

**DIRECTIVE**

**EFFECTIVE DATE: May 26, 2003**

**NUMBER: 2003-11**

The policies, procedures and County requirements in this Directive are to be implemented by housing providers that are funded under the following Programs, which are administered by the County:

Please note if your program is not checked, this Directive is not applicable to your project(s), and is for information purposes only.

✓	Federal/Provincial Non-Profit Housing Program	✓	Federal Programs
✓	Ontario Non-Profit Housing Programs	✓	Urban Native Programs
✓	Federal/Provincial & Ontario Co-operative Housing Programs	✓	Municipal Non-Profit Program
✓	Simcoe County Housing Corporation		

**SUBJECT: MINISTERIAL CONSENTS UNDER THE SOCIAL HOUSING REFORM ACT, 2000**

INTRODUCTION

In the administration of social housing there are certain actions of a service manager, local housing corporation, or housing provider which require ministerial consent, under the Social Reform Act 2000 (SHRA). Most of the consents required relate to the protection of the mortgages and the housing stock in unusual situations such as demolitions, terminating a mandate, amalgamation of providers, sale of projects, actions taken when a housing provider is in financial difficulty, etc. Consent is usually not needed in the day-to-day management of the housing portfolio transferred to service managers under the SHRA.

HOW TO IDENTIFY ACTIONS THAT REQUIRE MINISTERIAL CONSENT

The Social Housing Branch of the Ministry of Municipal Affairs and Housing issues Releases to service managers under the SHRA, as guidelines on areas of social housing administration. On March 14, 2002, Release # 20 on the *Procedures for obtaining Ministerial Consent under the Social Housing Reform Act 2000* was issued. This Release identifies actions that require ministerial consent and outlines the formal process for submitting a consent request to the Social Housing Branch. Release # 20, which accompanies this document, is to be used in the County of Simcoe as the procedural

document for identifying actions which require ministerial consents, and for obtaining such consents.

**Ministry of  
Municipal Affairs  
and Housing**

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March 14, 2002

**To Service Managers under the *Social Housing Reform Act, 2000*:**

Enclosed please find Release #20, on the *Procedures for obtaining Ministerial Consent under the Social Housing Reform Act, 2000*. This Release outlines the formal process for submitting a consent request to the Ministry's Social Housing Branch.

There are a number of sections under the *Social Housing Reform Act, 2000 (SHRA)* that require ministerial consent. Most of the consents required relate to the protection of the mortgages and the housing stock in unusual situations such as demolitions, terminating a mandate, amalgamation of providers, sale of projects, actions taken when a housing provider is in financial difficulty, etc. Consent is usually not needed in the day-to-day management of the housing portfolio transferred to service managers under the *SHRA*.

This release will also be available in French and English on the ministry's website at [www.mah.gov.on.ca](http://www.mah.gov.on.ca).

I trust that you will find this information helpful. If you have any questions about this release, please do not hesitate to call Julia Vryheid in the Social Housing Branch. Her number is 416 585-6372.

Sincerely,

Patti Redmond,  
Director  
Social Housing Branch

## Release 20: Procedures on obtaining Ministerial Consent under the *Social Housing Reform Act, 2000*

There are a number of sections under the *Social Housing Reform Act, 2000* (*SHRA*) that require ministerial consent. Most of the consents required relate to the protection of the mortgages and the housing stock in unusual situations such as demolitions, amalgamation of providers, sale of projects, actions taken when a housing provider is in financial difficulty, etc. Consent is usually not needed in the day-to-day management of the housing portfolio transferred to service managers under the *SHRA*.

Attached to this Release are two charts:

- **Chart one** reviews the relevant sections under the *SHRA* that require ministerial consent. These consents relate to the non-profit and public housing portfolio administered under Part III and Part VI of the *SHRA*.
- **Chart two** reviews the Restrictions contained within the Transfer Orders made pursuant to Part IV of *SHRA* requiring ministerial consent. These consents relate to the non-profit providers with agreements under Section 26, 27 and 95 of the *National Housing Act*. As well, Local Housing Corporations require ministerial consent for the bulk purchasing of utilities, insurance or in connection with the 20 mortgages on properties transferred to Local Housing Corporations.

