



Social Services Department Housing Services

Policy Name: Review of Service Manager Decision **Policy #** HS 2022 PA 30.0

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

Approval Date: June 28, 2022 **Signature:** *Mark Duff*

1.0 PURPOSE

To establish a system for the review of Service Manager decisions made under Section 157 of the Housing Services Act, 2011 (“the Act”), to enact certain remedies exercised by the Service Manager in response to triggering events under Part VII of the Act.

2.0 REVISION HISTORY

NA

3.0 POLICY

The Review of Decision system is limited to reviewing only the decisions made by the County of Wellington CMSM as prescribed under section 157 of the Act (“the original decision”).

The Review Body will make decisions based on submitted documentation.

The request must be received, in writing, within 5 (five) business days after the housing provider received 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 Body is confidential and will only be provided to the housing provider who requested the review.

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

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

All decisions made by the Review Body are final.

3.1 Reviewable Decisions

As prescribed under section 138.1 of O. Reg. 367/11, the following decisions made by the County of Wellington CMSM are prescribed for review for the purposes of S157 of the Act:

1. A decision under paragraph 1 of section 85 of the Act to discontinue or suspend a subsidy payment to the housing provider under section 78 of the Act.
2. A decision under paragraph 2 of section 85 of the Act to reduce the amount of a subsidy payment to the housing provider under section 78 of the Act.
3. A decision under paragraph 3 of section 85 of the Act to deduct an amount from a subsidy payment to the housing provider under section 78 of the Act.
4. A decision under paragraph 4 of section 85 of the Act to exercise any of the powers or perform any of the duties of the housing provider or act as the housing provider.
5. A decision under paragraph 5 of section 85 of the Act to appoint an operational advisor for the housing provider.
6. A decision under paragraph 6 of section 85 of the Act to appoint an interim receiver or interim receiver and manager for the housing provider.
7. A decision under paragraph 8 of section 85 of the Act to remove some or all of the directors or deemed directors of the housing provider.
8. A decision under paragraph 9 of section 85 of the Act to appoint one or more individuals as directors of the housing provider.

A housing provider may not request a review of a decision listed above, other than in paragraph 6 above, if any of the circumstances described in subsection 90 (5) of the Act apply in respect of the decision.

3.2 Review Body

A Review Body shall be comprised of an individual appointed by the County of Wellington CMSM, who has been selected jointly by the County of Wellington and the housing provider. If the County of Wellington and housing provider cannot agree on an individual to conduct the review, the County of Wellington will appoint a single individual from a list provided by the Ministry of Municipal Affairs and Housing.

The County of Wellington and housing provider shall share equally the cost of renumerating the Review Body for conducting the review.

The member of the Review Body:

- Cannot have participated in the making of the original decision.
- Cannot have previously discussed the original decision with the decision maker.

3.3 Review Coordinator

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

The Review Coordinator's responsibilities shall include:

Review of Service Manager Decision Request Intake

- Review of Decision request intake for the County of Wellington CMSM, complete an initial overview of request to establish eligibility as per section 157 of the Act, and establish that proper process was followed by the original decision maker.

Facilitating Review Body Meetings

- Organize documentation submitted, notifying the member of the Review Body, initiating Review, minor background investigation, setting the Review Body agenda, taking Review Body minutes, act as the Review Body's reference for the original decision maker, and scheduling in person meetings, if required.

Decision Notification and Filing

- Notify all parties involved of the decision made by the Review Body within the prescribed time periods, file all documentation, notices and minutes, and document decisions.

3.4 Decision Reviews

As prescribed under section 158 of the Act, the following rules apply to a review requested:

- The Review Body may substitute its decision for the decision that was reviewed.
- The Review Body shall give its decision in writing and shall give reasons in writing.
- The Review Body shall give notice of its decision and reasons to,
 - i. the requester, and
 - ii. the person who made the decision that was reviewed.

4.0 DEFINITIONS

(1) "Requester" means the housing provider who requested a review of decision by the Review Body;

(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;

(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;

5.0 APPLICATION

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

If a review is requested under S157 of the Act, the date on which a decision is effective is at the discretion of the Review Body and 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

OREG 367/11 S138 and S139

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



Alternative Formats Available Upon Request