

Region of Durham  
Housing Services Division



# RG GU

**RENT-GEARED-TO-INCOME**

# DE

July 2020

THINK FORWARD



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# Introduction

The Durham Region RGI Guide is intended for use by staff of the Region of Durham and community housing providers under service agreement with the Region of Durham to administer rent-geared-to-income (RGI) under the [Housing Services Act](#).

The guide is separated into five units, which are further divided into sections:

## **Unit 1: Applications for Rent-Geared-to-Income (RGI)**

- Section 1: DASH Wait List Rules
- Section 2: Transfer Applications
- Section 3: In-situ RGI Applications

## **Unit 2: Rent-Geared-to-Income (RGI) Eligibility**

- Section 4: RGI Eligibility – Overview
- Section 5: Income Limits
- Section 6: Asset Limits
- Section 7: Notice of Changes
- Section 8: Pursuit of Income

## **Unit 3: Rent-Geared-to-Income (RGI) Calculations**

- Section 9: RGI Calculation – Overview
- Section 10: Adjusted Family Net Income (AFNI)
- Section 11: Tax-Based Net Income
- Section 12: Approximated Net Income
- Section 13: Full-Time Students
- Section 14: Calculating RGI Per AFNI
- Section 15: Ontario Works Benefit Units

- Section 16: ODSP Benefit Units
- Section 17: Utility Adjustments
- Section 18: Minimum RGI
- Section 19: Maximum RGI
- Section 20: Pro-rated RGI

#### **Unit 4: Rent-Geared-to-Income (RGI) Reviews**

- Section 21: In-Year RGI Reviews
- Section 22: Annual RGI Reviews
- Section 23: Notices
- Section 24: Occupancy Standards and Overhoused Households
- Section 25: Regional Review Process

#### **Unit 5: Forms, Letter Templates and Resources**

- Section 26: Forms and Letter Templates
- Section 27: Resources

Page numbers reference the section number and the page number within the guide. For example, RGI Eligibility – Overview is in Section 4. This section starts on Page 4-29.

This guide compliments the Housing Services Act and its regulations as well as the local rules established by the Region of Durham that are issued as Durham Community Housing Directives.

## **Legislation and Regulations**

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The [Housing Services Act](#) and its regulations are available online under Consolidated Laws at the [Service Ontario e-Laws website](#) at [www.ontario.ca/laws](http://www.ontario.ca/laws).

The Housing Services Act, Part V and Part X sets the framework for RGI administration, but most of the detail can be found in the following regulations:

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

[Ontario Regulation 367/11](#), Part VI and Part XI

- RGI Eligibility
- RGI Notices
- RGI Appeals

[Ontario Regulation 316/19](#)

- RGI Reviews
- RGI Calculations

## **Durham Community Housing Directives**

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[Durham Community Housing Directives](#) set out local policies related to RGI administration, wait list administration, community housing operations, and financial reporting and funding.

All Durham Community Housing Directives are issued to housing providers by email at the time they are first released and are also available online in the [Resources for Community Housing Providers](#) section of the [Region of Durham's website](#) at [www.durham.ca/housing](http://www.durham.ca/housing).

Where there is a discrepancy between this RGI Guide and a Durham Community Housing Directive, housing providers should follow the community housing directive.

This Guide was last updated in July 2020.



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# 1. DASH Wait List Rules

## Purpose

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To set out the rules for the system for the selection of households from the Durham Access to Social Housing (DASH) wait list for rent-geared-to-income (RGI), modified housing, affordable housing and portable housing benefits.

## General Rules

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Durham Access to Social Housing (DASH) administers the wait list for RGI and modified units. The DASH wait list is comprised of:

The DASH wait list is comprised of:

- Applicants for RGI units
- Applicants for modified units
- Current RGI tenants and co-op members requesting transfer to a different housing provider
- Current tenants and co-op members in modified units or RGI units requesting transfer to a modified unit with a different housing provider.
- Current tenants or co-op members in RGI or modified units who want to transfer to a different unit with their current housing provider, but who are ineligible to be placed on the provider's internal transfer list.

All applicants must complete either the [Application for Rent-Geared-to-Income \(RGI\) or Modified Housing](#) form or the [Transfer Application](#) form. These forms are available on in the [Resources for Community Housing Providers](#) section on the Region of Durham's website.

Only applicants who have been determined eligible for RGI and/or a modified unit are placed on the wait list. Applicants will be removed from the DASH wait list if they:

- become ineligible for RGI and/or a modified unit
- refuse one offer of housing

- accept an offer of RGI or a modified unit from a housing provider in Durham
- accept an offer of a portable housing benefit within or outside of Durham
- request to be removed from the DASH wait list.
- DASH may consider additional offers in extenuating circumstances.

RGI applicants will not be removed from the DASH wait list if they accept an offer of emergency shelter or temporary housing provided while receiving treatment or counselling, even if this is RGI housing.

## Priority on the DASH Wait List

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Most applicants are placed on the DASH wait list according to the date that they applied for an RGI or modified unit or requested transfer to a different unit. Applicants with earlier application dates have higher priority on the DASH wait list.

Additionally, there are three categories of applicants on the DASH wait list who have higher priority than applicants outside these categories. The three categories, in order of priority, are:

- Overhoused – RGI tenants and co-op members who have been placed on the DASH wait list to move to a smaller unit. These applicants are placed in the Overhoused category according to the date they were first overhoused.
- Special Priority (SPP) – victims of human trafficking or domestic abuse. These applicants are placed in the SPP category according to the date they applied for SPP.
- Critical priority applicants – applicants with extraordinary and unusual expenses that make the payment of market rent unreasonable. These applicants are placed in the Critical Priority category according to the date they applied for Critical Priority.

Overhoused transfer applicants and transfer applicants approved for expedited transfer may be offered RGI before all other applicants on the DASH wait list only if there are no SPP applicants at their current property requesting transfer to another provider.

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## Eligibility Reviews and Verification

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DASH reviews, but does not normally verify, the eligibility of applicants for RGI and/or modified units at the time of application and every 12 months thereafter.

- DASH does not normally verify eligibility for RGI but may request verification documentation as required.
- DASH will verify eligibility for modified units at the time of application only, or if the applicant declares a change in circumstances.
- DASH verifies arrears and repayment agreements on the local and provincial arrears databases at the time of application and every 12 months thereafter.
- DASH will monitor and verify changes in to status in Canada of refugees and applicants for permanent residence status.

Housing providers are responsible for verifying eligibility for RGI and/or a modified unit at the time of offer, using the [Eligibility Verification – RGI and Modified Housing](#) form, which is available on in the [Resources for Community Housing Providers](#) section on the Region of Durham’s website.

## RGI Vacancies

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When a housing provider has a vacancy (other than a vacancy for a modified unit), the housing provider must determine whether the vacancy should be offered to an RGI applicant or to a market rent/housing charge applicant.

The housing provider will compare the number of RGI units in its project, not including the vacant unit, to its RGI target.

- If the number of RGI units is at or above the target, the vacant unit is offered to a market rent/housing charge paying applicant or tenant/co-member requesting transfer.
- If the number of RGI units is below the target, the vacant unit is offered to an RGI applicant or RGI transfer applicant.

Housing providers will first determine if an RGI vacancy can be offered to a tenant or co-op member on the internal transfer list or eligible for immediate in-situ RGI before reporting the vacancy to DASH.

## Modified Unit Vacancies

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Vacancies for modified units are offered to applicants or transfer applicants who are eligible for the modification regardless of their eligibility for RGI or the housing provider's RGI target.

If the modified unit applicant is also eligible for RGI, the applicant is charged RGI upon moving into the modified unit regardless of the housing provider's RGI target.

Housing providers will first determine if a vacant modified unit can be offered to a tenant or co-op member on the internal transfer list before reporting the vacancy to DASH.

## DASH Vacancies Site

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The [DASH Vacancies Site](#) is part of the Region of Durham's website at [www.durham.ca/dash](http://www.durham.ca/dash). Applicants on the DASH wait list for an RGI or modified unit can log in to the site to view and express interest in vacancies with community housing providers and private landlords who offer rent supplement under agreement with the Region of Durham.

Applicants are restricted from seeing vacant units for which they are not eligible. Specifically:

- Applicants can only view vacancies within the allowable range of occupancy standards for their household size
- Only senior applicants can view vacancies mandated for seniors
- Only eligible modified unit applicants can view modified unit vacancies.

Housing providers report RGI and modified unit vacancies to DASH who then post these vacancies to the DASH Vacancies Site for 7 days. At the completion of 7 days, DASH selects the highest ranked applicant who expressed interest in the posted vacancy and refers this applicant to the housing provider for offer.

## Portable Housing Benefits

A portable housing benefit (PHB) is a monthly benefit paid directly to eligible low-income households to bridge the gap between affordable rent and some or all of average market rent.

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The Durham Portable Housing Benefit (Durham PHB) and the Canada-Ontario Housing Benefit (COHB) may also be posted to the DASH Vacancies Site.

- Applicants are selected for the Durham PHB in accordance with the [Durham PHB Guidelines](#).
- Applicants are selected for the COHB in accordance with the provincial rules and guidelines, targeting people who are homeless or at risk of homelessness, people with disabilities, survivors of domestic violence or human trafficking, Indigenous people and seniors.

## Affordable Housing

Affordable housing units offer rents at 80 per cent of average market rent. Affordable housing units may also be posted to the DASH Vacancies Site. Applicants are selected for these vacancies in accordance with provincial guidelines and locally identified priorities.

## Posting a Vacancy to DASH

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Housing providers must notify DASH if they have a vacant RGI unit or modified unit that will be offered to an applicant on the DASH wait list. DASH will then post the vacancy to the [DASH Vacancies Site](#) for 7 days for applicants to view and express interest.

- If the vacancy will be offered to a tenant or co-op member on the housing provider's internal transfer list, the vacancy is not posted to DASH (see Internal Transfers below).
- If the vacancy will permit the housing provider to offer immediate RGI to an in-situ applicant, the vacancy is not posted to DASH (see In-situ Applicants below).

Once DASH is notified and the vacancy has been posted, the housing provider must not offer the unit to anyone except the applicant referred to them by DASH.

Housing providers should only notify DASH to post a vacancy if the provider intends to contact the applicant at the completion of the 7-day posting to view the unit (or a similar unit). If the unit (or a similar unit) is not ready to be viewed, or the housing provider is not otherwise prepared to engage with a prospective tenant or co-op member, the housing provider should wait to notify DASH of the vacancy.

For example:

A housing provider obtains vacant possession of a unit and finds that the previous tenant or co-op member has caused extensive damage that will require at least a month to repair. The housing provider is not prepared to show the unit until repairs have been completed.

The housing provider will not notify DASH about the vacancy until about seven days before the repairs are expected to be completed.

A housing provider has a vacancy and wants to paint the unit before the new tenant or co-op member moves in. This will probably take two weeks. The housing provider is prepared to show the unit to a prospective tenant/co-op before the painting is completed.

The housing provider should immediately notify DASH of the vacancy.

A tenant or co-op member gives the housing provider 60-day notice of move-out. The housing provider has informed the current tenant or co-op member that they will be showing the unit to new prospective tenants/co-op members.

The housing provider should immediately notify DASH of the vacancy.

Housing providers should notify DASH of vacancies using the online [Notice to DASH – Post Vacancy](#) in the [Resources for Community Housing Providers](#) section on the Region of Durham’s website. Housing providers should include sufficient information for DASH to accurately post the vacancy to the DASH Vacancies Site.

Housing providers are encouraged to include additional detailed information about the vacancy to help applicants make an informed choice about whether or not to express interest in the vacancy. For example, the housing provider may want to include information about:

- Parking availability and/or costs
- Balconies, patios, garages, basements
- Stairs or number of floors in the unit

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- Type of flooring in the unit (e.g. carpeting) or new paint in the unit
- Sector support charges (co-op providers)
- Storage available at the housing property
- Location of the unit within the property (e.g. on first floor, end townhouse unit, facing street, etc.)
- Details about accessibility features in units that are not fully modified (e.g. grab bars, lowered cupboards).

If the vacancy is for a fully modified unit, the housing provider must provide details about the modifications in the unit. This will help applicants to determine if the modifications meet their needs before expressing interest in a vacancy and allow DASH to refer the most suitable applicant for the vacancy.

## Referrals, Offers and Outcomes

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All RGI and modified unit vacancies reported to DASH are posted to the [DASH Vacancies Site](#) for seven days. After seven days, DASH selects the highest ranked applicant who expressed interest in the posted vacancy and refers this applicant to the housing provider.

When DASH makes a referral, they will send the housing provider the Housing Provider Summary, as well as any current verification on the DASH file (e.g. verification of the need for a modified unit).

The housing provider will contact the applicant directly, or alternate contact if provided, to make an offer. The provider must notify DASH of the outcome of this offer – normally within 72 hours. If the offer will take longer than 72 hours, providers must keep DASH regularly updated about the progress of the offer.

Outcomes of offers may be:

- applicant accepted offer and will be moving into the unit
- applicant refused or turned down the offer
- applicant was deemed to have refused the offer because they did not respond to reasonable requests to contact the housing provider

- housing provider denied/refused to offer the unit to the applicant.