A separate submission, (business case, request letter, plan of arrangement, etc.) is required for each consent requested. The requirements listed in the chart are suggested documents that should be submitted. It should also be noted that the granting of consent is at the discretion of the Minister and additional information may be required.

### **1. What general information is required for each submission?**

If the request is being made solely by a service manager, the following is required:

- Name of service manager and authorized contact name, phone, fax, e-mail, mailing address,
- Name of service manager's solicitor, phone, e-mail,
- Approved council resolution or DSSAB board resolution.

If the request is being made by a service manager on behalf of a housing provider/local housing corporation, the following additional information will be required:

- Name of housing provider(s)/local housing corporation, project address, and authorized contact name, phone, fax, e-mail, mailing address,
- Approved board resolution,
- Name of housing provider's solicitor, if applicable.

## **2. *How do Service Managers send in their formal request for ministerial consent?***

Submissions can be e-mailed or sent to the address list below. If the request for ministerial consent originates with a local housing corporation/housing provider, the service manager *must* nonetheless submit the request to the ministry on behalf of the local housing corporation/housing provider.

E-mail: **SHRA\_Consents@MAH.gov.on.ca**

Mail all submissions to:  
Director, Social Housing Branch  
777 Bay Street, 2<sup>nd</sup> Floor  
Toronto, ON M5G 2E5

Requests for consent submitted will be logged and will receive an acknowledgement letter. Upon receiving the request, it will be forwarded to the appropriate section of the Ministry for processing. Submission must be made following the procedures in this release or a subsequent Ministry Guideline.

## **3. *Who should the Service Manager contact if they have questions about the consent process?***

The Social Housing Branch in Toronto will be responsible for the on-going administration of the *SHRA*. If you have any questions regarding the process for obtaining of consent please contact the ministry at the address and e-mail noted below. When you are ready to make a formal request for consent under the *SHRA*, see Item 4 for the mailing information.

**Send e-mail inquiries to:**

**SHRA\_Consents @MAH.gov.on.ca**



## Chart One

### Ministerial Consents required under the Social Housing Reform Act, 2000

In the chart below are the sections in the *Social Housing Reform Act, 2000* where a service manager, a housing provider or a local housing corporation is required to obtain ministerial consent from the Minister of Municipal Affairs and Housing before undertaking a specific action.

Verbatim sections of the SHRA that require Ministerial Consent	Requirements	Notes
<p><b><u>Restrictions re mortgage financing</u></b></p> <p>A service manager shall not establish a system or process to enable more than one housing provider, acting jointly, to renew or replace mortgage financing unless the service manager <b>has the prior written consent of the Minister</b> to do so. 2000, c. 27, s. 9 (1).</p> <p><b>Same</b></p> <p>Subsection (1) applies with respect to any housing provider who operates a housing project under such housing programs as may be prescribed for the purposes of this section. 2000, c. 27, s. 9 (2).</p>	<p>Service managers who require information on making a request under this section should contact the Social Housing Branch at the e-mail or address noted on page 2 of this Guideline.</p>	<p>This section relates to the Province's mortgage renewal process.</p>
<p><b><u>Restrictions on share issuance</u></b></p> <p>A local housing corporation shall not issue shares <b>without the prior written consent of the Minister unless,</b></p> <ul style="list-style-type: none"> <li>a) they are issued to,                     <ul style="list-style-type: none"> <li>i. the related service manager,</li> <li>ii. a related municipality,</li> <li>iii. a non-profit corporation controlled by the related service manager or a related municipality, but only if an</li> </ul> </li> </ul>	<p>Service managers who require information on making a request under this section should contact the Social Housing Branch at the e-mail or address noted on page 2 of this Guideline.</p>	

