


<p><i>Social Services Department</i> <u>Social Housing Division</u></p>	<p><i>The Corporation of the</i> County of Simcoe</p>	
---	---	---

DIRECTIVE

DATE: November 14, 2002

NUMBER: 2002-02

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).

<input checked="" type="checkbox"/>	Federal/Provincial Non-Profit Housing Program	<input checked="" type="checkbox"/>	Rent Supplement - Commercial
<input checked="" type="checkbox"/>	Ontario Non-Profit Housing Programs	<input checked="" type="checkbox"/>	Rent Supplement-Homelessness Initiative
<input checked="" type="checkbox"/>	Federal/Provincial & Ontario Co-operative Housing Programs	<input checked="" type="checkbox"/>	Rent Supplement-OCHAP & CSHP
<input checked="" type="checkbox"/>	Simcoe County Housing Corporation		

SUBJECT: OPPORTUNITY TO COMMENT, DECISIONS AND NOTICES

APPLICABLE DECISIONS

In the administration of housing under the Social Housing Reform Act 2000 (SHRA) there are many decisions which will need to be made, with required notices and timescales. Unless otherwise stated, this document is concerned with decisions which relate to the following:

1. Eligibility for rent-gear-to-income (RGI) assistance.
2. Eligibility for special needs housing.
3. Waiting lists for units
4. The type of accommodation for which the household is eligible.
5. The category into which the household shall be placed on a waiting list.

6. The amount of RGI payable by the household.

7. Deferral of rent.

APPLICATION/REQUEST COMPLETE OR NOT?

The service manager or supportive housing provider who is to make a decision is not required to do so if the application or request is not complete. Within 7 business days after receiving the application or request the decision maker shall give the household a written notice stating whether the application or request is complete or not. If an application/request is not complete but subsequently is completed, written notice that it is complete must be given to the applicant promptly.

OPPORTUNITY TO COMMENT

Before any decisions are made which will be adverse to a household, and which may be reviewed under the SHRA, its members must be given an opportunity to comment on any third party information that, in the opinion of the decision maker, may form a significant basis for the decision.

The decision maker must give the household a notice of the opportunity to comment. If the proposed decision concerns inclusion in the special priority category the notices of opportunity to comment which relate to that decision and the decision about the RGI application must be given only to the individual who made the request for special priority status. A notice of opportunity to comment must contain a summary of the information, a description of the proposed decision, a statement that any member of the household may comment on the information and a date that, unless the members of the household waive their right to comment earlier, will be the last date by which comments may be received. This date must be at least thirty days after the date the notice is given. Comments must be in writing, signed by the person who made them. There will be no additional opportunity to comment even if the decision that is made after any comments are considered is different from the decision that was proposed.

TIMESCALES FOR DECISIONS

The decision maker must determine whether an applicant is eligible for RGI assistance or special needs housing within 30 days after the application is complete or within 14 days if a request for inclusion in the special priority category is made with the application. This timescale excludes any “opportunity to comment time”.

NOTICE OF DECISION

When a decision is made a written notice of the decision must be given to the household. A notice must contain the following:

1. A statement of the date the decision to which the notice relates was made.

2. If members of the household were given an opportunity to comment, a statement of the date the notice of opportunity to comment was given, a statement of the date before which any comments must have been received and a statement of which members provided comments.

3. If a member of a household may request an internal review of the decision the notice must include a statement of the reasons for the decision, a statement that the members of the household may request a review, information on how to request a review and what the deadline is for doing so.

4. If no member of the household may request an internal review, a statement that the decision is final and that an internal review may not be requested.

A notice must be given within 7 business days after the decision to which the notice relates is made.

The following notices must accompany the notice of a decision that the household is eligible for RGI assistance:

- Notice of the type of accommodation that is permissible
- If a request for special priority status was made with the RGI application, notice of the decision about this request
- If special needs housing was applied for at the same time as an application for RGI assistance, notice about the decision on special needs eligibility.

In these situations the notices must be given within 7 business days after the last of the decisions to which the notices relate is made.

GENERAL RULES FOR NOTICES

1. A notice must be given to all members of the household who are 16 or older. However, where a request for special priority status has been made the notices relating to the request and the application for RGI assistance must be given only to the individual who made the request.

