

Please note:  
If your program is not checked, this Program Instruction is not applicable to your project(s)

- ✓ Public Housing
- ✓ Provincial Reform Housing Programs
- Municipal Non-Profit Housing Programs
- Federal Unilateral Housing Programs
- ✓ Rent Supplement - Commercial
- ✓ Rent Supplement - OCHAP & CSHP
- ✓ Rent Supplement Homelessness

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## Subject

**Occupancy Standards: Largest & Smallest Unit Eligibility**

## Authority

s. 73 & s. 76 the *Social Housing Reform Act*, 2000 (SHRA)  
s. 26 through 33 of the *Ontario Regulation 298/01* and associated schedules  
s. 18 of the *Ontario Regulation 339/01*  
s. 3.05 & s. 5 of the Service Agreement

## Summary

A Rent-Geared-to-Income (RGI) household must occupy a unit that falls within the smallest unit/largest unit range. Households can request additional bedrooms under certain circumstances.

## Background

The SHRA and associated regulations establish the number of bedrooms to be allocated to a household in an RGI unit. In order to continue receiving RGI assistance, households must occupy or transfer to an appropriately sized unit.

### Smallest Unit

The smallest unit an RGI household is eligible to occupy has one bedroom for every two members of the household and an extra bedroom if there is an odd number of household members. For example, the smallest unit a couple with two children can occupy is a two-bedroom. The smallest unit a couple with three children can occupy is a three-bedroom.

### Largest Unit

The largest unit an RGI household is eligible to occupy has one bedroom for every member of the household, with couples sharing. For example, the largest unit a couple with two children can occupy is a three bedroom. The largest unit a couple with three children can occupy is a four bedroom.

### **Additional Bedrooms**

RGI households may be granted an additional bedroom if:

- spouses/same-sex partners cannot share a bedroom due to a disability or medical condition
- additional space is required to store equipment needed because a member of the household has a disability or significant medical condition
- a member of the household is pregnant
- a member of the household has joint custody over a child who is not a member of the household; if the member is required to provide accommodation for the child and the bedroom is required to accommodate the child
- a member of the household has visitation rights with respect to a child who is not a member of the household; if the child frequently stays over-night, providing accommodation for the child is a condition of the visiting rights and the bedroom is required to accommodate the child

Additional bedrooms are not automatically allocated. The household must request the additional bedroom. The Region will provide further information regarding eligibility for additional bedrooms and required verification in a separate Program Instruction.

### **Occupancy Standard Range**

An RGI household is not over-housed or under-housed if it falls within the smallest unit/largest unit range, including any approved additional bedrooms,.

### **Eligibility**

An over-housed household continues to be eligible for RGI assistance in their current unit while they wait for a transfer. Once the household has been placed on the centralized waiting list, they are permitted three transfer offers. If the household refuses the third offer, they lose their RGI assistance. The household also loses their RGI assistance if they remove their application from the centralized list.

### **Housing Provider's Internal Transfer Policy and Waiting List**

Each housing provider must have an internal transfer policy. The policy must ensure that any internal special priority applicants rank above all other households. Overhoused households must rank above everyone except internal special priority. A housing provider's internal transfer policy should set out the circumstances when other households can move within the housing provider's portfolio.

## **Procedure**

Housing providers must assess unit size in relation to household composition before offering a unit and as part of the eligibility review process.

### **Applicants**

RGI households may select the waiting lists for any or all of the unit sizes for which they are eligible under the occupancy standards. However, the smallest unit standard may not be appropriate for all units. For example, some units may have bedrooms that are too small to accommodate two children. The regulations

permit a housing provider to refuse an applicant if the housing provider has reasonable grounds to believe that the physical characteristics of the unit are not suitable for the household. The housing provider may consider the number, gender and ages of the household members when assessing the suitability of the unit.

If a housing provider refuses an applicant based on the suitability of the unit for the household, the household is entitled to notice of this decision. The notice must be given to the household in writing no more than ten days after the housing provider offers the unit to another household. The notice must explain why the household was refused and it must provide information about the housing provider's internal review process. Housing providers must keep all records of RGI unit refusals for at least seven years. The Region will regularly review these records.

### **Under-housed Tenants/Members**

A household is under-housed if they occupy a unit that is smaller than the smallest unit standard. An under-housed household can apply for an internal transfer if the housing provider has units of the appropriate size. The household can also apply to the centralized waiting list. However, the regulations do not give preference on the centralized waiting list to under-housed RGI households. They are ranked as new applicants.

### **Over-housed Tenants/Members**

A household is over-housed if they occupy a unit that is larger than the largest unit standard, including any approved additional bedrooms. For example, a couple with two children in a two bedroom unit continues to be eligible if one child leaves the household. However, if the household was in a three bedroom unit, they would be over-housed.

If a housing provider determines that a household is over-housed, the housing provider must take the following steps:

- 1) Determine whether the household is eligible for another unit in the housing provider's portfolio.
  - If the provider has a unit of the appropriate size (whether or not the unit is occupied) the household is added to the internal transfer list. Over-housed households rank below internal special priority applicants and above all other requests for internal transfer.
  - If the provider does not have a unit of the appropriate size, the household must be added directly to the centralized waiting list.
- 2) Give the household a formal written notice stating that they are over-housed and required to transfer to an appropriate size unit in order to maintain their RGI eligibility.
  - If the provider has an appropriate unit, the household can remain on the internal transfer list for a maximum of one year. If the household has not transferred to an appropriate unit after one year on the internal transfer list, the household will be added to the centralized waiting list.

- If the provider does not have an appropriate unit, the household will be added directly to the centralized waiting list. The household must complete a new application and building selection form.

The notice must explain that the household can request an internal review of the over-housed decision. The Region conducts over-housing internal reviews.

### 3) Notify the Housing Access Unit (HAU).

Over-housed households must be added to the centralized waiting list:

- immediately, if the housing provider doesn't have a unit in its portfolio that the household is eligible to occupy, or
- after one year if the housing provider has a unit of the appropriate size, but the household remains over-housed.

The housing provider submits a completed Over-Housed Household Report to HAU.

An application form completed by the household must accompany the report. The household may include their current housing provider in their building selections.

If the household refuses to complete an application form in a timely manner, the housing provider must advise HAU. In this case, HAU will deem the household to have selected the largest unit for which they are eligible and to have selected all buildings with units of that size across the Region.

The housing provider removes the household from the internal transfer list when the Over-Housed Household Report is submitted to HAU.

### **Loss of Eligibility**

An over-housed household loses their eligibility for RGI if they refuse three transfer offers while on the centralized waiting list. HAU will notify the housing provider when an over-housed household refuses the third transfer offer. The housing provider then gives the household ninety days notice of market rent increase. The notice must include information regarding the right to an internal review.

## **Action Required**

Housing providers are required to apply the largest unit/smallest unit range when assessing the suitability of an available unit for an applicant household and as part of on-going eligibility reviews.

When a household is identified as over-housed, housing providers are required to notify the household. If the housing provider has a unit for which the household is eligible, the household is added to the internal transfer list. If the household remains over-housed a year later, the household is removed from the internal transfer list and added to the centralized waiting list. If the housing provider does not have a unit of the appropriate size, the household is added directly to the centralized waiting list.

Housing providers will use the Over-Housed Household Report to inform HAU of households that must be added to the centralized waiting list. An application

form completed by the household accompanies the Report. A copy of the Report form is attached to this Program Instruction.

Please contact your Program Co-ordinator if you have any questions.

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## Over-housed Household Waiting List Process



