

<b>DIVISION:</b>	Social and Community Services		
<b>POLICY SECTION:</b>	Social Housing	<b>EFFECTIVE DATE:</b>	9/26/2016
<b>SUBJECT:</b>	Risk Management Policy and Procedures		
<b>POLICY NUMBER:</b>	2016-NP-10	<b>SUPERCEDES:</b>	Directive 2006-02

**1. PURPOSE**

1.1 This policy is intended for use by all County of Simcoe housing providers that operate a designated housing project under the Housing Services Act and/or are administered by the County.

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Municipal & Private Non-Profit  
 Co-Operatives  
 Federal/Urban Native Non-Profit

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Rent Supplement \*  
*\*including former OCHAP/CSHP*  
 CWL  
 Simcoe County Housing

1.2 Under the *Housing Services Act 2011* (HSA) and within the federal and urban native operating agreements, the County of Simcoe (Service Manager) is responsible for ensuring that housing projects are well managed, maintained in a satisfactory state of repair and fit for occupancy and that social housing providers are managing their assets in a prudent and fiscally responsible manner and are continually meeting their financial obligations.

1.3 The HSA and operating agreements impose requirements on a service manager to take steps to manage associated risk when a housing project is considered to be a project in difficulty (s. 72 of the HSA). Regardless of whether the housing provider is a project in difficulty, the HSA and operating agreements prescribe triggering events (s.83 of the HSA) in relation to a housing project, which allow a service manager to exercise prescribed remedies, the exercise of which must be reasonable in the circumstances. There may be events that are not prescribed or are otherwise outlined in the operating agreement, as a triggering event. These may give the Service Manager cause for concern and indicate that a housing project may be operating in a way that could expose the County, or other stakeholders, to risk. This document sets out the general policy and procedures for managing the risks of those housing projects for which the County has administrative and funding responsibilities. There may be situations in which the County can offer supports, resources and/or a specific action plan to address unique situations without immediately implementing a trigger action.

**2. POLICY STATEMENT**

2.1 The County of Simcoe in its capacity as Service Manager has a responsibility to ensure adherence to legislative authority under the Housing Services Act, 2011 (HSA), and its

regulations, as well as with operating agreements, to ensure housing providers are adhering to applicable legislation and agreement(s), in managing risk within their housing project.

2.2 In accordance with the Housing Services Act (HSA), s. 69.

- The housing provider shall ensure that the project is well managed, maintained in a satisfactory state of repair and fit for occupancy.
- The housing provider is responsible, in relation to the project, for the collection of rent and the administration of leases.
- The housing provider shall give such information as the regulations require to the service manager that administers the transferred housing program to which the project is subject.
- The housing provider shall prepare and follow such plans relating to the governance or operation of the housing provider as the regulations may require.

### 3. REFERENCES

Housing Services Act, 2011 (HSA)  
Ontario Regulations 298/01, 367/11, 368/11, 369/11, 370/11  
Pre-86 and Post-85 Urban Native Operating Agreements  
Federal/Provincial Non-Profit Housing Operating Agreements  
Ontario Non-Profit Housing Operating Agreements  
Rent Supplement Agreements  
Social Housing Delegation Agreements  
Risk Assessment Procedures of Social Housing Providers

Prior Reference:

Social Housing Reform Act (SHRA) and its Ontario Regulations

### 4. SCOPE

4.1 Risk Assessment Process

In accordance with the County's internal policy - Risk Assessment Procedures of Social Housing Providers, the County's Risk Management Team (RMT) assess the risk level of a social housing provider, as it relates to the management of the company's assets. Ensuring there is demonstrated prudent and fiscally responsible management. Further, ensuring social housing providers continue to meet their financial obligations and are compliant with all applicable legislation, including the Housing Services Act, 2011 (HSA) and its regulations.

