



Social Services Department Housing Services

Policy Name:	Housing Provider Property Management	Policy Catalogue #	HS 2013-PA12.0
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 property management procurement and contracts for services among the County of Wellington, CMSM's housing providers, as prescribed under Housing Services Act, 2011 Section 75 and Ontario Regulation 367/11 section 100.

2.0 REVISION HISTORY

N/A

3.0 POLICY

3.1 Property Management Procurement

Under the Housing Services Act, 2011 and Ontario Regulation 367/11 section 100(4), the County of Wellington, CMSM is permitted to set standards relating to the procurement of property management services by a housing provider.

The procurement of a property management services by housing providers must be done in an open and competitive way. A housing provider is required to establish and comply with the following procurement practices:

- A formal procurement process, including documents and contracts shall be established by the housing provider's board of directors and shall be submitted to the County of Wellington CMSM for review and approval. The formal procurement process and all related documents shall not be developed by a property management firm on behalf of the board of directors, but shall be developed by the board of directors;
- The formal procurement process must be approved by the County of Wellington CMSM prior to the commencement of any procurement;
- The procurement process shall require proposals to be obtained from a minimum of three property management firms. Where a housing provider is unable to obtain three proposals, the housing provider must obtain prior written approval from the County of Wellington CMSM to consider less than three proposals;

- Where a conflict of interest is identified in the decision making process, the effected member(s) shall follow the procedures identified in the most recent version of the CMSM local Conflict of Interest standards;
- Contracts for procurement of a property management firm must be approved by the County of Wellington CMSM prior to any agreements being signed and shall comply with the requirements set out below;
- The County of Wellington CMSM, reserves the right to be involved in the development and approval of the request for proposals, the interviews and selection of a property management firm, as well as the prior approval of the Property Management Agreement.

3.2 Property Management Contracts

Under the Housing Services Act, 2011 and Ontario Regulation 367/11 section 100 (4), the County of Wellington, CMSM is permitted to set standards relating to contracts for property management services.

All property management contracts signed by housing providers in the County of Wellington CMSM area must include the following minimum requirements:

- The contract term shall be for a maximum of three years;
- Automatic contract renewal clauses shall not be used;
- The contract may provide for a maximum term extension of one year. The terms of this extension must be agreed to in writing by the housing provider, the property management firm and the County of Wellington, CMSM 6 months prior to the expiry of the initial contract;
- The contract shall specifically identify and describe all goods and services included under the contract;
- The contract shall be non-assignable;
- The contract must include an indemnification clause for both parties;
- The contract shall be exclusive to property services only by the property management firm. Maintenance services shall be procured and contracted separately;
- The termination of contract clauses must allow either party to give a minimum of 90 days written notice for termination at any point during the term; and a maximum of 30 days written notice for termination if the property management firm is found to be in breach of contract;
- The contract shall stipulate that the corporation providing property management services for a housing project shall give notice to the housing provider of any change in control of the corporation;

- The contract shall allow the board of directors to hold performance reviews of the property management firm as they see fit.

4.0 DEFINITIONS

- (1) “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;
- (2) “Housing Provider” means all landlords in the County of Wellington CMSM service area that fall under Ontario Regulation 368/11, Schedule 35;
- (3) “Policy Approval Date” means the date this policy received final approval by County Council.

5.0 APPLICATION

The Housing Provider Property Management local standards come into effect on the policy approval date and will apply to all future property management procurements and contracts. The rules established in this policy will apply to all 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 corporate by-laws, the corporate bylaws must be changed to reflect the standards set in this document.

6.0 PROCEDURES

N/A

7.0 RELEVANT LEGISLATION & POLICY

Housing Services Act, 2011, Section 75
Ontario Regulation 367/11, Sections 100
Ontario Regulation 368/11, Schedule 35
Conflict of Interest HS 2013-PA11.0



Alternative Formats Available Upon Request