



# Social Services Department Housing Services

**Policy Name:** Occupancy Standards

**Policy Catalogue #** HS 2022-PA 5.3

**Department:** Social Services

**Approved by:** Director of Housing

**Approval Date:** February 3, 2022

**Signature:** 

## 1.0 PURPOSE

To establish local eligibility rules providing occupancy standards for all units administered by the County of Wellington, CMSM, Wellington Housing Corporation, and the County’s housing providers. Occupancy standards are used to determine the size and type of unit permissible for a household receiving rent-gear-to-income (RGI) assistance.

## 2.0 REVISION HISTORY

*Occupancy Standards Policy, 2019 - HS 2019-PA5.2*

*Occupancy Standards Policy, 2013 - HS 2013-PA5.1*

## 3.0 POLICY

The Occupancy Standards set the maximum and minimum unit size and unit type for which an RGI household is eligible. All RGI units administered by the County of Wellington, Wellington Housing Corporation, and the County’s housing providers must be housed in accordance with the Occupancy Standards.

Occupancy standards do not apply to market rent households.

### 3.1 Occupancy Standards

#### Unit Size

The following represents the Occupancy Standards for all RGI units administered by the County of Wellington CMSM, Wellington Housing Corporation, and the County’s housing providers:

**Largest Unit a household is eligible for:**

- One bedroom for spouses; and
- One bedroom for each additional member of the household

Household composition:	Largest Unit 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) bedrooms

Four (4) people that make up two separate spousal relationships	Two (2) bedrooms
Two (2) people who are spouses of each other and one dependent child	Two (2) bedrooms
Any of the above plus one or more additional household member(s)	The number above plus one (+1) bedroom for each additional member

### Additional Bedrooms:

The household shall be permitted a larger unit than would otherwise be permitted if a larger unit is reasonably necessary due to a disability or medical condition of a member of the household.

NOTE: The following medical condition will **not** normally be considered for an additional bedroom:

- Snoring and sleep apnea
- Frequent night time waking or insomnia
- 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.

NOTE: 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

For the purposes of these Occupancy Standards, a child of a member of a household shall be treated as a member of the household, if the child,

- i. is in attendance at a recognized educational institution and, while in attendance, does not live with the household,
- ii. lives with the household while not attending that educational institution,
- iii. and is dependent, in whole or in part, on the household for financial support. O. Reg. 367/11, s. 42 (1).

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

- If a member of the household is pregnant.
- If a member of the household has joint custody over a child, whereby the member of household has the child for a minimum 50% of the time, the member is required to

provide accommodation for the child and an extra bedroom is required to accommodate the child. Documentation is required confirming custody arrangement.

- If a member of the household has visiting rights to a child, the child will stay overnight consistently, and an extra bedroom is required for visitation purposes. Occasional overnight visits, such as 1 or 2 nights a month are not considered consistent visitations however; every other weekend would count as consistent visitation.
- Children in long term foster care with the household may be included as part of the household in determining occupancy standard. The County of Wellington may request a plan of care indicated by Family and Children’s Services when considering unit size required. A child in temporary short term foster care with the household is not included as part of household.

**Smallest Unit a household is eligible for:**

- Bachelor for people who are spouse 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 household is eligible for:
Two (2) people who are spouses of each other	A bachelor unit
Two (2) members	One (1) bedroom
More than two (2) members	One (1) bedroom for every two (2) members plus and additional bedroom (+1) when there is an odd number of members

Two children may share a bedroom. The decision, whether to share or not, will be left to the applicant.

With mutual agreement, more than two members may occupy a bedroom.

The County of Wellington, CMSM’s local Occupancy Standards are subject to the standards established under the City of Guelph, By-law (2000) –16454 or other municipal by laws, where applicable.

Additional Eligibility Requirements

The following units or buildings have the following extra eligibility requirements:

- Housing providers with a seniors’ mandate require all household members to be at least 55 years of age. Housing providers with 55 first or adult lifestyle mandates require that priority be given to household members that meet the criteria of that target group.

- 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.

### **3.2 Over Housed**

Households that occupy an RGI unit that is larger than the largest size permissible under the local Occupancy Standards are considered over housed and stand to cease to be eligible for RGI assistance. Households determined to be over housed must be notified that the household occupies a unit that is larger than the largest size permissible under the local Occupancy Standards and is required to move to an appropriate sized unit (see Over Housed policy HS 2022-PA 21.2).

### **3.3 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.

## **4.0 EXCEPTIONS TO THE OCCUPANCY STANDARDS**

The smallest size unit that a one-member household or spouses would be eligible for is a bachelor unit. However, a household does not have to accept a bachelor unit unless the household indicated that they are willing to live in a bachelor unit.

A single parent is eligible for a unit in which the parent shares a bedroom with a child, if the applicant requests it and meets the requirements of building type.

If a household does not indicate any preference for a unit size, they are deemed to have selected the largest size unit for which the household is eligible.

At the discretion of the Service Manager, a rent supplement household may occupy a larger unit than would otherwise be permitted as long as rents do not exceed CMHC average market rent for the unit size to which they are entitled.

A household may choose to be under housed as long as the resulting occupancy is in accordance with 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 as per City of Guelph By-law (2000) – 16454 or other municipal by laws, where applicable.

## **5.0 DEFINITIONS**

- (1) “Child” for the purposes of applying the Occupancy Standards, is up to twenty-nine (29) years of age, unless the child meets the definition of a child as outlined in the s. 42 (1) of O Reg. 367/11.
- (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 a person who operates a housing project;
- (4) “Over housed” means a household that has a unit larger than it is eligible for under these Occupancy Standards;
- (5) “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));
- (6) “Spouse” for the purposes of applying the Occupancy Standards, means, an individual who, together with the member of the household, has declared to the Service Manager that the individual and the member are spouses.
- (7) “Unit” means a unit intended for use as residential accommodation in a housing project. (Housing Services Act 2011, section 2). (8) “Under housed” means a household that does not occupy the largest unit within the allowable range of the Occupancy Standards.
- (8) “Temporary medical condition” means a medical condition that is not considered permanent.

## 6.0 APPLICATION

The Occupancy Standards policy comes into effect on the policy approval date. The rules established in this policy will apply to all current and future programmes administered by the County of Wellington, CMSM, Wellington Housing Corporation, and its housing providers. All future vacancies must be filled in accordance with this policy and all current households will be subject to the policy upon annual review.

In the event of a conflict between applicable municipal occupancy bylaws and The County of Wellington, CMSM’s local Occupancy Standards, municipal by-laws will prevail.

Flexibility to approve a smaller unit than what the Occupancy Standards permit cannot violate other legislation or bylaws.

## 7.0 RELEVANT LEGISLATION & POLICY

Housing Services Act, 2011 s. 43  
 Ontario Regulation 367/11, s. 38 & 42  
 Ontario Regulation 298/01 s. 49 (4)  
 City of Guelph, By-law Number (2000) – 16454  
 Directive Number: 2020-04



Alternative Formats Available Upon Request