Verbatim sections of the SHRA that require Ministerial Consent	Requirements	Notes
<p>object of the non-profit corporation is the provision of housing, or</p> <p>iv. a non-profit housing corporation that is incorporated under section 13 of the <i>Housing Development Act</i> and that is controlled by the related service manager or a related municipality; and</p> <p>b) the share issuance does not result in the related service manager owning legally or beneficially less than a majority of the issued and outstanding common shares in the capital of the local housing corporation. 2000, c. 27, s. 25 (1).</p> <p><b><u>Restrictions on share transfers, etc.</u></b></p> <p>A shareholder of a local housing corporation shall not, without the prior written consent of the Minister, transfer or encumber the shareholder's legal or beneficial ownership in shares in the capital of the local housing corporation, and the local housing corporation shall not, <b>without the prior written consent of the Minister</b>, permit, acquiesce in, approve, ratify, recognize or register any transfer or encumbrance of legal or beneficial ownership in shares in its capital, unless,</p> <p>a) The transfer or encumbrance is made to or in favour of,</p> <p>i. the related service manager,</p> <p>ii. a related municipality,</p> <p>iii. a non-profit corporation controlled</p>	<p>Service managers who require information on making a request under this section should contact the Social Housing Branch at the e-mail or address noted on page 2 of this Guideline.</p>	



Verbatim sections of the SHRA that require Ministerial Consent	Requirements	Notes
<p>iv. by the related service manager or a related municipality, but only if an object of the non-profit corporation is the provision of housing, or a non-profit housing corporation that is incorporated under section 13 of the <i>Housing Development Act</i> and that is controlled by the related service manager or a related municipality; and</p> <p>b) the transfer or encumbrance does not and cannot result in the related service manager owning legally or beneficially less than a majority of the issued and outstanding common shares in the capital of the local housing corporation. 2000, c. 27, s. 25 (2).</p>		

Verbatim sections of the SHRA that require Ministerial Consent	Requirements	Notes
<p><b>Restriction on amalgamation</b></p> <p>A local housing corporation shall not amalgamate with another corporation without <b>the prior written consent of the Minister</b> unless the other corporation is,</p> <ul style="list-style-type: none"> <li>a) a non-profit corporation controlled by the related service manager or a related municipality, but only if an object of the non-profit corporation is the provision of housing; or</li> <li>b) a non-profit housing corporation that is incorporated under section 13 of the <i>Housing Development Act</i> and that is controlled by the related service manager or a related municipality. 2000, c. 27, s. 26 (1).</li> </ul> <p><b>Arrangement</b></p> <p>Despite clause 2 (3) (a) of the <i>Business Corporations Act</i>, a local housing corporation may amalgamate with a corporation described in clause (1) (a) or (b) by way of an arrangement described in clause 182 (1) (d) of the <i>Business Corporations Act</i>. 2000, c. 27, s. 26 (2).</p>	<p>The service manager must submit a business case on behalf of the Local Housing Corporation that sets out:</p> <ul style="list-style-type: none"> <li>a) how it will retain controlling interest in the new amalgamated corporation in order to effectively meet its obligations under the SHRA</li> <li>b) Draft Plan of Arrangement and Arrangement Agreement</li> <li>c) Draft by-laws of amalgamated corporation</li> <li>d) confirmation that the mandates and program standards would be met</li> <li>e) the tenant communication plan</li> </ul> <p>The request must also include a council resolution from the service manager and approved board resolutions from the Local Housing Corporation and corporation it is amalgamating with.</p>	<p>This clause refers to public housing administered under Part III of the SHRA.</p> <p>The Province has allowed for as-of-right amalgamations of Local Housing Corporations with certain non-profits where the service manager has a controlling interest. Like share distribution restrictions, amalgamation restrictions are intended to prevent the service manager from losing its controlling interest in the former public housing programs and projects. Without controlling interest, service managers may not be able to adequately ensure that they are able to meet provincial standards and meet mortgage and debenture obligations. This Section does not prohibit an amalgamation with other corporations besides those set out in clause (a) and (b), but it does require that the Minister give his/her consent.</p>
<p><b>Restriction on voluntary dissolution</b></p> <p>A local housing corporation shall not, without the <b>prior written consent of the Minister</b>, be voluntarily dissolved unless all real property that was transferred to the local housing corporation by a transfer order has been transferred to one or more of the following persons:</p> <ul style="list-style-type: none"> <li>1. The related service manager.</li> <li>2. A related municipality.</li> <li>3. A non-profit corporation controlled by the</li> </ul>	<p>Service managers who require information on this section should contact the Social Housing Branch at the e-mail or address noted on page 2 of this Guideline.</p>	<p>This clause refers to housing administered under Part III of the SHRA.</p>

