

Subject: Refusal to Offer a Unit

Date: September 23, 2019

Replaces: May 17, 2007

Applicable to The policy and procedures contained in this document apply to the following:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Municipal & Private Non-Profit | <input type="checkbox"/> Federal Non-Profit |
| <input checked="" type="checkbox"/> Co-operatives | <input checked="" type="checkbox"/> Rent Supplement*
*incl. former OCHAP/CSHP |
| <input type="checkbox"/> Peel Access to Housing (PATH) | <input checked="" type="checkbox"/> Internally Funded/ROP
Administered |
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Content This document contains the following information:

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Purpose The purpose of this document is to communicate the service manager's policy for notifying an applicant household when a decision is made to refuse to offer a unit and the legislated circumstances under which this decision can be made.

Legislative references Provisions under the HSA and O. Reg. 367/11 that speak to refusing to offer a unit to a household are indicated in the following:

- Refusals by housing provider – O. Reg. 367/11 s. 50 & 77
 - Notice of decisions – O. Reg. 367/11 s. 50(3) & 77(2)
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Refusals by housing provider

Provisions under O. Reg. 367/11 s. 50 and 77 outline the prescribed circumstances under which a housing provider may refuse to offer a unit to a household:

- The housing provider has a mandate under s. 76 of the Act and offering the unit would be contrary to that mandate
- The housing provider has reasonable grounds to believe, based on the household's rental history, that the household may fail to fulfil its obligations to pay rent in the amount and at the time the rent is due
- The housing provider is a non-profit housing co-operative and the household does not agree to accept its responsibilities as a member or the housing provider has reasonable grounds to believe that the household will not accept or will be unable to accept those responsibilities
- The unit is one in which individuals will reside in a shared living situation and the housing provider has reasonable grounds to believe that it is unreasonable for the household to reside in the shared accommodation
- All of the following apply:

NEW!

Within the past five years:

- The tenancy of a member of the household was ordered terminated by the Landlord and Tenant Board (LTB) based on a notice of termination given under s. 61 of the *Residential Tenancies Act, 2006* (RTA); or
- The occupancy of a member of the household in a member unit of a housing co-operative was ordered terminated by the LTB based on a notice of termination given under paragraph 5 of s. 94.2 of that Act; and
- The tenancy or occupancy that was ordered terminated was in a designated housing project
- The order terminating the tenancy or occupancy has not been cancelled or overturned
- The order terminating the tenancy or occupancy was grounded on an illegal act, trade, business or occupation involving one or more of the following:
 - An illegal act, trade, business or occupation described in clause 61 (2)(a) or 94.4 (4)(a) of the RTA
 - The illegal production, distribution or sale of cannabis
 - The trafficking of persons
 - The use or attempted use of physical violence against another person
 - Physical harm, attempted physical harm, or a risk of physical harm to another person
 - The use of threats to, intimidation of, or harassment of another person
- The housing provider has reasonable grounds to believe that accommodating the household would pose a risk to the safety of one or more other persons at the housing project

**Provider
internal review
policy**

As per O. Reg. 367/11 s. 50(3) and 77(2) and in conjunction with the provider's [Internal Reviews HIP](#) policy, if the household being refused an offer requests a review of that decision, then the provider must disclose the timelines and process for requesting an internal review and abide by their rules set out for internal reviews and review body.

This requirement only applies to the first time a provider refuses to offer the unit and not subsequent refusals to the same household.

**Sample form
letters**

Providers may use the following sample form letters:

[Appendix 1: Notice of Refusal to Offer a Unit \(Non-Profit or Co-op\)](#)

[Appendix 2: Internal Review Request Letter](#)

[Appendix 3: Notice of Final Decision after Internal Review Letter](#)

Questions

If you have any questions about this document, please contact your Housing Supply Specialist at the Region of Peel.

SAMPLE

APPENDIX 1: Notice of Refusal to Offer a Unit (Non-Profit or Co-op)

[LETTERHEAD]

[TODAY'S DATE]

[NAME OF HOUSEHOLD]

[CURRENT ADDRESS OF HOUSEHOLD]

Dear **[insert Household Name]**,

You applied for a unit at **[insert name of Non-Profit or Co-op]** or you applied to us for special needs housing. We reviewed information available to us about your household, and have made a decision not to offer you a unit.

If you do not agree with our decision, you are entitled to an internal review of this refusal. To receive an internal review you must make a written request using the attached "Internal Review Request Form".

This request must be received by us on or before **[insert applicable date here. NOTE: Date should be 15 business days from the date of this letter. A date later than 15 days can be given by the housing provider, although it is suggested that the housing provider only extend this time up to a maximum of 30 calendar days).**

Reasons [Check one or more as applicable]

The reason(s) for our refusal to offer the unit to you are:

- Selection of your household would be contrary to our Non-Profit's/Co-op's mandate
- We have reasonable grounds to believe, based on your household's rental history, that your household may fail to fulfill the obligation to pay rent for the unit in the amount and at the times it is due
- Members of your household did not agree to accept their responsibilities as tenants/members of the Non-Profit/Co-op, or have given us reasonable grounds to believe that members of your household will not accept or will be unable to accept those responsibilities
- The unit is one in which individuals will reside in a shared living situation and we have reasonable grounds to believe that it is unreasonable for your household to reside in the shared accommodation
- We have reasonable grounds to believe that the unit is not suitable for your household due to the physical characteristics of the unit in relation to the number, gender and ages of the members of your household
- The unit is special needs housing and the level of service required by your household is significantly greater or significantly less than the level of service provided to a household in such a unit

The unit is special needs housing and your household is not eligible for special needs housing

Details [Fill in details below]

The facts on which we relied in making our decision not to offer the unit to you are as follows:

Thank you.

[Sign above & print name of signing authority]
[Insert legal name for Non-Profit/Co-op]

[Date]

SAMPLE

APPENDIX 2: Internal Review Request Letter – Refusal to Offer a Unit
(To be attached to Notice of Refusal to Offer Unit)

[LETTERHEAD]

Date: _____

To: *[insert Name of Non-Profit/Co-op]*
[insert Address of Non-Profit/Co-op]

From: *[insert Name of the Household who was refused the offer of a unit]*

According to your letter refusing to offer our household a unit in *[insert name of Non-Profit or Co-op]*, I/we have until *[insert due date for review request from notice letter to household]* to ask for a review of your decision.

I/We are requesting that you review your decision about offering us a unit. I/we would like you to carry out this review for the following reason(s):

Please use additional paper if required and attach any other documents to support your position.
I/we understand that the decision from this review will be final.

Signature of household member

Date

Signature of household member

Date

Signature of household member

Date

Office Use Only: Date Received: _____ Received by: _____

SAMPLE

APPENDIX 3: Notice of Final Decision after Internal Review – Refusal to Offer a Unit

[LETTERHEAD]

[TODAY'S DATE]

[NAME OF HOUSEHOLD]

[CURRENT ADDRESS OF HOUSEHOLD]

Re: Notice of Final Decision

Dear **[insert Household Name]**,

On **[date review requested by applicant]** you asked us to review the decision that we would not offer you a unit in _____ **[name of Non-Profit/Co-op]**.

This is to advise you that, as a result of the review, we have made the decision to **[enter the decision that was made at the review]**.

This decision is final.

Sincerely,

[Sign above and print name of signing authority]

[Insert legal name for Non-Profit/Co-op]