The Requirements, Recommendations and Guidelines in this Communiqué are applicable to the social housing providers administered by the City of Hamilton.

- Providers Under Housing Services Act, 2011
- Providers Under a Federal Operating Agreement
- Requirement
- Recommendation
- Guidelines
- For Information Purposes Only

SUBJECT:

CITY OF HAMILTON BY-LAW NO. 20-155 Requirement of Wearing Face Coverings

BACKGROUND:

To protect the health and safety of our communities, City Council used its authority to legislate a By-Law requiring all persons, including customers and/or visitors entering an enclosed premise, to wear a mask or face covering while in the enclosed space.

The new By-Law applies to all indoor spaces that are **openly accessible to the public**, including:

- facilities operated by community service agencies which are attended by members of the public i.e. banquet halls and other enclosed event spaces; commercial malls, retail spaces, etc.

Common areas in apartment buildings do not require a face covering pursuant to By-Law No. 20-155, as they are only for Tenants & Guests. It also includes exemptions for those who cannot wear a mask for medical reasons and for children under the age of two.

However, the new By-Law does not prevent a Community Housing Provider from adopting their own requirements regarding the face coverings.

The new By-Law was effective **July 20th, 2020** and further information is located at: [https://www.hamilton.ca/coronavirus/face-coverings-and-masks-by-law](https://www.hamilton.ca/coronavirus/face-coverings-and-masks-by-law)

In addition, the Ministry of Municipal Affairs and Housing, has released Guidance Material for Service Managers and Housing Providers. The material has been included below for your ease of reference. The document includes questions and answers that are intended to provide further guidance to the community housing sector during the COVID-19 outbreak. This document compliments (and does not conflict with or contradict) guidance from the Ministry of Health, or Public Health.

Much of this information has been covered in the Web-Ex meetings that we have held with Community Housing Providers since the beginning of the pandemic. Community Housing Providers are encouraged to contact their Housing Administration Officers if they require any clarification.

George Gambioli  
Godfred Okyere-Koranteng  
Kamba Ankunda  
Kim Ryan

[George.Gambioli@hamilton.ca](mailto:George.Gambioli@hamilton.ca)  
[Godfred.Okyere-Koranteng@hamilton.ca](mailto:Godfred.Okyere-Koranteng@hamilton.ca)  
[Kamba.Ankunda@hamilton.ca](mailto:Kamba.Ankunda@hamilton.ca)  
[Kim.Ryan@hamilton.ca](mailto:Kim.Ryan@hamilton.ca)
Questions and Answers for Community Housing Providers

VERSION: July 27, 2020

Community Housing Protocols During COVID-19

1. Are there rules that property managers (or related building officials) should consider when communicating with other tenants/residents that someone in their building has tested positive for COVID-19?

These matters are governed by applicable privacy legislation. Housing providers have an obligation to safeguard information about a community member’s health status in a similar way as they would safeguard other personal information. Communications about COVID-19 cases in the building should ensure individual privacy is protected.

Housing providers may also want to consult with their legal counsel for further advice.

2. Are there rules landlords/property managers should consider when restricting a person from using common areas of a building (e.g., laundry, elevators, lobby) without interfering with their ‘reasonable enjoyment’ if they have tested positive for COVID-19?

Anyone who has tested positive for COVID-19 or is presenting symptoms should self-isolate, except in the event they need to seek urgent medical care. Housing providers are encouraged to help ensure COVID-19 positive residents have what they need so that they can remain in self-isolation. This could include:

- Determining if the resident has a support person (e.g., relative, friend) that can assist with activities (e.g., getting groceries, helping with laundry)
- Helping to ensure food deliveries can get to their door and that garbage can be disposed of without the need for the resident to leave their home.
- Cleaning and disinfecting common areas.

Housing providers are encouraged to share and refer to public health resources regarding COVID-19 including physical distancing, cleaning and disinfecting, and how to self-isolate fact sheets from Public Health Ontario. They should determine how they can support physical distancing by creating visual cues such as tape on the floor to delineate 2-metre distances.

