



Social Services Department Housing Services

Policy Name:	Conflict of Interest	Policy Catalogue #	HS 2013-PA11.0
Department:	Administration	Approved by:	Committee and Council
Approval Date:	September 26, 2013	Signature:	<i>Harry Blinkhorn</i>

1.0 PURPOSE

To establish local standards for identifying and addressing conflict of interest among directors, employees and agents of a housing provider in the County of Wellington, CMSM's service area, as prescribed under Housing Services Act, 2011 Section 75 and Ontario Regulation 367/11 section 100(1).

2.0 REVISION HISTORY

N/A

3.0 POLICY

Under the Housing Services Act, 2011 and Ontario Regulation 367/11 section 100(1), the County of Wellington, CMSM is permitted to set standards for identifying and addressing conflict of interest for housing providers.

Directors, employees or agents of a housing provider shall not be involved in any decision-making situation where a perceived, potential or actual conflict of interest exists.

A conflict of interest includes the following circumstances:

- The personal or business interests of a director, employee or agent of a housing provider are in conflict with the interests of the housing provider;
- A personal gain, benefit, advantage or privilege is directly or indirectly given to or received by a director, employee or agent of the housing provider or a person related to one of them as a result of a decision by the housing provider.
- Decisions made by a director, employee or agent while carrying out duties on behalf of a housing provider, which would likely have an adverse effect on the housing provider.

For the purposes of this policy, a person related to a director, employee or agent includes the following:

- A parent, spouse, child, household member, sibling, uncle, aunt, nephew, niece, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparent, or a person with whom the director employee or agent has a business relationship.

4.0 DEFINITIONS

(1) “Child” in relation to a household member, includes a child who the individual has demonstrated a settled intention to treat as a child of his or her family, but does not include a child placed in the individual’s home as a foster child for consideration. (HSA 2011, O Reg. 367/11 s.1(1));

(2) “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;

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

(4) “Policy Approval Date” means the date this policy received final approval by County Council.

(5) “Spouse” in relation to a director, employee or agent, means:

- an individual who, together with the director, employee or agent, has declared that the individual and the director, employee or agent are spouses, or;
- an individual who is residing in the same dwelling place as the director, employee or agent, if the social and familial aspects of the relationship between the individual and the director, employee or agent amount to cohabitation.

5.0 APPLICATION

The Conflict of Interest local standards come into effect on the policy approval date. The rules established in this policy will apply to all directors, employees and agents associated with housing providers that fall under the Housing Services Act, 2011- Ontario Regulation 368/11, Schedule 35 in the County of Wellington CMSM service area.

In any situations where the standards established in this document conflict with those set in the housing provider’s corporate bylaws, the corporate bylaws must be changed to reflect the standards set in this document.

6.0 PROCEDURES

6.1 Conflict of Interest Avoidance

A housing provider’s responsibilities for avoiding a conflict of interest situation include the following:

- The board of directors of the housing provider (“the board”) must create and promote fair and open best practises in its purchasing, hiring and contracting;
- The board must closely monitor all purchasing, hiring and contracting to ensure that a perceived, potential or actual conflict of interest does not exist;
- All directors, employees and agents associated with housing providers must sign a conflict of interest declaration annually;
- The board must provide an opportunity to have conflict of interest declarations as a standing item on every board meeting agenda. This opportunity to declare and its responses must be included in the board meeting minutes.

6.2 Addressing a Conflict of Interest

All conflicts of interest are required to be addressed to the satisfaction of the County of Wellington CMSM. The required steps to addressing a conflict of interest situation are:

- Step 1 If a director, employee or agent associated with a housing provider identifies a perceived, potential or actual conflict of interest, the person in the identified conflict must immediately notify the board chair verbally or in writing.
- Step 2 The chair must ensure that the individual in the conflict of interest removes themselves and remains isolated from the decision-making process.
- Step 3 The chair must address the conflict of interest at the first board meeting after the notice of a perceived, potential or actual conflict of interest is received by the chair.
- Step 4 The board must review the available options and make a decision which best represents the interests of the housing provider.
- Step 5 The board meeting minutes must include the following information when a conflict of interest is declared:
 - Who declared the conflict of interest;
 - What was the nature of the conflict of interest;
 - What were the options available to the board;
 - Who was present for the discussions and final decisions;
 - How the board resolved the conflict;
 - How the board's final decision was in the best interest of the housing provider.
- Step 6 All conflict of interest notices and meeting minutes must be stored, maintained and easily accessible for a minimum of seven years.

6.3 Conflict of Interest Reporting to CMSM

All declared conflicts of interest shall be reported to the satisfaction of the County of Wellington CMSM.

- The report must be in writing and submitted to the CMSM prior to the next board meeting after a conflict of interest has been identified.
- The report is required to include the board meeting minutes as described in Section 6.2 Addressing a Conflict of Interest, Step 5.

The CMSM will provide a written response to the declared conflict of interest report. The housing provider is required to comply with all requirements noted in the CMSM written response.

7.0 RELEVANT LEGISLATION & POLICY

Housing Services Act, 2011, Section 75
Ontario Regulation 367/11, Section. 1
Ontario Regulation 367/11, Section. 100
Ontario Regulation 368/11, Schedule. 35

