



County of Wellington

Social Services Department – Housing Services

DIRECTIVE

Directive Number: 2020-04

Effective Date: July 1, 2020

This directive has been developed by the County of Wellington in its role as Consolidated Municipal CMSM (CMSM) and applies to Housing Providers funded under the following social housing programs:

√	Provincially Reformed Non-Profit Housing Programmes
√	Provincially Reformed Co-operative Housing Programmes (Co-ops)
√	Municipal Non-Profit Housing Programme (Section 56.1 Pre-1986)
	Local Housing Corporation (LHC)
√	Service Manager Funding Agreement (Post EOA)

Subject: Occupancy Standards

Legislative References: Housing Services Act, 2011 (HSA) S.43
 Housing Services Act, 2011 O Reg. 367/11 S.42
 Housing Services Act, 2011 O Reg. 367/11 S.38

Directive Reference: This directive replaces and repeals Directive 2019-01 “Occupancy Standards”

Background

In accordance with the Housing Services Act, 2011 and its regulations, the County of Wellington as Consolidated Municipal Service Manager (CMSM) is permitted to establish local eligibility rules regarding Occupancy Standards in its service area for its rent-geared-to-income (RGI) units. These rules are set out in the Occupancy Standards Policy - HS 2019 – PA 5.3.

The CMSM’s local Occupancy Standards are subject to the standards established under the City of Guelph, By-law (2000) – 16454, or stronger Occupancy Standards in municipalities where applicable.

1. Occupancy Standards

Occupancy Standards for all RGI units are set out as follows:

(a) largest unit a household is eligible for:

- one bedroom for spouses; and
- one bedroom for each additional person(s) of the household.

Household Composition:	Largest unit a household is eligible for:
Two (2) people who are spouses of each other	One (1) Bedroom
Two (2) people who are not spouses of each other	Two (2) Bedroom
Four (4) people that make up two separate spousal relationships	Two (2) Bedroom
Two (2) people who are spouses of each other and one dependent child	Two (2) Bedroom
Any of the above plus one or more additional household person(s)	The number above plus one (+1) bedroom for each additional person

In order to qualify for an additional bedroom due to disability or medical condition, the household will need to submit a completed Medical Need for Additional Bedroom Form (HP26) to the Housing Provider for a review and decision. The following medical conditions are not normally considered for an additional bedroom:

- snoring and sleep apnea
- frequent night time waking or insomnia
- a temporary medical condition

The household shall be permitted a larger unit than would otherwise be permitted if a larger unit is reasonably necessary for the storage of equipment that a member of the household needs because of a permanent disability or medical condition. The following equipment will **not** normally qualify a household for an additional bedroom:

- Continuous positive airway pressure (CPAP) machines
- Air-filtration systems
- Vaporizers or humidifiers
- Walkers, wheelchairs, or scooters
- Massage tables, or
- Exercise equipment

Additionally, a household may be permitted to have a larger unit than would otherwise be permissible:

- If a member of the household is pregnant – proof of pregnancy required
- If a member of the household has joint custody of a child and an extra bedroom is required to accommodate for overnight visits – custody documents required
- If a member of the household has visitation rights with a child which are regular and consistent and an extra bedroom is required for overnight visits. Occasional overnight visits such as 1 or 2 nights a month are not considered regular and consistent however every other weekend would count as regular and consistent visits – custody /access documents required
- If a member of the household provides long term foster care for a child in the household. A plan of care as indicated by Family and Children’s Services may be required. A child in short term temporary foster care is not included when determining Occupancy Standards.

(b) smallest unit a household is eligible for:

- Bachelor for people who are spouses of one another;
- One bedroom for every two members of the household; and
- An additional bedroom if there are an odd number of members in the household.

Household Composition:	Smallest unit a household is eligible for:
Two (2) people who are spouses of each other	A bachelor unit
Two (2) people who are not spouses of each other	One (1) bedroom
More than two (2) people	One (1) bedroom for every two (2) people plus an additional bedroom (+1) when there is an odd number of people

Additional factors to consider when determining the smallest unit are:

- A household does not have to accept a bachelor unit unless the household indicated that they are willing to live in a bachelor unit.
- Two children may share a bedroom. The decision whether to share or not will be left to the household.

- A single parent is eligible for a unit in which the parent shares a bedroom with a child, if the parent requests it and it meets the requirements of building type.
- With mutual agreement, more than two members may occupy a bedroom.
- If a household does not indicate a preference for a unit size, they are deemed to have selected the largest unit size for which they are eligible.

(c) other eligibility requirements for consideration are:

- Housing Providers with a seniors' mandate require all household members meet the age requirements for its project; and,
- Housing Providers with a target group or with specific units within a housing project for those living with mental illness, victims of domestic violence, requiring provincially funded support services or those needing a barrier free accommodation will require at least one individual in the household to be in need of the support or modifications associated with the target group.

2. Ceasing to meet Occupancy Standards

A) Over housed

Households that occupy a RGI unit that is larger than the largest size permissible under the local Occupancy Standards are considered to be over housed and are required to transfer to an appropriate sized unit or may cease to be eligible for RGI assistance.

B) Under housed

Under housed households or households that do not occupy the largest unit within the allowable range of Occupancy Standards may request to be transferred to a larger unit.

A household may choose to be under housed as long as the resulting occupancy does not violate existing municipal by-laws. In the City of Guelph, the maximum number of residents in a dwelling unit or lodging house shall not exceed one (1) person per 13 square meters (140 square feet) of habitable room space per City of Guelph By-law (2000) – 16454 or other municipal by-laws, where applicable.

3. Definitions

“Child” for the purposes of applying the Occupancy Standards, is less than eighteen (18) years of age, unless the child meets the definition of a child as outlined in s. 42 (1) of O Reg. 367/11 and includes a child of a member of the household that is in attendance at a recognized educational institution and, while in attendance, does not live with the household but lives with the household while not attending that educational institution; and the child is dependent, in whole or part, on the household for financial support.

“CMSM” means Consolidated Municipal Service Manager. The Corporation of the County of Wellington is the Consolidated Municipal Service Manager for the geographic area that includes the County of Wellington and the City of Guelph for the purposes of the Housing Services Act, 2011.

“Housing Provider” means an organization who operates a housing project.

“Over Housed” means a household that has a unit larger than it is eligible for under these Occupancy Standards.

“Recognized Educational Institution” means any of the following or a similar institution outside Ontario:

- a school, as defined in the Education Act
- a university
- a college of applied arts and technology established under the Ontario Colleges of Applied Arts and Technology Act, 2002.
- a private career college, as defined in the Private Career Colleges Act, 2005.
- a private school, as defined in the Education Act, for which notice of intention to operate has been submitted to the Ministry of Education in accordance with that Act. (HSA 2011, O Reg. 367/11 s.42 (2))

“Spouse” for the purposes of applying the Occupancy Standards, means an individual who, together with the member of the household, has declared to the Housing Provider or CMSM that the individual and the member are spouses or meets the definition as outlined in s. 42 of O Reg. 298/11.

“Unit” means a unit intended for use as residential accommodation in a housing project (Housing Services Act, 2011, Section 2).

“Under Housed” means a household that does not occupy the largest unit within the allowable range of the Occupancy Standards.

“Temporary medical condition” means a medical condition that is not considered permanent.

4. Application

The Occupancy Standards Directive is effective immediately. All future vacancies must be filled in accordance with the Directive and all current households will be subject to this Directive upon annual review.

If you require additional information, please contact the Housing Programme Advisor.



Mark Poste
Director of Housing

Appendix 1 – HP28 Medical Need for an Additional Bedroom