

# Program Instructions



**This Program Instruction applies to the following:**

- ✓ HSA Part VII Housing Providers (Provincial Reform)
- ✓ Former Federal Program Housing Providers (s. 15.1/27, s. 56.1/95)
- ✓ **Housing York**
  - ✓ Public Housing
  - ✓ HSA Part VII

## LEASES AND OCCUPANCY AGREEMENTS

**This Program Instruction replaces Program Instruction 2018-07 [HSA]**

**Effective Date:** July 1, 2021

### Summary

This Program Instruction outlines York Region's local standards for leases and occupancy agreements for tenants and co-operative members receiving rent-geared-to-income (RGI) assistance.

### Background

The *Housing Services Act*, 2011, s. 75 allows York Region, as Service Manager, to make local standards for leases for units in specified housing projects OR in Part VII housing projects.

### Requirements

Housing providers must enter into a lease or an occupancy agreement with every tenant and member household receiving RGI assistance, with an initial term not exceeding one year.

Community and Health Services  
Housing Services

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The housing provider's lease or occupancy agreement must include the following information:

- The monthly rent or housing charge that would be payable if the unit were a market unit
- The household's portion of the rent or housing charge after the initial RGI subsidy was applied
- Any other charges for which the household is responsible, such as utilities. All charges imposed on the household must comply with the *Housing Services Act, 2011* and the *Residential Tenancies Act, 2006*

The lease or occupancy agreement must also:

- Require the household to continue to meet York Region's eligibility requirements for RGI
- Restrict the occupancy of the unit to members of the household that were on the original lease or occupancy agreement and any additional individuals who moved-in on a later date with the housing provider's consent
- Require the household to advise the housing provider of any persons who leave the unit or start to live in the unit after the lease or occupancy agreement is signed
- Prohibit the assignment of the lease or occupancy agreement and prohibit the household from renting or subletting the unit to any person
- Require the household to pay the market rent or housing charge for the unit beginning on the first day of the month following 90 days from the date the household is informed of its ineligibility for RGI
- Require the household to pay the market rent or housing charge for the unit if the household has an increase in income that results in an RGI subsidy equal to or above the market rate, and outline the following provisions for resuming RGI subsidy after beginning to pay market rent or housing charge:
  - If the household's income decreases during the next 24 months of paying market rent, the household must declare the change in income to the housing provider and will resume receiving RGI if the resulting RGI subsidy amount is lower than the market rate
  - If the household's income does not decrease during the next 24 months, the household will lose its RGI subsidy but may choose to remain in the unit as a market tenant or member
  - If the household requires RGI after the 24-month period they must apply to the Region's subsidized housing wait list
- Be signed by every member of the household 16 years of age or older

The housing provider must enforce the household's compliance with all provisions.

## Action Required

### UPDATE LEASES AND OCCUPANCY AGREEMENTS

Immediately update leases and occupancy agreements for new tenants or members to include the provisions outlined in this Program Instruction.

### IN-YEAR RGI REVIEWS

Tenants and members who have individuals move into or out of their unit must report these changes to their housing provider within 30 days of the change taking place. In these situations, the household may have their rent subsidy eligibility and amount payable reviewed. Refer to [Program Instruction 2021-10 In-Year Rent-Geared-to-Income Reviews](#) for more information.

Housing providers should encourage tenants and members to request approval in advance for an individual to join their household.

### GUEST POLICY

All housing providers must establish a policy for the temporary accommodation of guests in RGI units and shall provide a copy of the policy in either written or electronic format to their Program Coordinator and to tenants and members receiving RGI. The guest policy must include a definition of a guest and limits on duration of stay.

**Authority:** *Housing Services Act, 2011, s. 75*  
*O. Reg. 367/11, s. 30, 100(5)*

Please contact your Program Coordinator with any questions.

This notice will be available in an accessible format or with communication supports upon request from 1-877-464-9675 or 905-830-4444 ext. 72119

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