Everyone has a home...Home is the foundation

Eviction Prevention is part of Hamilton's Housing and Homelessness Action Plan
INTRODUCTION

People living on very low incomes often experience housing affordability problems. Once an individual or family secures a social housing unit, their shelter costs become less but their affordability issues may not go away. The vast majority of evictions are economic in nature, involving some form of rent non-payment.

Preserving tenancies is a primary goal.

Successful tenancies (including memberships in co-operatives) create stable communities and keep operating costs down.

This Toolkit includes information, tools and tips to help housing providers with their eviction prevention efforts. It can be used to develop new policies or improve existing practices. The Toolkit was developed through the efforts of the Eviction Prevention Consultation Work Group.

The Group was comprised of members from:

- City of Hamilton
- Good Shepherd Centres
- Halam Park Co-operative Homes Inc.
- Hamilton East Kiwanis Non-Profit Homes Inc.
- Hamilton Community Legal Clinic
- Housing Help Centre
- Interval House Hamilton
- Victoria Park Community Homes Inc.
- City Housing Hamilton
Connection to the

**Housing & Homelessness Action Plan**

Hamilton’s Housing and Homelessness Action Plan is a 10-year person-centred plan that supports the vision “Everyone has a home...Home is the foundation.”

One of the outcome areas of the plan is to “Increase People’s Housing Affordability, Stability and Choice.” Eviction prevention efforts within the social housing system are critical to achieving this outcome. This guide will help providers in their eviction prevention efforts and directly support Hamilton’s vision to be a community where everyone has a home.

What is Eviction Prevention?

Eviction prevention is a range of strategies that help tenants remain housed.

It is understood that tenants are responsible for:

- Paying their full rent on or before the first of every month

- Reporting all changes in income or household composition ~ tenants receiving RGI must provide necessary documentation within 30 calendar days of the change to ensure rent is properly calculated

- Telling their housing provider or property manager if they will have trouble paying their rent so payment options and/or other issues can be addressed right away

Why is Eviction Prevention Important for Social Housing Providers in Hamilton?

The risk of homelessness due to financial reasons is decreased.

It helps ensure social housing tenants in our community pay rent arrears and maintain their homes.

Vacancy loss, bad debt, legal fees, other financial and social costs are reduced.

Over time, a little eviction prevention can go a long way!
This selection of best practices is intended to represent the activities that are most commonly used to prevent rental arrears. It may also apply to actions that could lead to eviction under the Residential Tenancies Act, 2006 which are sometimes referred to as evictions for cause, such as:

- Substantial interference with reasonable enjoyment or with other’s rights
- Damage to property
- Illegal Act(s)
- Impairment of Safety

Best practices is a set of operational practices generally accepted by an industry as leading to increased operational efficiency, and thus worthy of being shared and copied among like service providers where applicable (ONPHA, 2013).

With so many different social housing providers in Hamilton, there is no “one size fits all” approach for implementing eviction prevention but there are fundamental components that all providers can use. Each provider must find best practices that work for their organization and their tenants. For example, providers should:

- Incorporate eviction prevention as part of staff orientation and ongoing training
- Establish new or revisit existing Eviction Prevention policies and practices
- Be more proactive and less reactive
- Identify eviction prevention practices already in place, assess how well they are working and identify additional or better practices that could be introduced.
- Formalize their commitment to eviction prevention through the adoption of these best practices
The principles of natural justice and procedural fairness have been developed by courts and tribunals to ensure the decision making process is fair and reasonable.

In the context of eviction prevention, social housing providers adhering to the principles of natural justice give tenants an opportunity to “have their say” about the eviction which the provider then takes into account when making a decision.

Housing providers who follow the principles of natural justice also make decisions based upon logical proof or evidence material and they do not have a personal interest in the outcome of a decision.

