
Housing Division Notice

Date:

HDN# xxx

This applicable legislation/policy is to be implemented by the housing provider(s) under the following programs:

Please note, if your program is not checked, this change is not applicable to your project.

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Federal Non-Profit Housing Program

Private Non-Profit Housing Program

Co-operative Non-Profit Housing Program

Municipal Non-Profit Housing Program (Pre-1986)

Local Housing Corporation

SUBJECT: NOTICES AND REVIEWS OF DECISIONS (replaces HDN 2002-04 and HDN 2011-168)

PURPOSE:

To provide Social Housing Providers, Applicants and Tenants/Members procedures and standards related to notices of decisions, internal reviews of decisions, and a final review body for review of certain specific decisions as identified within the *Housing Services Act 2011* (HSA).

COMPLIANCE STANDARD:

General:

As detailed in the local housing Service Agreement, Housing Providers have been delegated the responsibility of determining continuing eligibility for rent-geared-to-income assistance. It is therefore the responsibility of the Housing Provider to communicate decisions to households in a proper and timely manner. It is important that the Housing Provider follow the Act, Regulations, and local rules as the timelines vary based on the situation.

Please note that HDN 2011-168 (the Opportunities to Comment) has been eliminated.

Notices and Reviews:

The Housing Service Act 2011 (Ontario Reg. 367/11, Section 138 and 139) requires that Service Managers establish a system under which households (and Social Housing Providers) can request reviews of specific social housing decisions and where applicants can request reviews of social housing application decisions (e.g. priority and eligibility).

The review system, including considerations to maintain existing internal review requirements under the former *Social Housing Reform Act* (SHRA), must be outlined within a local rule under the HSA (through a Housing Division Notice).

The specific areas addressed by this review system are outlined in the HSA, Section 155 to 159 and Regulations (subject to amendment). These include:

- a) Eligibility for RGI assistance;
- b) Size and type of unit for which a household is eligible;
- c) Priority category (for applicants and transfer requests);
- d) Amount of RGI rent payable;
- e) Eligibility for special needs housing applicants;
- f) Cessation of eligibility; and
- g) Any other decisions subsequently prescribed by legislation.

The review system covers rent-geared-to income (RGI) eligibility, RGI subsidy calculations, adjustments, suspensions and discontinuations, decisions related to eligibility for specific occupancy standards, special requirements and related accommodation size or type, and decisions related to waiting list priorities and categories.

HSA Reg 367, s. 138 requires that no one who participated in the original decision may participate as a member of the review body. Members of the review body must be knowledgeable about the relevant provisions of the Act and Regulations. No one who discussed the decision with the decision maker may participate as a member of the review body, and no member of the review body may discuss the decision with the decision maker except during the course of the review.

Final reviews of a review body are limited to specific decisions identified within the Act and Regulations. It will remain a local standard that any such reviews are preceded by existing internal review practices.

Principles:

The following principles guide all notices and reviews:

- Fair:* Consistent decisions made in direct compliance with regulations and local rules with understanding of specific situations and unique circumstances.
- Efficient:* Timely decisions, not resource intensive, no cost/low cost to administer.
- Impartial:* Nonbiased decision making with transparent processes.
- Simple:* Reviews and decisions are as simple as possible to understand and administer.
- Accountable:* Actions and results are known and shared.
- Confidential:* Personal information is only used for its prescribed intent.
- Distinct:* Focused only on prescribed HSA areas.
- Sound:* Reflecting sound judgment through clear process and enforceable decisions.
- Accessible:* Be accessible to tenants and housing providers

LOCAL RULE / ACTION:

The attached Appendices reflect the local rule procedures, standards and timeframes to be used by all Social Housing Providers and the Service Manager related to social housing Notices of Decisions, Internal Reviews of Decisions and Final Reviews of Decisions.