In addition to daily routine cleaning, all high-touch surfaces that are touched and used frequently by residents and visitors should be cleaned and disinfected at least twice a day and when visibly dirty. This includes door handles, light switches, and elevator buttons.
The Residential Tenancies Act, 2006 (RTA) may apply to some congregate living arrangements and, in such cases, operators must respect the rights and requirements under the RTA.

3. What are the protocols for general maintenance and safety of units, including:
   - Health and safety maintenance inspections
   - General day-to-day maintenance
   - Fire safety improvements (e.g., sprinklers)

Under the Residential Tenancies Act, 2006 (RTA) landlords are responsible for the maintenance of a residential complex. Landlords are required to ensure that the residential complex is in a good state of repair and fit for habitation and complies with health, safety, housing and maintenance standards. Further, under the RTA, a landlord may provide 24 hours’ written notice to a tenant to enter a rental unit for certain reasons, such as to perform a reasonable inspection, but are encouraged to limit entries at this time.

Under the emergency order regarding essential businesses (O.Reg. 82/20), maintenance, repair and property management services can now resume and are no longer limited to “strictly necessary” maintenance. Businesses undertaking maintenance and repairs must also comply with advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

For more information on health and safety guidance for maintenance employees, please see the guidance document prepared by Workplace Safety and Prevention Services.

If a person or worker shows symptoms of COVID-19, they should be encouraged to remain at home and contact their health care provider or Telehealth Ontario at 1-866-797-0000.

For the most up-to-date information on how individuals can protect themselves and what to do if they suspect they may be at risk, employers and workers may wish to visit ontario.ca/coronavirus and Public Health Ontario (PHO) for additional information.

Housing providers are encouraged to request entry to a unit only in urgent situations and to follow physical distancing guidelines.

It is also important to note that housing providers are subject to the Human Rights Code and have a duty to accommodate tenants under protected grounds, including people with disabilities.

The ministry is aware of additional resources from the Ontario Non-Profit Housing Association and the Eastern Ontario Landlord Association, which may be helpful to housing providers in approaching necessary and maintenance areas of work.
The Residential Tenancies Act, 2006 (RTA) may apply to some congregate living arrangements and, in such cases, operators must respect the rights and requirements under the RTA.

Mortgage Deferrals

4. Can housing providers experiencing difficulties making their mortgage payment seek mortgage payment deferral from their lending institutions?

With approval from their Service Manager, housing providers can make a request to their lending institution to defer their mortgage payments for up to six months. This is not a blanket or automatic deferral and the decision to defer is up to the lending institution which will assess each request on its own merit.

5. What is the process for requesting mortgage deferral?

Community housing providers with CMHC-financed mortgages should make their mortgage payment deferral request through their Service Manager. Service Managers will then forward these requests to the Ministry of Municipal Affairs and Housing for submission to CMHC.

Community housing providers with private lending institution-financed mortgages have to first seek Service Manager approval and then make their mortgage payment deferral request directly to their lending institution.

Once a mortgage deferral request is submitted, lending institutions will evaluate the request, supporting documentation, mortgage details and then issue a decision. The decision to grant mortgage payment deferral requests is made by the lending institution and not by the Ministry of Municipal Affairs and Housing.

Public Health

6. What guidance is there on how to deal with situations when a tenant/resident dies?

The Residential Tenancies Act, 2006 (RTA) has specific rules about what happens when a tenant dies. These rules only apply where the deceased was a tenant within the meaning of the RTA. Section 91 of the RTA provides that, if a tenant of a rental unit dies and there are no other tenants of the rental unit, the tenancy is deemed to be terminated 30 days after the death of the tenant.¹

The RTA provides that during those 30 days, the landlord must allow the executor or administrator of the tenant’s estate, or a member of the tenant’s family if there is no executor or administrator, reasonable access to the rental unit to remove the deceased’s belongings.

The Residential Tenancies Act, 2006 (RTA) may apply to some congregate living arrangements and, in such cases, operators must respect the rights and requirements under the RTA.

Section 92 of the RTA provides that, after the 30 days have elapsed, the landlord can sell, retain, or otherwise dispose of the deceased’s belongings. If the landlord sells the belongings, they can keep sufficient proceeds from the sale to cover any unpaid rent and expenses. If there is any money left over, the deceased’s executor, administrator, or family member can claim the money for the estate within 6 months after the tenant’s death.

