

## **TORONTO SENIORS HOUSING CORPORATION (TSHC)**

### **Absences from rent-geared-to-income units**

For a household paying rent-geared-to-income, the City of Toronto's guideline for social housing sets 90 days as the maximum number of days that all members of the household can be "absent" or not living in their unit while continuing to receive a rent-geared-to-income subsidy. However, there are some exceptions to this rule.

This rule only applies if all members of your household are **away** at the same time.

Short absences of up to seven days in a row or less are not counted toward the 90-day limit within a 12-month period.

If all members of a household are away for more than 90 days in a row or more than 90 days within a 12-month period, and have not informed Toronto Seniors Housing Corporation, they could lose their rent-geared-to-income (RGI) subsidy. Informing Toronto Seniors Housing Corporation of any absence longer than 90 days will also help us to address safety and repair needs while a tenant is away.

Please tell us if you are in hospital, in rehabilitation, awaiting trial or have documentation to support another valid reason for being away from your unit longer than 90 days.

Learn more by reviewing the **City of Toronto Absence from Unit from City Guideline 2013-9** <https://www.toronto.ca/community-people/community-partners/social-housingproviders/rent-geared-to-income-administration/>

### **1. Who does the guideline apply to?**

The guideline applies to tenants who live in a rent-geared-to-income (RGI) unit.

### **2. What is the guideline?**

The guideline 2013-9 Local Eligibility Rule - Absence from Unit states the maximum number of days that all members of a household can be "absent" or not living in their unit and continue to receive a rent-geared-to-income (RGI) subsidy is 90 days. It also outlines the exceptions to this rule.

### **The maximum number of days that a household can be away from their unit is 90 days in a row or 90 days within a 12-month period.**

- This rule only applies if all members of your household are **away** at the same time. If at least one member of your household will be living in your unit during your absence, this rule does not apply. A member of your household is anyone listed on your Lease Agreement with Toronto Seniors Housing Corporation.
- Short absences of up to seven days in a row or less are not counted toward the 90-day limit within a 12-month period.

### **3. Will I be eligible for RGI assistance if I am away for more than 90 days?**

You will not be eligible for RGI assistance if you are away for more than 90 days unless you have given notice to Toronto Seniors Housing Corporation in writing of the

reason you are away AND the reason meets one of the exceptions as stated in the City's guideline.

If you plan to be away for more than 90 days, call the Tenant Support Centre at **416-945-0800**, **email: support@torontoseniorshousing.ca**) or visit your Regional office.

#### **4. What happens if I lose my subsidy?**

If you lose your subsidy, you will not lose your unit, but you will have to pay market rent.

#### **5. What if I am the only member of my household and I have a medical condition that requires me to stay in hospital or be away from my unit?**

If you are the only member of your household and have a medical condition that makes it necessary for you to be away from your unit for 90 days in a row or longer to receive treatment, call the Tenant Support Centre at **416-945-0800**, **email support@torontoseniorshousing.ca** or visit your Regional office so we can help you keep your subsidy.

#### **6. What happens if another member of my household {anyone listed on the Lease Agreement with Toronto Seniors Housing Corporation) has a medical condition and I have to be away from my unit to take care of them?**

If all members of your household will be away due to this reason, call the Tenant Support Centre at **416-945-0800**, email **support@torontohousing.ca** or visit your Regional office so we can help you keep your subsidy.

#### **7. Will I be able to keep my subsidy if I am being held in jail while awaiting trial?**

Yes. If a household has one member, and the member is

absent because they are being held in jail while awaiting trial, they will not be considered absent from the unit. Paperwork/proof of the reason for absence must be provided to your Tenant Services Administrator. However, rent must also be paid while you are away.

**8. What if the condition of my bail does not allow me to live in my unit for 90 days or longer?**

If a household has one member, and a bail condition of release prevents the member from living in the unit, the household will not be considered absent from the unit. Paperwork/proof of the reason for absence must be provided to the Tenant Services Administrator. However, rent must be paid while you are away.

**9. Will I lose my unit if I am convicted of a crime and serving a sentence?**

If a household has one member, and the member has been convicted of criminal offence, the household will be considered absent from the unit for more than 90 days if the jail time served is greater than 90 days.

**Note:** Being convicted of a criminal offence does not make someone ineligible for RGI subsidy, unless the conviction is for RGI fraud or misrepresentation.

Someone who is convicted and serves a sentence leading to an absence of 90 days or more will lose their subsidy but not their unit and will have to pay market rent.

**10. What are my options if I lose my RGI subsidy?**

You can request a review of your eligibility for RGI subsidy by completing a Request for Review Form:

- in person at your Regional office
- by email to **support@torontoseniorshousing.ca**
- by phone with a Tenant Services Administrator

- by mail or fax

**Note:** Requests for review must be made within 30 calendar days (plus five mailing days, if the request is mailed by the tenant) after the notice of decision has been given to the household by Toronto Seniors Housing Corporation. When you have completed your form, submit it to:

**Toronto Seniors Housing Corporation**

Attention: Review Body 423 Yonge St., 2<sup>nd</sup> Floor Toronto, ON  
M5B 1T2



## COVID-19

Get your first, second or third COVID-19 vaccine. Find information about vaccines, staying safe and changes to City services at [toronto.ca/covid19](https://www.toronto.ca/covid19) (<https://www.toronto.ca/home/covid-19>).