Housing providers should notify DASH of the outcome of an offer using the online [Notice to DASH – Outcome of Offer](#) in the [Resources for Community Housing Providers](#) section on the Region of Durham’s website.

If the first applicant referred does not accept the offer, DASH will select the next highest ranked applicant who expressed interest in the posted vacancy and refer this applicant to the housing provider for consideration.

## Denials/Refusals of Offers

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Housing providers may deny/refuse to offer a unit to an applicant referred by DASH for the following reasons:

- the vacancy is for a seniors’ unit and no one in the applicant’s household is over the age of 60
- based on rental history, the housing provider reasonably believes that the applicant may not pay the rent/housing charge on time or in full
- the applicant has been denied membership in the co-operative housing provider with the vacancy
- the vacancy is for shared accommodation and the housing provider believes that it is unreasonable for the applicant to reside in shared accommodation
- in the previous 5 years, the applicant was evicted from community housing under an order of the Landlord and Tenant Board for a serious illegal act, and the housing provider reasonably believes that they pose a risk to the health or safety of someone living at the property with the vacancy. Serious illegal acts include:
  - Production, trafficking, or possession for the purpose of trafficking an illegal drug
  - Illegal production, distribution or sale of cannabis
  - Physical violence or attempted physical violence against another person
  - Physical harm, attempted physical harm, or a risk of physical harm to another person

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

- Human trafficking
- Use of threats to, intimidation of, and harassment of another person.

When a housing provider denies/refuses to offer a unit to an applicant for any of the above reasons, it must:

- notify the applicant of the denial and the reasons for refusal
- give the applicant with an opportunity to have the denial reviewed by the housing provider (i.e. appeal)
- notify DASH of the denial and the reasons for the denial.

Housing providers may use the [Notice of Denial/Refusal to Offer Unit](#) template letter in the [Resources for Community Housing Providers](#) section on the Region of Durham's website.

If the housing provider has previously denied/refused to offer to the same applicant for any of the above reasons, it only needs to notify DASH.

If the applicant appeals the denial, the housing provider is responsible for conducting the review. Housing providers must have procedures for conducting reviews. Housing providers are encouraged to have short timelines for such reviews as they cannot offer the vacant unit to the next applicant on the DASH wait list until either:

- the time to request the appeal has expired
- the review has been completed.

### **Denials due to RGI or modified unit ineligibility**

The housing provider may also deny/refuse to offer a unit to an applicant for reasons of eligibility if:

- the size of the applicant's household does not fall within the allowable occupancy standards for the unit
- the vacancy is for an RGI unit, and the applicant is ineligible for RGI
- based on their income, the applicant would be paying the full market rent/housing charge for the unit

- the vacancy is for a modified unit, and the applicant does not require the modifications available in the unit.

In these circumstances, the housing provider only needs to notify DASH of the reasons for the denial. DASH will notify the applicant and provide information about the right to request a Regional Review, as applicable.

## Internal Transfers

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Housing providers are permitted to offer a vacant RGI and/or modified unit to a current RGI and/or modified unit tenant or co-op member without recourse to the DASH wait list. This is called an internal transfer.

Housing providers are responsible for managing their own internal transfer wait lists. Housing providers do not need to notify DASH when they transfer an RGI and/or modified unit tenant or co-op member, unless they are also on the DASH wait list or the housing provider is unsure if they are on the DASH wait list.

Housing providers are encouraged to have a policy, guideline or bylaw related to internal transfers. This will ensure transparency in their process. Housing providers must ensure that their internal transfer policies and procedures include that RGI and/or modified unit tenants or co-op members who are eligible for SPP status have higher priority on the internal transfer wait list than other internal transfer requests.

- If a tenant or co-op member requests SPP status for an internal transfer, and the housing provider intends to offer the next available unit to the tenant or co-op member regardless of their status, no SPP assessment is required.
- If the provider cannot determine if the tenant or co-op member should receive immediate priority on their internal transfer list, they must have SPP assessed by DASH. DASH will notify the tenant/co-op member and the housing provider of the outcome of the SPP application.

## In-Situ Applicants

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Market paying tenants and co-op members of housing providers can apply for RGI in their current unit directly with their housing provider. This is called an in-situ application.

Housing providers may offer RGI to an in-situ applicant, without recourse to the DASH wait list if all of the following apply:

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

- The tenant or co-op member is eligible for RGI
- The housing provider is below target for RGI units
- The tenant lives in a unit within the allowable range of occupancy standards
- The tenant or co-op member has lived with the current housing provider for at least 12 months
- The tenant or co-op member's monthly shelter costs are more than 50 per cent of adjusted family net income (AFNI)
- The tenant or co-op member has had a recent, significant and unexpected change in circumstances that has led to the application for RGI.

If a housing provider has more than one in-situ applicant, the housing provider must ensure that eligible in-situ applicants with SPP status are offered RGI before other in-situ applicants, and in-situ applicants are otherwise offered RGI chronologically according to the date of their application.

Housing providers will ensure that the tenant or co-op member completes the [Eligibility Verification – RGI and Modified Housing](#) form prior to determining eligibility for immediate in-situ RGI. This form is available on in the [Resources for Community Housing Providers](#) section on the Region of Durham's website.

See [Section 3: In-situ RGI Applications](#) for more information about immediate in-situ RGI eligibility.

## Communication with DASH

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Housing providers must promptly advise DASH when they know of changes related to their tenants or co-op members who are also on the DASH wait list. This will ensure that all housing providers have as accurate information as possible at the time of offer.

Housing providers are required to promptly notify DASH of the following:

- offers of housing and their outcomes
- denials or refusals to offer housing
- move outs

- RGI ineligibility
- changes in transfer status
- money owed for arrears, damages or misrepresentation by former tenants or co-op members
- evictions for serious illegal acts as ordered by the Landlord and Tenant Board
- changes to telephone numbers or other contact information.

Housing providers should communicate with DASH using the online [Notice to DASH – Tenant and Co-op Members Changes](#) in the [Resources for Community Housing Providers](#) section on the Region of Durham’s website.

## Legislative References

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[Housing Services Act](#), s.47-49, and s. 62-64  
[Ontario Regulation 367/11](#), s. 45-58.1, and s. 74-79

## 2. Transfer Applications

### Purpose

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To set out the rules and procedures for rent-geared-to-income (RGI) or modified housing tenants and co-op members requesting transfer to another unit.

### Overview

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Rent-geared-to-income (RGI) tenants and co-op members that want to transfer to a different RGI or modified unit must submit their request to their housing provider. The housing provider will determine if the request is for:

- an internal transfer to another unit with the same housing provider
- a transfer through Durham Access to Social Housing (DASH)
- an expedited transfer to another housing provider.

When a housing provider has a vacant RGI or modified unit, they will always determine first if the vacancy should be filled from their internal transfer list prior to having it posted to the DASH Vacancies Site.

Transfer applicants are normally placed on the DASH wait list according to the date they requested the transfer, with the following exceptions:

- Overhoused RGI tenants and co-op members are placed on the DASH wait list according to the date they were first overhoused and will be offered housing before all other applicants on the DASH wait list – unless there is an SPP applicant at the current property also requesting transfer.
- RGI tenants and co-op members eligible for special priority (SPP) will be placed on the DASH wait list according to the date that they requested priority and will be selected for transfer from within the SPP category.

RGI tenants and co-op members requesting transfer will receive only one offer to transfer before they are removed from the DASH wait list. Overhoused tenants and co-op members will also lose RGI eligibility after one offer. DASH may consider additional offers in extenuating circumstances.

## Internal Transfers

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RGI tenants or co-op members that want to transfer only to a unit with their current housing provider are requesting an internal transfer. Requests for internal transfers are considered according to the housing provider's internal transfer policy, by-law or rules. The housing provider is responsible for maintaining their own internal transfer wait list.

Housing providers should have internal transfer policies or by-laws to ensure that their decisions are fair and transparent. Internal transfer procedures and any related policy, bylaw or rule must ensure that RGI tenants or co-op members who are eligible for special priority status (SPP) have priority for transfer.

RGI tenants and co-op members who are not eligible for internal transfers under their providers' transfer policies may request to be added to the DASH wait list.

RGI tenants and co-op members may be on both the internal transfer list and the DASH wait list at the same time.

## DASH Transfers

---

RGI tenants or co-op members who want to transfer to a different housing provider must complete the [Transfer Application](#) form and submit it to their current housing provider. If an RGI tenant or co-op member is ineligible for transfer under their provider's internal transfer policy, they may also request to be added to the DASH wait list for transfer.

The housing provider is responsible for forwarding the Transfer Application form to DASH. If DASH receives a Transfer Application form directly from a current community housing tenant or co-op member, DASH will contact the housing provider to determine how to proceed. The housing provider will determine if the applicant is eligible for an internal transfer or if they should be added to the DASH wait list.

When an RGI tenant or co-op member returns the Transfer Application form to their housing provider, the provider will:

- review the form for completeness
- complete the "To be completed by housing provider" section of the form
- send the form to DASH

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

- keep track of all current RGI tenants or co-op members who have made applications for transfer to DASH.

The [Transfer Application](#) form is available in the [Resources for Community Housing Providers](#) section on the Region of Durham website.

With the exception of RGI tenants or co-op members who are overhoused or eligible for special priority (SPP), transfer applicants are placed on the DASH wait list without priority according to the date that they requested the transfer.

RGI tenants or co-op members on the DASH wait list for transfer will be given one offer to transfer. If they refuse an offer to transfer, they will be removed from the DASH wait list, but will retain their RGI eligibility in their current unit. If they wish to reapply, they will be given a new application date for ranking on the DASH wait list. This rule does not apply to overhoused RGI tenants or co-op members.

Housing providers must notify DASH if an RGI tenant or co-op member is on the DASH wait list for transfer and:

- no longer wants to transfer or is no longer required to transfer
- moves out
- is no longer eligible for RGI
- accepts an offer of an internal transfer
- refuses an offer of an internal transfer
- there are changes to telephone numbers or other contact information.

Housing providers should communicate with DASH using the online [Notice to DASH – Tenant and Co-op Members Changes](#) in the [Resources for Community Housing Providers](#) section on the Region of Durham's website.

## **Expedited Transfers to Other Housing Providers**

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Housing providers may transfer an RGI tenant or co-op member to another housing provider on an expedited basis with the agreement of the receiving housing provider and the Housing Services Division.

Expedited transfers are not posted to the DASH Vacancies Site. Housing providers requesting approval of an expedited transfer must contact the Housing Services Division for approval, including the reasons for the expedited request.

DASH transfer applicants with SPP status have priority over expedited transfers. The Housing Services Division will confirm with DASH that there are no SPP transfer applicants requiring transfer out of the current provider before approving an expedited transfer. SPP transfer requests may also be considered for expedited transfer.

## Arrears

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Tenants or co-op members with current or past arrears will not normally be placed on the DASH wait list for transfer until their arrears have been paid.

Housing providers who want an exception to this rule should indicate the reasons on the [Transfer Application](#) form.

This rule does not apply to RGI tenants or co-op members who are required to move to a smaller unit because they are overhoused.

## Overhoused Transfers

---

Overhoused RGI tenants and co-op members are not required to transfer to smaller units until they have been overhoused for 12 consecutive months. However, they may choose to move at any time. Housing providers may offer transfers during this time at their sole discretion in accordance with their internal transfer policies.

Once an RGI tenant or co-op member has been overhoused for 12 consecutive months, the housing provider will review to determine if they are:

- required to be placed on the DASH wait list to move to a smaller unit
- temporarily deferred from being placed on the DASH wait list
- indefinitely eligible to remain in their current RGI unit (subject to regular annual review).

If the provider has determined that the overhoused RGI tenant or co-op member is required to move to a smaller unit, the housing provider is responsible for adding them to the DASH wait list.

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

An overhoused RGI tenant or co-op member may remain on the current housing provider's internal transfer list at the sole discretion of the housing provider while also on the DASH wait list for transfer.

Overhoused RGI tenants and co-op members are placed on the DASH wait list according to the date they were first overhoused and will be referred to housing providers before all other applicants on the DASH wait list – unless there is an SPP applicant at the current property also requesting transfer.

Overhoused RGI tenants and co-op members on the DASH wait list who refuse an offer of housing after 12 months are ineligible for RGI. This includes internal transfer offers made after 12 months.

See [Section 24: Occupancy Standards and Overhoused Households](#) for more detailed information about overhoused transfers.

## Special Priority (SPP)

---

An RGI tenant or co-op member may request special priority (SPP) for transfer due to:

- human trafficking
- current abuse by someone they are living with
- separation within the last three months from someone who was abusing them.

Tenants or co-op members that are eligible for SPP have priority on the internal transfer list, on the DASH list, and for expedited transfer.

## Internal Transfers

If a tenant or co-op member requests SPP status for an internal transfer, and the housing provider intends to offer the next available unit to the tenant or co-op member regardless of their status, no SPP assessment is required.

If the provider cannot determine if the tenant or co-op member should receive immediate priority on their internal transfer list, they must have SPP assessed by DASH. This may occur when:

- there are other applicants on the housing provider's internal transfer list

- the tenant or co-op member is only eligible for transfer under the housing provider's internal transfer policy if they are eligible for SPP.