Where the Social Housing Provider is requesting a review of a decision by the Service Manager, the same general rules outlined in Appendices 2, 3, and 4 will apply, noting that the Social Housing Provider will be identified as the Party requesting the review and the Service Manager will be the responding Party, in accordance with Section 157 of the HSA (Reviews requested by housing providers).

These appendices also address notifications and decisions made by the Housing Access Centre and the procedures which will be used for a final review.

This local standard is effective immediately.

Social Housing Providers are required to inform their Board of Directors about this local rule as well as any substantive business changes that it may require at the earliest opportunity.

AUTHORIZATION:

Original signed by

Date:

Louise Stevens

Director, Municipal Housing

Attachments:

- Appendix 1: Quick Reference Chart for Notices and Reviews Including Overview of Timelines
- Appendix 2: Procedures for Notices of Decisions
- Appendix 3: Procedures for Internal Reviews of Decisions
- Appendix 4: Procedure for Final Review Body for Review of Certain Decisions

Separate Document:

**Housing Division Administrative Procedure: Review Body
Procedure for the Final Review of Certain Decisions**

(Available upon request).

APPENDIX 1: QUICK REFERENCE CHART FOR NOTICES AND REVIEWS INCLUDING OVERVIEW OF TIMELINES

Timeline		Action	Reference	Notes
Notice of Decision	As per timelines set for Housing Providers (HP) and Housing Access Centre (HAC).	Decision is made.	Appendix 1	Housing Provider (HP) or Housing Access Centre (HAC) makes a decision related to the HSA where a review is allowed.*
	Notices given within 5 days after decision.	Notice of Decision issued by decision-maker.*		<p>Applicant/Tenant is INFORMED of decision including:</p> <ul style="list-style-type: none"> if they don't agree, they can call the office to "talk about" the decision (some kind of indication that this needs to be done first) Process on how to initiate an Internal Review <p>Decision letter will include the statement, in various languages, that "this letter is important; if you can't understand it, then please have it translated."</p>
<p>If Applicant/Tenant/Member DISAGREES with Notice of Decision... Have 10 days to submit a Request for an Internal Review.</p>				Encourage positive resolution through discussion whenever possible but this cannot delay the formal timelines related to a Request for an Internal Review.*
Internal Review	Internal Review is completed within 10 days of receipt.	Informal Review = Discussion between Applicant/Tenant and Decision-maker.	Appendix 2	<p>The Applicant/Tenant can call and speak informally with decision-maker to determine if a resolution is possible. Any revised decision through this informal process should be confirmed by the HP/HAC in writing.</p> <p>This step cannot be skipped; it needs to be completed before, or parallel to, the formal request.</p> <p>Applicant/Tenant is reminded/provided the format for submitting a Request for an Internal Review and of the fact that it must be submitted by a certain date (refer to original decision letter).</p> <p><i>If the Applicant/Tenant is satisfied with the answer at this point, then the process stops. Informal discussion is noted and no further action taken.</i></p>
		Formal Review = Request for Internal Review Form submitted and received by HP/HAC.		Reviews are logged and tracked internally to the HP or HAC.
	Internal Review reviews decision.	Review conducted by person not involved in original decision.		
	Response to Internal Review issued within 5 days of decision (or 15 days of request received).	Notice of Internal Review Decision letter issued in response.		<p>Response letter includes details on how to request a Final Review if not satisfied with Internal Review decision.</p> <p><i>If the Applicant/Tenant is satisfied with the answer at this point, then the process stops. Informal discussion is noted and no further action taken.</i></p>
<p>If Applicant/Tenant/Member DISAGREES with Internal Review... Have 10 days to submit a Request for a Final Review.</p>				Applicant/Tenant is reminded/provided the format for submitting a Request for a Final Review and of the fact that it must be submitted by a certain date.
Final Review	Clerk will notify Requestor within 10 days re: Final Review date.	Final Appeal Review = Request for Final Review submitted and received by Review Body	Appendix 4	Logged; given to Review Body consisting of person/people who was/were not involved in the original decision or the Internal Review decision.
	(Dismissal of Proceeding within 10 days of receipt if nec.)	Final Review Body reviews decision.	Appendix 4	A dismissal of a proceeding would relate to matters outside the jurisdiction of the Chair.
	Final Decision within 10 days of Final Review. Decision issued to Applicant/ Tenant within 5 days of Decision.	Notice of Final Appeal Review Decision letter issued in response.	Appendix 4	<p>Decision is made; Letter mailed; changes made to file, if applicable.</p> <p>Applicant is notified that decision is FINAL within a month of applying for a Final Review and within 2 months of Notice of Decision.</p>

