



Durham Social Housing Directives
Housing Services Division | Financial Housing Services
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Subject:	Regional Review Process
Directive Number:	RGI 2014-04
Date:	December 8, 2014

Purpose

To outline the process by which a Regional Review/appeal is requested and conducted.

Background

The Region of Durham, as service manager under the *Housing Services Act*, is required to have a review body to conduct reviews of certain decisions pertaining to rent-geared-to-income (RGI), special needs housing and priority placement on the waiting list. The Regional Review Panel is the review body responsible for the review or appeal of these decisions. These are called Regional Reviews.

The Regional Review Panel also conducts Regional Reviews of decisions pertaining to the Durham Housing Benefit (DHB), the Housing Stability Program (HSP) and other housing or homelessness programs that may be established by the Region of Durham.

The Regional Review Panel also conducts reviews of decisions by the Durham Regional Local Housing Corporation (DRLHC) to refuse to offer an RGI or modified unit to an applicant on the waiting list. All other housing providers are responsible to conduct their own reviews regarding refusals to offer in accordance with their local procedures; however, they may choose to assign this responsibility to the Regional Review Panel.

Housing providers, Durham Access to Social Housing (DASH), Regional staff and community partners administering housing or homelessness programs on behalf of the Region are required to forward all requests for review or appeal to the Regional Review Panel in accordance with this directive.

Types of Decisions Open to Regional Review

Applicants, tenants and co-op members may request a Regional Review of a decision of:

- ineligibility for RGI
- ineligibility for a modified unit
- the amount of RGI payable
- the size of the unit for which the household may receive RGI, including any requirement to move to a smaller unit
- ineligibility for Special Priority status or Critical priority status on a waiting list
- ineligibility for In-situ priority for RGI
- refusal to offer a unit (DRLHC only).

Applicants for or recipients of the Durham Housing Benefit (DHB), the Housing Stability Program (HSP) and other Regional housing or homelessness programs may request a Regional Review of a decision of:

- ineligibility for assistance under the program
- the amount of assistance provided under the program.

Summary of Process

Housing providers and DASH must:

- give written notice of the above noted decisions, including the right to request a Regional Review
- reconsider decisions when requests for Regional Reviews are received
- complete the Regional Review Package and forward copies to the appellant and to the Regional Review Panel
- attend the Regional Review hearing to present the decision
- implement decisions of the Regional Review Panel in a timely manner.

Community partners and Regional staff who make decisions about the Durham Housing Benefit (DHB), the Housing Stability Program (HSP) and other Regional housing or homelessness programs must:

- give notice of the above noted decisions in accordance with the relevant program guidelines
- forward requests for appeal to the Program Manager at the Housing Services Division (HSD) in accordance with the relevant program guidelines.

The Program Manager (HSD) will:

- reconsider the decision
- complete the Regional Review Package and forward copies to the appellant and to the Regional Review Panel
- attend the Regional Review hearing to present the decision
- ensure that the decisions of the Regional Review Panel are implemented in a timely manner.

The Regional Review Panel will:

- schedule the date for the Regional Review hearing
- notify the housing provider, DASH or Program Manager (HSD) and the appellant of the date of the Regional Review hearing
- conduct the Regional Review hearing to review the original decision and determine whether to uphold or change the decision
- notify the housing provider, DASH or Program Manager (HSD) and the appellant of the Panel's decision.

The Regional Review Process is illustrated in Appendix A.

Notice of Original Decision

Housing providers and DASH must notify tenants, co-op members and applicants in writing of any decisions regarding RGI assistance, special needs housing or placement on the waiting list within 7 days of the decision.

A notice of a reviewable decision must contain a statement of the right to request a Regional Review including details of how to request it. For example:

If you disagree with this decision, you may request a Regional Review of it within 10 business days.

To request a Regional Review, you must write to [housing provider or DASH] stating the reasons that you disagree with the decision. If we are unable to address your concerns, we will forward your request to the Regional Review Panel for review.