To have DASH assess for SPP eligibility, the provider will notify DASH of the following:

- the RGI tenant or co-op member is on the internal transfer list
- the RGI tenant or co-op member is requesting SPP
- confirmation that the tenant or co-op member lived with the abusive person (which may or may not have been previously approved by the housing provider) or a statement that they cannot confirm co-residency
- the housing provider's understanding of the relationship of the tenant or co-op member to the abusive person.

If the tenant or co-op member requests, the housing provider may complete Part C: Verification Record and the letter of support for the tenant or co-op member's application. In this case, the housing provider will also forward the SPP Application Package to DASH on the tenant or co-op member's behalf.

DASH will send the tenant or co-op member an SPP application and notify them and housing provider of the outcome of the application. The housing provider may assist the tenant or co-op member with the SPP application if the tenant or co-op member requests this.

If the tenant or co-op member is granted SPP status, the housing provider will place them on their internal transfer list ahead of all applicants without SPP status. If the housing provider has more than one tenant or co-op member with SPP status requesting an internal transfer, they are ranked according to their date of application for SPP on the internal transfer list.

## **DASH Transfers**

When a housing provider forwards a [Transfer Application](#) form to DASH and the tenant or co-op member has indicated that they want to be considered for SPP due to abuse, the housing provider will include:

- confirmation that the tenant or co-op member lived with the abusive person (which may or may not have been previously approved by the housing provider) or a statement that they cannot confirm co-residency

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

- the housing provider's understanding of the relationship of the tenant or co-op member to the abusive person.

## Expedited Transfers to Other Housing Providers

DASH transfer applicants with SPP status have priority over expedited transfers. The Housing Services Division will confirm with DASH that there are no SPP transfer applicants requiring transfer out of the current provider before approving an expedited transfer. SPP transfer requests may also be considered for expedited transfer.

## Modified Units

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Tenants or co-op members that want to transfer to a modified unit must provide verification of the need for the modified unit. If the tenant or co-op member is to be placed on the DASH wait list, the housing provider should detail the needs for the modification on the [Transfer Application](#) and attach verification for DASH.

If the tenant or co-op member is already in a modified unit, they do not need to provide new verification unless the need for the modifications has changed.

## Offers and Transfers

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DASH will notify the current housing provider when an RGI tenant or co-op member on the wait list for transfer is referred to another housing provider. DASH will also notify the current housing provider of the outcome of the referral, including the move-in date if the offer is accepted.

## Legislative References

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[Ontario Regulation 367/11](#), s. 46, 46.1, 47



## 3. In-situ RGI Applications

### Purpose

---

To establish guidelines for determining rent-geared-to-income (RGI) eligibility for market paying tenants and co-op members living with community housing providers in Durham.

### Overview

---

Market paying tenants and co-op members of housing providers may apply for RGI in their current unit. This is called an in-situ application, and it is made directly to the housing provider.

Housing providers may offer RGI to an in-situ applicant, without recourse to the Durham Access to Social Housing (DASH) wait list, if all of the following apply:

- The tenant or co-op member is eligible for RGI
- The housing provider is below target for RGI units
- The tenant lives in a unit within the allowable range of occupancy standards
- The tenant or co-op member has lived with the current housing provider for at least 12 months
- The tenant or co-op member's monthly shelter costs are more than 50 per cent of adjusted family net income (AFNI)
- The tenant or co-op member has had a recent, significant and unexpected change in circumstances that has led to the application for RGI.

If a housing provider has more than one in-situ applicant, the housing provider must ensure that eligible in-situ applicants with Special Priority (SPP) status are offered RGI before other in-situ applicants. In-situ applicants are otherwise offered RGI chronologically according to the date of their application.

## **RGI Application and Eligibility**

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In-situ applicants must complete the [Eligibility Verification – RGI and Modified Housing](#) form and the [Regional Consent](#) form (Consent to Disclosure of Information and Documents) form, and return them to their current housing provider.

The housing provider (not DASH) is responsible for determining RGI and setting any applicable RGI charge.

### **Tenant/co-op member is ineligible for RGI**

If the in-situ applicant is not eligible for RGI, the housing provider will:

- Notify the tenant or co-op member that they are ineligible for RGI, including the reason for ineligibility and the right to request a Regional Review
- Notify DASH of the in-situ application and that the tenant or co-op member is RGI ineligible, including the reason for ineligibility
  - If the in-situ applicant is also on the DASH wait list, DASH will change the status of the application to Cancelled.
  - If the in-situ applicant is not on the DASH wait list, no further action is required.

### **Tenant/co-op member is eligible for immediate in-situ RGI**

If the in-situ applicant is eligible for RGI, the housing provider will determine if they also meet the criteria to grant immediate in-situ RGI without recourse to the DASH wait list. If they do, the housing provider will:

- Determine the RGI payable and notify the tenant or co-op member.
- Notify DASH of the in-situ application and that the tenant or co-op member has been granted RGI.
  - If the in-situ applicant is also on the DASH wait list, DASH will change the status of the application to Cancelled.
  - If the in-situ applicant is not on the DASH wait list, no further action is required.

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

## Tenant/co-op member if not eligible for immediate in-situ RGI

If the in-situ applicant is eligible for RGI but does not meet the criteria for immediate in-situ RGI **only because the housing provider is at or above target**, the housing provider will notify the tenant or co-op member that there is no current RGI subsidy available. The tenant or co-op member can opt to wait for subsidy to become available with their current housing provider or be added to the DASH wait list.

- If they opt to wait for subsidy to become available, it is the housing provider's responsibility to manage this. The housing provider does not need to notify DASH.
- If they opt to be placed on the DASH wait list, the housing provider will forward to DASH:
  - Copy of notice to the tenant or co-op member that there is no subsidy available for immediate in-situ RGI, with explanatory note for DASH
  - Copy of the [Eligibility Verification – RGI and Modified Housing Application](#) form
  - Copy of the [Regional Consent](#) form.
- DASH will place the applicant on the wait list.

If the in-situ applicant is eligible for RGI but **does not meet the criteria for immediate in-situ RGI (other than for target)**, the housing provider will notify the tenant or co-op member that they are ineligible for immediate in-situ RGI but may be added to the DASH wait list for RGI in a different unit. The housing provider must include the reasons for ineligibility and the right to request a Regional Review.

- If the tenant or co-op member does not want to be placed on the DASH wait list, no further action is required.
- If the tenant or co-op member wants to be placed on the DASH wait list, the housing provider will forward to DASH:
  - Copy of the notice to the tenant or co-op member that they are ineligible for immediate in-situ RGI, with explanatory note for DASH
  - Copy of the Eligibility Verification – RGI and Modified Housing Application form
  - Copy of the Regional Consent form.
- DASH will place the applicant on the wait list.

## Special Priority (SPP)

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SPP status is determined by DASH. If an in-situ applicant indicates that they want to apply for SPP, the housing provider must determine when to send the application to DASH to assess for SPP status. DASH only needs to determine SPP status if the housing provider has other in-situ applicants, and the tenant or co-op member is requesting priority over these applicants due to human trafficking or abuse.

If the in-situ applicant is not eligible for RGI, no action is required. DASH does not need to assess for SPP status.

If the in-situ applicant is eligible for immediate in-situ RGI and the housing provider has no other in-situ applicant requests, no action is required. DASH does not need to assess for SPP status. The tenant or co-op member may be granted immediate in-situ RGI.

If the in-situ applicant is eligible for immediate in-situ RGI and the housing provider has other in-situ applicant requests, the housing provider must send the application to DASH to assess for SPP status.

- The housing provider will send copies of the [Eligibility Verification – RGI and Modified Housing](#) form and the [Regional Consent](#) form to DASH, with an explanatory note that the applicant has been approved for immediate in-situ RGI and wants to be assessed for SPP.
- DASH will notify the tenant/co-op member and the housing provider of the outcome of the SPP application.
  - If SPP status was granted, the housing provider will place the tenant or co-op member ahead of other eligible in situ applicants on their wait list.
  - If SPP status was not granted, the housing provider will place the tenant or co-op member on the internal transfer list per their internal transfer policy.
- The housing provider will notify DASH when RGI is granted, and DASH will change the status of the application to Cancelled as required.

If the in-situ applicant does not meet the criteria to grant immediate in-situ RGI, but is otherwise RGI eligible and wants to be placed on the DASH wait list for a different unit, the housing provider must send the application to DASH to assess for SPP status.

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

- The housing provider will forward to DASH:
  - Copy of notice to the tenant or co-op member that they are ineligible for immediate in-situ RGI, with an explanatory note to DASH including that the applicant wants to apply for SPP
  - Copy of the [Eligibility Verification – RGI and Modified Housing](#) form
  - Copy of the [Regional Consent](#) form.
- DASH will assess for SPP and place the applicant on the DASH wait list accordingly.

## RGI Targets

---

Housing providers must normally be below target for RGI before offering immediate in-situ RGI to a current tenant or co-op member.

Housing providers may request approval from the Housing Services Division to temporarily exceed their RGI target to accommodate a request for in-situ RGI.

## Occupancy Standards

---

In-situ applicants must normally be living in a unit within the allowable range of occupancy standards in order to be eligible for in-situ RGI. See [Section 24: Occupancy Standards and Overhoused Households](#) for information about occupancy standards.

Housing providers may grant immediate in-situ RGI to a tenant or co-op member living in a smaller unit at their discretion.

Housing providers may grant immediate in-situ RGI to a tenant or co-op member living in a larger with the approval of the Housing Services Division. If approved, the tenant or co-op member will be required to move to a smaller unit as soon as one becomes available. The tenant or co-op member will be placed without delay on the housing provider's internal transfer list, the DASH wait list or both.

The housing provider may place the tenant or co-op member on their internal transfer list for immediate transfer at their sole discretion. If the tenant turns down an internal transfer, they will become ineligible for RGI.

The housing provider will place the tenant or co-op on the DASH wait list if:

- their current housing property does not have suitably sized units for transfer
- the housing provider declines to place the tenant or co-op member on their internal transfer list
- the tenant or co-op requests to be added to the DASH wait list.

To add the tenant or co-op member to the DASH wait list, the housing provider will have them complete the [Transfer Application](#) without delay, and will then forward it to DASH on their behalf. If the tenant or co-op member refuses an offer from the DASH wait list, they will become ineligible for RGI.

## 12 Months' Residency

---

In-situ applicants must normally have been living in their current housing provider for at least 12 months.

Housing providers may grant immediate in-situ RGI to tenants or co-op members who have lived in their unit for less than 12 months in extenuating circumstances (e.g. death of a spouse).

## Shelter Costs

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In order to be eligible for in-situ RGI, a tenant or co-op member's monthly market shelter costs must have increased to more than 50 per cent of their adjusted family net income (AFNI).

Shelter costs include:

- Current market rent or housing charge
- Average fuel and electricity costs
- Sector support costs
- Mandatory cable, parking or other costs associated with the rent or housing charge
- Tenant or member insurance paid for their unit

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

Housing providers may average income and costs over whatever time frame they deem reasonable, and should round ratios up to the nearest whole percentage

## **Significant and Unexpected Change**

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In order to be eligible for in-situ RGI, a tenant or co-op member must have had a recent, significant and unexpected change in circumstances that led to their application for in-situ RGI.

Housing providers will determine if the change could not reasonably have been expected and whether it is significant. Housing providers should exercise their discretion in the best interest of the tenant or co-op member and their communities.

## **Current Tenants on DASH Wait List**

---

Current market paying tenants and co-op members may be on the DASH wait list and may express interest in vacancies posted by their current housing provider. If DASH refers a current market tenant or co-op member for a vacancy in the same property in which they live, the housing provider may offer them RGI in their current unit. The vacant unit may then be offered to a market applicant or the next DASH applicant, as applicable.

## **Legislative References**

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[Ontario Regulation 367/11](#), s. 48



## 4. RGI Eligibility – Overview

### Purpose

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To outline the basic rent-geared-to-income (RGI) eligibility requirements and the reasons that an RGI tenant or co-op member could become ineligible for RGI.

### Overview

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To be eligible for RGI, an applicant, tenant or co-op member must meet the following requirements:

- At least one member of the household must be 16 years old or older and able to live independently with or without support services.
- All members of the household must have status in Canada or be applying for status.
- Total household assets must be within the applicable asset limit.
- Total household income must be within the applicable income limit (applicants and incoming RGI tenants or co-op members only)
- No member of the household can owe arrears for rent, damages or misrepresentation of income without a repayment agreement (applicants and incoming RGI tenants or co-op members only).
- The RGI tenant, co-op member or applicant must update their information at least once a year as requested by the housing provider or Durham Access to Social Housing (DASH).

RGI tenants and co-op member may become ineligible for RGI for any of the following reasons:

- The RGI tenant or co-op member fails to notify their housing provider of changes to information or documents pertaining to RGI eligibility, changes to household composition or certain changes to income, and these changes remain unreported at the time of the next annual RGI review.