Verbatim sections of the SHRA that require Ministerial Consent	Requirements	Notes
<p>related service manager or a related municipality, but only if an object of the non-profit corporation is the provision of housing.</p> <p>4. A non-profit housing corporation that is incorporated under section 13 of the <i>Housing Development Act</i> and that is controlled by the related service manager or a related municipality. 2000, c. 27, s. 27.</p>		
<p><b>Restrictions, real property</b></p> <p>Any real property transferred by a transfer order cannot be transferred or mortgaged or otherwise encumbered, developed or redeveloped and an interest in the property cannot be granted or disposed of by any person without the <b>prior written consent of the Minister</b>. 2000, c. 27, s. 50 (1).</p> <p><b>Exception</b></p> <p>(2) Despite subsection (1), a transferee may do the following things without the consent of the Minister:</p> <ol style="list-style-type: none"> <li>1. Lease an individual unit in a housing project located on the real property for a term not exceeding one year.</li> <li>2. Lease a part of the property that is not residential, if the transfer of the property by the transfer order has been registered as required by section 43.</li> <li>3. Transfer or mortgage or otherwise encumber the property or grant or dispose of an interest in the property to or in favour of,                         <ol style="list-style-type: none"> <li>i. the related service manager,</li> <li>ii. a related municipality,</li> </ol> </li> </ol>	<p>The service manager must submit a business case on behalf of the Local Housing Corporation that includes:</p> <ol style="list-style-type: none"> <li>a) written approval from the service manager and a board resolution from the Local Housing Corporation,</li> </ol> <p>For sale of public housing properties:</p> <ol style="list-style-type: none"> <li>a) a council (municipal/regional/county) resolution and a board resolution</li> <li>b) the protocol to repay outstanding debenture and loan amount to the Province and demonstrate how the proceeds will be reinvested in affordable housing.</li> <li>c) for redevelopment, include a tenant disruption and maintenance of service delivery plan and any referral agreement and the plan should also include the identification of any known environmental issues or any outstanding legal disputes.</li> </ol>	<p>This clause refers to Public Housing projects</p>

<b>Verbatim sections of the SHRA that require Ministerial Consent</b>	<b>Requirements</b>	<b>Notes</b>
<p>iii. a non-profit corporation controlled by the related service manager or a related municipality, but only if an object of the non-profit corporation is the provision of housing, or</p> <p>iv. a non-profit housing corporation that is incorporated under section 13 of the <i>Housing Development Act</i> and that is controlled by the related service manager or a related municipality.</p> <p>2000, c. 27, s. 50 (2).</p> <p>4. Transfer or mortgage or otherwise encumber the property, develop or redevelop the property or grant or dispose of an interest in the property if,</p> <p>i. the transfer of the property by the transfer order has been registered as required by section 43, and</p> <p>ii. the transaction complies with such criteria as may be prescribed. 2000, c. 27, s. 50 (2).</p>		
<p><b>Restriction on transfer, etc of housing project</b></p> <p>Subject to subsection (2), a housing provider shall not, without the <b>prior written consent of the service manager and the Minister</b>, transfer, lease or otherwise dispose of or offer, list advertise or hold out for transfer, lease, or other disposal, a housing project or any part of it, including any chattels in it. 2000, c 27, s 95 (1)</p> <p><b>Restrictions on mortgage, etc.</b></p> <p>A housing provider shall not mortgage, replace an existing mortgage or otherwise encumber the housing project, or extend the term of or otherwise</p>	<p>The service manager must submit a business case on behalf of the housing provider that includes:</p> <p>a) a board approved business case stipulating the objectives, benefits and viability of the proposed financing arrangement with full disclosure on impact to the project in terms of costs;</p> <p>b) and if the refinancing is for constructing a new extension, the impact analysis should also include impact to current tenants, building structure, site environmental as well as to the neighbouring community;</p>	<p>This clause refers to non-profit housing administered under Part VI of the <i>SHRA</i>.</p>