# City Guideline 2013-9: Local Eligibility Rule – Absence from Unit

Date Issued	Effective Date
September 6, 2013	Immediately

## Applicability to Social Housing Programs

The policies and procedures in this City Guideline are to be implemented under the following programs.

Applicability Program
X Housing Services Act, Part VII Housing Projects, <b>Market and Rent-Geared-to-Income</b> , Section 78 Housing Providers (formerly 110)
X Housing Services Act, Part VII Housing Projects, <b>100% Rent-Geared-to-Income</b> , Section 78 Housing Providers (formerly 110) Federal Non-Profit Housing, Section 26/27 Federal Non-Profit Housing, Section 95
X <b>Rent Supplement Programs for Sections 26, 27, 95 and New Affordable</b> Housing Providers
X Toronto Community Housing Corporation

Please note: If your program is not checked, this City Guideline does not apply to your project.

## Background

Regulation 367, Section 37 of the *Housing Services Act* (HSA) gives the City of Toronto, as Service Manager, the ability to create local eligibility rules about absence from a unit. The local rules can specify either or both the maximum number of consecutive days and/or the maximum number of days in a year that a household can be absent from their unit.

City Guideline 2002-3 (revised June 1, 2004) has been revoked and replaced with City Guideline 2013-9. This Guideline directs housing providers to comply with the Local Rule -Absence from Unit as published in Chapter 3 of the RGI Guide. The revised Local Rule is effective for all new absences.

The full text of the Local Rule – Absence from Unit is included below:

1. A household is no longer eligible for RGI assistance if:
  - a. **all** members of the household have been absent from their unit for **more than 90 consecutive days**; or
  - b. **all** members of the household have been absent from their unit for **more than 90 days in total** in a 12 month period.

**Exceptions:**

#### **Short Absence**

- i. An absence of seven consecutive days or less will not be counted in condition 1.(b) above.

#### **Medical Condition of a Member of the Household**

- ii. If a household has only one member and that member has a medical condition that makes it necessary to temporarily leave the unit, the household will not be considered absent from the unit.
- iii. If a household includes one or more members who have a medical condition that makes it necessary to temporarily leave the unit, and as a result other household members are also absent because they are accompanying them, the household will not be considered absent from the unit.

**Note:** This exemption applies **only if a member of the household has a medical condition**. It does not apply when the person with a medical condition is not a member of the household.

#### **Housing Provider Policy on Medical Conditions Required**

iv. Housing providers must develop a fair policy for deciding what a valid medical reason is and what supporting documents they will accept. This policy must be applied consistently. An example of a valid medical reason for absence may be a long stay in a hospital, rehabilitation, or treatment facility. This must be supported by documentation from a medical professional that details the condition and the reasons for the absence.

### **Absences Due to Criminal Charge/Conviction**

v. If a household has one member, and the member is absent because they are being held in jail while awaiting trial, the household will not be considered absent from the unit.

vi. If a household has one member, and a bail condition of release prevents the member from living in the unit, the household will not be considered absent from the unit.

vii. If a household has one member, and the member has been convicted of an offence, the household will be considered absent from the unit for more than 90 days if the jail time to be served is greater than 90 days.

**Note:** Being convicted of a criminal offence does not make someone ineligible for RGI subsidy (unless the conviction is for RGI fraud or misrepresentation).

However, someone who is convicted of a crime may serve a sentence that makes them absent from their unit for more than 90 days. In this case this Local Rule – Absence from Unit applies.

2. Housing providers may extend the time a household may be absent from a unit in extenuating circumstances. This applies if a housing provider has reviewed appropriate documentation from the household and has decided that there is a legitimate reason for an extension.

3. Housing providers must include the requirement to comply with the Local Rule - Absence from Unit in the Consent and Declaration section of their household income and assets review form. See the sample Household Income and Assets Review form in the RGI Guide, Chapter 10 (<https://www.toronto.ca/community-people/community-partners/social-housing-providers/rent-geared-to-income-administration/>), Appendix 1, page 11.

## **Action Required**



1. Housing providers must enforce the Local Rule-Absence from Unit as published in the RGI Guide, Chapter 3 (<https://www.toronto.ca/community-people/community-partners/social-housing-providers/rent-geared-to-income-administration/>).
2. Housing providers must inform their residents about the Local Rule – Absence from Unit.

## Helpful Hints:

The following are methods by which housing providers could inform their residents about the Local Rule – Absence from Unit:

- update documents and forms to include references to the rules
- discuss the rules with households at the initial lease interview
- include the rules in a tenant/member handbook

## Questions

If you have any questions, please contact your Housing Consultant or HSS:

### Housing Stability Services

Shelter, Support & Housing Administration

City of Toronto

Metro Hall, 55 John Street, 6th floor

Toronto, ON M5V 3C6

Telephone: 416-392-4126

Email: [HSS@toronto.ca](mailto:HSS@toronto.ca) (<mailto:HSS@toronto.ca>)

Website: [www.toronto.ca/socialhousing](http://www.toronto.ca/socialhousing) (<https://www.toronto.ca/community-people/community-partners/social-housing-providers/>)

## Related Information

Ontario's Long-Term Affordable Housing Strategy Update, March 2016   
(<http://www.mah.gov.on.ca/AssetFactory.aspx?did=13683>)

Residential Tenancies Act  (<https://www.ontario.ca/laws/statute/06r17>)