- The RGI tenant or co-op member fails to provide information or documents as requested by the housing provider within the specified time frame.
- The tenant or co-op member's RGI has not been equal to the market rent or housing charge for 24 consecutive months.
- The RGI tenant or co-op member is overhoused and fails to complete a [Transfer Application](#) or refuses an offer to transfer to a smaller unit.
- The RGI tenant or co-op member fails to pursue certain types of income, as requested by the housing provider.
- All members of the household have been absent from the unit for more than 60 consecutive days or 90 cumulative days in a 12-month period.
- The RGI tenant or co-op member fails to divest themselves of property suitable for year-round occupancy, as requested by the housing provider.
- The RGI tenant or co-op member fails to file their income tax return by the time of their next annual RGI review.
- The RGI tenant or co-op member starts receiving a portable housing benefit, within or outside of Durham.

## Status in Canada

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To be eligible for RGI, all members of the RGI household must be one of the following:

- a Canadian citizen
- a permanent resident of Canada
- an applicant for permanent residency in Canada
- a refugee claimant.

Additionally, there can be no removal order that has become enforceable under the Immigration and Refugee Protection Act (Canada) against any member of the household.

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

## **Applications for Permanent Residence Status**

In some circumstances, a member of the household may not have status in Canada. The RGI tenant or co-op member can still be eligible for RGI if the person is in the process of applying for permanent residency. This may occur if a member of the household is:

- sponsoring a spouse or dependent child from within Canada
- a holder of a temporary resident permit (formerly called a Minister's Permit) who has lived continuously in Canada for at least three to five years.

Applicants for permanent residence status will normally be required to provide a letter from Immigration, Refugees and Citizenship Canada (IRCC) verifying that they have applied for permanent residence status but that a decision has not yet been made.

The housing provider must follow up on the progress of the application for permanent residency until a decision is reached. This can be done at the time of the annual RGI review or more frequently at the discretion of the housing provider.

There is no limit to the length of time that an RGI tenant or co-op member can be pending permanent residence status and still be eligible for RGI.

In cases where one member of the RGI household intends to sponsor another member of the RGI household but has not yet made application to IRCC, the RGI household may continue to be eligible for RGI for up to 12 months pending the application for permanent residency. An extension to this time frame can be given at the discretion of the Housing Services Division.

Temporary residence permit holders are not eligible for RGI unless they have a current application for permanent residency verified by IRCC.

## **Verification of Canadian Citizenship**

Acceptable verification of Canadian citizenship includes:

- Canadian birth certificate
- Canadian passport
- Canadian citizenship certificate (wallet card)

- Statement of Live Birth from the Office of the Registrar General in Ontario (or other provincial entity responsible for birth registration)
- Notice of Birth Registration from the Office of the Registrar General in Ontario (or other provincial entity responsible for birth registration)
- Indian Status Card (formerly Certificate of Indian Status)
- Native band records
- Naturalization certificate (issued before January 1, 1947)
- Registration of Birth Abroad certificates (issued between January 1, 1947 and February 14, 1977)
- Certificate of Retention (issued between January 1, 1947, and February 14, 1977)
- Religious records (e.g. Baptismal certificate) if born in Canada and noted on record
- Military records.

Verification of Canadian citizenship may be waived if the RGI tenant or co-op member is unable to provide the above documentation and they provide proof of current income from:

- Ontario Works
- Ontario Disability Support Plan (ODSP)
- Old Age Security.

## **Verification of Permanent Residency**

Acceptable verification of permanent residency includes:

- Permanent Resident Card
- Immigrant Visa and Record of Landing issued before June 28, 2002 (Landing papers)
- Confirmation of Permanent Residence (COPR)

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

- issued to refugees under certain designated classes (e.g. Convention Refugees) at the time of their resettlement in Canada
- these refugees are permanent residents and will also automatically receive a Permanent Resident card shortly after their resettlement.

Verification of permanent residency may be waived if the RGI tenant or co-op member is unable to provide the above documentation and they provide proof of current income from:

- Ontario Works
- Ontario Disability Support Plan (ODSP)
- Old Age Security.

## **Verification of Application for Permanent Residency**

Acceptable verification of application for permanent residency includes:

- Written notice from Immigration, Refugees and Citizenship Canada (IRCC) of the application for permanent residency
- Written notice from the Immigration Appeal Division (IAD) of the IRB that it has received an appeal of a removal order and the removal order has been temporarily set aside or stayed
- If the IAD upheld the removal order on appeal or the appeal was denied, written notice from the Federal Court of Canada that the person has applied for leave for judicial review or that the decision is currently under review

## **Verification of Status as Refugee Claimant**

Acceptable verification of a refugee claim for asylum (made from within Canada) includes:

- Written notice from the Immigration and Refugee Board of Canada (IRB) that the refugee claim is under consideration or in pre-removal risk assessment
- Written notice from Immigration, Refugees and Citizenship Canada (IRCC) that the refugee claim is under consideration by the Immigration and Refugee Board of Canada (IRB) or in pre-removal risk assessment

- If the refugee claim was denied by IRB, written notice from the Federal Court of Canada that the person has applied for leave for judicial review or that the decision is currently under review

This does not apply to re-settled refugees (sponsored from outside of Canada for resettlement) who become permanent residents upon entry to Canada.

## Income Limits

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The Housing Services Division updates local income limits annually. The Durham Community Housing Directive for the current local income limits can be found in the [Resources for Community Housing Providers](#) section on the Region of Durham's website.

Different income limits are established for 1-bedroom, 2-bedroom, 3-bedroom, and 4-bedroom units or larger. Income limits apply in relation to the largest unit for which the RGI tenant or co-op member is eligible under the occupancy standards.

Income limits apply only to new applicants and incoming RGI tenants or co-op members. They do not apply to current RGI tenants or co-op members or to applicants for in-situ RGI.

See [Section 5: Income Limits](#) for more information about income limits.

## Asset Limits

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To be eligible for RGI, a tenant or co-op member must have assets that are no more than:

- \$50,000 for a single person
- \$75,000 for a couple without children or for a family with children.

Some types of assets are excluded from consideration under the asset limits.

See [Section 6: Asset Limits](#) for more information about asset limits.

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

## Notice of Changes

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RGI tenants and co-op members must report a change in information or documents previously provided to determine RGI eligibility **as soon as the change occurs**. This may include changes to status in Canada, significant changes in assets, or changes to other information or documents specifically related to RGI eligibility.

RGI tenants and co-op members are not required to report most changes in income until their next annual review, including increases in income.

However, RGI tenants and co-op members must report the following changes **as soon as they occur**:

- a permanent change in household composition
- a household member, whose income was not included in RGI because they were a full-time student, is no longer a full-time student
- the tenant or co-op member starts receiving Ontario Works or ODSP
- the tenant or co-op member stops receiving Ontario Works or ODSP
- an Ontario Works or ODSP benefit unit has a permanent increase in their non-benefit income
- a household member has had their income taxes reassessed.

RGI tenants and co-op members who fail to report any of the above eligible or income changes at the time they occur may be deemed ineligible for RGI if the change remains unreported at the time of the next annual RGI review.

In determining whether or not a tenant or co-op member should be deemed RGI ineligible for an unreported income change, the housing provider should consider the impact that the unreported change would have had on the amount of RGI payable had it been declared on time.

See [Section 7: Notice of Changes](#) for more information about reporting changes.

## Failure to Provide Requested Information

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When a housing provider requests information or documentation, it should normally give the RGI tenant or co-op member at least 10 business days to submit the information. Housing providers may extend this deadline at any time.

RGI tenants or co-op members that do not submit requested information by the deadline may be deemed ineligible for RGI.

Housing providers may use the [Request for Information](#) template letter in the [Resources for Community Housing Providers](#) section on the Region of Durham's website to request information from RGI tenants and co-op members.

## Pursuit of Income

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An RGI tenant or co-op member may be required to pursue the following types of income in order to be eligible for RGI:

- Ontario Works
- Employment Insurance (EI) benefits
- Old Age Security, Guaranteed Income Supplement, and Ontario Guaranteed Annual Income Supplement (OAS/GIS/GAINS)
- Immigration sponsorship income.

See [Section 8 – Pursuit of Income](#) for more information about pursuit of income requirements.

## Absence from Unit

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An RGI tenant or co-op member ceases to be eligible for RGI if all members of the household have been absent from the unit for either:

- 60 consecutive days
- 90 cumulative days in the preceding 12-month period.

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

## Exceptions for Medical Reasons

RGI tenants or co-op members who have been absent from their unit for a longer period of time continue to be eligible for RGI if the absence is due to:

- a temporary stay in a hospital or other acute health care facility
- residential treatment in a substance abuse recovery program
- alternate care of children arising as a result of a parent's temporary stay in hospital, an acute care facility or a residential treatment program.
- caring for another member of the household who is temporarily in hospital, an acute care facility or a residential treatment program.

Exceptions due to medical reasons should be clearly documented on the tenant or co-op member's file.

## Other Exceptions

Housing providers may approve an exception to the local absence from unit rules if the RGI tenant or co-op member is temporarily absent from the unit in order to care for a family member – even if the family member is not part of the household. Reasons for this exception should be clearly documented on the tenant or co-op member's file.

Longer absences for other reasons may be permitted in exceptional circumstances with the approval of the Housing Services Division. Reasons for the exception and details of the authority for the exception should be clearly documented on the tenant or co-op member's file.

## Notice

Housing providers should ensure that RGI tenants and co-op members are advised of the local absence rules at the time of move-in and annually thereafter. Notice should include:

- a statement of the local absence rule limits
- a request that the RGI tenant or co-op member advise the housing provider if they will be absent from their unit for an extended period.

## Divestment of Property

---

RGI tenants or co-op members cannot own residential property that is suitable for year-round occupancy and continue to be eligible for RGI. To remain eligible for RGI, an RGI tenant or co-op member that owns such property must sell or transfer it for fair market value:

- within 180 days of moving into an RGI unit
- within 180 days of acquiring the property if the RGI tenant or co-op member acquired the property after moving into an RGI unit.

The housing provider may extend one or more times the period of time to sell or transfer the property if there are reasonable grounds for doing so.

The RGI tenant or co-op member must be notified of the requirement to divest and of any extension. Housing providers are required to use the [Notice of Requirement to Divest of Property](#) and [Notice of Requirement to Divest of Property – Extension](#) letter templates in the [Resources for Community Housing Providers](#) section of the Region of Durham’s website.

## 24 Months at Market Rent

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If a tenant or co-op member’s RGI is set at maximum RGI (equal to the market rent or housing charge for the unit) they continue to be eligible for RGI although no subsidy is being paid.

If the RGI tenant or co-op member remains at maximum RGI for 24 consecutive months, the RGI tenant or co-op member becomes ineligible for RGI. During this 24-month period, RGI tenants and co-op members are required to comply with all RGI eligibility requirements, including filing income tax returns and completing and returning information for annual RGI reviews.

When a tenant or co-op member’s RGI increases to maximum, they must be notified that they may become ineligible for RGI if their RGI remains at maximum for 24 consecutive months. This is not a decision of ineligibility. It is a notice of RGI change, and the tenant or co-op member may appeal the charge but not the 24-month rule. Housing providers are required to use the [Notice of Increase to Maximum RGI and 24-Month Rule](#) template letter in the Resources for Community Housing Providers section on the Region of Durham’s website.

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

If the RGI tenant or co-op member remains at maximum rent for a period of 24 consecutive months, the housing provider will give notice that the RGI tenant or co-op member is immediately ineligible for RGI. No 90-day notice is required because the rent or housing charge will not be increasing. Housing providers are required to use the [Notice of RGI Ineligibility – 24-Month Rule](#) template letter in the [Resources for Community Housing Providers](#) section on the Region of Durham's website.

## Overhoused RGI Tenants or Co-op Members

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An RGI tenant or co-op member that has been overhoused for at least 12 months, and has been notified that they must move to a smaller unit, may become ineligible for RGI in their current unit if:

- They do not return the [Transfer Application](#) to their housing provider as requested
- They refuse one offer to transfer to a smaller unit.

An overhoused RGI tenant or co-op member may remain on the current housing provider's internal transfer list at the sole discretion of the housing provider while also on the DASH wait list for transfer.

See [Section 24: Occupancy Standards and Overhoused Households](#) for more detailed information about overhoused transfers.

## Arrears

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Applicants who owe arrears for rent, damages by a current member of the household, or misrepresentation from a previous tenancy with a community housing provider are ineligible for RGI unless:

- they have entered into a repayment agreement with the housing provider
- they have made reasonable efforts to enter into a repayment agreement with the housing provider
- there are extenuating circumstances.

The arrears may have been incurred as either a previous RGI or market tenant or co-op member with a community housing provider or a rent supplement landlord.

If the arrears are owed by a Special Priority applicant for a unit that they shared with the abuser, the applicant is responsible for repayment of only half the arrears in order to be eligible for RGI.

Ineligibility for arrears applies only to new applicants and incoming RGI tenants or co-op members. It does not apply to current RGI tenants or co-op members or to applicants for in-situ priority status.

## Reporting Arrears to DASH

All former tenant or co-op member arrears must be reported to Durham Access to Social Housing (DASH) including the following information:

- the first name and last name of the former tenant
- the date of birth or the Social Insurance Number (SIN) of the former tenant
- the address and unit number where the arrears were incurred
- amount owing
- move-out date
- whether or not there is a repayment agreement, and if the repayment agreement is in pay
- whether the arrears were incurred due to misrepresentation of income
- any additional details as determined by the housing provider.