The landlord and the deceased’s executor, administrator, or family member may agree to terms other than those set out in the RTA with regard to the termination of the tenancy and disposal of the deceased’s property.

If reasonable access has not been given, the tenant’s representative may be able to apply to the Landlord and Tenant Board (LTB) for a remedy.

Also, if a tenant dies and the rental unit is the principal residence of the spouse, the spouse is considered a tenant unless the spouse moves out within 30 days after the tenant’s death. In other words, a spouse of a tenant is entitled to remain living in the rental unit after the tenant’s death.

In addition to its adjudicative role, the LTB also provides information to landlords and tenants about their rights and responsibilities under the RTA. To learn more about the rights and responsibilities of landlords and tenants, or how to apply to the LTB, you can contact the Board at 1-888-332-3234, or visit their website at www.sjto.gov.on.ca/ltb/.

7. Existing guidance documents refer to the use of Personal Protective Equipment (PPE) supplies when dealing with tenants/residents. If PPE is not available on-site, what are best practices, alternative approaches, or minimum standards that staff should be using that is in line with public health recommendations?

Individuals providing direct care to tenants (e.g., care provided within 2 metres) should assess the need for PPE based on the nature of the planned interaction with a resident and what is known about the resident’s health status.

Medical masks (surgical/procedure masks and respirators like N95 respirators) should be reserved for use by health care workers and first responders.

Face coverings (non-medical masks such as a cloth mask) are recommended as an additional measure for source control to help protect other individuals from exposure to the respiratory droplets of the person wearing the mask, particularly if a distance of 2 metres cannot be maintained.

Face coverings keep the wearer’s droplets contained to protect others around them. The process of wearing a non-medical mask works similarly to respiratory etiquette (how sneezing or coughing into one’s elbow/sleeve works).
Science around the use of face coverings is evolving. Staff should refer to Public Health Ontario and/or Public Health Agency of Canada’s (PHAC) guidance.

Face covering/non-medical masks should be changed if visibly soiled, damp, or damaged.

Education must be provided about the safe use, limitations and proper care (e.g., cleaning) of non-medical masks. See Ontario’s COVID-19 website and PHO’s website for additional information.

The global supply chain for personal protective equipment is extremely strained right now as all jurisdictions face challenges in procuring supplies for frontline workers.

Ontario continues to provide same-day deliveries to hospitals, long-term care and retirement homes, and other facilities to support essential workers in all settings and ensuring supplies and equipment are expedited to those most in need.

To bolster procurement efforts, the province has also launched Ontario Together, a new website that will help businesses and their employees work with the province to meet the challenges of COVID-19. This initiative will remove barriers allowing Ontario’s manufacturing sector to redeploy capacity towards the production of essential equipment like ventilators, masks and swabs.

8. What happens if public health rules conflict with the Housing Services Act, 2011 and the Residential Tenancies Act, 2006?

The Ministry is not aware of any current public health requirements that conflict with the Housing Services Act, 2011 (HSA), or the Residential Tenancies Act, 2006 (RTA). Housing providers should strive to comply with both the HSA and RTA and applicable health guidance and emergency orders.

The HSA establishes the rules for community housing in Ontario. Under the HSA, Service Managers are responsible for administering and delivering social and affordable housing (community housing), including rent-geared-to-income (RGI) assistance, and housing providers are responsible for operating community housing buildings.

The RTA is the legislation that governs rental housing in Ontario. The RTA establishes the framework for the regulation of rent and security of tenure and provides for the adjudication of disputes and other processes to informally resolve disputes.
The Residential Tenancies Act, 2006 (RTA) may apply to some congregate living arrangements and, in such cases, operators must respect the rights and requirements under the RTA.

9. **What are the guidelines/protocols for addressing concerns among staff about their own health and safety?**

Housing providers are required to comply with all applicable laws, including the *Occupational Health and Safety Act*. Employers have obligations under the Occupational Health and Safety Act (OHSA) and its regulations to protect workers from hazards in the workplace, including infectious diseases. This law has not changed as a result of COVID-19.