All social housing providers have a “duty to act fairly” when making decisions with potentially serious adverse effects on someone’s rights, interests or status.
Key Financial & Human Costs of Evictions to Providers & Tenants

- Legal fees and revenue loss
- Maintenance costs from unit turnovers
- Staff hours and staff stress
- Moving costs
- Rent arrears and credit issues
- Loss of belongings
- Increased stress and family conflicts
- Stigma of eviction
- Negative effects on children
- Difficulty renting again
- Homelessness

While it is positive that a number of legal actions for eviction do not result in eviction, it raises the question whether it is necessary for as many households to go through the eviction process.

The threat of eviction, let alone the eviction itself, can put a family through unnecessary stress and uncertainty which is often compounded by other factors in their lives such as loss of employment, violence against women, domestic abuse or ill health.
There are **strategies and tools** to help social housing providers establish or improve an effective eviction prevention program:

1. Communication Strategy
2. Rent Repayment Strategy
3. Training and Education Strategy

**Communication Strategy**

- Use plain, clear language in all documentation
- Tell tenants about eviction prevention at lease signing, annual reviews and when tenants are having trouble paying their rent
- Use several methods to communicate: phone calls, visits, face-to-face meetings, reminders emails and letters – try to make early personal contact with a tenant in arrears before issuing an N4
- Include the Language Translation & "Do you know?" sheets with each Notice
- Use an interpreter when needed
- Clearly explain the rent arrears - both the amount and what is for
- Document all contact and/or attempts to contact
- Document all action taken in the tenant's file
- N-4 (or other notices) should not be the first time the tenant is informed of the issue.
- Establish a standard of **three** attempts before the N4 is given ~ a Notice should be preceded and followed up with personal contact wherever possible
- Ensure tenants are advised in writing of the Review process so they know their right to appeal a subsidy removal decision
- Give tenants community resources information
- Provide documents in accessible formats to accommodate tenant needs
- Use lease signings, annual renewals, building meetings and information sessions to share information with tenants about eviction prevention
**Tip:** Housing Providers should avoid setting tenants up for failure by agreeing to unrealistic repayment plans.

In a desperate attempt to satisfy the debt and save the tenancy, a tenant/member may promise more than they can pay.

To help ensure success, consider lowering monthly payments to an affordable level and making the repayment period longer.

**Rent Payment Strategy**

- Use creative solutions for consistently late payments
- Discuss the option of Shelter Pay Direct as an option for OW/ODSP recipients
- Be open to flexible payment options like bi-weekly rent payments for employed tenants
- Make repayment plans fair & based on tenant's income and expenses

- Base repayment schedules on ability to pay, not on a time maximum e.g. three months
- Trustee programs may be appropriate for some tenants
- For N-4s, try to make repayment agreements before filing an application at the Landlord and Tenant Board
- Attempt to mediate at the Landlord and Tenant Board in all cases
- A reasonable agreement is one that is affordable and successful
- Be aware of vulnerable tenants with a higher risk of eviction and respond promptly to their arrears

**Tip:** Tenants who may be vulnerable include those with:

- Mental health issues
- Cognitive or developmental disability
- A complex income or rent profile which may or may not include a history of arrears
- Unstable family situation
- Domestic violence and/or violence against women
- Senior tenants are not automatically vulnerable as a result of their age but they are at greater risk of becoming vulnerable
Education and Training Strategy

- Develop and implement an Eviction Prevention policy
- Educate tenants and staff about eviction prevention activities
- Train staff in early identification of tenants who may need help
- Respond to complaints - investigate them in a consistent, fair and timely manner to reduce escalation
- Provide eviction prevention training to new staff and annual refresher training to existing staff
- Address the issue of tenants' income changing when they become 65 through a public education program or some other mechanism, so that affected tenants are aware of the impact this may have on their RGI rent

- Give staff and tenants positive feedback when eviction prevention is used to help tenants remain housed
- Keep current information about available community resources, including The Red Book of Hamilton and 211 – Information Line
- Create an environment where tenant(s) are able to discuss arrears or potential arrears
- Ensure staff give each tenant a copy of the Tenant Handbook (if there is no handbook, consider developing one)
- Consider working with the Hamilton Community Legal Clinic, Housing Help Centre or other agencies to hold information sessions to remind tenants of their responsibilities and how to get help if they have problems with their rent
- Share effective methods and protocols with other housing providers

Encourage staff to practice Eviction Prevention - there is no substitute for compassion and consistency.
The free downloadable resources and materials in this tool kit have been developed to help guide you and your organization on how to actively participate in the Eviction Prevention initiative. Use the five tools (attachments) along with the Communication, Rent Repayment and Education and Training Strategies. This *Eviction Prevention Tool Kit* is designed to help you create new or revise current practices.