Verbatim sections of the SHRA that require Ministerial Consent	Requirements	Notes
<p>amend any existing or approved mortgage or other encumbrance of the housing project, unless,</p> <p>a) it does so in compliance with such rules as may be prescribed; or</p> <p>b) <b>the Minister has given his or her prior written consent.</b> 2000, c. 27, s. 95 (3).</p>	<p>c) alternative options considered and their associated advantages and disadvantages</p> <p>d) an environmental study for refinancing purposes;</p> <p>e) a minimum of two appraisal reports prepared separately by accredited appraisers;</p> <p>f) written approval from the service manager.</p>	
<p>OPERATING STANDARDS FOR HOUSING PROJECTS</p> <p><b>Same, special needs housing</b></p> <p>The housing provider and the service manager shall not amend or terminate a mandate that refers to special needs housing unless they have the <b>prior written consent of the Minister</b> to do so. 2000, c. 27, s. 99 (4).</p> <p><b>Invalid amendment, termination or replacement</b></p> <p>(5) An amendment, termination or replacement of a mandate for a housing project in contravention of subsection (4) is invalid and of no force or effect. 2000, c. 27, s. 99 (5).</p>	<p>Amending or replacing a mandate would normally only be considered if the service manager submits a letter from a support service provider <b>and</b> the Ministry of Community and Social Services or Ministry of Health and Long Term Care confirming that the support services funding for residents has been withdrawn and will not be reinstated in any other project in the service manger's area.</p> <p>In other cases, service managers who require information on this section should contact the Social Housing Branch at the e-mail or address noted on page 2 of this Guideline.</p>	<p>This clause refers to housing providers administered under Part VI of the <i>SHRA</i>.</p>
<p>SUBSIDY PAYABLE TO HOUSING PROVIDERS</p> <p><b>Phase-in subsidy reduction</b></p> <p>If the amount of a housing provider's subsidy (other than the rent-geared-to-income subsidy) determined under this section is less than the subsidy (other than the rent-geared-to-income subsidy) paid to the provider under an operating agreement that is terminated by this Act, the following rules apply:</p>	<p>The service manager must submit on behalf of the housing provider the following:</p> <p>a) a chronological listing and copies of substantiating documentation outlining the efforts to reach a mutual agreement with the service manager and the housing provider. This may include correspondence, minutes of meetings, etc.</p>	<p>This clause refers to housing providers subject to Part VI of the <i>SHRA</i>.</p>

Verbatim sections of the SHRA that require Ministerial Consent	Requirements	Notes
<p>1. The provider may request that the service manager negotiate with the provider a schedule for phasing in the reduction in the subsidy over a series of years.</p> <p>2. If the provider and the service manager are unable to agree on a schedule, the <b>provider may request that the Minister</b> authorize the phase-in of the reduction in the subsidy and set a schedule for phasing in the reduction over a series of years.</p> <p>2000, c. 27, s103 (5)</p>	<p>meetings, etc</p> <p>b) qualitative evidence that substantiates the request.</p>	
<p><b>Final amounts determined once</b></p> <p>The Minister may determine a final amount under subsection (1) only once unless the housing provider to whom the amount applies and the Minister agree that the amount should be changed.</p> <p>2000, c. 27, s. 104 (5).</p>	<p>A service manager must submit a business case on behalf of a housing provider requesting a change to the benchmark and include the following:</p> <p>a) Evidence that the benchmark amount is not valid due to unique financial circumstances specific to the applicant which are not accounted for in the current benchmark or the cost index.</p> <p>b) Analysis of financial circumstances demonstrating how the request meets the Ministry criteria (<i>to be developed</i>) for consideration of adjustment to the benchmark.</p> <p>c) And the submission should include copies of documentation from the service manager indicating that the request for required funding above the prescribed benchmark has been denied.</p>	<p>This section refers to housing providers administered under Part VI of the <i>SHRA</i>.</p>

