

## **AMHC Guest Policy**

### **Policy statement**

Ajax Municipal Housing Corporation (AMHC) will permit all tenants to invite overnight guests into their home for periods not greater than 14 days. As much as possible the non-profit will treat market and rent-geared-to-income tenants similarly and will seek to balance the rights of tenants to host overnight guests with its legislated obligations.

### **Purpose and Scope**

#### **Purpose**

The purpose of this policy is to:

- ensure both the non-profit and tenants comply with provincial laws and regulations
- ensure subsidies are based on the true household income, including anyone who has moved into the unit
- ensure all tenants, including those who join the household, are subject to the same rules as other tenants in the non-profit
- treat market rent tenants and RGI tenants as equitably as possible while complying with provincial regulations

#### **Scope**

*This policy applies to all tenants of AMHC.*

### **Definitions**

#### **applicant**

An individual or household who is applying for tenancy at the non-profit.

#### **designated staff**

The staff person or department who has been designated to complete a particular action or requirement.

#### **guest**

A person who has not provided proof of an alternative address and who is staying with a tenant for a limited time. Their income is not included in the calculation of the tenant's rent-geared-to-income subsidy, if applicable.

#### **HSA**

*Housing Services Act, 2011*

#### **occupant**

A person who lives in a unit with the permission of AMHC and the original tenant, but does not have any right to remain in the unit after the original tenant moves out.

#### **Unauthorized occupant**

A person who is living in a unit without the permission of AMHC.

**RGI subsidy**

The tenant's rent-geared-to-income subsidy.

**RTA**

The *Residential Tenancies Act, 2006*

**tenant**

A person who has signed a lease and who enjoys all of the rights and responsibilities of tenancy.

**the non-profit**

The organization that adopts and implements this policy.

**visitor**

A person who visits the tenant, but whose principal address is outside AMHC's portfolio.

**Procedure**

**Visitors**

Visitors may come to the unit as frequently as the tenant invites them. Very frequent visitors may be asked to provide proof of residence elsewhere.

**Guests**

Any tenant may invite guests into their unit for up to two week's stay without the non-profit's consent.

If a tenant would like a guest to stay for longer than two weeks, they must submit a written request to AMHC, stating the length of time the guest would like to stay and providing the guest's home address.

If granted, Tenant Placement staff will advise, in writing, the agreed length of the stay permitted.

AMHC may refuse the request if staff or other tenants have complained about the guest's behaviour and those complaints have been found to be valid. AMHC may also refuse the request if management believes the guest does not intend, or has no prospects of, moving at the end of the agreed-to term

At the end of the permitted stay, Tenant Placement Staff will confirm with the tenants that the guest has left. The unit may be inspected to confirm this information. Tenants will be given proper notice prior to a unit being inspected. With the tenant's consent, guests who wish to stay beyond the term may apply to become tenants.

If a guest remains in an RGI unit without the consent of the non-profit, Tenant Placement Staff will notify the tenant that their guest's on-going presence in the unit is jeopardizing their RGI subsidy.

At all times, tenants are responsible for the behaviour of their guests and visitors. AMHC will take action via the Landlord and Tenant Board as required if complaints are received at any time during a visitor/guest's stay.

If the tenant moves out of the unit, the guest must also move. Any guests remaining in the unit after the lease-holding tenant moves out will be identified as trespassing and appropriate action through the Landlord and Tenant Board will be taken.

At no time will AMHC staff refer to the guest as a tenant.

### **Additions to RGI households**

Tenants must report any new persons who will be residing in the unit within 10 business days of moving into the unit. Tenants wanting guests to become co-tenants must make a written request to **Tenant Placement Staff** before the guest's term of stay is over.

If the tenancy is RGI, a formal application process must be completed, which requires providing updated proof of income from all proposed members of the revised household, including current tenants.

The person requesting to be added to the household must be eligible to receive RGI subsidy in order for the entire household to continue to qualify for RGI subsidy.

- If they are not eligible for RGI subsidy, the non-profit will inform them and the tenant. The non-profit may allow the newcomer to become a tenant or occupant, but the household will cease to be eligible for its RGI subsidy.
- If they are eligible for RGI subsidy, then the non-profit may permit them to become a tenant. The household, including the new addition, will be required to sign a new lease.

AMHC may refuse to allow the new addition to become a tenant on the grounds outlined in O. Regulation 367/11 of the *HSA*, section 50:

- if it would be contrary to the mandate of the housing provider under section 76 of the Act
- based on the new addition's rental history, that they may fail to fulfill their obligations to pay rent for the unit in the amount and at the times the rent is due
- The unit is one in which individuals will reside in a shared living situation and it would be unreasonable for the household to reside in the shared accommodation
- If the person requesting tenancy status is refused and/or ineligible to receive an RGI subsidy, Tenant Placement Staff may initiate proceedings under the *HSA* to revoke the household's RGI subsidy.

## Unreported stays

If AMHC receives information that a tenant is permitting an unauthorized occupant to reside in their unit and have not reported this to AMHC, staff will send that tenant an "Additional Occupant" letter. This letter will inform the tenant that AMHC has received information that they have additional occupants that have not been reported as is required. A response from the tenant is required within 10 days.

### ***If Tenant is Receiving RGI:***

If a response is not received from the tenant and the unauthorized occupant remains in the unit, then the tenant will be sent another letter increasing their rent to the full market rent in 90 days (If receiving RGI). If, after 90 days, no response is received, the tenant will lose their RGI subsidy and be charged full market rent.

### ***If Tenant is paying full Market Rent (No RGI)***

If a response is not received from the tenant and the unauthorized occupant remains in the unit, then the tenant will be sent another letter stating that the additional occupants have no status in their unit and that the tenant is responsible for all of their actions. If the unit is vacated by the tenant, the additional occupant must vacate the unit as well.

### ***Required Response***

AMHC will require the tenant to provide proof that their additional occupant resides elsewhere. Proof may take the form of government mail, an affidavit, or drivers' license.

## Overstay of Reported Visitors/Guests (RGI Recipients)

If the visitor or guest remains in the unit for longer than the permitted stay, Tenant Placement Staff will issue a notice of decision to the household, indicating that their RGI subsidy may be in jeopardy.

- AMHC may request that the tenant provide proof that their visitor / guest resides elsewhere or ask that they complete a sworn affidavit that the visitor / guest does not permanently reside in the unit.

If it is established that the new individual in the unit is a guest who has stayed in the unit longer than permitted by the non-profit, the occupant must apply to become a tenant (following the steps above). This could result in a retroactive rent charge or a loss in subsidy.

## **Additions to market rent households**

Market rent tenants must report any new occupants in their unit within 30 business days of their moving into the unit.

- It is the market rent tenant's decision whether or not to grant tenancy rights to the occupant. If the tenant would like the occupant to become a tenant, then the occupant must complete a tenancy application with the non-profit.

- Tenant Placement Staff will screen the applicant prior to revising the tenancy in the unit.
- **AMHC** may refuse to grant tenancy if the applicant would not have been accepted had they been a member of the original household.
- **AMHC** may allow the applicant to remain as an occupant while the original tenant remains solely responsible for the rent, unit, and the conduct of the occupant and other guests.

**Approved January 14, 2014**