

November, 2001

Service Manager Update For the month of November, 2001

Five Transfers Completed

On November 1st, responsibility for social housing in York Region was transferred to the service manager. York is the fifth service manager to assume responsibility for the social housing business, following Peel, Kingston, Waterloo, and Lambton in October. With the October and November transfers, more than 200 housing providers are now being administered by service managers. In December, Grey, Algoma, Nipissing, Hamilton, and Oxford will have the social housing business for their areas transferred to them.

Transfer Tips

Each month, this section will feature excerpts from an interview with a service manager staff representative who has completed the social housing business transfer.

Region of York Transfer

York Region was the fifth service manager to assume responsibility for the social housing business, with non-profit housing transferred on November 1st. Sylvia Patterson, Director of Housing and Residential Services for the Regional Municipality of York, relates some of her experiences:

"The file and information transfer itself went pretty well, and Central Region did a great job briefing us, but it's still very early days.

"A key for us was getting good people, and getting them in place early. The service manager training was fine, but you can't make people into housing experts in five days. The short time frame for legislation and regulations put us behind the eight ball. We're lucky in York to have experienced people who understand policy and programs, and we're taking a staged approach in terms of policy development and implementation."

"We're working closely with providers, using newsletters, meetings, and a reference group. York's provider community organized itself, and is helping us communicate effectively to all housing providers."

"It was important for us to get a team together -involving legal, financial, risk management, human resources and policy people to make sure we're seeing the big picture and looking at all aspects of what we're doing. Service managers need to understand that it's not just existing programs that are being devolved. Municipalities now have the responsibility to plan and manage the entire system -policy, housing supply, homelessness -now and for the future."

Implementation Guidelines

The ministry recently issued implementation guideline Release 13: *French Language Services*. This implementation guideline provides information for service managers required to provide housing services in the French language. For more information, contact your Area Transition Team.

Frequently Asked Questions from Service Managers

In talking to their Area Transition Teams and during training sessions, service managers have raised a number of questions. On the next few pages are answers to some frequently asked questions from service managers.

These questions and answers will be organized into distinct categories (such as funding or risk management), and a different topic will be addressed in each issue.

In this issue, the focus will be on questions pertaining to rent-geared-to-income assistance and waiting list management.

Q1 If a provider does not have a small enough unit (1 bedroom) for an overhoused household, but does have a smaller unit (2 bedroom), could/should the household be moved to the smaller unit on a temporary basis?

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A1 Section 33 of O. Reg. 298/01 requires that if a provider does not have any appropriately sized unit, or one does not come available within 12 months, an overhoused household must be added to the centralized waiting list.

The household could be offered a smaller unit that is still not of the appropriate size during the time they are on the provider's list of the centralized list, but there is nothing that would require them to accept such an offer.

Q2 Section 25 (7) of REG 298 states that once a service manager determines that a household should be included in the special priority household category on the waiting list, the service manager shall not reconsider whether that household should be included in that category.

Does this mean that this household has a permanent special priority category until they are housed, even if the household composition changes i.e. the abuser is added to it?

A2 Yes. Once a service manager determines that a household is eligible for special priority, this decision is not subject to ongoing review and the status must not be changed, regardless of how long the household is on the waiting list. See O. Reg. 298/01, subsection 25 (7).

Q3 If service manager and provider agree, can they use the centralized waiting list for special needs households?

A3 If the service manager and a supportive housing provider agree, the service manager can maintain a waiting list for special needs housing on behalf of the housing provider. However, the housing providers listed in Table 2 of O. Reg. 298/01 remain responsible under the Act.

Each housing provider would therefore need to have a specific agreement with the service manager addressing how the functions would be carried out.

Q4 If a household fails to report a change in income, which date do you use for the 90 days notice? The date the change occurred or the date the information was discovered?

A4 O. Reg. 298/01 subsection 14 (3) states that the higher rent resulting from a determination of ineligibility begins the month immediately following the 90th day after the service manager gave the household written notice of the decision.

Example: A household receives notice that they are ineligible due to failure to report a change in income on April 30. Service manager provides notice of an increase to market rent at the same time, to take effect August 1.

Q5 What does it mean that the SM's can establish income beyond which households are not eligible?

A5 A service manager may choose to set income limits for rent geared-to-income eligibility. There is no requirement to do so.

Section 8 of O.Reg. 298/01 sets out rules for local income and asset limits. If an income limit is established, a household's total income (total of all payments of any nature paid to each member of the household for a 12 month period) is compared to the income limit. If their income is over that limit, then the household would be ineligible to receive rent-geared-to-income assistance.

For example, the service manager sets a maximum income limit of \$35,000/year for a 3-bedroom unit. Mrs. Jones applies for housing and her household income is \$37,000/year. Based on the limit established, Mrs. Jones would not be eligible for rent-geared-to-income assistance.