2. A notice may be given to the person directly, left at his/her last known address, either in the mail-box or with a person who appears to be 16 or older, or mailed to the last known address of the person.

3. A notice shall be deemed to have been given on the day it is given, left, or mailed.

4. A notice shall be deemed to have been received on the day it is given, on the first business day after it is left, or on the fifth business day after it is mailed.

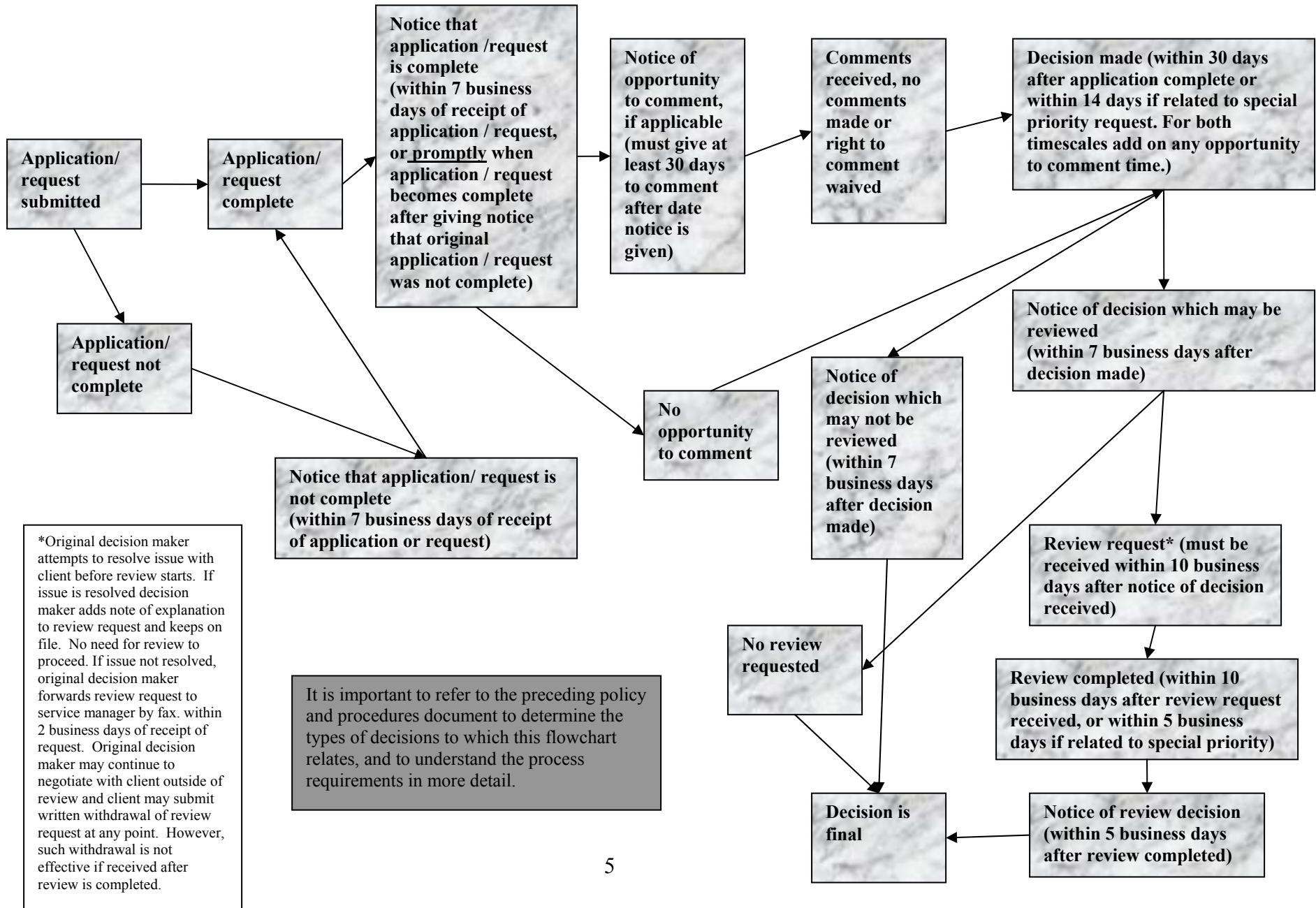
5. A notice that is to be given to more than one household member may be given as a single notice addressed to all household members.