4.2 Warning Signs:

Under the HSA and all pertinent legislation, housing providers have a legal obligation to ensure their projects are well managed in accordance with the purpose and mandate of all pertinent legislation. A risk assessment or any other circumstance, may identify warning signs, which indicate the County should take action in respect of risk management of a housing project as outlined in s. 72 (2) of the Housing Services Act. These warning signs may include:

- a) Unauthorized sale/lease/disposition of property
- b) Unsatisfactory operational review
- c) Persistently late submission of estimates/budgets required for subsidy calculation purposes
- d) Persistently late submission of audited financial statements and annual information return

- e) Results of auditor's management letter
- f) Poor financial ratios (e.g. liquidity ratio less < 1)
- g) Significant operating deficit
- h) High vacancy rate
- i) Notice of tax or mortgage arrears
- j) Utility arrears
- k) Code violations
- l) High rent arrears with limited repayment plans in place
- m) Allegations of fraud or mismanagement
- n) Requests for permission to dip into capital reserve funds to cover operating expenses
- o) Structural/technical issues
- p) Project deterioration/inability to fund repairs
- q) Inappropriately using the Centralized Waiting List as it relates to rent-geared-to-income (RGI) units
- r) Serious complaints or substantial information received from:
  - current or former employees
  - current or former board members
  - tenants/members
  - anonymous communication
  - suppliers/contractors
  - any other 3<sup>rd</sup> party
    - e.g. curb appeal, tenant concerns not being addressed, Board interference with day to day management, routine maintenance not being done, Board member nepotism, Board request for outside chair

Warning signs can also be identified through operational and RGI review, financial statement review and communication received both internally and externally.

- An example of an external communication would be where a Program Supervisor receives a complaint from a resident of a housing project directly.
- An example of an internal communication would be where an administrator of the Centralized Waiting List (CWL) informs a Program Supervisor that a particular housing project is not appropriately using the CWL.

4.2(a) Once Housing staff identifies any of the above warning signs or any other warning sign that indicates that there may be risk management issue(s), the Program Supervisor will meet with the Manager of Housing Programs to determine next steps.

- Questions to consider include:
  - Does the project appear to be a statutory project in difficulty?
  - Has a triggering event occurred?
  - Should the Risk Management Team (see later in this document) be convened?
  - Should the Provincial Risk Management Centre be consulted?

4.2(b) Depending on the cause(s) behind the warning sign, the solution that remedies the cause(s) may be as simple as filling a knowledge gap (s.90 (3) of the Act), or the solution may require more intervention.

- Examples of intervention:
  - The Program Supervisor may have to regularly attend board meetings
  - A requirement for the Board, staff or property management staff to undergo training
  - An operational review

- A requirement for the provider to revise and implement certain policies and procedures
- Request for the board to agree to supervisory management
- Board agrees voluntarily to step aside and property manager reports to the County
- A request for the housing provider to produce a deficit reduction plan
- The Program Supervisor monitors the situation, charting and tracking the action plan of the project at risk
- Other unique plan to support the housing provider in specific circumstances

No matter how diligent Housing staff are in identifying warning signs, by the time a warning sign comes to the attention of the Housing staff, a housing project may already be a project in difficulty, or a triggering event may have already occurred.

#### 4.3 Project in Difficulty,

A social housing program is determined a project in difficulty (PID), as outlined in s. 72 (2) of the Housing Services Act, 2011 (HSA).

There could be a direct financial impact to the County should a housing provider default on its mortgage, resulting in the lender calling the mortgage due and payable. Since the housing provider mortgages are CMHC insured, a lender is able to recover all of its costs associated with the mortgage default. Any amounts paid to lenders from CMHC's Mortgage Insurance Fund (MIF) will be charged back to the Province. The HSA allows the Province to charge back to the County, as Service Manager, any monies it pays out to CMHC as a result of a mortgage default. Therefore, a mortgage default or the likelihood of a mortgage default is a serious occurrence.

- 4.3(a) Section 72(1) of the Act describes situations when the service manager must notify the Minister that a housing project is in difficulty.

#### 4.4 Triggering Events

Section 83 and 84 of the HSA describe triggering events.

Section 84 outlines the methods used by the Service Manager to provide assistance to a Housing Provider before a triggering event.

Prescribed triggering events necessitate risk management action on the part of the County. Sections 84 to 98 of the HSA inform the County's actions.

