



Durham Community Housing Directives

Housing Services Division

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Subject:	Annual RGI Reviews
Directive Number:	RGI 2023-04
Date:	September 27, 2023

Purpose

Establish the requirements for conducting annual reviews of rent-geared-to-income (RGI) and modified housing.

Background

Under the Housing Services Act, the service manager is required to review a tenant or co-op member's eligibility for rent-geared-to-income (RGI) and/or modified housing annually after move-in. Housing providers conduct these reviews on behalf of the Region of Durham.

At the annual RGI review, the housing provider is required to review:

- Continued eligibility for RGI.
- The amount of RGI payable by the RGI tenant or co-op member.
- Size of unit under the occupancy standards.
- Eligibility for a modified unit (as applicable).

Housing providers may conduct a tenant or co-op member's annual RGI review in the month of the anniversary of move-in or they may review all tenants or co-op members in the same month each year.

Housing providers may conduct biennial reviews for eligible senior tenants or co-op members that receive Old Age Security (OAS) or the Guaranteed Income Supplement (GIS).

Annual RGI Review Process

Housing providers should send out requests for the completion of the Annual Eligibility Review form no more than 60 days prior to the intended date of RGI change and should give the applicant between 14 and 30 days to return the information. For example:

- The annual RGI review is scheduled for April with the intent of making an RGI change effective May 1.
- The housing provider should send the [Annual Eligibility Review form](#) no earlier than March 1, with a due date no later than April 1 and no earlier than March 15.
- This will allow the provider four to six weeks to follow up for missing information, complete the review, and make the change for May 1.

Annual RGI reviews should be completed without delay after the Annual Eligibility Review form and supporting documentation is received.

Housing providers must ensure that notice is provided in the month of review (April in the above example) of either:

- Completion of the Annual RGI Review and notice of change in RGI effective the first day of the month following notice of the change; or
- [Notice of RGI ineligibility](#) as the Annual RGI Review information and/or supporting documents has not been received.

Notice of RGI Ineligibility

Tenants and co-op members who fail to return their Annual Eligibility Review form before the required due date are ineligible for RGI. Housing providers must issue notice of RGI ineligibility, noting that the rent or housing charge will increase to the market rate on the first day of the month following 90 days from the date of the notice. For example, if notice of ineligibility is issued in April, the rent or housing charge will increase to the market rate on August 1.

Housing providers are required to use the [Notice of RGI Ineligibility](#) template letter in the Resources for Community Housing Providers section on the Region of Durham's website.

Reinstatement of RGI Eligibility

Housing providers may reinstate RGI eligibility if the Annual Eligibility Review form is returned prior to the increase to the market rent or housing charge. In these cases, the effective date of reinstatement is the same as the intended date of increase. For example:

- The annual RGI review is scheduled for April with the intent of making an RGI change effective May 1.
- Information was not returned by due date of April 1, and provider issued notice of RGI ineligibility April 10, with increase to market effective August 1.
- Tenant/member provides all required information July 20.
- Housing provider may reinstate RGI effective May 1.

Housing providers must contact the Housing Services Division for approval to reinstate RGI eligibility after the increase to the market rent or housing charge. For example:

- The annual RGI review is scheduled for April with the intent of making an RGI change effective May 1.
- The tenant or co-op member does not return their Annual Eligibility Review form, and provider issued notice of RGI ineligibility April 10, with increase to market effective August 1.
- Tenant/member provides all required information August 15.
- Housing provider consults the Housing Services Division to determine if RGI can be reinstated effective May 1.

All decisions to reinstate RGI ineligibility must be clearly documented on the RGI file.

Annual RGI Review Form

Housing providers are required to use the following forms when collecting information from a tenant or co-op member for the annual RGI review:

- [Annual Eligibility Review – RGI and Modified Housing](#) form, including the notice, '[How do I get a copy of my Proof of Income Statement.](#)'
- [Regional Consent Form \(Consent to Disclosure of Information and Documents\).](#)

Housing providers may also use and customize the [Request for Completion of Annual Eligibility Review Form](#) letter template when sending the Annual Eligibility Review form to tenants and co-op members. These documents are available in the Resources for Community Housing Providers section of the Region of Durham's website.

The Annual Eligibility Review form ensures that community housing providers are collecting relevant, complete and consistent information from RGI tenants and co-op members. It also ensures that RGI tenants and co-op members are notified of the authority under which information is collected, in compliance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

The Annual Eligibility Review form must be signed by all members of an RGI household who are 18 years of age and older – except for dependents (other than the spouse) who are also full-time students. When an RGI tenant or co-op member signs the form, they are making a declaration as to the truth of the information provided in the form.

If a member of the household is unable for any reason to sign the Annual Eligibility Review form, it may be signed on their behalf by a power of attorney or a person who is otherwise authorized to act on the person's behalf. This may be someone else living in the same unit.

Verification Requirements

Housing providers are required to verify the following information declared on the Annual Eligibility Review form:

- Net income of all members of the household with income – excluding full-time students.
- School enrollment of all full-time students over the age of 18, if the student also has declared income.
- Statement of Assistance from members receiving Ontario Works or ODSP.
- Changes to assets, and total assets valued over \$30,000.
- Changes to status in Canada.

Net Income

A person's annual tax-based net income is verified using one of the following:

- Proof of Income Statement or Notice of Assessment (NOA) from the previous tax year, if the annual RGI review is conducted between July and December.
- Proof of Income Statement or Notice of Assessment (NOA) from the tax year before the previous year, if the annual RGI review is conducted between January and June.

The Proof of Income Statement or NOA is required for the primary tenant/co-op member and their spouse, even if they have no income to declare.