The housing provider must also update DASH if the arrears are subsequently paid or the applicant defaults on the repayment agreement. This will ensure that other housing providers have accurate information to determine RGI eligibility at the time of offer.

Housing providers should notify DASH of new arrears and changes to arrears and repayment agreements using the online [Notice to DASH – Arrears](#) form in the [Resources for Community Housing Providers](#) section on the Region of Durham's website.

## Current RGI Tenants or Co-op Members

In some circumstances, a housing provider may find out after an RGI tenant or co-op member has moved in that they owe arrears to a former community housing provider or

If this information is required in an accessible format, please contact 905-668-7711, ext. 2463.

that they have defaulted on a repayment agreement. The housing provider may share information with the former housing provider in order to assist the former housing provider in collecting the arrears; however, the tenant or co-op member remains eligible for RGI with their current housing provider.

RGI tenants or co-op members who owe arrears for their current tenancy remain eligible for RGI. These arrears are not reported to DASH.

RGI tenants and co-op members requesting transfer to another community housing provider will not be placed on the DASH wait list if they owe arrears to their current housing provider.

## Collection of Arrears

Arrears continue to be collectable regardless of the RGI tenant or co-op member's eligibility for RGI. Housing providers may share information with each other and with DASH in order to collect the arrears.

## Notice Provisions

All leases and housing agreements must contain a provision regarding the sharing of information pertaining to arrears or misrepresentation. The provision must specify that the tenant or co-op member consents to the disclosure of personal information with respect to any money owing to the housing provider, or any orders of the Landlord and Tenant Board or a divisional court pertaining to arrears to:

- the Region of Durham
- any municipal service manager or agency administering community housing wait lists under the Housing Services Act
- the Housing Services Corporation
- or a credit information company.

The provision must also state that the purpose of the disclosure is for the:

- collection of arrears owing to the provider
- determination of future eligibility for rent-geared-to-income (RGI) should the tenant or co-op member make a future application in the province of Ontario.

## RGI Ineligibility

---

Tenants and co-op member must be notified in writing when they become ineligible for RGI stating:

- They are ineligible for RGI, including the reason for ineligibility.
- Their rent or housing charge will increase to the market rate on the first day of the month following 90 days from the date of notice.
- They have a right to request a Region Review (appeal) of the decision, including how to make the request.

See [Section 23: Notices](#) for more information about notice of RGI eligibility.

See [Section 25: Regional Review Process](#) for more information about Regional Reviews (appeals).

## Legislative References

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[Ontario Regulation 367/11](#), s. 24, 25, 26, 28, 29, 30, 31, 32, 34, 35, 37, 38 and 39

## 5. Income Limits

### Purpose

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To set out the income limits for rent-geared-to-income (RGI) applicants and incoming RGI tenants and co-op members.

### Overview

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To be eligible for RGI, an applicant or incoming tenant or co-op member must have annual adjusted family net income (AFNI) – including the income of full-time students – within the limits outlined in the most current [Durham Community Housing Directive concerning Income Limits](#), located in the [Resources for Community Housing Providers](#) section on the Region of Durham’s website.

Income limits are updated periodically in accordance with changes to the household income limits set out in Schedule 2 of [Ontario Regulation 370/11](#) and the average market rents for the Region of Durham set out in the fall edition of the Rental Market Report for the Greater Toronto Area published by Canada Mortgage and Housing Corporation (CMHC).

DASH and housing providers should ensure that they are using the most current income limits as set out in the most recent Durham Community Housing Directive.

### Income Included under Income Limits

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Only current and ongoing income that would normally be included in the calculation of RGI is considered under the income limits. This includes income that would normally be reflected on Line 23600 of the income tax assessment, such as:

- employment income, including wages, salaries, commissions, bonuses, tips, gratuities, vacation pay, and remuneration as a dependent contractor (do not include strike pay)
- net self-employment income (business, professional, commission, farming, fishing, and income from partnerships)
- Employment Insurance, including benefits for training if not a full-time student

- Workplace Safety and Insurance Board (WSIB) benefits for loss of earnings
- wage-loss replacement plan benefits or payments for sick leave, short-term disability or maternity leave under a private or workplace insurance plan
- veterans' benefits for income support or replacement (do not include amounts for disability or death of a war veteran due to war service)
- Old Age Security (OAS), Guaranteed Income Supplement (GIS), Guaranteed Annual Income Supplement (GAINS)
- Canada Pension Plan (CPP) or Quebec Pension Plan (QPP) – excluding CPP or QPP child benefits
- Registered Retirement Income Fund (RRIF) and Registered Retirement Savings Plan (RRSP) income from T4RSP slips
- private pensions, foreign pensions, and superannuation
- Interest, dividends and other investment income - excluding income from Tax-free Savings Account (TFSA) investments
- annuities
- net rental income
- spousal support payments received (but not child support payments).

Net Registered Disability Saving Plan (RDSP) payments, one-time lump sum payments, income tax credits or benefits, children's benefits, child support payments, or social assistance payments from Ontario Works or the Ontario Disability Support Plan (ODSP) are not included under the income limits.

The income of full-time students is considered under the income limits in determining eligibility for RGI, even though if it is otherwise excluded from RGI calculations.

## Verification

---

Income limits apply only to RGI applicants and incoming RGI tenants and co-op members to determine eligibility for placement on the Durham Access to Social Housing (DASH) wait list or for the offer an RGI unit.

DASH will review income at the time of application and annually after placement on the DASH wait list but is not required to verify income. DASH may request confirmation at its discretion.

Housing providers must verify income at the time of offer from:

- Proof of Income Statement from the Canada Revenue Agency
- Notice of Assessment (NOA)
- Proof of income from source if the tax-based net income amount does not accurately reflect the current average income.

## DASH Grace Period

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If an applicant was removed from the wait list due to income and reapplies within 24 months with income below the applicable income limit, they may retain the application date that was in place at the time that they were removed from the DASH wait list.

## Legislative References

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[Housing Services Act](#), s. 42

[Ontario Regulation 367/11](#), s. 34

[Ontario Regulation 370/11](#), Schedule 2



## 6. Asset Limits

### Purpose

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Establish asset limits for rent-geared-to-income (RGI) tenants, RGI co-op members and RGI applicants, and set out verification standards for assets.

### Overview

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Durham has established a local eligibility rule limiting the amount of assets that a household may have and still be eligible for RGI. This is referred to as the asset limit.

- The asset limit for a single person is \$50,000.
- The asset limit for a couple without children or for a family with children is \$75,000 for the household.

Asset limits apply to all RGI applicants, RGI tenants and RGI co-op members.

### Verification of Assets

---

Housing providers must verify all assets at the time of move in. Bank account balances are verified per a financial statement showing the current balance, which may be an online statement.

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.

Durham Access to Social Housing (DASH) is not required to verify assets but may do so at its discretion.

The Region of Durham may require verification of assets by an RGI tenant or co-op member at any time.

## Excluded Assets

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Subsection 35(5) of [Ontario Regulation 367/11](#) excludes certain assets from consideration under the local asset limits. The Region of Durham also excludes government compensation payments and retirement savings plans under the local asset limits.

The following types of assets are not included when determining the total assets of the household in relation to the asset limits.

### Business assets

- tools of the trade which are essential to continue employment
- business assets that are necessary for the operation of a business – to a limit of \$20,000 per business.

### Compensation payments

- an amount received as damages or compensation for:
  - pain and suffering due to the injury or death of a household member
  - expenses reasonably incurred as a result of the injury or death of a household member
- a government compensation payment received under any of the following schemes:
  - Helpline Reconciliation Model Agreement
  - Multi-Provincial/Territorial Assistance Program Agreement
  - Grandview Agreement
  - Ontario Hepatitis C Assistance Plan
  - 1986-1990 Hepatitis C Settlement Agreement

- Walkerton Compensation Plan
- compensation for sterilization from the Government of Alberta
- Extraordinary Assistance Plan (Canada).

### **Disability related funds**

- a trust fund of up to \$100,000 for a disabled person if the fund was derived from an inheritance or a life insurance policy.
- a Registered Disability Savings Plan (RDSP) for a member of the household
- a loan taken against a life insurance policy for disability related items or services.

### **Educational assets**

- that portion of a payment received through Ontario Works under the Learning Earning and Parenting Program (LEAP) to be used for the member's post-secondary education
- Registered Education Savings Plan (RESP) for a child in the household.

### **Investments and retirement savings**

- Registered Retirement Savings Plan (RRSP)
- Registered Retirement Income Fund (RRIF)
- Life Income Fund (LIF)
- Life Retirement Income Fund (LRIF)
- a life or survivor annuity
- funds held in relation to an asset building initiative of the Region of Durham.

### **Personal possessions**

- motor vehicles that are not used primarily for the operation of a business, to a limit of one vehicle per member of the household.

- clothing, jewellery or other personal effects
- furniture, appliances, furnishings and decorative items (excluding business assets) located in accommodation occupied by the household.

## Other

- prepaid funeral
- cash surrender value of a life insurance policy up to \$100,000 for the household.

## SHRA Grandfathering

---

Under the former Social Housing Reform Act (SHRA), RGI tenants or co-op members with assets in excess of \$40,000 on October 1, 2002 remained eligible for RGI. They continued to be grandfathered when asset limits were increased on September 1, 2012. This means that they remain eligible for RGI even if their assets are above the current asset limit.

If a grandfathered RGI tenant and co-op member subsequently falls below the current asset limit, they will no longer be grandfathered, and current asset limits will apply.

Housing providers should clearly note on an RGI tenants or co-op member's file that they are subject to these grandfathering provisions.

## Legislative References

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[Housing Services Act](#), s. 42

[Ontario Regulation 367/11](#), s.3

## 7. Notice of Changes

### Purpose

---

To establish the requirements for rent-geared-to-income (RGI) tenants and co-op members to give notice of changes to information and documents pertaining to their RGI eligibility.

### Overview

---

RGI tenants or RGI co-op members may be ineligible for RGI if they fail to notify their housing provider of:

- a change to information or documents previously provided to determine RGI eligibility
- specified changes in income.

### Changes to Information or Documents

---

RGI tenants and co-op members must report a change in information or documents previously provided to determine RGI eligibility **as soon as the change occurs**. This may include changes to status in Canada, significant changes in assets, or changes to other information or documents specifically related to RGI eligibility. It does not include most changes in income. Notice may be made verbally or in writing. If a document has changed, the RGI tenant or co-op member must provide a copy.

RGI tenants and co-op members who fail to report a change at the time it occurs may be deemed ineligible for RGI if the change remains unreported at the time of the next annual RGI review.

### Extenuating Circumstances

A housing provider may continue or reinstate RGI eligibility if they are satisfied that the change was not reported due to extenuating circumstances. This must be clearly documented on the RGI tenant or co-op member's file.

## Alternative Providers

Alternative housing providers who serve the homeless or hard to house households may waive this reporting requirement at their discretion. The reasons for the waiver must be clearly documented in the tenant file.

## Changes to Income

---

RGI tenants and co-op members are not required to report most changes in income until their next annual review, including increases in income.

However, RGI tenants and co-op members must report the following changes **as soon as they occur**:

- a permanent change in household composition
- a household member, whose income was not included in RGI because they were a full-time student, is no longer a full-time student
- the tenant or co-op member starts receiving Ontario Works or ODSP
- the tenant or co-op member stops receiving Ontario Works or ODSP
- an Ontario Works or ODSP benefit unit has a permanent increase in their non-benefit income
- a household member has had their income taxes reassessed.

RGI tenants and co-op members who fail to report any of the above income changes at the time they occur may be deemed ineligible for RGI if the change remains unreported at the time of the next annual RGI review.

In determining whether or not the tenant or co-op member should be deemed RGI ineligible, the housing provider should consider the impact that the unreported change would have had on the amount of RGI payable had it been declared on time. The tenant or co-op member should remain RGI eligible if the unreported change would have resulted in:

- no change in RGI
- an RGI decrease

- an RGI increase that was not material – e.g. occurring as a result of an increase in adjusted family net income (AFNI) of less than 20 per cent.

## Extenuating Circumstances

A housing provider may continue or reinstate RGI eligibility if it is satisfied that an income change was not reported due to extenuating circumstances. This must be clearly documented on the RGI tenant or co-op member's file.

## Alternative Providers

Alternative housing providers who serve homeless or hard to house tenants may waive the income reporting requirement at their discretion. The reasons for the waiver must be clearly documented in the tenant file.

## Retroactive Changes

---

RGI tenants or co-op members who do not report income changes in a timely manner may have their RGI retroactively recalculated. This may occur at or before the time of the next annual RGI review.

A retroactive RGI increase is implemented on the first day of the month following the change, and may be required if:

- a new household member moves in with income
- a household member ceases to be a full-time student, and that person also has ongoing income that had previously been excluded from RGI due to their student status for at least 6 months
- a household member has had their income taxes reassessed and the change 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 implemented retroactively if the change is not reported at the time it occurred.

See [Section 21: In-Year RGI Reviews](#) for more information about retroactive changes.

## Legislative References

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[Housing Services Act](#), s. 42, 52(3)

[Ontario Regulation 367/11](#), s. 28, 60

[Ontario Regulation 316/19](#), s. 11

## 8. Pursuit of Income

### Purpose

---

To set out guidelines to assist in determining when a rent-geared-to-income (RGI) tenant or co-op member should be required to pursue income.

