

# Program Instructions



**This Program Instruction applies to the following:**

- ✓ HSA Part VII Housing Providers (Provincial Reform)
- ✓ Former Federal Program Housing Providers (s. 15.1/27, s. 56.1/95)
- ✓ **Housing York**
  - ✓ Public Housing
  - ✓ HSA Part VII

## Leases and Occupancy Agreements

**NOTE:** This document repeals Program Instruction N°2015-07 [HSA]

**EFFECTIVE DATE:** October 1, 2018

### Purpose

This Program Instruction prescribes the Region's local standard for leases and occupancy agreements for rent-geared-to-income (RGI) households.

### Requirements

A Housing Provider must enter into a lease or an occupancy agreement with every household that rents or occupies an RGI unit with a term not exceeding one year.

The Housing Provider's lease or occupancy agreement must include the following information:

- ✓ The monthly rent or housing charge that would be payable if the unit were a market unit
- ✓ The household's portion of the rent or housing charge after the initial RGI subsidy was applied

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- ✓ Any other charges that the household is responsible for (e.g. utilities). All charges imposed on the household must comply with the *Housing Services Act, 2011* and the *Residential Tenancies Act, 2006*.

The lease or occupancy agreement must also:

- ✓ Require the household to continue to meet the Region's eligibility requirements for subsidized housing
- ✓ Restrict the occupancy of the unit to members of the household that were on the original lease or occupancy agreement and any additional individuals who moved-in on a later date with the Housing Provider's consent
- ✓ Require the household to advise the Housing Provider of any persons who leave the unit or start to live in the unit after the lease or occupancy agreement is signed
- ✓ Prohibit the assignment of the lease or occupancy agreement and prohibit the household from renting or subletting the unit to any person
- ✓ Require the household to pay the market rent or housing charge for the unit if the household has an increase in income that results in an RGI subsidy equal to or above the market rate, and outline the following provisions for resuming RGI subsidy after beginning to pay market rent or housing charge:
  - If the household's income decreases during the next 12 months of paying market rent, the household must declare the change in income to the Housing Provider and will resume receiving RGI if the resulting RGI subsidy amount is lower than the market rate
  - If the household's income does not decrease during the next 12 months, the household will lose its RGI subsidy but may choose to remain in the unit as a market tenant or member
  - If the household requires RGI after the 12 month period they must apply to the Region's subsidized housing wait list
- ✓ Be signed by every individual who is a member of the household and is 16 years of age or older

The Housing Provider must enforce the household's compliance with all of these provisions.

## GUEST POLICY

A Housing Provider must establish a policy for the temporary accommodation of guests in its RGI units and shall provide a copy of the policy in either written or electronic format to their Program Coordinator and to the households residing in those units. The guest policy must include a definition of a guest and limits on duration of stay.

## Action Required

### UPDATE LEASES AND OCCUPANCY AGREEMENTS

- Immediately update leases and occupancy agreements for new tenants or members to include the provisions outlined in this Program Instruction.

**Authority:** *Housing Services Act, 2011* – Section 75  
*Ontario Regulation 367/11* – Section 100(5)

Please contact your Program Coordinator with any questions.

- ORIGINAL SIGNED -

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This notice will be available in an accessible format or with communication supports upon request from 1-877-464-9675 or 905-830-4444 ext. 72119