* Where applicable, the Social Housing Provider may also be an Requesting Party in a request for a review of a decision made by the Service Manager to the Social Housing Provider. The same process and conditions apply. SEE APPENDIX 4 FOR DEFINITION AND CALCULATION OF "DAY(S)".

APPENDIX 2: PROCEDURES FOR NOTICES OF DECISIONS

General:

Restrictions and requirements for written notices are related to the following:

- Determining Eligibility for Assistance;
- Type and Size of Accommodation;
- Waiting List Category;
- Amount of geared-to-income rent;
- Deferral of geared-to-income rent;
- Eligibility for Special Needs Housing;
- Type of Accommodation - Special Needs Housing; and
- Waiting Lists for Special Needs Housing.

Required Content of Letters:

A notice must contain the following:

1. A statement of the date the decision to which the notice relates was made;
2. A statement of the date of the notice;
3. If a member of the household may request a review of the decision under HSA,
 - (i) a statement of the reasons for the decision; and,
 - (ii) a statement that the member of the household is entitled to request a review; and,
 - (iii) information on how to request a review and what the deadline is for doing so; and
4. If no member of the household may request a review of a decision under HSA, a statement that the decision is final.

A notice must be given to the household **within 5 days after the decision to which the notice relates is made**. See Appendix 4 for definition and calculation of "day(s)".

Notices must comply to and reference applicable sections of the HSA and Regulations.

Compliance:

The power to review decisions is delegated to housing providers through Service Agreements. Housing Providers deliver Notices of Decisions. The Service Manager will ensure that there is a process of documenting and providing Notices of Decisions within appropriate timeframes and legislative compliance.

APPENDIX 3: PROCEDURES FOR INTERNAL REVIEWS OF DECISIONS

General:

A member of a household may request an internal review of the above noted decisions.

The general procedures for all internal reviews include:

1. An applicant or social housing household may request a review **within 10 days** of being notified of the decision. See Appendix 4 for definition and calculation of “day(s)”.
2. A request for review must be in writing; and
3. Review processes are based on reasonableness and decisions reflect the merits of each situation. (i.e. Submission dates should not be a primary impediment to a review).

No individual who participated in the making of the decision being reviewed shall participate in the review of that decision. This requirement may necessitate **Housing Providers making amendments to their bylaws, policies and/or reviewing their committee structure in order to deal with this requirement.**

The internal review shall be completed **within 10 days** after the request for the review is received and written notice of the result of the review be provided to the household **within 5 days** after the review is completed.

The written notice will either overturn the related Notice of Decision or uphold that decision reaffirming the process identified above within the Notice of Decision. If upholding the initial Notice of Decision, details will be provided outlining the process for a final review, where applicable to the Final Review Body. (See Appendix 4).

Required Content of Letters:

A notice of decision related to an internal review must contain the following:

1. A statement of the date and original decision to which the notice of decision was made;
2. A statement of the date of the notice of decision of the internal review;
3. The outcome of the decision and a statement of the reasons for the decision;
4. A statement that the household is entitled to request a final review (if applicable);
5. Information on how to request a final review and the deadlines for doing so; and
6. A statement that the decision is considered final unless overturned through a final review.

A notice must be given to the household **within 10 days after the decision to which the notice relates is made**. See Appendix 4 for definition and calculation of “day(s)”.