### Overview

---

RGI tenants or co-op members may be required to pursue the following types of income to continue to be eligible for RGI:

- Ontario Works
- Employment Insurance (EI) benefits
- Old Age Security, Guaranteed Income Supplement, and Ontario Guaranteed Annual Income Supplement (OAS/GIS/GAINS)
- Immigration sponsorship income.

The housing provider determines when it is and is not appropriate for an RGI tenant or co-op member to pursue any of these types of income. In making this decision, the housing provider should consider whether pursuing the income will reasonably and significantly:

- increase the RGI tenant or co-op member's income to ensure it is sufficient to meet their needs, including the payment of the rent/housing charge
- reduce the RGI subsidy payable by the Region.

RGI tenants or co-op members who have been advised to pursue income and do not make reasonable efforts to obtain it may be deemed ineligible for RGI.

RGI applicants are not required to pursue income while on the Durham Access to Social Housing (DASH) wait list.

Although RGI tenants and co-op members are not required to pursue child support or spousal support income as a condition of continued RGI eligibility, housing providers

may want to provide them with information about resources that can help them pursue this income if they choose to do so.

## **RGI Adjustments Pending Income**

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Tenants or co-op members who have had a decrease in income and are subsequently required to pursue income will not have their RGI reviewed and decreased until a decision has been reached on the pending income.

For example, a tenant who loses their job and is required to pursue Employment Insurance or Ontario Works will continue to be charged RGI based on their previous earnings until a decision has been reached on their EI or Ontario Works application.

## **Notice to Pursue Income**

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If an RGI tenant or co-op member is required to pursue other income, the housing provider must give the household written notice:

- stating the type of income that the RGI tenant or co-op member may be eligible to receive
- requesting that the RGI tenant or co-op member apply for the income and make reasonable efforts to obtain the income
- giving the tenant at least 10 days to report back on the results of the application.

The housing provider may extend this deadline at any time by doing so in writing.

## **RGI Ineligibility**

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Once a decision on the application for income is reached, the RGI tenant or co-op member must provide proof of:

- the amount and start date of the new income; or
- the reason they are ineligible for the income.

RGI tenants or co-op members may be ineligible for RGI if they do not:

- respond to the written notice to pursue income
- provide proof of the outcome of an application on which a decision has been reached
- make reasonable efforts to obtain the income within the time frame set out in the notice.

Reasonable efforts include making the application for income and providing any and all supplementary information that is required to support the application.

The housing provider may determine that an RGI tenant or co-op member continues to be eligible for RGI if there are extenuating circumstances that interfered with the RGI tenant or co-op member's attempts to pursue or to obtain the income.

## Ontario Works

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Ontario Works provides financial and employment assistance to low income people and their families. Financial assistance is issued for and determined according to the needs of the entire family unit in the household.

RGI tenants and co-op members who may be eligible for Ontario Works will not normally be required to apply for this income unless one or more of the following apply:

- the RGI tenant or co-op member is paying minimum rent, including full-time students
- the total non-benefit income of the family has been well below the applicable Ontario Works non-benefit income limit for at least three months
- the RGI tenant or co-op member has low income and is in arrears.

The following people are not required to make an application for Ontario Works even if the above criteria are met:

- a person pending another source of income (e.g. Employment Insurance)
- a single person (student) who is receiving OSAP
- a single person or family with assets that exceed the allowable limits under Ontario Works.

Ontario Works asset limits are prescribed in section 38 of [Ontario Regulation 134/98](#) of the Ontario Works Act, and current Ontario Works asset limits are set out in [Section 27: Resources](#).

## **Ontario Works and Employment Participation**

People applying for or receiving Ontario Works must participate in employment assistance activities. This might include job searches, employment information sessions, community participation (unpaid), employment placement (paid), self-employment supports, basic education and training programs, and literacy assessment and training.

Ontario Works recipients complete individual Participation Agreements which set out the types of employment assistance activities that they must do. Participation Agreements are reviewed regularly for compliance, and people who are found to be non-compliant may be made ineligible for Ontario Works or have the amount of their assistance reduced.

An RGI tenant or co-op member who is made ineligible for Ontario Works due to non-compliance (i.e. failure to participate in employment assistance activities set out in a Participation Agreement) is not making reasonable efforts to obtain Ontario Works income and may be ineligible for RGI.

Before making an RGI tenant or co-op member RGI ineligible for failure to pursue Ontario Works due to non-compliance, the housing provider should give the tenant or co-op member an opportunity to rectify this with Ontario Works.

## **Dependants' Requirement to Pursue Ontario Works**

Dependents under the age of 18 do not qualify for Ontario Works in their own right and are not required to apply.

Dependents over the age of 18 who live with their parents are not generally entitled to receive Ontario Works assistance in their own right – even if they have been removed from their parents' Ontario Works or ODSP benefit unit. In order to be eligible in their own right, the dependent must be determined to be “financially independent” of their parents.

Ontario Works considers a person living with their parents to be financially independent if any of the following apply:

- they live with their spouse, common-law spouse or same-sex partner , or have done so in the past
- they currently receive or have received OSAP as a sole support student
- they have had income greater than the Ontario Works entitlement for a single person for a cumulative period of at least two years
- there has been a cumulative period of at least two years where their basic needs and shelter were provided by a source other than their parent, an institution or social assistance
- they have lived away from their parental home for a cumulative period of at least two years after turning 18 years old
- they have not attended secondary school for at least five years
- they have a university degree or college diploma
- they are a parent with current or past custody of their child.

Dependants over the age of 18 are only required to apply for Ontario Works in their own right if they have no income and meet at least one of the above requirements of financial independence.

Dependants over the age of 18 are not required to apply for Ontario Works if they are full time students even if they meet the test for financial independence.

## Application Process

RGI tenants and co-op members can apply for Ontario Works by telephone or online. The applicant must provide supporting documents for all members of the family including proof of:

- dates of birth and status in Canada
- social insurance numbers (SIN)
- health card numbers
- income and assets
- shelter costs (e.g. rent, housing charge, utilities).

Ontario Works generally makes a decision about an applicant's eligibility within 4 to 7 days of the application. If the tenant is eligible, they will be issued their first Ontario Works payment and a Statement of Assistance. If the tenant is ineligible, they will be notified in writing.

See [Section 27: Resources](#) for additional information about how to apply for Ontario Works.

## Notice to Pursue Ontario Works

If an RGI tenant or co-op member is required to pursue Ontario Works income, the housing provider will give the household written notice:

- stating they may be eligible for Ontario Works
- advising them to apply for Ontario Works, including information about how to apply
- giving them at least 10 days to report back to the housing provider about the results of the application, and advising that they may be ineligible for RGI if they do not report back by this date
- advising them of the amount of RGI payable should they start to receive Ontario Works.

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

If requesting that a dependent over the age of 18 apply for Ontario Works, the housing provider should ensure the notice is specific to the dependant's responsibilities and sets out the dependant's potential portion of the RGI only. Housing providers are required to use the [Notice to Pursue Ontario Works – Dependant](#) template letter in the Resources for Community Housing Providers section on the Region of Durham's website.

The RGI amount set out in the notice is intended to support the application for Ontario Works only. If an RGI tenant/co-op member or their dependant starts to receive Ontario Works, the housing provider must still provide the required written notice of the RGI change, including the effective date of the change and the tenant or co-op member's right to appeal.

## Follow-Up for Ontario Works

RGI tenants or co-op members that were required to apply for Ontario Works must provide a copy of their Ontario Works Statement of Assistance or a letter from Ontario Works confirming that they are eligible, including the names of the all members of the benefit unit and the net amount of Ontario Works issued.

RGI tenants or co-op members that are denied Ontario Works must provide a letter from Ontario Works confirming the date that they were deemed ineligible and the reason for ineligibility.

RGI tenants and co-op members are deemed not to making reasonable efforts to obtain Ontario Works, and may be determined ineligible for RGI, if they were made ineligible for Ontario Works for any of the following reasons:

- failure to provide information
- non-compliance (see Ontario Works and Employment Participation above)
- choosing to discontinue application
- unable to contact
- voluntary withdrawal.

Before making a decision of RGI ineligibility for any of the above reasons, the housing provider should first give the RGI tenant or co-op member an opportunity to rectify this with Ontario Works. This must be done in writing with a clear deadline of when the tenant or co-op member is required to report back to the housing provider.

RGI tenants or co-op members who have failed to initiate an application within 10 days may be deemed ineligible for RGI.

The housing provider may extend the deadline to apply for or to follow up with Ontario Works if there are extenuating circumstances that interfered with the RGI tenant or co-op member's attempts to do so. The provider should extend all deadlines in writing.

## Old Age Security

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People who are 65 years of age or older are required as a condition of their RGI eligibility to apply for the following federal and provincial benefits:

- Old Age Security (OAS)
- Guaranteed Income Supplement (GIS)
- Guaranteed Annual Income Supplement (GAINS)

The Old Age Security (OAS) pension is a federal monthly benefit payable to people aged 65 and over who have lived in Canada for at least 10 years. Some seniors who have lived in Canada for less than 10 years may qualify for a reduced pension if Canada has a social security agreement with the other country where they lived.

The Guaranteed Income Supplement (GIS) is a federal non-taxable monthly benefit paid to recipients of an OAS pension who have low income. GIS payments may begin in the same month as OAS pension payments and are assessed annually.

The Guaranteed Annual Income Supplement (GAINS) is a provincial supplement that may be paid in addition to OAS and GIS to low income seniors. It is assessed annually and is directly linked to the amount of the GIS payment.

## **Old Age Security Application Process**

R RGI tenants or co-op members may apply for Old Age Security up to eleven months before they turn 65.

- Some people are automatically enrolled for OAS in the month after they turn 64. Service Canada sends a letter to confirm this. They do not need to apply.
- Some people will receive notice from Service Canada in the month after they turn 64 that they may be eligible for OAS. They will receive an application to mail back to Service Canada or they can apply online.

RGI tenants or co-op members who did not receive a letter from Service Canada in the month after they turn 64, can apply online or print the application form from the [OAS section of the Service Canada website](http://www.canada.ca/oas) at [www.canada.ca/oas](http://www.canada.ca/oas).

## **Guaranteed Income Supplement Application Process**

Low income seniors may apply for the Guaranteed Income Supplement (GIS) if they are receiving OAS or if they have applied for OAS.

Seniors who have not yet applied for OAS can indicate on their application that they also want to apply for GIS. Seniors who are automatically enrolled for OAS in the month after they turn 64 will also be automatically enrolled for GIS.

Seniors who were not automatically enrolled for OAS and GIS can apply online or print the application form from the [OAS section of the Service Canada website](http://www.canada.ca/oas) at [www.canada.ca/oas](http://www.canada.ca/oas).

Seniors who have already applied for OAS (but did not indicate that they want to apply for GIS) or who are already receiving OAS should apply for GIS right away in order to avoid any loss of benefits.

RGI tenants and co-op members who are receiving OAS but not GIS can apply online or print the GIS application form from the [GIS section of the Service Canada website](http://www.canada.ca/gis) at [www.canada.ca/gis](http://www.canada.ca/gis).

RGI tenants or co-op members may have their GIS stopped if they have:

- not filed their income tax return by April 30 each year
- not provided requested proof of income by June 30 each year
- left Canada for more than six consecutive months
- had an increase in income above the maximum annual amount to qualify for GIS
- been incarcerated for a sentence of two years or longer
- died.

Housing providers should follow up with RGI tenants and co-op members who were receiving GIS and have ceased to be eligible. If GIS has ceased because the RGI tenant or co-op member failed to file income taxes or provide proof of income, they should be advised to do so and contact Service Canada to have their GIS reinstated. No RGI adjustments should be made pending the outcome of the new GIS assessment.

RGI tenants and co-op members should notify Service Canada and request a GIS reassessment if they have had a decrease in income from their previous tax year due to a retirement or a reduction or cessation of pension income.

## GAINS

OAS/GIS recipients will be automatically assessed for GAINS eligibility based on information in their annual income tax form. No application is necessary, but applicants must file their income taxes annually.

### Notice to Pursue OAS/GIS Before Age 65

RGI tenants and co-op members can apply for OAS and GIS as early as 11 months prior to their 65th birthday. However, they cannot be determined RGI ineligible for failure to apply for OAS or GIS before they turn 65 years old.

OAS and GIS applications can take time to process. When an RGI tenant turns 64, the housing provider should notify them that they are eligible to apply for OAS and GIS and encourage them to apply as soon as possible. The housing provider should follow up for the results of any application. This will help ensure timely receipt of these benefits and allow for appropriate notice of RGI changes.

However, the housing provider cannot require pursuit of OAS and GIS income until the applicant turns 65 years old.

### Notice to Pursue OAS/GIS After Age 65

RGI tenants and co-op members should be encouraged to apply for OAS the month after they turn 64 years old. If an RGI tenant or co-op member turns 65 and is not receiving OAS/GIS, the housing provider should give them notice:

- stating that they must apply for OAS and/or GIS
- stating that they must notify the housing provider as soon as they start receiving OAS and/or GIS
- stating that they may be required to pay retroactive RGI if they receive OAS and/or GIS for a past period
- giving the tenant at least 10 days to report back with proof of the application.