If the tax-based net income does not accurately reflect the current average income amount or the income tax information is not available, the RGI tenant or co-op member must also provide a notice or statement of income from each employer or organization providing income. The documentation:

- Must provide sufficient information to allow for an annualized approximation of the net income that is anticipated to be received over the 12-month period following the RGI review.
- May include one or more statements or pay stubs at the discretion of the housing provider.

Full-time Student Status

RGI tenants and co-op members must provide verification of school enrolment for full-time students over the age of 18 years, including themselves, their spouses, and other members of the household with income.

Students may provide a letter from the school registrar or a copy of Ontario Student Assistance Program (OSAP) statement to verify their full-time attendance. Verification should clearly state that the student is enrolled full-time and taking at least 60 per cent of a full course load, or 40 per cent if the student has a disability.

The following students are not required to provide verification of school enrollment:

- Students under the age of 18.
- Students who are dependents over the age of 18 years who have no income or only income that would not otherwise be included in the RGI calculation (e.g. OSAP, student awards, support, child tax benefits).
- Part-time or occasional students.

Statement of Assistance from Ontario Works or ODSP

Housing providers must verify the number of people included in an Ontario Works or ODSP benefit unit, as well as the current monthly net amount of social assistance. The net social assistance payment is the amount received after deductions (e.g. income deductions, overpayment deductions).

The monthly Ontario Works or ODSP Statement of Assistance is the standard for the verification of net social assistance income and the composition of the benefit unit.

Where the Statement of Assistance is not available, the RGI tenant or co-op member may provide a letter from the Ontario Works or ODSP office setting out the current net social assistance amount and the number of people in the benefit unit. Housing providers may also contact the Housing Services Division for assistance in verifying social assistance information.

Status in Canada

Status in Canada is verified at move-in. If the person is a Canadian citizen or a permanent resident, their status in Canada does not need to be re-verified at annual RGI review.

If a member of the household is an applicant for permanent residence or a refugee claimant, they must provide current verification of status from Immigration, Refugees and Citizenship Canada (IRCC) at each annual review

until permanent residence is granted or denied. Housing providers may request updates between annual RGI reviews at their discretion.

Asset Verification

Assets are verified at move-in. Housing providers are not required to verify assets at annual RGI review unless one of the following apply:

- The total value of household assets is \$30,000 or more.
- The RGI tenant or co-op member has declared a material change in the value or type of assets since the last annual (RGI) review.
- The RGI tenant or co-op member has disposed of an asset or liquidated property.

Follow-up

Housing providers may have to follow-up for additional information after the Annual Eligibility Review form is received. Housing providers should ensure that follow-up is prompt and does not delay a change in RGI.

Housing providers may proceed with an RGI change if they have sufficient income verification, even if they are following up for verification of other eligibility requirements (e.g. change in status in Canada, assets, occupancy standards) or determining if a guest has permanently moved into the unit.

Waivers

A housing provider will waive the requirement that an RGI tenant or co-op member submit information, documents, or the Annual Eligibility Review form if the housing provider is satisfied that:

- The RGI tenant or co-op member is unable to do so.
- It is inappropriate in the circumstances to require an RGI tenant of an alternative housing provider to do so.
- The RGI tenant or co-op member's personal safety may be at risk in doing so.

If information, documents, or forms are waived at annual RGI review, the reasons must be clearly documented on the RGI tenant or co-op member's file. Housing providers are encouraged to consult the Housing Services Division if they are considering a waiver.

Timing of Reviews

Housing providers may conduct a tenant or co-op member's annual RGI review in the month of the anniversary of move-in or they may review all tenants or co-op members at the same property in the same month each year.

Housing providers who conduct annual RGI reviews in the same month for all tenants or co-op members may defer the first annual review for tenants or co-op members who moved in less than six months prior to the next scheduled annual review month.

Biennial Reviews

Housing providers may opt to complete biennial RGI reviews (every other year) for senior tenants and co-op members (over age 65 years) who meet all of the following criteria:

- They are unemployed.
- They have no dependents.
- They receive only fixed income.
- They receive Old Age Security (OAS) or the Guaranteed Income Supplement (GIS).

In the year in which a full annual RGI review is not conducted, the housing provider will automatically increase the RGI and notify the tenant or co-op member of the increase. Completion of the Annual Eligibility Review form and supporting documentation are not required.

The automatic biennial increase in RGI is equivalent to 30 per cent of the monthly increase in OAS and GIS since the last annual RGI review. The Housing Services Division will issue quarterly notices of the applicable RGI increase for housing providers who opt to complete biennial reviews.

Retroactive RGI Changes

If an RGI tenant or co-op member declares a change in income at annual RGI review that should have been declared prior to this review, the change may be implemented as if it had been declared in-year. This may occur when:

- A new household member moves in with income.
- A household member has had their income taxes reassessed and the increase in net income is material.

If the resulting increase in RGI is not material, it is not implemented retroactively – e.g. the increase is a result of an increase in adjusted family net income (AFNI) of less than 20 per cent, or the RGI increase is less than \$10.

RGI decreases are not normally implemented retroactively if the change is not reported until annual RGI review.

Modified Units

Housing providers must review eligibility for a modified unit at the time of the Annual RGI Review. Medical verification of the need for the modified unit is only required if the housing provider has reason to believe that the person who requires the modifications no longer needs them.

Market rate tenants and co-op members living in modified units are not required to complete the Annual Eligibility Review form. Housing providers must still review eligibility for the modified unit annually and request supporting verification as required.

Effective Date

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

Repealed Rules

This directive replaces Directive RGI 2020-03 Annual RGI Reviews.

Legislative Authority

Housing Services Act, s. 52
Ontario Regulation 367/11, s. 60
Ontario Regulation 316/19, s. 10