Notices of decisions of internal reviews must comply to and reference applicable sections of the HSA and Regulations.

Compliance:

The review of decisions is delegated to Housing Providers through Service Agreements. Housing Providers deliver Notices of Decisions, manage Internal Review policies and practices, and must provide proof of such as requested to the Service Manager. The Service Manager will ensure that a process of Final Review exists.

APPENDIX 4: PROCEDURE FOR FINAL REVIEW BODY FOR REVIEW OF CERTAIN DECISIONS

General:

A member of a household may request a Final Review of certain decisions.

The procedures for Final Reviews are outlined below and include:

1. An applicant or social housing household may request a Final Review **within 10 days** of being notified of the decision on an Internal Review. (See below for definition of “day”).
2. A request for review must be in writing.
3. The Final Review Processes (below) are based on reasonableness and decisions reflect the merits of each situation.
4. All decisions made through a Final Review are final.

Definitions:

For the purposes of housing notices of decisions and reviews...

“**Day**” means any day other than a Holiday as defined below.

The **calculation of days** will be as follows:

- (a) Where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens; and,
- (b) Where the time for doing an act under these rules expires on a holiday, the act may be done on the next day that is not a holiday; and,
- (c) where a time of day is mentioned in these Rules or in any order in a proceeding, the time referred to shall be the time observed locally in the City of London; and,
- (d) Where a document is received after 4:00 p.m. on any day or at any time on a holiday, the document shall be deemed to have been received on the next day that is not a holiday.

"Holiday" means any Saturday or Sunday; New Year's Day; Family Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving Day; Christmas Day; Boxing Day; and extended holiday closure, and any special holiday proclaimed by the Governor General of Canada or the Lieutenant Governor of Ontario, and where New Year's Day or Canada Day falls on a Saturday or Sunday, the following Monday is a holiday, and where Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays, and where Christmas Day falls on a Friday, the following Monday is a holiday

Review Body or Final Review Body means an individual or group established within the *Housing Services Act 2011* (HSA) to provide an independent and final review of internal review decisions as described within the legislation and this and other HDNs.

Requesting a Final Review:

Request for Final Review will be allowed for those certain decisions identified within the HSA upon completion of an Internal Review and Notification of the Decision.

Requests will be in writing (by fax, post, courier, hand delivered, email) and submitted within **10 days** of receiving the Notice of Internal Review Decision under contention.

Requests shall include:

- (a) an identification of the Requester(s) and any other Parties to the Final Review;
- (b) the addresses, telephone numbers, email address and, where available, fax number for each person identified in clause (a);
- (c) the name, address, telephone number, and email address of any advocate or support representative with a consent to release information form authorized and signed by the requesting Party;
- (d) whether special services or accommodation are required for an Oral or other review including translation services or services for the visually or hearing impaired;
- (e) copies of the Notices of Decision(s), Requests for Review(s), and Notice of Internal Review(s) related to the Request for a Final Review;
- (e) the reasons in support of the Final Review; and,
- (f) the signature of the Requester(s).

Requests for Final Review are to be addressed as follows:

Attention: Request for Final Review
Director, Housing Division
P.O Box 5035
267 Dundas Street, 3rd Floor
London, ON
N6A 4L9

Or emailed with a subject line "Request for Final Review" to the Director of Housing Division at: HousingReview@london.ca

Composition of the Review Body:

The Review Body will be comprised of the Director of Housing or senior Housing Division Management designate who is informed in the HSA and associated regulations and related local rules, principles of procedural fairness, and was not involved in the decision, as well as a Recording Clerk providing administrative support and not participating in the final review decision. Housing or other City staff or other subject matter experts may be called upon for knowledge and information.

Compliance:

The procedures to be used for the establishment and management of a Final Review Body (Review Body) for certain decisions within the Housing Services Act will be as outlined within the separate Housing Division Administrative Process: **Review Body Procedures for the Final Review of Certain Decisions. This document is available upon request.**