- 4.4(a) When a project in difficulty or a triggering event has been identified by a Program Supervisor, in consultation with the Manager of Housing Programs, or if assistance is needed to make such determinations, the County's Social Housing Risk Management team will be convened. The Risk Management Team (RMT) can consist of the Director of Social Housing, Manager of Housing Programs, Program Supervisor, Divisional Financial Controller, Facilities Maintenance Manager, Not for Profit Facilities Engineer, Accounting Supervisor and Legal Counsel, as necessary. The Manager of Housing Programs will be the team lead. The Provincial Risk Management Centre may be contacted at the same time, for the purpose of consultation on project specific issues and obtaining advice and recommendations related to the nature of triggering events and, where necessary, approvals for the implementation of remedies.

4.5 Remedies Available to the Service Manager for Housing Providers, other than for Federal and Urban Native Projects

If a triggering event occurs, the service manager may exercise the remedies outlined in section 85 of the HSA. The service manager may exercise a remedy only if, in the circumstances, it is reasonable to exercise the remedy and the remedy is exercised in a reasonable way. Sections 84 to 98 do not limit the exercise of any remedy the service manager may have, other than under section 85.

4.5(a) Waiver

Section 88 of the HSA applies with respect to a waiver by a service manager of the right to exercise a remedy under section 85.

4.5(b) Conduct of Remedies

**Discontinuation or suspension of subsidy**

As outlined in section 91 of the Housing Services Act and/or its Ontario Regulations.

**Exercise of powers, etc., by service manager**

As outlined in section 92 and in accordance with section 99 of the Housing Services Act and/or its Ontario Regulations.

**Operational advisor**

As outlined in section 93 and in accordance with section 99 of the Housing Services Act and/or its Ontario Regulations.

**Appointment of receiver and or receiver and manager**

As outlined in Section 94 and 95 and in accordance with section 99 of the Housing Services Act and/or its Ontario Regulations.

**Court appointed receiver**

As outlined in Section 96 and 97 of the Housing Services Act and/or its Ontario Regulations.

**Appointment of directors**

As outlined in Section 98 of the Housing Services Act and/or its Ontario Regulations.

4.5(c) Conflict

In the event of a conflict between Part VII of the Act and any of the Acts specified below or a regulation made under any of those Acts, Part VII of the Housing Services Act prevails. The Acts refers to the following:

- i. The Not-for-Profit Corporations Act, 2010
- ii. The Business Corporations Act
- iii. The Co-operative Corporations Act. 2011

## 5. PROCEDURE

5.1 Consultation

Whenever the County considers exercising the remedy of appointing directors to the board of a housing provider, County staff will consider consultation options.

Table 1- TRIGGERING EVENTS AND POSSIBLE COUNTY RESPONSES  
(Steps or components of an action/stabilization plan)

Triggering Event	Possible County Response
<p>The housing provider contravenes this Act or the regulations.</p>	<p>Triggering letter requiring housing provider to do or not do something in order to come into compliance.</p> <p>Notice to Minister not required. Consent of Minister not required.</p> <p>Suspend or terminate the Service Manager Delegation Agreement</p> <p>After notice period, the County can implement any of the remedies available under s. 85 or as outlined in the operating agreements for federal projects.</p>
<p>The housing provider becomes bankrupt or insolvent, takes the benefit of any statute for bankrupt or insolvent debtors or makes any proposal, assignment or arrangement with its creditors.</p>	<p>Triggering letter not required.</p> <p>Notice to Minister is required but not Consent.</p> <p>Appoint receiver or receiver and manager.</p>
<p>Steps are taken or proceedings are commenced by any person to dissolve, wind up or terminate the existence of the housing provider or to liquidate its assets.</p>	<p>S. 75 and accompanying regulations restrict a housing provider from transferring, leasing, or otherwise disposing of or offering, listing, advertising or holding out for transfer, lease or other disposal, a housing project or any part of it, including chattels in it, other than outlined in the provincial regulations.</p> <p>Triggering letter not required. Notice to Minister not required.</p> <p>Meet with board to determine reasons for this action. Feasibility of transferring housing project to County of Simcoe or another housing provider.</p> <p>Ministerial consent may be required. Business case required.</p>
<p>The housing provider ceases or threatens to cease to carry on business in the normal course.</p>	<p>Triggering letter not required.</p> <p>Meet with board. Board responsible to ensure that it is in compliance with Act and County requirements. Gauge issues behind board's actions. Is there any assistance the County can provide?</p>