Subsection 12 (2) of the Regulation provides that a household already receiving rent-geared-to-income assistance would not become ineligible just because an income limit was introduced. However, if the income of a household receiving rent-geared-to-income assistance had been below the limit at the time it was introduced, but subsequently becomes higher than the limit, they would become ineligible when their income rose above the limit.

If income limits are established they must not be less than the household income limit (HIL) for the size and type of unit in the service area.

Q6 Does the service manager have the authority to change the RGI ratio (e.g. increase from 30% to a higher level?)

A6 No. The service manager will have to follow the rules for calculating RGI in Part VII of O. Reg. 298/01. The rules include application of the 30% ratio, use of the social assistance rent scales, minimum, how income is to be determined, etc.

Q7 (a) Does the regulation have to be changed every time social assistance scales are changed?

A7 (a) Yes. The scales are set in consultation with the Ministry of Community and Social Services. Any time the regulation is changed, it will be published in the Ontario Gazette, made available through the ministry's website, and sent to Service Managers.

Q7 (b) Who distributes the new scales to providers?

A7 (b) Service managers will be responsible for sending revised information to providers.

Q8 Is there a standard for underhoused as well as overhoused?

A8 The provincial occupancy standards in Part V of O. Reg. 298/01 defines the smallest unit a household is eligible for (see specifically section 28). Service managers are required to set their own local occupancy standards within twelve months of the point of transfer.

Unlike the case of overhousing, however, there are no consequences in the regulation if a household is found to be underhoused during a review of occupancy after they have been housed. The household may apply for a transfer, and the housing provide and/or service manager may choose to make a local rule that gives them some priority, but there is no requirement that the provider or service manager do so.

Q9 (a) Many non-profit groups are mandated as seniors only and have been told they may remain so. Previous LHAs were told they were not permitted to be seniors only because of the Human Rights Legislation. We are now considering designating some LHC buildings seniors only where we have more than one building in a community. Why is it okay for some groups (non-profits) and not others (LHCs)?

A9 (a) The real issue concerns the practice of allowing people aged 60 to 65 to live in designated seniors buildings. The Ontario Human Rights Code prohibits discrimination in the provision of rental accommodation. The Code, however, only applies to discrimination from the ages 18 to 65. Therefore, seniors buildings designated for those over 65 cannot be challenged under the Code. The OHC Board previously allowed people 60 to 65 to live in designated seniors buildings. This decision could be challenged under the Code and the Charter of Rights and Freedoms. Both the Code and the Charter allow what would be discrimination, if it is part of a program to alleviate hardship or economic disadvantage. If challenged, the housing provider would have to provide evidence that people aged 60 to 64 are economically disadvantaged.

Q9 (b) What is the explanation of the change for seniors as 65 and not 60 in the definition of a seniors mandate? This will be a problem for existing tenants or new applicants. An explanation about this would be helpful for our planning process and policy development.

A9 (b) To comply with the Code and charter, the mandates should not contain a provision for the housing of people aged 60 to 65 in designated seniors buildings.

Q10 Service Managers have the option of completing RGI calculations for their providers or having the providers complete their own.

In those instances where the Service Manager has chosen to complete the calculations, should they request the provider to send the tenant files to them or should they complete the calculations on site in the provider's office?

What are the FOI and legal (liability) implications?

A10 Sections 69 (1) and (4) of the *Social Housing Reform Act, 2000* state that the service manager is responsible for the calculation of rent, and will give written notice of its decision to the housing provider. In other words, a housing provider that does rent calculation would be carrying out that function on behalf of the service manager, not the service manager on behalf of the housing provider.

In Section 16 (1) of the Act, the service manager is given the flexibility to enter into an agreement with any person to perform certain functions. It is up to the service manager to decide where, how and by whom these functions will be carried out.

Anyone involved in providing housing services (including a service manager and a housing provider) is responsible for meeting the personal information standards prescribed under the authority of section 162 of the Act. These standards are detailed in O. Reg. 368/01.

In addition, the service manager is subject to the requirements of the *Municipal*

Freedom of Information and Protection of Privacy Act. The service manager must ensure that these requirements are met, even if a housing provider that is not subject to that Act is doing rent calculation on its behalf. Subsection 16 (6) of the Act states that the agreement must provide that the service manager retains control of every record that is created by, or is in the custody of, the other person, if the record relates to the duties or powers that are subject to the agreement and if the other person is not an institution for the purposes of the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*.

Regular editions of Service Manager Update are published on the 15th of each month by the Ontario Ministry of Municipal Affairs and Housing to summarize important information that will assist service managers with the social housing business transfer.

Special editions will be published, if required, to provide service managers with time-sensitive information.

For more information, please contact your Area Transition Teams.



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