Like all employers, housing providers are being asked to protect the health and well-being of their employees on the frontlines by meeting their workplace health and safety obligations as administered by the Ministry of Labour, Training and Skills Development. For more information on the OHSA, please visit the [Guide to the Occupational Health and Safety Act](#) or call the Ministry of Labour, Training and Skills Development’s toll-free health and safety information line at 1-877-202-0008.

Here are some ways housing providers can help keep staff by maintaining a distance from each other:

- Encourage greater physical distances between workers
- Stagger staff breaks at different times to avoid large groups.
- Reduce the number of passengers in elevators, stairwells, hoists, trailers and other tight spaces.
- Hold meetings in outdoor areas.
- Stagger work crews and reduce the number of partner hours.

For more information on health and safety guidance for maintenance employees, please see the [guidance document](#) prepared by Workplace Safety and Prevention Services.

If a person or worker shows symptoms of a respiratory illness, they should be encouraged to remain at home and contact their health care provider or Telehealth Ontario at 1-866-797-0000.

For the most up to date information on how individuals can protect themselves and what to do if they suspect they may be at risk, employers and workers may wish to visit [ontario.ca/coronavirus](http://ontario.ca/coronavirus) and [Public Health Ontario](http://Public Health Ontario) for additional specific information.

**Supports for Tenants and Landlords**

10. **How should the Canada Emergency Response Benefit (CERB) be treated for households who receive rent/geared-to-income (RGI) assistance?**

The Ministry has provided clarification to Service Managers that payments under the CERB should be considered as income and included for the purposes of RGI calculations.
The Residential Tenancies Act, 2006 (RTA) may apply to some congregate living arrangements and, in such cases, operators must respect the rights and requirements under the RTA.

However, the Ministry understands the significant challenges arising from the ongoing COVID-19 outbreak and the need to ensure the health and safety of tenants and staff members. Although the RGI calculation process should continue, the Ministry has encouraged Service Managers to develop internal processes to manage situations related to change of income as a result of emergency financial assistance (e.g., CERB) and use their discretion to provide stability to vulnerable households.

Housing providers are encouraged to contact their local Service Manager for more information on the treatment of emergency benefits and RGI calculations during the COVID-19 outbreak.

11. What supports are in place for tenants who are struggling to pay rent? What supports are there for landlords whose tenants stop paying rent?

In recognition of the exceptional strains on health and safety that the COVID-19 outbreak has placed on Ontarians, the government has suspended the enforcement of evictions to ensure that the health of tenants will not be put at risk by forcing them out of their homes and into shelters or other inadequate housing. This temporary suspension, which mainly affects evictions ordered before COVID-19, will conclude on the last day of the month that the declaration of emergency is lifted.

The Landlord and Tenant Board (LTB), the adjudicative tribunal that has authority to resolve residential tenancy disputes, will not issue any new eviction orders until further notice unless the matter relates to an urgent issue such as an illegal act or serious impairment of safety. This ensures that the health of tenants will not be put at risk by forcing them out of their homes and into shelters or other inadequate housing. For more information, please see the announcement [here](#).

Although the LTB is not currently scheduling hearings for applications to evict nor issuing eviction orders, it is continuing to process all incoming applications and in limited circumstances may consider written or telephone hearings.

While the enforcement of eviction orders has halted, tenants remain responsible for acting in accordance with the rules of the Residential Tenancies Act, 2006 (RTA), the legislation that governs rental housing in Ontario.

This means that tenants are required to continue to pay their rent on the date stipulated in their tenancy agreement. Tenants facing challenges in paying rent as a result of COVID-19 are encouraged to speak with their landlords and seek out [financial support programs](#).

If landlords need financial help, they are encouraged to inquire with their mortgage lender about any mortgage payment deferrals available to assist them. For more information, please see the details of the Canada Mortgage and Housing Corporation (CMHC) program [here](#).
Landlords may be interested to know that the LTB, has resources available on its website that provide information to landlords about options available to them if their tenant does not pay rent.