Notice of decisions pertaining to the Durham Housing Benefit (DHB), the Housing Stability Program (HSP) and other Regional housing or homelessness programs are given in accordance with the relevant program guidelines.

Requests for Regional Reviews

Appellants are required to submit written requests for Regional Reviews to the housing provider, DASH, the community partner or the Regional staff member that made the original decision within 10 days of the notice of the decision.

If a request for a review is received more than 10 days after the decision, the Regional Review Panel may still conduct the review if it is satisfied that there are compelling or unavoidable reasons for the delay. Housing providers, DASH, community partners, the Program Manager (HSD) and other Regional staff cannot refuse to proceed with the review based on a delayed request. Only the Regional Review Panel can make this decision.

Requests for Regional Reviews should include:

- the decision that is being appealed
- the date the decision was made
- the reasons why the appellant disagrees with the decision
- supporting documentation that the appellant would like the Panel to consider.

Housing providers, DASH, and the Program Manager (HSD) should attempt to ensure that the appellant's documentation is complete prior to forwarding the request to the Regional Review Panel.

The appellant may withdraw their request for a Regional Review at any time. If the request has been forwarded to the Regional Review Panel, the notice must be submitted to the Panel in writing.

Reconsideration of Decision

Housing providers, DASH and the Program Manager (HSD) must reconsider the original decision whenever a Regional Review is requested. The benefit of this reconsideration is to avoid unnecessary Regional Review hearings where the:

- appellant provides additional information that may affect the original decision
- housing provider, DASH or the Program Manager (HSD) and the appellant are able to reach a resolution that is acceptable to the appellant
- decision was made in error.

If the original decision is changed after reconsideration, the housing provider, DASH or Program Manager (HSD) must notify the appellant of the new decision and the right to continue with the request for a Regional Review.

The housing provider, DASH or Program Manager (HSD) must forward the request with the Regional Review Package to the Regional Review Panel within 10 days of receiving the request for review, if the:

- original decision is upheld after reconsideration
- original decision is changed after reconsideration, but the appellant is not satisfied with the new decision and still wants to proceed with the Regional Review
- housing provider, DASH or Program Manager (HSD) is unable or unlikely to make a determination about whether to uphold or change the original decision within 10 days.

If the request pertains to a decision of ineligibility for Special Priority status, DASH must conduct its reconsideration, and if necessary, forward the request with the Regional Review Package to the Regional Review Panel within 2 days of receiving the request for review.

Regional Review Package

If the housing provider, DASH or Program Manager (HSD) is unable to resolve the situation to the satisfaction of the appellant within 10 days of receiving a request for a Regional Review, they must complete the Regional Review Package and forward copies to both the Regional Review Panel and to the appellant.

The Regional Review Package consists of:

- a completed Regional Review Summary Form (see Appendix B) including a summary of the reasons for the original decision
- a copy of the appellant's written request for the Regional Review and any additional information or documentation submitted by the appellant
- a copy of the notice of the original decision
- a copy of the RGI calculation, if this is the decision under review
- any other information or supporting documentation used in making the original decision.

The housing provider, DASH or Program Manager (HSD) must send a copy of the Regional Review Package to the appellant, and also advise the appellant that:

- the request for review has been submitted to the Regional Review Panel
- the Regional Review Panel will notify the appellant of the date, time and location of the Regional Review hearing – which is likely to be the Wednesday two weeks following the date of notice
- the appellant will be invited to attend the hearing
- the housing provider, DASH or Program Manager (HSD) will be attending the hearing.

The housing provider, DASH or Program Manager (HSD) may use the template letter in Appendix C to advise the appellant of this information.

Regional Review Panel

The Regional Review Panel consists of Regional staff from the Department of Social Services and representatives from housing providers and other community partners delivering housing or homelessness services.

The Housing Services Division provides administrative support to the Regional Review Panel.

A roster of interested participants from each of these sectors is maintained and updated on a regular basis. The names of rostered Panel members are available to housing providers, community agencies and to the general public upon request to the Housing Services Division.