Verbatim sections of the SHRA that require Ministerial Consent	Requirements	Notes
<p><b>Benchmark Operating Costs</b></p> <p>The Minister shall prescribe the manner of determining and shall determine for each housing provider entitled to a subsidy calculated under section 106 the amount of the provider's benchmark operating costs in respect of its housing projects in each service area. 2000, c. 27, s. 107 (1).</p> <p><b>Amounts determined once</b></p> <p>(3) The Minister shall determine an amount under subsection (1) only once, unless the housing provider to whom the amount applies and <b>the Minister agree</b> that the amount should be changed. 2000, c. 27, s. 107 (3).</p>	<p>The service manager must submit on behalf of the housing provider a business case requesting a change to the benchmark and include the following:</p> <ul style="list-style-type: none"> <li>a) Evidence that the benchmark amount is not valid due to unique financial circumstances specific to the applicant which are not accounted for in the current benchmark or the cost index.</li> <li>b) Analysis of financial circumstances demonstrating how the request meets the Ministry criteria (<i>to be developed</i>) for consideration of adjustment to the benchmark.</li> <li>c) The submission should include copies of documentation from the service manager indicating that the request for required funding above the prescribed benchmark has been denied.</li> </ul>	

Verbatim sections of the SHRA that require Ministerial Consent	Requirements	Notes
<p>ENFORCEMENT</p> <p><b>Minister's consent, project in difficulty</b></p> <p>(2) If the service manager is required by clause 18 (2) (a), (b) or (c) to give notice to the Minister that a housing project is in difficulty, the service manager shall not exercise any remedy against the housing provider for a triggering event respecting the housing project unless the service manager <b>obtains the prior written consent of the Minister.</b> 2000, c. 27, s. 117 (2).</p> <p><b>Exceptions</b></p> <p>(3) Subsections (1) and (2) do not apply if,</p> <ul style="list-style-type: none"> <li>a) the triggering event is one described in paragraphs 2 to 8 of section 115;</li> <li>b) 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 this Act;</li> <li>c) there is an emergency situation and complying with subsection (1) or (2), as the case may be, may materially worsen the situation; or</li> <li>d) 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. 2000, c. 27, s. 117 (3).</li> </ul>	<p>Service managers who require information on this section should address inquiries to the contact for projects-in-difficulties as noted on page 2 of this Guidelines.</p>	<p>This section refers to housing provider covered by the following clause:</p> <p><b>Notice of project in difficulty</b></p> <p><b>18.</b> (1) This section applies with respect to a housing project for which responsibility has been transferred to a service manager under section 10 and for which there is a mortgage guaranteed by the Province of Ontario or the Ontario Housing Corporation. 2000, c. 27, s. 18 (1).</p> <p><b>Notice to Minister</b></p> <p>(2) The service manager shall promptly give written notice to the Minister that the housing project is in difficulty,</p> <ul style="list-style-type: none"> <li>(a) if the mortgage guaranteed by the Province of Ontario or the Ontario Housing corporation is in default;</li> <li>(b) if the service manager is of the opinion that, because of the financial position or the projected financial position of the housing provider that operates the housing project, the mortgage described in clause (a) is likely to go into default within 12 months after the end of the current fiscal year of the housing provider;</li> <li>(c) if the service manager is of the opinion that, because of the financial position or the projected financial position of the housing provider that operates the housing project, the housing provider is likely to fail to meet a material financial obligation within 12 months after the end of the current fiscal year of the housing provider; or</li> </ul>



Verbatim sections of the SHRA that require Ministerial Consent	Requirements	Notes
		<p>(d) if the service manager is of the opinion that the housing provider has failed to comply with an obligation under this Act and that the failure is material.</p> <p>2000, c. 27, s. 18 (2).</p>
<p><b>Replacement of directors</b></p> <p>A service manager shall not remove a director from the board of directors of a housing provider under paragraph 7 of subsection 116 (1) or appoint a director to the board of directors of a housing provider under paragraph 8 of subsection 116 (1) <b>without the prior written consent of the Minister.</b> 2000, c. 27, s. 121 (1).</p>	<p>The Service Manager must submit a business case with the following information:</p> <ul style="list-style-type: none"> <li>a) Evidence that the board of directors is not functioning, e.g. Forensic audit, minutes of meetings, evidence of conflict of interest.</li> <li>b) make-up of replacement board.</li> </ul>	<p>This refers to non-profits housing providers.</p>
<p><b>Request for review</b></p> <p>A GTA service manager who disagrees with an allocation made by the Minister under section 136 <b>may request that the allocation be reviewed</b>, and shall do so in accordance with this section. 2000, c. 27, s. 138 (1).</p> <p><b>Notice to Minister</b></p> <p>The service manager shall give written notice of the request to the Minister and the notice must contain such information as may be prescribed. 2000, c. 27, s. 138 (2).</p> <p><b>Notice by Minister</b></p> <p>Using the prescribed criteria, <b>the Minister shall determine whether the allocation is reviewable</b> and shall notify the service manager of his or her decision. 2000, c. 27, s. 138 (3).</p>	<p><b>As per s.27.1 O. Reg 411/01</b></p> <p>A GTA service manager who makes a request for a review of an allocation should include the following:</p> <ul style="list-style-type: none"> <li>a) A statement setting out the reasons for the request and the information on which the GTA service manager relies.</li> <li>b) Documents and other material in support of the request.</li> </ul> <p>The Minister shall consider the following criteria in determining whether an allocation is reviewable on the request of the GTA service manager:</p> <ul style="list-style-type: none"> <li>a) Whether the reallocation is incorrectly calculated</li> <li>b) Whether the information used in calculating the reallocation is incorrect or incomplete.</li> </ul>	<p><b>Note: This section applies to GTA service managers only, (Durham, Halton, Peel, Toronto and York)</b></p>