	<p>Feasibility of transferring housing project to County of Simcoe or another housing provider.</p> <p>Suspend or terminate the Service Manager Delegation Agreement</p> <p>Ministerial consent may be required. Business case required.</p>
A trustee, receiver, receiver and manager or similar person is appointed to the business or assets of the housing provider.	<p>Triggering letter not required.</p> <p>Notice to Minister may be required.</p> <p>Consult legal services.</p>
Any assets of the housing provider are seized under execution or attachment.	<p>Triggering letter not required.</p> <p>Notice to Minister may or may not be required. If seizure is result of housing provider experiencing liquidity problems, then Notice to Minister may be required.</p> <p>Consult legal services.</p>
The housing provider is unable to meet its obligations as they come due.	<p>Triggering letter not required.</p> <p>Notice to Minister may be required. Ministerial consent not required.</p> <p>Suspend or terminate the Service Manager Delegation Agreement</p> <p>Operational review. Financial plan (strategy to manage obligations). Is there a training opportunity? A role for CHF or ONPHA? A business case for additional assistance?</p>
The housing provider incurs an expenditure that is, in the opinion of the service manager, substantial and excessive.	<p>Triggering letter required.</p> <p>Notice to Minister may be required if expenditure impacts liquidity.</p> <p>May be required to hire a property manager or tender for new property manager. Operational review.</p> <p>Suspend or terminate the Service Manager Delegation Agreement</p> <p>If Notice to Minister issued, then Minister's consent may be required before a remedy is implemented.</p>
The housing provider incurs an accumulated deficit that is, in the opinion of	<p>Triggering letter is required.</p>

the service manager, substantial and excessive.	<p>Notice to Minister may be required. Consent of Minister may be required before a remedy is implemented. Deficit Reduction plan with quarterly or monthly reporting. Operational review.</p> <p>Suspend or terminate the Service Manager Delegation Agreement</p>
In the opinion of the service manager, the housing provider has failed to operate a designated housing project properly.	<p>Triggering letter required.</p> <p>Notice to Minister not required. Minister consent not required.</p> <p>Suspend or terminate the Service Manager Delegation Agreement</p> <p>Operational review.</p>
The housing provider contravenes a lease under which it has a leasehold interest in a designated housing project or in land where a designated housing project is located	<p>Triggering letter requiring housing provider to do or not do something so that it remains in compliance with lease.</p> <p>Notice to and consent of Minister not required.</p> <p>Suspend or terminate the Service Manager Delegation Agreement</p> <p>After notice period in triggering letter, the service manager may perform any of the duties and exercise any of the powers of the housing provider under this Act.</p>

Note: 1) The Program Supervisor should review exceptions to obtaining Minister’s consent and to issuing written notice to provider (triggering letter).

5.1(a) Federal Providers

Federal projects do not fall under the Operating Framework of the HSA. They operate under an operating agreement which has a termination date that typically coincides with their end of mortgage. When a federal project gives cause for concern in respect of risk management issues, its operating agreement and mortgage must be reviewed for available remedies. The HSA requires the County to notify the Minister if a housing project is deemed to be a “project in difficulty”, in the same way and using the same criteria that applies to non-federal housing projects. There are no legislative requirements for the County to notify the Minister when a triggering event occurs in a federal project. Notwithstanding, the Program Supervisor will notify the Provincial Risk Management Centre if a triggering event has occurred at a federal project. If the solution is ultimately to sell, dispose, transfer, or otherwise encumber the project, then Ministerial consent may be obtained prior to the County taking further action. On the occurrence of a triggering event, a notice will be issued to the housing provider describing the situation (without a reference to specific legislation) and the expected actions of the housing provider to do/or refrain from doing, in order to stabilize the situation. The notice period will be at least 60 days.



Note: 1) The Housing Department will use the same triggering events and warning signs for federal projects that apply to non-federal projects, as indications that a federal provider is in need of risk management assistance.

#### 5.1(b) Remedies Available for Federal Projects

Outlined below are the remedies generally available for projects operating under various federal agreements. The Program Supervisor must review the particular operating agreement and mortgage to determine what remedies are specifically available.