Panel members receive no remuneration for their participation in Regional Reviews.

All Panel members who participate in reviews of decisions under the *Housing Services Act* (HSA) must have knowledge of the HSA and its regulations and are required to complete RGI training as provided by the Region of Durham.

When a Regional Review is requested, a Panel of three members will be convened consisting of:

- one person from the Housing Services Division
- one person from the Department of Social Services, which may be from the Housing Services Division
- one person from the housing provider or community partner sectors.

The Regional Review Panel is an independent body that does not represent the as service manager, housing provider or community partner that made the decision under review.

Panel members are required to declare all affiliations with any social housing providers and housing and homelessness community partners in the region. All Panel members are required to declare a conflict and not participate in Regional Reviews where they:

- are affiliated with the housing provider or community partner that made the original decision
- participated in making the original decision
- discussed the original decision with the housing provider DASH, or the community partner that made the decision prior to the review.

Information obtained during the conduct of a Regional Review is confidential and is not shared outside of the review. All members of the Regional Review Panel are required to sign confidentiality agreements.

The Region of Durham reserves the right to accept, deny or repeal anyone's membership on the Regional Review Panel.

Scheduling of Regional Review Hearings

The Regional Review hearing will normally be scheduled on the Wednesday of the second week following the week that the request for a Regional Review is received by the Panel. The hearings will generally be conducted at the offices of the Housing Services Division. If there is no request for a Regional Review, the Panel will not meet.

The Panel may accommodate requests for hearings on alternate days or at alternate locations at its sole discretion.

When a Regional Review Package is received, the clerk to the Regional Review Panel will:

- designate three Panel members to participate in the Regional Review
- send written notice of the date, time and location of the Regional Review hearing to the appellant and to the housing provider, DASH or Program Manager (HSD).

If the Panel receives a request that does not qualify for a Regional Review, the clerk will send notice to the appellant and to the housing provider, DASH or Program Manager (HSD) indicating that the original decision cannot be appealed to the Panel and the reasons for this.

Regional Reviews must be completed within 30 days of the appellant's request for a Regional Review.

If the request pertains to a decision of ineligibility for Special Priority status, the Regional Review must be completed within 10 days of the request.

Conduct of Regional Review Hearings

Regional Review hearings are normally conducted in person, and are attended by the Panel members, the appellant, and the housing provider, DASH or Program Manager (HSD). The Panel may accommodate either party by conference call into the hearing as required.

Appellants are strongly encouraged to attend the Regional Review hearing. They may bring a legal representative, interpreter or support person with them to the hearing; however, legal representation is not required for the Regional Review.

The housing provider, DASH or Program Manager (HSD) must attend the Regional Review Hearing to present a summary of the decision and detail the reasons for it.

The Regional Review Panel will not present information on behalf of the housing provider, DASH or Program Manager (HSD).

At the Regional Review hearing:

- The housing provider, DASH or Program Manager (HSD) will present a summary of the decision and detail the reasons for it. They will provide

clarification of information or documentation that was previously submitted, but will not normally introduce new information.

- The appellant will detail their disagreement with the original decision, and may provide additional information or documentation to support this.
- Both the appellant and the housing provider, DASH or Program Manager (HSD) will be given an opportunity to speak to any information presented by the other party.
- The Regional Review Panel may ask questions of both the appellant and the housing provider, DASH or Program Manager (HSD).
- The decision under review will not normally be discussed with one party in the absence of the other.

The Panel will make all reasonable efforts to contact an appellant, housing provider, DASH or the Program Manager (HSD) if they fail to attend the hearing without prior notice to the Panel; however, the hearing may proceed in their absence.

The Panel may also conduct a Regional Review without a hearing with the agreement of both the appellant and the housing provider, DASH or Program Manager (HSD). Regional Reviews without hearings will be based on the written submissions of both parties.

Decisions of the Regional Review Panel

The Regional Review Panel will meet in private to make its decision. Panel decisions will be made by consensus. Panel members will base decisions on:

- oral and written submissions presented by the appellant and the housing provider, DASH or Program Manager (HSD) at or prior to the Regional Review hearing
- legislative requirements
- Regional policies and procedures
- precedents set by earlier decisions of the Panel.