- **Do you know...?** Use this tool any time a Notice to Terminate or Notice to End a Tenancy is given to a tenant. Simply circle the type of N-Notice, fill in the contact information and attach it to the N-Notice.

- **Top 5 Things** - This tool can be used to supplement the information given to tenants during a lease signing. The Top 5 list does not replace a lease. It is intended to highlight key responsibilities contained in a lease. *Also available in French, Spanish, Arabic, Russian, Somali, Punjabi and Chinese*

- **Language Translation page** – Attach this page to all documentation sent to tenants.

- **Community Resource page** – Any Lease or Notice should be accompanied by the sheet about resources that may assist the tenant/member. Community resources periodically change. Check the Redbook of Hamilton to ensure the information is current and correct.

- **Eviction Prevention Policy template** - As a best practice, we suggest all social housing providers develop their own Eviction Prevention policy. This policy template adapted from the Ontario Non-Profit Housing is a good starting point.
Declaration of Support

We applaud the efforts housing providers who help tenants preserve their tenancies!

We would like to see every housing provider do the same thing. Our target is to have 100% of the social housing providers in Hamilton adopt eviction prevention practices.

Throughout 2014 the City of Hamilton will invite all social housing providers to sign the Declaration of Support to endorse Eviction Prevention Best Practices.

Contact Information

Questions about this Toolkit should be directed to:

Tammy Morasse – Senior Policy Analyst
Housing Services Division
Community and Emergency Services Department
City of Hamilton
Telephone: 905-546-2424 ext.3727
Email: tammy.morasse@hamilton.ca
Top 5 Things You Need to Know about Your Lease

1  Rent is due on the first of the month.

2  Your lease is a legal contract between you and your landlord (housing provider).

3  You are responsible for all occupants, invited guests and pets in your unit.

4  Tenants must report any changes in writing within 30 days (e.g. income changes, increase or decrease of household size) – note, if you report changes to OW/ODSP, then you must report it to your housing provider too.

5  You must have an annual review. Your one year date is _________________________________.

Do you know there are things you can do to avoid eviction?

Please carefully read the NOTICE. There are several types of notices with slightly different names but usually the form starts with Notice to Terminate or Notice to End a Tenancy. The form may have one of these numbers: N4, N5, N6, N7, N8, N12 or N13.

If you don’t want to leave or if you don’t agree with the reasons in the notice, you do not have to move out. Call the property manager to talk about your options.

Name: 
Phone: 

Where to get help

Housing Provider _______________________________ (insert name)

Housing Help Centre.................................................. 905-526-8100
Hamilton Community Legal Clinic................................. 905-527-4572
Women’s Centre, Hamilton, Jared’s Place (women only)...905-522-0127
This is a very important legal document about your housing. Please contact someone who can help you understand it immediately.
| **Eviction Prevention Toolkit**  
| **Community Resources**  
| **March 2014**  

| **Catholic Family Services**  
905-527-3823 ext. 269  
www.cfsnet.ca | Money management and bankruptcy counselling  

| **City of Hamilton – General Inquires**  
905-546-2489  
www.hamilton.ca | For general inquires or information about Housing Services, By-Law Services, Public Health, Home Management, OW and ODSP  

| **Community Mental Health Promotion Program**  
905-528-0683 | Public Health Nurses work with adults who are diagnosed as living with a serious mental illness  

| **Hamilton Community Legal Clinic**  
905-527-4572  
www.hamiltonjustice.ca | Free legal advice and assistance with regard to landlord/tenant matters, social assistance, employment insurance, disability pensions and WSIB appeals. Language Line Available  