- 1) Section 26 (Limited Dividend Program)
  - Unpaid principal of the loan may be declared due and payable forthwith
  - Rents can be adjusted downward effective from the date determined by the service manager
- 2) Section 26 and 27 Non-Profit programs
  - Unpaid principal of the loan may be declared due and payable forthwith or increase in the interest payable on the unpaid balance
- 3) Section 95 Non-Profit Program
  - Discontinue subsidy payments
  - Suspend subsidy payments.
  - Discontinue subsidy payments and require the repayment of the Subsidy Surplus Fund including accrued interest.
  - Suspend future subsidy payments or reduce further payments.
- 4) Section 95 pre-86 Urban Native with UNAA
  - Discontinue subsidy payments
  - Suspend subsidy payments
  - Suspend future assistance payments or reduce further payments
  - Reduce # of units for which the additional contributions may be given
  - Cancel or suspend all additional contributions
- 5) Section 95 post-85 urban native program
  - Discontinue subsidy payments
  - Suspend subsidy payments
  - Discontinue contributions in whole or in part
  - Discontinue or suspend payment or reduce contribution without terminating provider's obligations
  - Termination of agreement as well as purchase of property and replacement reserve fund

#### 5.2 Prior to Exercising a Remedy

Before the Risk Management team (RMT) decides on the exercise of a remedy against a housing provider, it will consider the following:

- How has the County come to the conclusion that there is a problem?
- What will happen if nothing is done?
- Can a training opportunity be found?
- Is there a role for sector support organizations to help remedy the situation (e.g. ONPHA, CHF, OAHS)

- What response do we expect from the housing provider to address the non-compliance?
- Is there a need for a forensic audit?
- Have all options/remedies been considered?
- Will this remedy achieve the results necessary to address the problem in an effective manner?
- Is the remedy in proportion to the problem?
- What are the consequences of the remedy?
- Is this remedy consistent with action taken in similar non-compliance issues?
- Should the Provincial Risk Management Centre/Legal advisor be contacted for advice?

The exercise of a remedy, or remedies, must be reasonable in the circumstances. The goal is to exercise remedies that apply an even-handed response to the triggering event, given the nature of the default and its degree of seriousness. Generally speaking, the remedy ought to reflect the nature of the event of default with a view to putting the housing project back on a solid basis.

The County will not exercise any of the remedies under s.85 of the Act before the County gives the housing provider written notice unless:

- the housing provider does not, within the period specified in the notice, comply with the notice, and/or
- if the notice provides for the submission of a plan by the housing provider, the plan submitted by the housing provider does not address the matters specified in the notice, and/or
- the service manager is reasonably of the opinion that the plan is not acceptable

### 5.3 Notice Related to a Triggering Event

The County will not exercise any of the remedies under s.85 of the Act before the County gives the housing provider written notice unless:

- 1) The triggering event is any of the ones listed as 72(2) of the Housing Services Act;
- 2) The triggering event is that the housing provider has sold, leased; or otherwise disposed of or offered, listed, advertised or held out for sale, lease or other disposal, the housing project or any part of it, in a manner contrary to the Housing Services Act;
- 3) There is an emergency situation and giving written notice to the housing provider may materially worsen the situation;
- 4) A report of an audit or investigation of the housing provider has been, or circumstances identified in such a report have been, referred to a law enforcement agency and the report or the circumstances relate to a triggering event

In all other instances:

#### **Opportunity to rectify and make submission**

As outlined in section 90(1) of the Housing Services Act and/or its Ontario Regulations, with exceptions, as outlined in 90(5) of the Housing Services Act.

#### **Content of notice of triggering event**

As outlined in section 90(2) of the Housing Services Act and/or its Ontario Regulations.

In addition:

In order to ensure the Housing Provider is aware of the triggering event(s), the notice will be served on all known Board Members.

If the notice contains a request for an action plan, then it will spell out the matters required to be addressed by the plan.

The name of the individual who can communicate, on behalf of the service manager, with the housing provider and details of how that individual can be contacted.

**Training requirement**

As outlined in section 90(3) of the Housing Services Act and/or its Ontario Regulations.