In making its decision, the Panel may seek clarification from legal, policy or finance staff of the Region regarding the implementation and/or interpretation of Regional policies and required legislation – as long as the staff member had not previously discussed the original decision with the appellant, the housing provider, DASH, Program Manager (HSD) or other Regional staff involved in making the original decision.

The Panel will send notice of its decision to the appellant and to the housing provider, DASH or Program Manager (HSD) within 5 days of the hearing date.

The housing provider, DASH or Program Manager (HSD) will ensure that the Panel's decision is implemented in a timely manner.

All decisions of the Panel are final and will not be reconsidered.

Timelines for Regional Reviews

Regional Reviews must be completed within 30 days of the appellant's request for a Regional Review.

If the request pertains to a decision of ineligibility for Special Priority status, the Regional Review must be completed within 10 days.

Housing providers, DASH and the Program Manager (HSD) must conduct their reconsideration within these time frames. If they are unable to resolve the situation to the satisfaction of the appellant, they must forward the request with the Regional Review package to the Panel within:

- 10 days of the appellant's request for a Regional Review
- 2 days of the appellant's request for a Regional Review of a decision of ineligibility for Special Priority status.

The Panel will send notice of its decision to the appellant and to the housing provider, DASH or Program Manager (HSD) within 5 days of the hearing date.

Monitoring

The Housing Services Division will monitor the Regional Review process and periodically prepare reports to summarize the activities of the Panel. These reports will be provided to all housing providers and to the Health and Social Services Committee of Council and will include:

- statistical information
- recommendations arising from the outcomes of Regional Reviews.

These reports will not contain information that identifies the appellants or the housing providers or community partners involved in the Regional Reviews.

Refusals to Offer

Housing providers must offer vacant RGI and/or modified units in accordance with sections 47 and 76 of O. Reg. 367/11 and Regional rules. A housing provider may refuse to offer a unit to an otherwise eligible applicant if:

- the applicant does not meet the mandate of the housing provider
- the applicant's rental history indicates that they are not likely to pay the rent/housing charge in full or on time
- the applicant is not likely to participate as a member of a housing co-operative
- it is unreasonable for the household to reside in shared accommodation
- the level of support services required does not match the level of service provided for the unit (supportive units only).

Where an applicant is refused an offer for any of the above reasons, the housing provider must notify the applicant of the refusal to offer and of their right to request a review. It is the responsibility of the housing provider to conduct this review.

All housing providers – with the exception of the DRLHC - must establish procedures for the conduct of reviews of refusals to offer an RGI or modified unit. These procedures must include that:

- the refusal must be in writing and set out the reason and the right to request a review
- the review must be conducted by someone not involved in making the decision to refuse the offer
- the review must be completed within 10 days of receiving a request and the decision must be given to the appellant in writing within 5 days.

Housing providers are only required to notify an applicant of a refusal and to conduct a review (if requested) in relation to the first refusal to offer a unit to an applicant.

Housing providers are encouraged to seek the input of the Regional Review Panel in conducting reviews of refusals to offer. Housing providers may also choose to assign this responsibility to the Regional Review Panel as part of their local procedures.

The Regional Review Panel conducts reviews of decisions by the Durham Regional Local Housing Corporation (DRLHC) to refuse to offer an RGI or modified unit to an applicant on the waiting list.

Effective Date

This directive comes into effect on the date it is issued.

