

Manitoulin-Sudbury District Services Board POLICY & PROCEDURES MANUAL	
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POLICY

It is expected that rental revenue will be collected in a timely manner.

Tenants are charged rent on the first of every month. Tenants do not pay first and last month's rent in advance. Rules governing rent are specified in the Residential Tenancies Act.

Tenants may choose their payment type, the landlord may not specify.

Current payment options available:

- Pre-authorized payment
- Cheque or post-dated cheques
- Money order
- Pay-direct to landlord (OW or ODSP tenants only)
- Personal deposit to Royal Bank (deposit slip required; proof of deposit required)

PROCEDURE

Rent is charged to all active tenants on the first of every month.

Finance will process and post any/all pre-authorized payments and cheques/post-dated cheques on hand, as well as day-to-day rents received.

On about the 5th of the month, tenants whose rent has not yet been paid will receive a 5-day letter.

The letter will indicate that rent has not been received. Tenants will be given 5 business days to pay the rent. A copy of the letter will be placed in the tenant file.

For Social Housing Units owned and operated by Manitoulin-Sudbury DSB the following eviction prevention process should be followed: (excerpt from OW Policy & Procedures Manual H 6.4 Rent not Being Paid)

Rental Arrears

- Tenant in arrears of rent as of the first day of the month.

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- Property Manager (PM) will review tenant accounts on the 5th day of the month to determine who is in arrears and the appropriate steps to take to achieve rental payment.
- Property Manager will call “new” tenant(s) to the list to discuss rental arrears situation and remedy for same. PM logs call on tenant file.
- On 5th day of the month PM will send a “rent due” letter with HCF pamphlet, to Tenants who are in arrears advising rent is overdue and offering options for financial help. Tenants are advised they have 7 days to pay their rent to avoid issuance of N4.
- If rent is not paid within the 7 day timeframe, PM will notify OW Supervisor as to the tenants who are in arrears. PM will issue N4 to tenants so that dates fall within the same month.
- The OW Supervisor will notify the CM via email that will be flagged for follow up within 10 days. The CM will try and contact the tenant to assess the situation. If the tenant cannot be reached by telephone, a letter will be sent to them. The letter can be found at: Z:\Staff\OW Letters\Notice of programs available to avoid eviction.doc. A copy of this letter will be sent to the Housing Program Assistant for filing in the tenant’s housing file.

If this tenant is an ODSP recipient, the CM will verify in SDMT to see if CSUMB is available. If CSUMB is available, CM will advise tenant to apply for CSUMB. If CSUMB is not available, the next step would be to encourage the tenant to apply for HCF or Discretionary benefits to pay for the arrears.

If the tenant indicates that they do not want to access these funds, once they receive their L1, the funds will not be available to them.

- Once the CM has attempted to contact the tenant, an email with the outcome will be sent to the OW Supervisor and the Property Manager will be copied.
- If rent is not paid by tenant or by way of an OW commitment letter within the specified time frame PM will apply to the Tribunal to have tenancy terminated.
- When a tenant is in receipt of Ontario Works and has had **two recorded instances of non-payment of rent**, the Case Manager shall request that the client complete a ‘Pay Direct’ form to allow their shelter to be paid directly to their landlord, avoiding possible eviction.

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Once the date specified in the 5-day letter has passed (usually the 11th to the 13th of the month), tenants whose rent is still outstanding will receive an N4-Notice to Vacate (*Landlord and Tenant Board Form*). This form can be obtained at:

www.ltb.gov.on.ca

The N4 notice must have an expiration date or termination date as follows:

- Minimum 14 days if hand-delivered to the tenant
- Minimum 15 days if by courier (not Express Post)
- Minimum 19 days if mailed

The original signed copy is sent to the tenant, a copy is placed on the tenant file.

The person serving the notice must complete a certification of service found on the Landlord and Tenant website under “other forms”. The Certificate of Service is not sent to the tenant, only completed and signed and filed in the tenant file. If the landlord requests a hearing to terminate the tenancy, this form is required.

The Ontario Works supervisor is to be notified (email) of all tenants receiving N4 notices. Advice to the Ontario Works supervisor should include:

- Tenant name
- Tenant address
- Tenant phone number
- Amount of outstanding rent
- Income source (if known)
- Expiration date of N4

The expiration date of the N4 notices should be brought forward for follow up.

At the end of the notice period, any tenants who remain in rental arrears will be contacted by the Program Supervisor before documents are registered with the *Landlord and Tenant Board*.

After all reasonable attempts have been exhausted remaining rental arrears should be followed up with a registered L1 Application to Terminate. The cost of the application is \$170.00. Instructions for completion of the documents can be found at the Landlord and Tenant Board website www.ltb.gov.on.ca.

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Problem Tenant

- Complaints regarding tenants whose behaviour is reported to the DSB as being of an inappropriate, anti-social or illegal nature will be investigated to determine the validity of the complaint.
- The PM will conduct a full and thorough investigation to determine if the facts of the matter warrant further action on the part of the Housing Services Dept.
- The PM will meet with the tenant and as deemed appropriate, any others who have knowledge of the complaint or the tenant to determine the validity of the matter. As deemed appropriate PM will refer tenant to agencies for help.
- The PM will provide a report to the Housing Manager outlining the action taken, the findings, including referrals to agencies such as CMA, Health Unit, Ontario Works; the report will provide a recommendation based on the findings.
- The Housing Manager will review the PMs report and the recommendation. The Housing Mgr will render a decision which may include taking action to terminate the tenancy.
- Where directed the PM will commence the eviction process using the remedy provided via the Residential Tenancies Act, Social Housing Reform Act and the Housing Tribunal.

Note: The Residential Tenancies Act clearly stipulates the steps which must be taken before a Landlord can apply to terminate a tenancy. The steps are not immediate and the tenants are normally afforded a sufficient period of time to remedy the situation before further action is taken. The Property Manager is aware of these steps and will, whenever in doubt about process, consult with the Housing Tribunal to ensure the correct protocol is being applied

Reference: Eviction Prevention Process
Landlord and Tenant Board Website
Residential Tenancies Act