This includes the Help for Landlords webpage and the brochure If a Tenant Does Not Pay Rent. The Help for Landlords webpage also notes that landlords may wish to seek legal advice before deciding what to do, and provides a link to legal resources.

To find out more information about your rights as a landlord under the RTA, you can contact the LTB by toll-free telephone at 1-888-332-3234, or at its website at http://www.sjto.gov.on.ca/ltb. All notice and application forms are available on the LTB website, as well.

The LTB is part of Tribunals Ontario. Tribunals Ontario is actively monitoring COVID-19 developments and will update its policies based on advice from the Ministry of Health, Chief Medical Officer of Health and public health officials to protect Ontarians. Further, the development of a recovery strategy is underway at the LTB/Tribunals Ontario and will be ready for implementation when the emergency declaration in the province is lifted. Please continue to monitor the Landlord and Tenant Board’s website, as well as the Superior Court of Justice’s website for any developments on this evolving situation.

As this public health situation evolves, we appreciate the patience and understanding from both landlords and tenants. All parties should follow public health advice to keep their physical distance from others and stay where they are as much as possible to protect themselves, their families and others.

Domestic Violence Concerns

12. What guidance is there regarding COVID-19 in homes that support survivors of gender-based violence?

Housing providers are encouraged to access the following resources to support them in responding to the complex and diverse needs of survivors of gender-based violence:

COVID-19 Action Plan: Protecting Vulnerable Ontarians

The Ontario government is implementing the COVID-19 Action Plan for Vulnerable Persons to ensure the protection of people living in high-risk settings during the coronavirus (COVID-19) outbreak. This includes a variety of initiatives including, but not limited to, funding to offset pandemic-related expenses in congregate care residential settings, enhanced screening and reduced exposure to prevent spread, infection prevention and control – managing outbreaks and limiting spread, sustaining existing staff and managing critical staff shortages, as well as strategies to support Indigenous communities and Homeless Shelters.
Further information about the Action Plan for Vulnerable Persons is available here.

**Ministry of Health COVID-19 Guidance: Congregate Living for Vulnerable Populations**

The *Ministry of Health* has developed guidance to assist with minimizing COVID-19 transmissions from individuals working or residing in congregate living settings and to help prevent, detect and manage individual cases and outbreaks of COVID-19 in the health sector, including Violence Against Women, Anti-Human Trafficking shelters and Homeless Shelters.

It is important to check the website regularly as guidance and resources are subject to change.

**Orientation for Service Managers on Human Trafficking and Violence Against Women**

In December 2019, the Ministry of Children, Community and Social Services hosted an Orientation for Service Managers on Human Trafficking and Violence Against Women.

The goal of the orientation was to:

- Offer a greater understanding of the barriers and issues faced by survivors of human trafficking and sexual, domestic and intimate partner violence.
- Discuss how Service Managers can support survivors of human trafficking and sexual, domestic and intimate partner violence in light of the recent amendments to regulations under the *Housing Services Act, 2011*.
- Provide examples, strategies and best practices of how to support the housing needs of survivors of human trafficking and sexual, domestic and intimate partner violence.

Materials were shared with the service managers via the Ontario Municipal Social Services Association (OMSSA) network and are hosted in the members-only section of the OMSSA website.

**Ontario Association for Interval and Transition Houses (OAITH)**

To complement the ongoing guidance and support provided to the Violence Against Women (VAW) sectors from the Ministry of Children, Community and Social Services, the Ministry of Health and Public Health, OAITH has established a community-based COVID-19 Working Group.

The COVID-19 Working Group is developing and promoting resources focused on assisting Violence Against Women services and survivors in navigating challenges associated with the pandemic, state of emergency and related impacts. Anyone interested in learning more about the COVID-19 working group can contact Marlene Ham, Executive Director, Ontario Association of Interval and Transition Houses: Marlene@oaith.ca.
The Residential Tenancies Act, 2006 (RTA) may apply to some congregate living arrangements and, in such cases, operators must respect the rights and requirements under the RTA.

Housing providers are encouraged to collaborate with local VAW and Anti-Human Trafficking service providers, including shelters and counselling agencies, as well as the COVID-19 Working Group to determine how best to respond to the housing needs of survivors of gender-based violence during and post-pandemic.