| **Housing Help Centre**  
905-526-8100  
www.housinghelpcentre.ca | Free information & help with tenant rights/ responsibilities. Language Line Available  
  ◦ Housing Stability Benefit to eligible low income households and ODSP participants.  
  ◦ Assesses eligibility for Rent Bank  

| **Landlord and Tenant Board**  
1-888-332-3234  
www.ltb.gov.on.ca | Resolves disputes between most residential landlords and tenants. Gives information about the *Residential Tenancies Act, 2006*  

| **Low-Income Energy Assistance**  
905-523-6111 ext. 3009  
www.uwaybh.ca | A grant program of emergency relief for eligible low-income customers who may be having difficulty paying current arrears.  

| **The Red Book of Hamilton** (formerly Inform Hamilton)  
www.informationhamilton.ca/redbook | Directory of Community Services in Hamilton  

| **Transitional Support Programs at:**  
Good Shepherd Centres - 905.523.8766  
Inasmuch House – 905.529.8149  
Interval House - 905.387.9959  
Native Women’s Centre - 905.664.1114  
Phoenix Place – 905.527.2238  
Centre de santé - 905.528.0163 | For Women Only ~ Services that support women and their children who have experienced violence and abuse.  

| **Trusteeship Programs at:**  
Good Shepherd Centres  
  ◦ 905-528-9109  
Mission Services  
  ◦ 905-527-1444  
Salvation Army  
  ◦ 905-528-4212 | Financial management services that help people retain their housing and reduce debts  

# POLICY STATEMENT

Recognizing its role in providing safe, secure, affordable housing to the community as well as its responsibilities under the *Ontario Human Rights Code*, the *Residential Tenancies Act, 2006* and the *Housing Services Act, 2011* [insert Housing Provider name] will proactively work with its tenants to, where possible, prevent their eviction.

[Insert Housing Provider name] also recognizes the roles that tenants must play in preventing eviction and will invite and encourage their participation in the eviction prevention process.

# PURPOSE AND SCOPE

**PURPOSE:**

The purpose of this policy is to help staff to work with tenants to retain their tenancies. This approach will help to identify strategies which will meet the needs of both the tenant(s), community members and the non-profit and may identify instances where accommodation is required.
SCOPE:
This policy focuses on situations where tenants are at risk of losing their tenancy due to arrears or conduct which is believed to contravene the lease agreement and the Residential Tenancies Act, 2006. The service co-ordination approach outlined in the procedures will be implemented in cases where there is no threat to the safety of staff, tenants, or members of the community, or at the discretion of [Insert Housing Provider name].

DEFINITIONS AND CLARIFICATION
- Insert definitions of terms used in the Eviction Prevention Policy

PROCEDURE
1.0 TENANT RESPONSIBILITIES
- Insert a list of tenant responsibilities according to their obligations under their signed lease with the non-profit. These obligations are consistent with the Residential Tenancies Act, 2006, the Housing Services Act, 2011, and the Ontario Human Rights Code, 1990, and their Regulations (e.g. paying full rent on or before the first day of the month, reporting changes, etc.).

2.0 NON-PROFIT RESPONSIBILITIES
- Insert a list of the non-profit housing provider’s responsibilities (e.g. giving tenants clear, complete, timely, and accurate information about their subsidy and rent, etc.).

3.0 EVICTION PREVENTION – ARREARS
- The non-profit will ensure that all Notices of Termination and Applications with regard to non-payment of rent are served and filed in a timely manner.
- Insert information about how and when tenants will be notified of arrears.
- Insert information about specific eviction prevention tools staff will use

4.0 EVICTION PREVENTION – CONDUCT/DAMAGE
- Insert information about how the housing provider will work with tenants whose tenancy has been jeopardized by their conduct or the conduct of their occupants, guests or visitors (e.g. serving an N5 Notice to Terminate a Tenancy Early or negotiation of a Behavioural Contract).

