification) when they are satisfied that the member making the request will be at risk and/or the person preparing the record will be at risk, or that the member making the request will be at risk of further abuse by attempting to obtain the record in written form; or that the written record is not required due to extenuating circumstances.

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**Community Professionals**

**O. Reg. 367/11, s. 58 (5).** A documented record of abuse from an approved community professional will also be submitted to the service manager on behalf of the applicant. The community professional is required to provide a professional and informed opinion of the likelihood that abuse has occurred based on documented records. Refer to O. Reg. 367/11, s.58 (5) for the list of community professionals.

The list of verifiers of abuse includes other individuals not listed among the professionals or community services workers that know about the abuse. In these cases, the service manager has the authority to follow-up with such individuals to request a declaration of the truth of the record as administered by a Commissioner for taking affidavits.

The service manager can waive the requirement for written verification (and accept verbal verification) when they are satisfied that the member making the request and/or the person preparing the record will be at risk for abuse by the abusing individual or that the written record is not required due to extenuating circumstance (O. Reg. 367/11 s. 58 (3)).

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**Restrictions on Requiring Information and Documents**

The service manager shall not require a person to provide information or documents if (O. Reg. 367/11 s. 57 para 1 & 2):

- the service manager is satisfied that the person is unable to do so
  - the member believes that he or she or any other member of the household may be at risk of abuse if he or she attempts to obtain the information or documents, or
  - the member has commenced legal proceedings against the abusing individual and shall not require information or documents relating to such proceedings.
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**Removal of Special Priority Status**

**O. Reg. 367/11, s. 55 (1)(2).** Once it has been determined that a household is eligible for Special Priority category on the waiting list, the status cannot be changed or removed except for the following circumstances:

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- 1) The member who made the request for special priority status notifies the service manager that he/she is adding the abuser to the household's application;
- 2) The member who made the request notifies the service manager that the abuser is deceased; and
- 3) If the household has accepted an offer of an RGI unit and has been housed. (Unit accepted can be in any service manager area.) The household may retain its application date on the waiting list but not its special priority status.

In all three cases, households who lose their special priority status can remain on the Centralized Waiting List and their place on this list is based on the chronological date of their application.

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**Temporary  
Removal from  
the CWL up to  
One Year**

The service manager shall temporarily remove a household included in the special priority household category for VOFV if:

- the household requests to be temporarily removed from the CWL
- the member who made the request advises the service manager that the abused member is or will be living with the abusing individual, and
- the service manager has not previously removed the household under this regulation (O. Reg. 367/11 s. 46(1) para. 9)

The service manager must reinstate the household temporarily removed from the list on the earlier of:

- the date on which the household makes the request to be reinstated, or
- one year after the household was removed from the list under this regulation (O. Reg 367/11 s. 46(1) para. 10).

The provisions of this regulation only apply to households with an approved VOFV priority status and who make the request on or after April 1, 2018. This regulation cannot be applied retroactively.

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**Internal  
Transfer  
Request**

Responsibility for determining special priority eligibility for internal transfer requests, i.e. within existing housing projects/portfolio, rests with the housing provider.

The housing provider must give a household in the special priority household category priority over a household that is not in the special priority household

category (O. Reg. 367/11 s. 47 (5 & 6) and s. 48).

A determination concerning the inclusion in the special priority category must be completed within 14 business days after the application is complete. This applies whether the request is made with an RGI application, or special needs housing or with an application for an internal transfer (see HIP Policy – [Housing Provider Internal Transfer Policy Requirement](#)).

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**Service  
Manager  
Appeal**

**O. Reg. 367/11, s. 138.** Reviews related to inclusion in the Special Priority Category or housing providers' internal transfers, must be completed within 10 business days after the request for the review is received; the notice of the decision and reasons must be given within five business days after the decision was made.

Information pertaining to the Region of Peel service manager appeal process is provided to the applicant when it is proposed that priority status be denied (see HIP Policy – [Service Manager Appeal](#)).

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**Action  
Required**

**Housing Provider Role**

The role of the provider is to accept applicants through the established CWL placement process when a vacancy occurs. Some applicants will have approved VOFV status.

The provider will refer any known potential VOFV tenant/member to the CWL, i.e. to be reviewed under this special priority status.

**Service Manager Role**

Peel Access to Housing (PATH) is mandated to complete the following:

1. determine whether an RGI applicant's submission is complete within seven business days; and within 30 business days or more, to determine whether such an applicant qualifies for RGI
2. determine whether a VOFV applicant's submission is complete within seven business days; and within 14 business days (or more), to determine whether such an applicant is eligible for special priority (this also applies to special needs applicants who may also be VOFV applicants) and internal transfers

For the purpose of determining special priority eligibility, the applicant must provide the service manager all information and documents required for the

purpose of verifying a statement of abuse. The applicant must provide the following to PATH:

- PATH VOFV Form (Declaration Form) completed and signed by both the applicant and Community Professional
- Record of Abuse on letterhead and completed by the same Community Professional who signed the VOFV Declaration Form
- Proof of cohabitation for both the applicant and alleged abuser
- Proof that relationship is intimate or familial
- Proof of ongoing abuse (if applicable)
- Explanation if request falls outside the three-month application rule (if applicable)

**NOTE:** PATH reserves the right to determine what documents are or are not acceptable.

Applicants who are not on the CWL are required to provide a PATH Application for Subsidized Housing and meet the RGI eligibility criteria, as outlined in the HSA section 42 and O. Reg. 367/11, sections 24 to 29, **first** before the applicant is considered for the special priority household category.

The wait list date of households that are not included in the special priority category is determined by the date the household's application for RGI assistance is deemed complete. The priority date of special priority households is determined by the date the household requested to be included in the special priority category. O. Reg. 367/11, s. 52 (1). **NOTE:** The priority date cannot precede the wait list date.

Applicants that meet the eligibility criteria will be notified and given priority status on the waiting list.

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## Questions

If you have any questions, please contact your Housing Programs Specialist.

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