In addition, the Housing Services Act, 2011 (HSA), and specifically Ontario Regulation 367/11, includes provisions related to the Special Priority Policy (SPP) – a policy which is intended to provide survivors of domestic violence and survivors of human trafficking with priority access to RGI assistance. Survivor households should be encouraged to contact their local Service Managers to apply for priority access to RGI assistance under the SPP. To find your contact information for your local Service Manager, please visit this link https://www.ontario.ca/page/find-your-local-service-manager.

Housing providers should also be aware of provisions under the Residential Tenancies Act, 2006 (RTA) for survivors of sexual or domestic violence. Under the RTA, survivors of sexual or domestic violence can end their tenancy with 28 days’ notice if they believe they may be harmed if they don’t leave the unit. Tenants can give this notice any time during their tenancy.

If they are in a joint tenancy and the other tenant does not sign the notice or they choose not to tell them about it, the tenancy will continue for the other tenant.

To give this notice, tenants must give their landlord two documents:
1. Tenant’s Notice to End my Tenancy Because of Fear of Sexual or Domestic Violence and Abuse (N15)
2. Tenant’s Statement about Sexual or Domestic Violence and Abuse
   OR
   A copy of a court order (such as a restraining order or a peace bond).

Please note that a landlord who receives such notice must keep the notice confidential, subject to certain very limited exceptions. For more information about this notice, read the section Important Information from the LTB on the Tenant’s Notice to End my Tenancy Because of Fear of Sexual or Domestic Violence and Abuse (N15).

It is important to note that in light of the evolving COVID-19 situation, the LTB has suspended the issuance of eviction orders and all hearings related to eviction applications. However, the LTB will hold eviction hearings and issue eviction orders for urgent matters, such as an illegal act or serious impairment of safety.

The LTB’s website advises that a Request For Urgent Hearing form and accompanying instructions are now available to assist landlords and tenants if an urgent hearing is required.

The Ontario government also obtained a court order suspending the enforcement of residential eviction orders, unless ordered otherwise by the Superior Court of Justice.
The Residential Tenancies Act, 2006 (RTA) may apply to some congregate living arrangements and, in such cases, operators must respect the rights and requirements under the RTA.

(SJC). This temporary suspension will conclude on the last day of the month that the declaration of emergency is lifted.

If the LTB were to issue an eviction order, the Court Enforcement Office (Sheriff’s Office) will not enforce it unless the landlord brings an urgent motion to the Ontario Superior Court of Justice seeking permission to enforce the order. More information about this procedure and a copy of the order suspending residential evictions are available on the SCJ’s website.

Landlords can make an application to the court for an exception in urgent circumstances.
The Residential Tenancies Act, 2006 (RTA) may apply to some congregate living arrangements and, in such cases, operators must respect the rights and requirements under the RTA.

Appendix – Key Resources

Public Health Ontario / Ministry of Health Resources
1. Public Health Ontario has a webpage on COVID-19:
2. Public Health Ontario has a guide on Physical Distancing:
3. The Ministry of Health has developed guidance materials on COVID-19:
4. The Ministry of Health has a webpage on Directives, Memorandums and Other Resources:
5. The Ministry of Health has a COVID-19 reference document for symptoms:
6. The Ministry of Health has a COVID-19 guidance document on congregate living for vulnerable populations:
8. Ontario.ca has a Guide to the Occupational Health and Safety Act:

Other Resources
10. Ontario.ca has a webpage on frequently asked questions about essential businesses:
https://www.ontario.ca/page/frequently-asked-questions-about-essential-businesses
11. Workplace Safety and Prevention Services prepared a health and safety guidance document on maintenance during COVID-19:
12. For more information on the rights of tenants and landlords, please visit: www.ltb.gov.on.ca
13. The Retirement Homes Regulatory Authority (RHRA) has a COVID-19 webpage:
14. The Ontario Non-Profit Housing Association has a COVID-19 webpage:
https://onpha.on.ca/covid19
15. The Eastern Ontario Landlord Association has a COVID-19 webpage:
http://www.eolo.ca/covid-19-response