5.0 RESOURCES AND SERVICES –
- Insert any information about available services in the community to help prevent evictions and preserve tenancies.
5 choses que vous devez savoir
à propos de votre bail

1. Votre loyer est dû le premier de chaque mois.

2. Votre bail est un contrat au sens de la loi entre vous et votre propriétaire. (Le fournisseur de logements)

3. Vous êtes responsable de tous les occupants de votre logement, y compris les invités et les animaux familiers.

4. Les locataires doivent signaler tout changement par écrit dans les 30 jours suivant ce changement (p.ex. changement lié à votre revenue ou augmentation ou diminution de la taille de votre famille) – veuillez noter que si vous déclarez ces changements à Ontario au travail ou au Programme ontarien de soutien aux personnes handicapées, vous devez aussi les déclarer à votre fournisseur de logements.

5. Une revue annuelle est exigée. Votre première revue sera le : ________________________________.
### 5 cosas principales que usted necesita saber acerca de su Contrato de Arrendamiento

<p>| | |</p>
<table>
<thead>
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<tbody>
<tr>
<td>1</td>
<td>La renta es pagadera el primer día del mes.</td>
</tr>
<tr>
<td>2</td>
<td>Su contrato de arrendamiento es un contrato legal entre usted y el propietario (arrendador de la vivienda)______________________________</td>
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<tr>
<td>3</td>
<td>Usted es responsable de todos los ocupantes, los invitados y los animales domésticos en su unidad.</td>
</tr>
<tr>
<td>4</td>
<td>Los inquilinos deben reportar cualquier cambio por escrito dentro de los 30 días (por ejemplo, cambios en ingresos, aumento o disminución del tamaño de la familia) - Atención, si usted reporta cambios a OW / ODSP, también debe reportarlos a su arrendador de vivienda.</td>
</tr>
<tr>
<td>5</td>
<td>Usted debe tener una revisión anual. La fecha de su revisión anual es: ___________________________</td>
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</tbody>
</table>
أهم خمسة أشياء يجب أن تعرفها حول الإيجار

1. الإيجار يستحق اول/بداية كل شهر

2. أيجارك هو عقد قانوني بينك وبين صاحب الملك أو من ينوب عنه

3. أنت المسؤول عن كل الموجودين/الساكنين/و الضيوف والحيوانات الأليفة المتواجدين في وحدتك.

4. على المستأجرين أن يبلغوا كتابياً عن أي تغيير حاصل في (على سبيل المثال: الدخل، زيادة أو نقصان في عدد الساكنين)، كما يجب عليك تبليغ موفر السكن عن أي تغيير حاصل بخصوص أعمال أونتاريو أو الاحتياجات الخاصة

OW ODSP

5. يجب أن يكون لديك مراجعة سنوية. موعدك السنوي في
## 5 Наиболее Важных Вопросов по Аренде

1. Арендная плата оплачивается к первому числу каждого месяца

2. Договор аренды является юридическим контрактом между вами и собственником жилого помещения (Housing Provider) __________________________________________________________________________
__________________________________________________________________________________________________________________________________________

3. Вы несете ответственность за всех жильцов, гостей и домашних животных на вашей жилой площади.

4. Арендатор обязан сообщать обо всех изменениях в письменном виде в течение 30 дней (например: об изменениях в доходе, увеличении/уменьшении состава семьи). Если вы сообщаете эти данные органам социальной опеки - OW/ODSP, вы обязаны известить об этом владельца жилья.

5. Вы обязуетесь посещать ежегодную деловую встречу.
Дата ежегодного встречи __________________________________________________________________________
5 shay ee ugu sarreysa aadna u bahantahay in aad ogaato kuna saabsan heshiiska kiirada guryaha.

1. Ijaarka ama kirada guriga waxay bixinteeda dhacdaa maalinta ugu horreysa e bil waliba.

2. Heshiiska guruga waa mid sharci ah ee u dhexeeya adiga iyo ninka Hantida Maguurtada leh (guri dejinta qofka u qabbilsan) ______________________

3. Waxaad masuul ka tahay dadka dhan ee guriga deggan, martida aad casuuntayxayaawanka guriga lagu rabaayadayisto eek u nool gurigada.