6. If the person giving the notice knows of more than one address at which members of the household live, a notice may be given by giving one notice, addressed to all household members, at each known address.

LEGISLATIVE REFERENCES

The Social Housing Reform Act 2000 sections 66-74 and sections 80-81. Ontario Regulation 298/01, sections 55, 56, 59.

APPENDIX 1 TO ‘OPPORTUNITY TO COMMENT, DECISIONS AND NOTICES’: FLOWCHART



APPENDIX 2 TO ‘OPPORTUNITY TO COMMENT, DECISIONS AND NOTICES’: SAMPLE NOTICES

NOTICE UPON RECEIPT OF APPLICATION OR REQUEST

(Use this form for applications for rent-geared-to-income assistance or special needs housing, and requests for special priority status or unit size. Delete as appropriate throughout the form.)

Name and Address* _____

*If this notice concerns a request for special priority status it must be given only to the individual who made the request.

Date of Notice _____

On _____ we received your application for rent-geared-to-income assistance/your application for special needs housing/your request for special priority status/your request for size of unit.

Your application/request is complete. Your application/request is not complete.**

**Your application/request is not complete for the following reasons: _____

**In order for your application/request to be complete please do the following: _____

PLEASE READ THE NEXT PAGE FOR IMPORTANT INFORMATION

NOTICE UPON RECEIPT OF APPLICATION OR REQUEST (CONTINUED)

If/When your application/request is complete we will make a decision about it. We will write to you to let you know what the decision is.

If you wish, you may obtain legal advice about your application/request, or any decision we make about it, from the Community Legal Clinic at:

Yours truly,

Notice of Opportunity to Comment

Date of notice _____

Household members to whom this notice is addressed* _____

*If this notice concerns a request for special priority status or an application for rent-geared-to –income assistance/special needs housing with which the request was made, it must be given only to the individual who made the request.

The following information has come to our attention:

If this information is correct we propose to make the following decision:

Any member of your household may comment on this information before we make our decision.

Comments must be in writing, signed by the person who makes them. **PLEASE ADDRESS YOUR COMMENTS TO**

PLEASE READ NEXT PAGE FOR IMPORTANT INFORMATION

Notice of Opportunity to Comment (continued)

Any comments must be received by us no later than** _____

**This date must be at least 30 days after the date this notice is given.

If you wish, you may obtain legal advice from the Community Legal Clinic at:

Yours truly,

Notice of Decision which may be reviewed

Date of notice _____

Household members* to whom this notice is addressed _____

*If this notice concerns a decision about special priority status or a negative decision about an application for rent-geared-to-income assistance/special needs housing with which the request for special priority was made then the notice must be given only to the person who made the request for special priority.

On _____ the following decision was made concerning your household:

A notice of Opportunity to Comment was given to you on ** _____

Comments must have been received before** _____

The following household members provided comments:**

**If no opportunity to comment needs to be given write NOT APPLICABLE

The decision was made for the following reasons:

PLEASE READ NEXT PAGE FOR IMPORTANT INFORMATION

Notice of decision which may be reviewed (continued)

Household members who disagree with this decision may request an internal review.***
To do this the request must be given in writing to _____ at our
office. It must be received at our office by _____
If you wish, you may use the attached form to make your request.

***A request to review a decision about special priority status or a negative decision about an application for rent-geared-to-income assistance/special needs housing with which the request for special priority was made may be given only by the person who made the request for special priority.

You may withdraw your request for a review in writing, but we must receive the withdrawal before the review is completed.

You will receive written notice of the result of the review. The review decision is final.

If you wish, you may obtain legal advice from the Community Legal Clinic at _____

Yours truly,

Notice of decision which may not be reviewed

Date of Notice _____

Household member(s)* to whom this notice is addressed _____

*where a request for special priority status has been made with the application for rent-geared-to-income assistance/special needs housing, the notice of decision that the household is eligible for rent-geared-to-income assistance/special needs housing shall be given only to the person who made the request for special priority.

On _____ the following decision was made concerning your household:

No internal review of this decision may be requested. The decision is final.

If you wish, you may obtain legal advice from the Community Legal Clinic at:

Yours truly,