Housing providers are required to use the [Notice to Pursue Old Age Security \(OAS/GIS\)](#) or the [Notice to Pursue Guaranteed Income Supplement \(GIS\) Only](#) template letters in the [Resources for Community Housing Providers](#) section on the Region of Durham's website.

## Follow-up for OAS/GIS

RGI tenants or co-op members who have failed to initiate an OAS or GIS application within 10 days may be deemed ineligible for RGI.

The housing provider may extend the deadline to apply for OAS or GIS if there are extenuating circumstances that interfered with the RGI tenant or co-op member's attempts to do so. The provider must extend all deadlines in writing.

The RGI tenant or co-op member must also provide proof of their OAS and/or GIS as soon as they start to receive it.

If the RGI tenant or co-op member is ineligible for OAS or GIS because they have lived in Canada for less than 10 years, they should be encouraged to follow up with Service Canada to determine if they may be eligible under a social security agreement with another country.

Seniors who are eligible for GIS and GAINS must also file their income tax every year to ensure that these benefits are not interrupted. If GIS and GAINS payments are suspended because the tenant or co-op member failed to file their income tax return, the housing provider should advise them to file the return, but RGI will continue to be calculated as though the GIS and GAINS are still in pay pending reassessment of the GIS and GAINS.

## Old Age Security and My Service Canada Account

The Service Canada website has a feature called My Service Canada Account which allows people to view and update information concerning their OAS and GIS.

Housing providers should encourage RGI tenants and co-op members to use the My Service Canada Account to show proof of their OAS and GIS eligibility when approximated net income is used in the RGI calculation.

RGI tenants and co-op members can find more information or register for a [My Service Canada Account](https://www.canada.ca/myservicecanadaaccount) at [ww.canada.ca/myservicecanadaaccount](https://www.canada.ca/myservicecanadaaccount).

## Employment Insurance

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Employment Insurance (EI) benefits are available to people who have paid into the program and are now unemployed. EI benefits may be paid for:

- loss of employment
- maternity or parental leave
- temporary unemployment due to sickness or accident
- temporary leave from work to provide compassionate care/support to a gravely ill relative.

RGI tenants or co-op members who stop employment either permanently or temporarily are required to apply for EI Benefits as a condition of their RGI eligibility. RGI will continue to be based on previous employment income pending EI income.

## **Employment Insurance Application Process**

RGI tenants or co-op members can apply for EI benefits as soon as they stop working, even if they have not yet received their Record of Employment (ROE) from their employer. There is a one-week unpaid waiting period before EI benefits begin to be paid on all new claims.

RGI tenants or co-op members can apply for EI online at the [Employment Insurance section of the Service Canada website](http://www.canada.ca/ei) at [www.canada.ca/ei](http://www.canada.ca/ei) or in person at a Service Canada Centre.

See [Section 27: Resources](#) for additional information about how to apply for EI, including a list of Services Canada Centres in Durham.

## **Notice to Pursue Employment Insurance**

If an RGI tenant or co-op member's employment ends for any reason, the housing provider will give them notice:

- stating they may be eligible for EI
- advising them to apply for EI and where they can apply
- giving them at least 30 days to report back to the housing provider about the results of the application
- advising that they may be ineligible for RGI if they do not report back by this date.

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

## Follow-up for Employment Insurance

EI claims are generally determined within 4 to 8 weeks of the application. Housing providers must follow up with the RGI tenant or co-op member for the results of their EI application. They must provide information from Service Canada stating either:

- they are eligible for EI, and indicating the amount of their weekly payments and the start date of their claim (e.g. EI payment stub, notice of benefits)
- they have been denied EI and indicating the reason for ineligibility.

RGI tenants or co-op members who are ineligible for EI are required to apply for Ontario Works (see above). RGI will continue to be based on previous employment income pending the outcome of the Ontario Works application.

RGI tenants or co-op members who have failed to initiate an EI application within 30 days may be deemed ineligible for RGI.

The housing provider may extend the deadline to apply for EI if there are extenuating circumstances that interfered with the RGI tenant or co-op member's attempts to do so. The provider must extend all deadlines in writing.

## Employment Insurance and My Service Canada Account

The Service Canada website has a feature called My Service Canada Account which allows people to view and update information concerning their EI claim. If the person's employer submitted the Record of Employment (ROE) electronically to Service Canada, this can also be accessed through this website by the employee.

Housing providers should encourage RGI tenants and co-op members to use the My Service Canada Account to get information about their EI claim and ROE when approximated net income is used in the RGI calculation.

RGI tenants and co-op members can find more information or register for a [My Service Canada Account](#) at [ww.canada.ca/myservicecanadaaccount](http://ww.canada.ca/myservicecanadaaccount).

## Immigration Sponsorship Income

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Some RGI tenants and co-op members may have been sponsored to immigrate to Canada. Sponsorship is a legal undertaking in which the sponsor agrees to provide financial support for basic requirements (e.g. food, clothing, shelter, etc.) for the sponsored person and their dependents.

Sponsored immigrants are permanent residents of Canada. They may have been sponsored to come to Canada by a family member (e.g. a spouse or parent), or they may have been a refugee who was resettled from outside of Canada.

Some sponsored immigrants may be required to pursue support from their sponsor if the sponsor does not live with them and:

- the RGI tenant or co-op member is paying minimum rent; or
- the RGI tenant or co-op member has low income and is in arrears.

Sponsored immigrants who become Canadian citizenship before the end of their sponsorship agreement may still be expected to pursue support from their sponsor.

### Family Class Immigrants

Family class immigrants are sponsored by a relative to come to Canada. Sponsorships can be in place for 3 to 20 years depending on the age of the sponsored person and their relationship to the sponsor. Spouses are normally sponsored for three years.

Sponsorships are unconditional in that the sponsor still has a legal obligation to support the sponsored person even if their relationship breaks down (e.g. divorce).

A sponsorship agreement does not set out a specific amount of financial support to be paid, but the undertaking ensures that the sponsored person does not have to apply for social assistance. If a sponsored person starts to receive Ontario Works, the sponsor may have to repay the assistance issued on behalf of that person, and they may not be able to sponsor someone else in the future.

There are no such penalties if a sponsored person receives RGI assistance, and there is no way to collect back RGI assistance from the sponsor.

Family class immigrants should be first asked to pursue income from their sponsor before being required to pursue Ontario Works. If the RGI tenant or co-op member would not otherwise be required to apply for Ontario Works (see Ontario Works section

above), they are not required to pursue support from their sponsor (e.g. they have sufficient income to support themselves).

## Family Class Immigrants – Notice

If a family class immigrant is required to pursue sponsorship income, the housing provider should document the name, address and telephone number of the sponsor in the tenant file, and then give notice to the RGI tenant or co-op member:

- stating they must either pursue support from their sponsor or apply for Ontario Works
- advising that if they apply for Ontario Works, their sponsor may be required to repay this financial assistance and may be prevented from sponsoring other people in the future
- giving them at least 10 days to report back to the housing provider about their sponsor's response.

Housing providers are required to use the [Notice to Pursue Sponsorship Income \(Family Class\)](#) template letter in the [Resources for Community Housing Providers](#) section on the Region of Durham's website.

If the RGI tenant or co-op member does not respond or reach an agreement with their sponsor within 10 days, they should be required to pursue Ontario Works (see above).

The housing provider may extend the deadline to obtain sponsorship income if there are extenuating circumstances that interfered with the RGI tenant or co-op member's attempts to do so. The provider must extend all deadlines in writing.

## Family Class Immigrants – Exceptions

Housing providers may waive an RGI tenant or co-op member's obligation to pursue sponsorship payments if:

- the sponsor is in receipt of financial assistance through Ontario Works or ODSP
- the sponsor is in receipt of OAS, GIS or GAINS
- the pursuit of support may place a special priority applicant at risk of further abuse because the sponsor is the abuser

- the sponsor is deceased.

The housing provider should document the reason for the exception and review this annually as required.

## Refugees

Resettlement is the term used by Citizenship and Immigration Canada (CIC) to describe the legal process of bringing a refugee to Canada to live as a permanent resident.

Refugees may be sponsored under the Refugee and Humanitarian Resettlement Program by the federal government, a community group or a group of private citizens. Sponsorships usually last for one year.

Sponsoring groups promise to support the refugee and provide funds equivalent to at least the minimum amount of social assistance for the household. This is called resettlement assistance. Refugees are not eligible for Ontario Works while they are eligible to receive resettlement assistance.

Refugees who apply from within Canada (i.e. refugee claimants) are not sponsored and may be eligible for Ontario Works.

## Refugees – RGI Amount

Tenants and co-op members who were sponsored under the Refugee and Humanitarian Resettlement Program should be charged RGI at the greater of:

- 30 per cent of their adjusted family net income (AFNI)
- the equivalent of the Ontario Works scale amount that would otherwise be applied to a family of their size.

During the term of their sponsorship, the RGI tenant or co-op member should be referred back to their sponsoring group if their income or resettlement assistance is insufficient to meet their needs.

## Support Income

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RGI tenants and co-op members may choose to pursue child support or spousal support at their discretion. Pursuit of child support or spousal support income is not a condition of continued RGI eligibility.

## Child Support Income

Child support income is not part of adjusted family net income (AFNI) and is not included in the calculation of RGI. RGI tenants and co-op members who may be entitled to child support payments from an absent parent are not required to pursue support income as a condition of continued RGI eligibility.

RGI tenants or co-op members who would like to pursue child support income may be referred to the Ontario Works Family Support Worker (FSW) Unit for assistance on a voluntary basis. The FSW can assist with:

- Legal proceedings including filling out forms, help with court processes, and support during court appearances
- Registration of agreements with the Family Responsibility Office (FRO)
- Review of existing private support agreements or court orders to determine adequacy
- Referral to targeted services relating to Family Court such as mediation services, Legal Aid, and family counselling.

RGI tenants and co-op members do not need to be receiving or applying for Ontario Works to access the FSW Unit.

RGI tenants and co-op members may self-refer to the FSW by email at [fsw@durham.ca](mailto:fsw@durham.ca) or by calling 905-436-6747, ext. 5222.

See [Section 27: Resources](#) for additional information about the FSW Unit and other resources for tenants or co-op members who want to voluntarily pursue child support income.

## Spousal Support

In some circumstances, a person may have an obligation to pay support for a spouse from whom they have separated or divorced. Spousal support can be an extremely complex matter, and RGI tenants and co-op members are not required to pursue spousal support as a condition of continued RGI eligibility.

RGI tenants and co-op members may choose to pursue spousal support at their discretion. The Access to Justice Hub can assist low income tenants and co-op

members, including referrals to Legal Aid to secure a lawyer to assist in pursuing large marital assets or spousal support.

See [Section 27: Resources](#) for additional information about the Access to Justice Hub, Legal Aid and other resources for tenants or co-op members who want to voluntarily pursue spousal support income.

Housing providers should follow up with RGI tenants and co-op members that choose to pursue spousal support to ensure all agreements and income are declared for RGI.

## Legislative References

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[Housing Services Act](#), s. 42(1), 58

[Ontario Regulation 367/11](#), s. 31, 67

## 9. RGI Calculation – Overview

### Purpose

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To provide an overview of the steps to calculate rent-geared-to-income (RGI).

### Overview

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Rent-geared-to-income (RGI) is calculated as follows:

- Step 1** Verify adjusted family net income (AFNI) of each family unit and benefit unit in the household – excluding the income of all full-time students.
- Step 2** Calculate the base RGI for each family unit and benefit unit in the household using the appropriate method.
- Step 3** Add these amounts to determine the base RGI for the tenant or co-op member's household.
- Step 4** Adjust the base RGI for extra charges and allowances for utilities, services and heating.
- Step 5** Compare the final amount to the minimum and maximum RGI rent for the unit and adjust as required.
- Step 6** Determine pro-rated RGI amounts for partial months, where applicable.
- Step 7** Round the total RGI payable for the benefit unit to the nearest whole dollar.
- Step 8** Notify the tenant or co-op member of the amount of RGI payable.

### Adjusted Family Net Income (AFNI)

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Adjusted family net income (AFNI) is the annual net income of all members of a family unit or benefit unit – excluding the income of full-time students. A person's annual net income can be determined using either:

- Tax-based net income

- Approximated net income.

If the person has or had a Registered Disability Saving Plan (RDSP), any net income from the RDSP is excluded from their net income.

AFNI is divided by 12 to find the monthly amount to be used in the calculation of RGI.

FNI is further adjusted to exclude current social assistance income in order to determine the non-benefit income of Ontario Works and ODSP benefit units.

See [Section 10: Adjusted Family Net Income \(AFNI\)](#) for more information about calculating AFNI.

## **Tax-based Net Income**

Tax-based net income is the net income amount from a person's income tax return as assessed by the Canada Revenue Agency (CRA). This amount is set out on Line 23600 of the income tax assessment.

Tax-based net income should be used in determining AFNI whenever possible. If the amount of the tax-based net income does not reasonably reflect the average amount of income expected to be received over the following 12 months, approximated net income may be used.

Tax-based net income is verified using either the:

- Proof of Income Statement from the Canada Revenue Agency
- Notice of Assessment (NOA)

See [Section 11: Tax-Based Net Income](#) for more information about calculating tax-based net income.