**Content of notice regarding submission**

As outlined in section 90(4) of the Housing Services Act and/or its Ontario Regulations.

**Opportunity to make submission regarding court appointed receiver**

As outlined in section 90(6) of the Housing Services Act and/or its Ontario Regulations.

**Content of notice**

As outlined in section 90(7) of the Housing Services Act and/or its Ontario Regulations.

**Decision not to exercise a remedy**

As outlined in section 90(8) of the Housing Services Act and/or its Ontario Regulations, with limitation outlined in section 90(9) of the Housing Services Act.

5.4 Reporting and Tracking Projects in Difficulty

Briefing Note

Following the recommendations of the RMT, the Program Supervisor will prepare a Briefing Note, to be signed off by the Manager of Housing Programs and copied to the Director of Social Housing and the General Manager of Social and Community Services Division.

The Briefing Note will include:

**1) Project Information**

- Name and address of the housing provider
- Member Municipality
- Project type
- IAD
- Number of units
- RGI target
- Actual number of units
- Number of vacant units
- Property management type i.e. direct or contracted out
- Date of last operational review
- Name of the Program Supervisor

**2) Problem**

The criteria used to determine that a housing project is a project in difficulty, as set out in section 72(2), or a description of the triggering event(s), as set out in section 83 of the Housing Services Act, will be identified and discussed. There will be discussions as to

the severity of the problem/triggering event, how it arose, and how cooperative the Board might be in working with the County in developing and implementing an action plan that will resolve the problem/triggering event.

### **3) Action/Stabilization Plan**

A proposal for an action plan to stabilize the housing project will be put forth by the Risk Management Team (RMT) in conjunction with the identified risk assessment and compliance requirements. Depending on the nature of the problem/triggering event, this section may include a discussion of available options and their pros and cons. In developing an action plan, the RMT should consider the following:

- I. What are the existing/current risk assessment(s) and compliance requirement(s), if any;
- II. Whether a deficit reduction plan is required or is there something else that the housing provider should do or should cease doing in order to stabilize the project;
- III. Whether or not an operational review is required;
- IV. If the housing provider fails to address the County's concerns as spelled out in the written notice (triggering letter) to the housing provider, what remedy, under the Act, should be implemented thereafter to cure the triggering event;
- V. Whether this remedy will require the approval of County Council;
- VI. Whether ministerial consent will be required prior to exercising the proposed remedy;
- VII. Communication strategy: objectives, how and to whom (i.e. target audience: Board, residents/members, sector support organizations, media, lending institution, etc.) how the County wants to position itself, key messages, Q & A, fact sheets

Note: An action/stabilization plan may need to be modified through the resolution phase as circumstances change.

#### **5.5 Monitoring**

The Program Supervisor will work closely with the Boards and management of projects at risk to ensure ongoing commitment of and to the action/stabilization plan(s).

- For example, this may require attending board meetings regularly, and/or
- Finance and/or Engineering staff to help in preparing a deficit reduction plan, and/or
- the Housing Division providing best practices for certain policies and procedures

The Program Supervisor will monitor, track and provide guidance to the project until the resolution of the issue or triggering event.

Following a careful review of all of the ramifications of implementing a particular remedy, the Risk Management team (RMT) will exercise one or more of the remedies available under s. 85 of the Housing Services Act if:

- a housing provider shows an unwillingness to cooperate, and/or
- the triggering event is any one described in paragraphs 72(2) of the Housing Services Act and where written notice of a triggering event to the housing provider does not have to be given, and/or
- the response to the notice of a triggering event is unsatisfactory, and/or
- the housing provider has not responded to the notice of a triggering event within the timeframe required, and/or

- the situation is quickly deteriorating (i.e. has become an emergency situation)

#### 5.5 (a) Status Update Reports

Depending on the severity of the problem(s) being experienced by a project and until the triggering event(s) or problem has been cured, the Program Supervisor will prepare either:

- (i) Monthly Status Update Reports or
- (ii) Quarterly Status Update Reports

Over time, the frequency of a Status Update Report may change from monthly to quarterly depending on how well the housing provider's issues are approaching resolution.