Verbatim sections of the SHRA that require Ministerial Consent	Requirements	Notes
<p><b>Agreements of service managers</b></p> <p><b>With the approval of the Minister</b>, a service manager may enter into an agreement with a government or body referred to in subsection 163 (1) with respect to the collection, use and disclosure of information. 2000, c. 27, s. 164 (1).</p>	<p>A letter of request should include:</p> <ul style="list-style-type: none"> <li>a) a copy of the draft agreement and</li> <li>b) a legal opinion that the agreement is consistent with <i>MFIPPA</i> <b>and</b> sections 162, 163, 164 (2) 165 (2) (a) (ii) and 166 of the <i>SHRA</i>.</li> </ul>	<p>.</p>

## Chart Two

### Ministerial Consents under the Social Housing Reform Act, 2000

**In the chart below are the Restrictions as found in transfer orders.** A Transfer Order is a statutory document that can transfer any asset, right, liability or obligation of the Crown or a Crown agency to a designated recipient. Such transfer can be a full and complete transfer or can be a transfer limited by way of exclusions and/or restrictions. In the Transfer Orders pursuant to Part IV of the *Social Housing Reform Act, 2000*; Transfer Order, the “transferee” is the service manager and the “transferor” is the Province.

In the transfer orders are restrictions that relate to:

- public housing, and
- to projects formerly administered by Canada Mortgage and Housing Corporation and include the following programmes: Section 26 Limited Dividend Programme or Section 26, Non-profit Programme Agreement, Section 27 Non-Profit Programme and the Section 95 agreement and any Municipal Non-Profit Tri-Partite Agreement.

Restrictions from transfer orders as found in the Schedule to the service manager's transfer order	Requirements	Notes
<p><i>Schedules A, B &amp; C .</i></p> <p>Refers to projects under any Section 26 Limited Dividend Programme or Section 26 Non-Profit Programme, Section 27 Non-Profit Programme, and projects under Section 95 the Transferee shall not, where its consent is required by a housing provider for:</p> <ul style="list-style-type: none"> <li>a) any transfer, lease or disposition of or to offer, list, advertise or hold out for a transfer, lease or disposal of a housing project, or any part of it, that is subject to mortgage insured under the National Housing Act: or</li> <li>b) altering any condition or state of property, excluding repairs or maintenance, against which a mortgage insured under the National Housing Act is registered: or</li> <li>c) amalgamating any projects, providers or properties, any one of which is subject to a</li> </ul>	<p>The service manager shall submit a business case in the following situations.</p> <p><b>For transfer, lease or disposition:</b>                      Service managers who require information on this section should contact the Social Housing Branch at the e-mail or address noted on page 2 of this Guidelines.</p> <p><b>b) altering the project</b>                      The service manager shall submit a business case on behalf of the housing provider that includes:</p> <ul style="list-style-type: none"> <li>▪ a board approved business case stipulating the objectives, benefits and viability of the proposed project with full disclosure on impact to the project in terms of costs;</li> </ul>	<p>This refers to projects with agreements where Canada Mortgage and Housing Corporation is party to the project agreement</p>