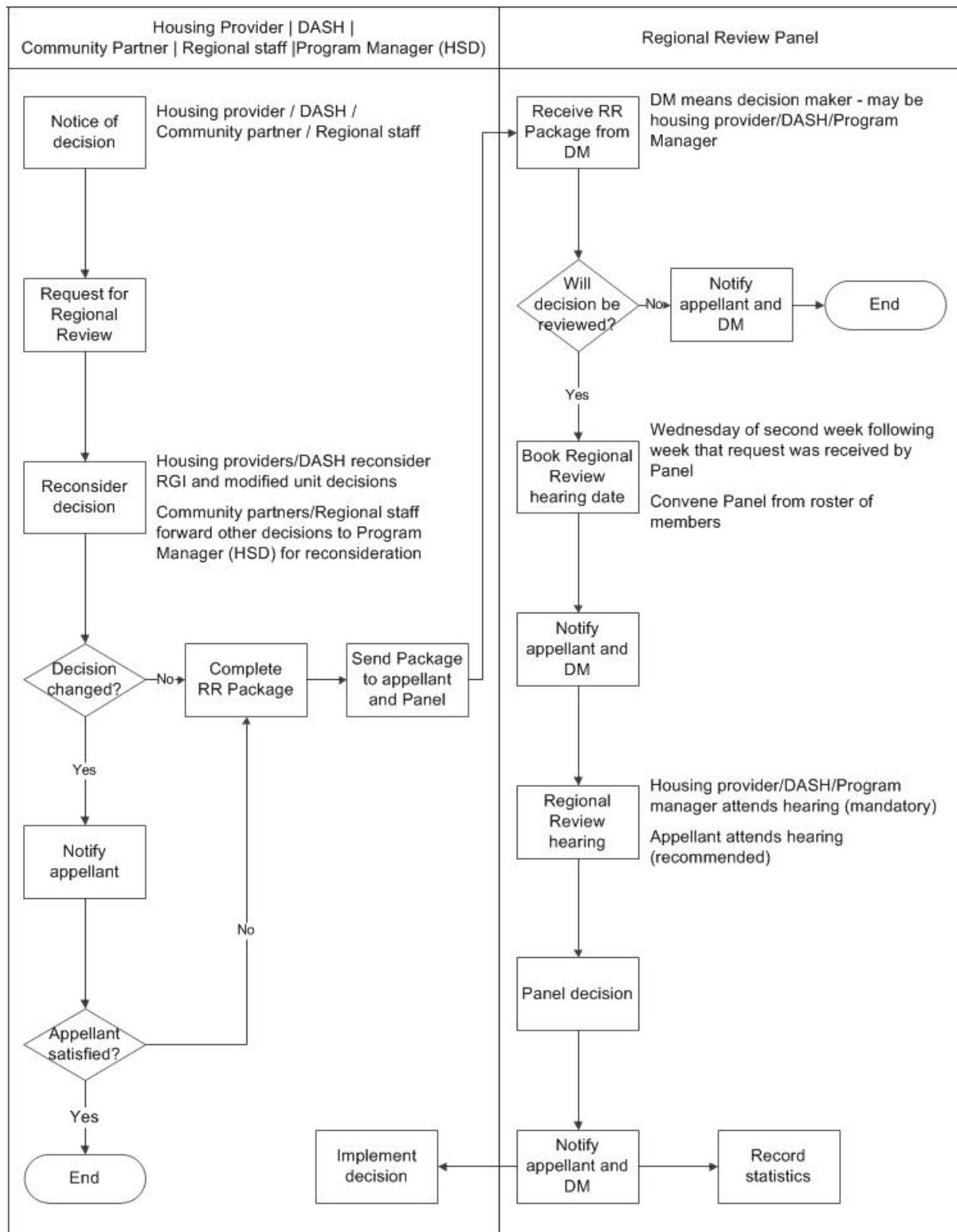
Repealed Rules

This Directive replaces Directive 2004-01 Regional Review Process and Memo 06-07 Regional Review Process – Timeline Changes issued under the former *Social Housing Reform Act*.

Legislative Authority

Housing Services Act, s. 155, 156, 158
Ontario Regulation 367/11, s.138

Appendix A – Regional Review Process – Flow Chart



Appendix B – Regional Review Summary Form

[Regional Review Summary Form](#)

Appendix C – Notice of Forwarding of Regional Review Package to Panel

[Notice of Forwarding of Regional Review Package to Panel](#) – Letter Template