The Program Supervisor, in conjunction with the Risk Management Team (RMT), will judge the severity of the issue(s) facing the project and determine the appropriate frequency of Status Update Reports by examining:

- I. The materiality of the issue(s).
- II. The number of problems/issues.
- III. The willingness of the housing provider to work cooperatively with the Housing Department.
- IV. The nature of the issue(s) (e.g. potential for political fallout/media exposure).

Status Update Reports will be provided to:

- Manager of Housing Programs and as appropriate
- Other members of the Risk Management Team (RMT)
- Provincial Risk Management Centre
- General Manager of Social Services
- County Council

Status Update Reports will contain:

#### **1. Identification of the housing project**

- a. Name of housing provider
- b. Date of Briefing Note
- c. Summary of the issue(s) that gave rise to the determination of project in difficulty status or a description of the triggering event

#### **2. Action to date**

This section will contain a chronological listing of completed tasks to date. The most recent completed task will be in bold.

#### **3. Current action plan and next steps**

This section will include dates by which tasks are expected to be completed. Once a task has been completed it will be removed from this section and moved to "Action to Date." The most recent item added will be in bold.

#### 5.5(b) Spreadsheet

A spreadsheet will be prepared and located on the common drive in a password protected file. It will be used to track projects in difficulty, projects where a triggering event has occurred, or projects determined to be at risk through identification of warning

signs. The spreadsheet will summarize the steps taken to date to address the areas of concern and the next steps.

5.6 Recommendation

If more than one action plan is presented, then the action plan that best stabilizes the housing project will be recommended for implementation.

5.7 Reports to Council

Following signoff of the briefing note by the Manager of Housing Programs and the Director of Social Housing, he/she will meet with the General Manager of Social and Community Services in determining the appropriate course of action regarding a report to Council, with consideration of any such report being marked 'confidential'. If it is determined that a report be provided, the Mayor of the municipality in which the project is located should be appropriately informed.

5.8 Notice of Certain Projects in Difficulty

Following consultation on the briefing note by the Manager of Housing Programs and the Director of Social Housing, with the General Manager of Social and Community Services, the following notices will be prepared and issued by the Program Supervisor:

- I) Notice to the Minister, as outlined in s. 72 (1) of the Housing Services Act.
- II) Notice to housing provider, regarding Notice to the Minister, as outlined in s. 72 (3) of the housing Services Act.
  - If the County is required to give written notice to the Minister under s. 72 of the Housing Services Act, then the County must also give written notice to the housing provider, unless there are circumstances contributing to the situation that have been referred to a law enforcement agency.
  - The notice to the housing provider will contain the same information as the notice to the Minister, as described below.
  - The notice to the housing provider will be sent to all known board members.

5.8(a) Contents of Notice of Certain Projects in Difficulty

As outlined in section 72(4) of the Housing Services Act and Ont. Reg. 367/11 s. 89.

In addition to the notice to the housing provider that it is a project in difficulty, if the housing provider is given notice that a triggering event has occurred, the notice of triggering event will be included with this Notice to the Minister.

5.8(b) The County will not exercise any of the remedies under s.85 of the Act before the County notifies the Minister unless:

1. The triggering event is any of the ones listed as 72(2) of the Housing Services Act;
- 2) The triggering event is that the housing provider has sold, leased; or otherwise disposed of or offered, listed, advertised or held out for sale, lease or other disposal, the housing project or any part of it, in a manner contrary to the Housing Services Act;
- 3) There is an emergency situation and giving written notice to the housing provider may materially worsen the situation;
- 4) A report of an audit or investigation of the housing provider has been, or circumstances identified in such a report have been, referred to a law enforcement agency and the report or the circumstances relate to a triggering event

## 6. RESOURCES

- 6.1 The Service Manager may consider using any of the following resources, or those not listed, in its efforts to resolve risk management issues:
- Legal Services
  - Financial Services
  - Provincial Risk Management Centre
  - Fleet and Purchasing
  - County technical services, e.g. Maintenance Managers
  - Communications Services
  - Simcoe County Housing Corporation Approved Vendor List
  - Sector Support Agencies
- 6.2 The Service Manager may use template letters, forms or spreadsheets and/or newly crafted documents, as deemed necessary.
- 6.3 Contact your Program Supervisor with any questions or concerns.