4. Kiraystaha waa in uu soo sheega isbeddel kasto ayado qoraal ah muddo 30 malmood gudaheeda (tusaale dakhli) siyaado yaransho oo dadka guriga ku nool – fiiri haddi aad soo gudbiso isbeddel OW/ODSP, kaddib waxaa loo bahanyahay in aad gudbiso xatta guri dejinta qofka uu qabisan.

5. Waa in aad qabtaa dib u hubin sanadeed.. Hal sano tarikhdeeda waa ______________________
1. ਲਿਵਾਣਾ ਭਵੀਤੇ ਚੀ ਪਲਿੱਲੀ ਜੀਨ ਟੇਕੇ ਭਟਿਆ ਹੈ।

2. ਉਰਾਗੀ ਲੀਣਾ (ਪੁਰਾਣਾ) ਉਰਾਗੇ ਅਧੀ ਮਲਕ ਭਵਾਤ ਭਵਾਤ ਮੰਗੀਆ ਵਰਤਾ ਹਲੇ) ਹਿਸਾਬਾਤ ਦੀਆਂ ਵਹੂਣੀ ਵਿਰਤਗਤਰਥਾ ਦੀਆ ਹੈ।

3. ਅਥਲੀ ਪ੍ਰਤਾਂ ਅਂਤਰ ਵਰਤਾ ਦਲਿਤਾਂ, ਵਧਾਏ ਵੇਦ ਵਗਿਆਂ ਅਧੀ ਪਲਿੱਲੂ ਸਫਤਾਂ ਕਹਿ ਦੇਸੀ ਹੁਣੇ ਬੰਧੇ ਹੇ।

4. ਦੋਂਗ ਪ੍ਰਤਾਂ ਹੋ ਸਤਵੀ ਪੈਂਦੀ ਹੈ ਵਿੱਕਾਰੇ ਹੈ ਵਹੂਣੀ (ਪੁਰਾਣੀ ਅਧੀ ਹੁਣ ਉਹੂਣੀ, ਬਰ ਦੀ ਨੀਆ ਹੁਣ ਰਾਹੀ ਨਾ ਪਾਣ ਦੇਖਣ ਵੇਦੇ) ਹਿਸਾਬਾਤ ਹੇ। ਇਸ ਵਾਦੇ 30 ਦੀਲ ਦੇ ਅਂਤਰ ਅਂਤਰ ਮੁੱਖ ਵਰਤਾ ਟੇਕ-ਟੇਕ, ਸੇ ਦੇਸੀ ਅਂਤਰੀਕਸ਼ਨ ਪ੍ਰਤੀਕਾ ਅਧੀ ਦੀਆਂ ਸੁਚੀ ਹਲੇ, ਤਾਂ ਉਰਾਗੇ ਹੋ ਸਤਵੀ ਪੈਂਦੀ ਹੈ ਵਿੱਕਾਰੇ ਪਾਣ ਮੰਗੀਆ ਵਰਤਾ ਦਲਿਤਾਂ ਹੇ ਹੀ ਸੁਚੀ ਵੇਦੇ।

5. ਉਰਾਗੇ ਲਹਿ ਮਾਲਾਤਾ ਵਿਚੀ ਵਰਤਾ ਹੋ ਸਤਵੀ ਪੈਂਦੀ ਹੈ। ਉਰਾਗੇ ਮਾਲ ਹੀ ਭਿੱਢੀ ਹੇ।
租房合约须知五大项

1. 房租于每月一号到期

2. 租客与房东_________（房东名）签订的租房合约约为法律有效合同。

3. 租客将对所租房屋内的所有居住人、来访客人及宠物全权负责。

4. 若有任何重大变故，如收入水平、家庭人数增减等，租客须在30天内以书面形式通知房东。租客有义务对提供给OW/ODSP的任何信息变动及时通知房东。

5. 租客每年须接受年度检查。您的年度检查日期为__________________________。