Restrictions from transfer orders as found in the Schedule to the service manager's transfer order	Requirements	Notes
<p>mortgage insured under the National Housing mortgage insured under the National Housing <b>provide such consent without the prior written consent of the Minister.</b></p>	<ul style="list-style-type: none"> <li>▪ and if the refinancing is for constructing a new extension, the impact analysis should also include impact to current tenants, building structure, site environmental as well as to the neighbouring community;</li> <li>▪ alternative options considered and their associated advantages and disadvantages.</li> <li>▪ Tenant relocation and communication plan</li> </ul> <p><b>For amalgamations</b>                      The service manager must submit a business case on behalf of the housing provider that sets out:</p> <ol style="list-style-type: none"> <li>a) how it will retain controlling interest in the new amalgamated corporation in order to effectively meet its obligations under the SHRA. (Draft Plan of Arrangement and Arrangement Agreement)</li> <li>b) Draft by-laws of the amalgamated corporation. and</li> <li>c) confirmation that the mandates and program standards would be met</li> <li>d) tenant communication plan</li> </ol> <p>A council resolution from the Service Manager and approved board resolution from the Local Housing Corporation and corporation it is amalgamating with.</p>	
<p>2. The Transferee shall not exercise any mortgage remedies against any project of any provider, or agree to any amendment of the existing mortgage terms and conditions, where such a mortgage is guaranteed by the Transferor, <b>without the prior written consent of the Minister.</b></p>	<p>Service managers who require information on this section should contact the Social Housing Branch at the e-mail or address noted on page 2 of this Guideline.</p>	<p>This refers to projects with agreements where Canada Mortgage and Housing Corporation is party to the project agreement</p>

<b>Restrictions from transfer orders as found in the Schedule to the service manager's transfer order</b>	<b>Requirements</b>	<b>Notes</b>
<p><i>Schedules B &amp; C</i></p> <p>3. The Transferee shall not alter or amend the annual reporting requirements of any housing provider , including the requirement that such reporting be completed on the Annual Information Return (AIR) form, without the prior <b>written consent of the Minister.</b></p>	<p>Service managers who require information on this section should contact the Social Housing Branch at the e-mail or address noted on page 2 of this Guideline.</p>	<p>This refers to projects with agreements where Canada Mortgage and Housing Corporation is party to the project agreement</p>
<p><i>From the OHC-LHC Transfer Orders</i></p> <p><b>Schedule H.8: Restrictions/Exclusions</b></p> <ol style="list-style-type: none"> <li>1. Any rights, title, interest, liability or obligation that the Transferor had in the following on the day prior to the date that this Transfer Order takes effect is excluded from the Transfer Order:</li> <li>2. Any insurance coverage for any asset, liability, right or obligation transferred by way of this Transfer Order, including Directors and Officers liability insurance, motor vehicle insurance, public liability insurance, property and boiler insurance and travel and benefits insurance.</li> <li>3. Any agreements dealing with bulk purchasing of utility services.</li> </ol> <p><b>Restriction:</b></p> <p>The Transferee shall not arrange for its own insurance coverage for those policies described in paragraph 2) above or enter into any agreement dealing with bulk purchasing of utility services described in paragraph 3) above <b>without the prior written consent of the Minister.</b></p>	<p>Service managers who require information on this section should contact the Social Housing Branch at the e-mail or address noted on page 2 of this Guideline.</p>	<p>This refers to public housing.</p>

<b>Restrictions from transfer orders as found in the Schedule to the service manager's transfer order</b>	<b>Requirements</b>	<b>Notes</b>
<p><i>Schedule A.1 Ontario Housing Corporation Developed Properties</i></p> <p><b>Restriction</b>                      The LHC/Service Manager may not renew, amend, or extend an existing mortgage registered on title of those properties listed in the schedule as being subject to such mortgages without the <b>prior written consent of the Minister</b> of Municipal Affairs and Housing.</p>	<p>Service managers who require information on this section should contact the Social Housing Branch at the e-mail or address noted on page 2 of this Guideline.</p>	<p>This section refers to 20 specific mortgages as listed in the Restrictions section of a service manager's transfer order.</p>