

Eviction Prevention for Non-Payment of Rent Policy

Policy Number: PSHC-010A

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Date Effective: November 10, 2020

Date Amended: Not Applicable

Procedure Number: PSHC-010B

1. Background

The collection of rent is critical to the Perth and Stratford Housing Corporation's (PSHC) ability to sustain business operations. The PSHC expects its tenants to pay their rent in full and on time every month but also understands that there are times when tenants may have difficulty in doing so. As such, the PSHC is committed to working proactively with its tenants to prevent an eviction due to non-payment of rent but also recognizes that tenants have an active role to play in preventing eviction and maintaining their tenancies. Rent collection management is administered with a balance of both social conscience and fiscal responsibility. The PSHC aims to provide tenants with continuing opportunities to work with staff to retain their tenancies and participate in the eviction prevention process.

The strategies outlined in this policy are intended to:

- Keep tenants housed;
- Ensure that rent is paid; and
- Use eviction as a very last resort.

This policy applies to the non-payment of rent only. Tenants may be evicted for other reasons. These are described in a separate policy (Eviction Prevention for Cause – under review).

2. Policy

2.1. The PSHC is committed to supporting successful tenancies and ensuring that tenants meet their rental responsibilities. The PSHC will:

- Recognize tenants as responsible and able participants in maintaining their own tenancy and paying their rent when it is due.

- Work with tenants to try to identify solutions, recognizing that tenants sometimes face barriers to maintaining their tenancy through lack of support or access to services.
- Ensure all procedures regarding tenancies at risk are legal, fair, consistent, and equitable.
- Recognize the right of everyone to be treated fairly, with respect, integrity and without discrimination.
- Collect rent on time, because lost revenues mean there is less money for building maintenances and other services to tenants.
- In cases of fraud or misrepresentation of income, pursue appropriate legal action.

2.2. Tenants are responsible for:

- Paying their rent in full on the 1st of each month;
- Communicating extenuating circumstances that affect their ability to pay their rent;
- Entering into and adhering to repayment agreements if rent cannot be paid in full and on time; and
- Reporting changes to their household composition and/or income to ensure accurate rent calculations (as per Service Manager Directive 2020-04).

2.3. The PSHC will prioritize negotiating fair and reasonable repayment agreements for rent owing that are manageable for the tenant so as not to cause further financial burden or cause the repayment agreement to fail.

- This includes repayment agreements established directly with the tenant or through mediation at a Landlord and Tenant Board (LTB) hearing.

2.4. PSHC staff will make a documented attempt to make personal contact with the tenant before filing an *Application to Evict a Tenant for Non-payment of Rent and to Collect Rent the Tenant Owes (L1)* at the LTB.

2.5. Efforts to collect rent and to support tenants facing eviction will continue after an order to terminate the tenancy has been issued by the LTB and up to the point where the Sheriff enforces the eviction order.

3. Definitions

Rent Arrears: an overdue amount of the rent payable by a tenant as outlined in their tenancy agreement/lease.

Landlord Tenant Board (LTB): is a provincial tribunal that resolves disputes between residential landlords and tenants including tenant rent arrears.

Duty Counsel: lawyers and legal workers that are trained in landlord/tenant law who offer their services at no cost to tenants who appear for a hearing at the Landlord Tenant Board.

Mediation: a service provided at the LTB hearing whereby a neutral person discusses the legal case with the tenant and the landlord to see if both parties can reach an agreement to avoid eviction (such as a Repayment Agreement for the rent arrears).

N4 Notice to End a Tenancy Early for Non-Payment of Rent: a legal notice prepared by a landlord notifying a tenant that they owe rent arrears.

L1 Application to Evict a Tenant for Non-payment of Rent and to Collect Rent the Tenant Owes: an application to the LTB for a hearing because a tenant has not satisfactorily made payment on the rent arrears owing.

Repayment Agreement: A legal document that outlines how arrears owed by the tenant will be paid back to the PSHC, including a monthly amount and a timeframe. Repayment agreements can be established directly between the PSHC and a tenant or through a mediated process at the LTB.

Sheriff: A court-appointed official in charge of enforcing or carrying out an eviction ordered by the LTB. Tenants who have not moved out by the date stated on the eviction order can be made to leave the unit by the Sheriff.

4. Legislative Authority

Housing Services Act, 2011

Residential Tenancies Act, 2006

5. Other Relevant Policies

PSHC-009 Applying Payments to Arrears Policy