



Social Services Department Housing Services

Policy Name: Review of Decision **Policy #** HS 2018-PA14.1

Department: Social Services **Approved by:** Director of Housing

Approval Date: December 1, 2018

Signature:

1.0 PURPOSE

To establish a centralized system for the Review of Decisions made under the Housing Services Act, 2011 to process the review of prescribed decisions that affect applicants on the Centralized Waiting List, individuals in rent-geared-to-income units and individuals in special needs units administered by the County of Wellington, CMSM and its Housing Provider partners, pursuant to the Housing Services Act, 2011 (“the Act”).

2.0 REVISION HISTORY

Review of Decisions policy HS 2013-PA14.0
Internal Review Committee policy section 05-02-06

3.0 POLICY

The Review of Decision system is limited to reviewing only the decisions made by the County of Wellington CMSM or its Housing Provider partners as prescribed under section 156 of the Act (“the original decision”).

The Review Committee will make decisions based on submitted documentation, in person meetings will be held in extenuating circumstances at the approval of the Director of Housing.

The request must be received, in writing, within ten (10) business days after the household receives the notice of the original decision.

The Review of Decision must be completed within ten (10) business days after the request is received.

The requestor will be notified in writing of the review decision within five (5) business days of the review.

Notice of the decision of the review committee must not be given to any other member of the household, other than to the member who requested the review.

No decision will be made contrary to the Housing Services Act, 2011, the Residential Tenancies Act.

If a requester's file has been sent to the Eligibility Review Officer (ERO) for removal of subsidy and the requester has requested a review of an original decision at the same time, the coordinator will wait for the outcome of ERO decision before processing any review request.

If an ERO decision has not been made within 10 days of the Review Coordinator receiving the request for review of decision, the coordinator will begin the review process.

The Statutory Powers Procedures Act does not apply to this process.

The Review Committee will operate by majority consensus.

All decisions made by the Review Committee are final.

3.1 Reviewable Decisions

As prescribed under section 156 of the Act, the Review of Decision system is limited to reviewing only the following decisions made by the County of Wellington CMSM or its Housing Provider partners:

- A determination, under subsection 45 (1), that the household is not eligible for rent-geared-to-income assistance;
- A determination, under subsection 46 (1), of the size and type of unit that would be permissible if the household received rent-geared-to-income assistance;
- A determination, under subsection 48 (1), that the household is not included in a category given priority over other categories;
- A determination, under subsection 50 (1), of the amount of rent payable by the household;
- A determination, under subsection 52 (1), that the household is no longer eligible for rent-geared-to-income assistance;
- A determination, under subsection 61 (1), that the household is not eligible for special needs housing;
- A determination, under subsection 63 (1), that the household is not included in a category given priority over other categories;
- A determination, under subsection 65 (1), that the household is no longer eligible for special needs housing.

3.2 Review Committee

A Review Committee shall be established and comprise representatives from the County of Wellington CMSM and its Housing Provider partners, on a rotating basis.

A review of decision will be undertaken by a minimum of two members and a maximum of three members, including the Chair.

The participating Review Committee members:

- Cannot have participated in the original decision.
- Cannot have discussed the original decision with the decision maker prior to review.
- Cannot be associated with the Housing Provider whose decision is under review.

3.4 Appointment, Evaluation and Removal of Review Committee Members

The Review Committee Special Panel shall oversee the appointment, evaluation and removal of all Committee Members.

3.5 Review Coordinator

The Review Coordinator shall, when appropriate, make an effort to have decisions resolved to expedite decision making and avoid unnecessary Review of Decision meetings, and provide administrative support to the Review Committee. The Review Coordinator shall be staffed by the County of Wellington CMSM and facilitate all Review Committee meetings but shall have no ability to vote on the decisions.

4.0 DEFINITIONS

(1) “Requester” means the household member(s) who requested a review of decision by the Review Committee;

(2) “Centralized Waiting List” means the List established for the purposes of allocating Rent Geared to Income, Rent Support and Special Needs units and which complies with the criteria established in the Housing Services Act, 2011 and the Regulations;

(3) “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;

(4) “Housing Provider” means all landlords in the County of Wellington CMSM service area that fall under Ontario Regulation 368/11, Schedule 35;

(5) “Policy Approval Date” means the date this policy received final approval;

(6) “Unit” means a unit intended for use as residential accommodation.

5.0 APPLICATION

The Review of Decisions system comes into effect on the policy approval date.

The date on which a decision is effective shall be determined in accordance with the Housing Services Act, 2011.

6.0 RELEVANT LEGISLATION & POLICY

Housing Services Act, 2011 S.O. 2011 s. 53, 66 and 155 – 159

Statutory Powers Procedures Act R.S.O. 1990, CHAPTER S.22



Alternative Formats Available Upon Request