



Eligibility Criteria for Rent-Geared-to-Income Assistance

Housing Services Act (2011) O. Reg 367/11

A household is eligible for rent-geared-to-income assistance if,

- (1) a) At least one member of the household is 16 years old or older and is able to live independently;
 - b) Each member of the household meets at least one of the following criteria:
 - (i) the member is a Canadian citizen,
 - (ii) the member has been granted status as a permanent resident under the Immigration and Refugee Protection Act (Canada), or
 - (iii) the member has made a claim for refugee protection under the Immigration and Refugee Protection Act (Canada);
 - c) No removal order has become enforceable under the Immigration and Refugee Protection Act (Canada) the against any member of the household;
 - d) A member of the household owes, with respect to a previous tenancy in any social housing provider under any transferred housing program,
 - i) arrears of rent:
 - ii) amount required by a service manager under section 56 of the Act or section 86 of the former Act; or
 - iii) an amount for damage caused by a current member of the household.
 - e) Subsection (d) does not apply with respect to arrears or an amount owed by a member of the household if,
 - i) The Service Manager is satisfied that there are extenuating circumstances; or
 - ii) A member of the household has entered into an agreement, or made reasonable efforts to into an agreement, with the person to the arrears or amount is owed for the payment of the arrears or amount and the Service Manager is satisfied that the member is making or intends to make all reasonable efforts to repay the arrears or the amount.
 - f) The arrears or amount owed by a member of the household is deemed, for the purposes of the clause (1) e) (ii), to be one-half of the actual arrears or amount owed if,
 - a) A request has been made for the household to be included in the special priority household category and the request would be or has been granted; and
 - b) The arrears or the amount is owed with respect to a unit of which the member and the abusing individual were joint tenants.
 - g) One of sub clauses (i) and (ii) is true:

no member of the household has been convicted of an offence under section 36 of the **Housing Services Act** or a crime under the Criminal Code (Canada) in relation to the receipt of rent-geared-to-income assistance, and if an individual who was, but is no longer, a member of the household has been convicted of such an offence or crime, the Service Manager determines that,

 - i) no member of the household knew that the individual who was convicted of the offence or crime was committing it, or
 - ii) a member of the household knew that the individual who was convicted of the offence or crime was committing it, but the member was not reasonably able to prevent the individual from committing it, or
- b) a member of the household has been convicted of an offence under section 36 of the **Housing Services Act** or a crime under the Criminal Code (Canada) in relation to the

receipt of rent-geared-to-income assistance, but the household has previously been determined to be ineligible for rent-geared-to-income assistance because of that conviction; and

c) One of sub clauses (i) and (ii) is true:

- (i) no member of the household has been found by the Landlord and Tenant Board or a court of law to have misrepresented his or her income or the income of his or her household in relation to the receipt of rent-geared-to-income assistance, and if an individual who was, but is no longer, a member of the household has been found to have made such a misrepresentation, the Service Manager determines that,
 - (A) no member of the household knew that the individual who was found to have made the misrepresentation was making it, or
 - (B) a member of the household knew that the individual who was found to have made the misrepresentation was making it, but the member was not reasonably able to prevent the individual from making the misrepresentation, or
- (ii) a member of the household has been found by the Landlord and Tenant Board or a court of law to have misrepresented his or her income or the income of his or her household in relation to the receipt of rent-geared-to-income assistance, but,
 - (A) the household has previously been determined to be ineligible for rent-geared-to-income assistance because of that finding, or
 - (B) the Service Manager determines that the member who was found to have made the misrepresentation is an abused member of a special priority household who was forced to make the misrepresentation by the abusing individual.

(2) For the purpose of clause (1) (a),

(a) an individual is able to live independently if he or she is able to perform for himself or herself the normal essential activities of day-to-day living, on his or her own or with the aid of certain support services and demonstrates that those support services will be provided to him or her when they are required.

(3) If the service manager is of the opinion that a member of the household may be eligible to receive income of a type set out in subsection (4) and the member is not receiving such income, the service manager shall give the household a written notice,

(a) Stating that the member may be eligible to receive income of the type specified in the notice;

(b) Requesting the member to apply for that income and to make reasonable efforts to do whatever is required for the purpose of obtaining a decision on the application and receiving that income; and

(c) Giving the household a reasonable period of time specified in the notice within which to inform the service manager of the results of the application. O. Reg. 367/11, s. 31 (1) (c).

(4) The types of income referred to in subsection (3) are:

- i. Basic financial assistance under the *Ontario Works Act, 1997*.
- ii. Support under the *Divorce Act (Canada)*, the *Family Law Act* or the *Reciprocal Enforcement of Support Orders Act 2002*.
- iii. Unemployment benefits under the *Employment Insurance Act (Canada)*.
- iv. A benefit under section 2 of the *Ontario Annual Income Act*.
- v. A pension supplement under Part 1 or II of the *Old Age Security Act (Canada)*

- vi. Support or maintenance resulting from an undertaking given with respect to member under the Immigration and Refugee protection Act (Canada).

- (5) A household that has been given a notice under subsection (1) is not eligible for rent-geared-to-income assistance if the service manager,
 - i. Receives no response from the household within the period of time specified in the notice; or
 - ii. Concludes, after receiving a response from the household, that the member has failed to make reasonable efforts to obtain income of the type specified in the notice.