## **Approximated Net Income**

Approximated net income is the amount that best approximates a person's net income for the next 12-month period, calculated and adjusted in a manner similar to tax-based net income – i.e. to best reflect what would normally be included on Line 23600 of the income tax assessment.

Approximated net income is used when tax-based net income is not available or does not accurately reflect the current average income amount declared by the RGI tenant or co-op member.

Approximated net income is verified at source. It must come from the employer or organization that issues the income, and 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.

See [Section 12: Approximated Net Income](#) for more information about calculating approximated net income.

## Non-Benefit Income

For Ontario Works and ODSP benefit units, the monthly AFNI amount is decreased by the currently monthly net social assistance amount to determine non-benefit income.

- If AFNI is determined based on tax-based net income, non-benefit income is determined by deducting the current monthly net social assistance income from the monthly AFNI (i.e. Line 23600 of the income tax assessment divided by 12 months). See [Section 11: Tax-Based Net Income](#) for more information about calculating non-benefit income using tax-based net income.
- If AFNI is determined based on approximated net income, all Ontario Works and ODSP payments are excluded, leaving only non-benefit income.

The amount of non-benefit income is used to determine the method of RGI calculation for Ontario Works and ODSP benefit units.

## Methods of RGI Calculation

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RGI is calculated separately for each family unit or benefit unit in the household and then added together to get the base RGI for the tenant or co-op member's household.

A family unit can be a single person, a single person with children, or a couple with or without children. Family units that receive social assistance from Ontario Works or the Ontario Disability Support Plan (ODSP) are called benefit units.

RGI is calculated for each family unit or benefit unit within the household using one of two basic methods.

**Method 1** is based on 30 per cent of the adjusted family net income (AFNI) – excluding the income of full-time students.

**Method 2** is based on set rent scales for social assistance recipients or benefit units.

Normally only one method is used for the household; however, where part of the family is a benefit unit and part of the family is not, or where there is more than one family unit in the household, a portion of the RGI is calculated separately for each family unit or benefit unit and then added together to get the base RGI for the whole household.

For example:

Thelma lives with her daughter, Tammy (age 27) and Tammy's two children, age 5 and 6. Tammy receives Ontario Works for herself and her children. Thelma receives CPP.

- This household consists of one family unit (Thelma) and one Ontario Works benefit unit (Tammy and her children).
- Use Method 1 to determine Thelma's portion of the base RGI.
- Use Method 2 to determine Tammy and her children's portion of the base RGI.

Brad and Angie live with their son Tom (age 26). Tom has earnings, and Brad and Angie receive ODSP as a couple. Tom is not included in their ODSP budget.

- This household consists of one ODSP benefit unit (Brad and Angie) and one family unit (Tom).
- Use Method 1 to determine Tom's portion of the base RGI.
- Use Method 2 to determine Brad and Angie's portion of the base RGI.

A household consists of three unrelated single people – Jim, John and Todd. Both Jim and John receive ODSP as a single person. Todd receives CPP-disability benefits only.

This household consists of two ODSP benefit units (Jim and John respectively) and one family unit (Todd).

- Use Method 1 to determine Todd's portion of the base RGI.
- Use Method 2 to determine Jim's portion of the base RGI.
- Use Method 2 to determine John's portion of the base RGI.

## Method 1 – 30 Per Cent of AFNI

**Method 1** is based on 30 per cent of the adjusted family net income (AFNI). AFNI is the total net income of all members of the household – excluding the income of full-time students.

AFNI is further adjusted for employment exemptions if the family unit or benefit unit has employment related income.

This method is used for family units that do not receive Ontario Works or ODSP. It is also used when the social assistance rent scales do not apply to an Ontario Works or ODSP benefit unit under Method 2.

See [Section 14: Calculating RGI Per AFNI](#) for more information about calculating RGI for family units and benefit units at 30 per cent of AFNI or non-benefit income (i.e. AFNI minus social assistance).

## Method 2 – Social Assistance Rent Scales

**Method 2** is based on set rent scales for social assistance benefit units. It is used when all or part of the household is a recipient of Ontario Works or the Ontario Disability Support Plan (ODSP).

The social assistance rent scales are based on the size and type of the benefit unit and are different for Ontario Works and for ODSP. The benefit unit is defined by the Ontario Works or ODSP office and may or may not include all members of the family unit in the household.

RGI for Ontario Works benefit units is calculated according to one of two Ontario Works rent scales set out in [Ontario Regulation 316/19](#):

- Table 1 – rent scales for single parent families receiving Ontario Works
- Table 2 – rent scales for all other Ontario Works benefit units.

See [Section 15: Ontario Works Benefit Units](#) for more information about calculating RGI for Ontario Works benefit units.

RGI for all ODSP benefit units is calculated according to the ODSP rent scale set out in Table 3 of Ontario Regulation 316/19.

See [Section 16: ODSP Benefit Units](#) for more information about calculating RGI for ODSP Works benefit units.

## Utility Adjustments

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Utility adjustments are based on scales set out in [Ontario Regulation 316/19](#). Utility adjustments reflect the size of the unit, the utilities and services provided by the housing provider, and additional charges paid by the tenant or co-op member. The scales set out:

- **extra charges** that are added to the base RGI where the housing provider pays the cost for additional services such as laundry facilities (not coin operated) or electricity other than that used for heat or hot water
- **allowances** that are subtracted from the base RGI where the tenant or co-op member is required to pay for water, hot water or provide their own fridge or stove.
- **allowances for heat** that are subtracted from the base RGI where the tenant or co-op member is required to pay for their own heating costs.

Any combination of allowances and extra charges may be applied to an RGI unit. These are added together to determine the utility adjustment for the unit.

See [Section 17: Utility Adjustments](#) for more information about utility allowances and extra charges.

## Minimum Rent

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The minimum RGI rent that can be charged to a tenant or co-op member's household is \$129 for the period July 1, 2020 to June 31, 2021. This amount is indexed annually at the same rate as the rent increase guideline under the Residential Tenancies Act.

There are two exceptions to the minimum rent amount:

- RGI tenants and co-op members who were paying less than \$129 on July 1, 2020 are subject to a provisional minimum rent amount of \$93 for the period July 1, 2020 to June 30, 2021.
- The minimum rent for RGI tenants and co-op members who pay RGI at social assistance scale rates of less than \$129 is the scale amount.

See [Section 18: Minimum RGI](#) for more information about determining minimum rent.

## Maximum Rent

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The maximum RGI rent that can be charged to a tenant or co-op member's household is the amount of the market rent for the unit.

See [Section 19: Maximum RGI](#) for more information about determining maximum rent.

## Legislative References

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[Ontario Regulation 316/19](#), Determination of Geared-to-Income Rent under Section 50 of the Act.



# 10. Adjusted Family Net Income (AFNI)

## Purpose

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To set out how to determine adjusted family net income (AFNI) for the calculation of rent-geared-to-income (RGI).

## Overview

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Adjusted family net income (AFNI) is the basis for the RGI calculation.

AFNI is the total annual net income of all members of a family unit or benefit unit – excluding the income of full-time students. A person’s annual net income can be determined using either:

- Tax-based net income
- Approximated net income.

If the person has or had a Registered Disability Saving Plan (RDSP), any net income from the RDSP is excluded from their net income.

AFNI is divided by 12 to find the monthly amount to be used in the calculation of RGI.

AFNI is further adjusted to exclude current social assistance income in order to determine the non-benefit income of Ontario Works and ODSP benefit units.

## Full-Time Students

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The net income of all full-time students is excluded from AFNI for the calculation of RGI. This includes full-time students who are the head of the household their spouse and all dependants, regardless of age.

Both education related income (e.g. OSAP, scholarships) and non-educated related income (e.g. earnings) is excluded.

See [Section 13: Full-Time Students](#) for more information about full-time students.

## Tax-based Net Income

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Tax-based net income is the net income amount from a person's income tax return as assessed by the Canada Revenue Agency (CRA). This amount is set out on Line 23600 of the income tax assessment.

Tax-based net income should be used in determining AFNI whenever possible. If the amount of the tax-based net income does not reasonably reflect the average amount of income expected to be received over the following 12 months, approximated net income may be used.

See [Section 11: Tax-Based Net Income](#) for more information about calculating tax-based net income.

## Approximated Net Income

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Approximated net income is the amount that best approximates a person's net income for the next 12-month period, calculated and adjusted in a manner similar to tax-based net income.

Approximated net income is used when tax-based net income is not available or does not accurately reflect the current average income amount declared by the RGI tenant or co-op member.

In determining approximated net income, only ongoing income that is anticipated to be received regularly over the 12-month period following the RGI review is considered. It will include the types of income that would normally be reflected on Line 23600 of the income tax assessment.

See [Section 12: Approximated Net Income](#) for more information about calculating approximated net income.

## Registered Disability Savings Plans (RDSP)

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A Registered Disability Saving Plan (RDSP) is a savings plan that is intended to help parents and others save for the long-term financial security of a person with a disability who is eligible for the Disability Tax Credit (DTC). It may include matching government investments from the Canada disability savings grant and the Canada disability savings bond.

Net RDSP income are excluded from net income when determining AFNI.

Net RDSP income is the total amount of payments received from an RDSP in a given tax year minus the total amount of payments that were repaid in the same tax year.

## **RDSP Payments**

RDSP payments include:

- a disability assistance payments (DAP), which is any singular payment from an RDSP to the beneficiary or to their estate after their death
- lifetime disability assistance payments (LDAPs), which are DAPs that are paid at least annually until either the plan is terminated, or the beneficiary has died
- direct transfers to another RDSP for the same beneficiary.

RDSP payments are set out on Line 12500 of the income tax assessment. These amounts should be deducted from Line 23600 when tax-based net income is used to calculate RGI.

RDSP payments are not included when approximated net income is used to calculate RGI.

## **RDSP Repayments**

RDSP repayments may be required under the Canada Disability Savings Act (CDSA) if:

- money is withdrawn from an RDSP and all or part of the Canada disability savings grants and bonds have been in the RDSP for fewer than 10 years
- the beneficiary dies
- the RDSP is non-compliant with the Income Tax Act
- the RDSP is closed for a reason other than a transfer
- the beneficiary is no longer eligible for the Disability Tax Credit (DTC).

Most RDSP repayments are made through an “assistance holdback amount” that is not reflected in the tax assessment and does not impact RGI.

In rare circumstances, an RDSP repayment may be set out on Line 23200 (Other deductions) of the tax assessment. If this is the case, the repayment is added to Line 23600 when tax-based net income is used to calculate RGI.

As RDSP payments are not included when approximated net income is used to calculate RGI, RDSP repayments are also excluded.

## Non-Benefit Income

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In the case of Ontario Works or Ontario Disability Support Plan (ODSP) benefit units, you will need to know the amount of non-benefit income to calculate RGI. Non-benefit income is non-social assistance income.

To determine the amount of non-benefit income, the monthly AFNI amount is reduced by the current net social assistance amount. The net social assistance amount is the amount paid to the benefit unit after deductions (e.g. income deductions, overpayment deductions).

- If AFNI is determined based on tax-based net income, non-benefit income is determined by deducting the current monthly net social assistance income from the monthly AFNI (i.e. Line 23600 of the income tax assessment divided by 12 months).
- If AFNI is determined based on approximated net income, all Ontario Works and ODSP payments are excluded, leaving only non-benefit income.

See [Section 11: Tax-Based Net Income](#) for more information about how to calculate non-benefit income when tax-based net income is used to determine AFNI.

## Legislative References

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[Ontario Regulation 316/19](#), s. 6

# 11. Tax-Based Net Income

## Purpose

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To set out how to determine a person's tax-based net income to be included in adjusted family net income (AFNI) for the calculation of rent-geared-to-income (RGI).

## Overview

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Adjusted family net income (AFNI) is the total annual net income of all members of a family unit or benefit unit – excluding the income of full-time students. A person's annual net income can be determined using either:

- Tax-based net income
- Approximated net income.

Tax-based net income is the net income amount from a person's income tax return as assessed by the Canada Revenue Agency (CRA). This amount is set out on Line 23600 of the income tax assessment.

Tax-based net income should be used in determining AFNI whenever possible. If the amount of the tax-based net income does not reasonably reflect the current average annual income, approximated net income may be used.

See [Section 10: Adjusted Family Net Income \(AFNI\)](#) for information about AFNI.

## Applicable Tax Year

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The tax year used to determine a person's net income is different depending on when the RGI review is conducted.

- If the review is calculated between July and December, RGI is based on net income from the previous tax year.
- If the review is conducted between January and June, RGI is based on net income from the tax year before the previous year.

For example:

- You conduct an RGI review in July 2020. You will use the 2019 tax assessment.
- You conduct an RGI review in January 2021. You will use the 2019 tax assessment.

If the tenant or co-op member submits verification for a more current tax year than is required, the housing provider may use this information to determine tax-based net income if it accurately reflects the amount of income that is anticipated to be received over the next 12 months.

## Calculations

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A person's tax-based net income is determined as follows:

Net income Line 23600	–	Net RDSP payments Line 12500	=	Tax-based net income
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### Net Income

Net income is determined using Line 23600 of the tax assessment.

It reflects total gross reportable income on Line 15000 of the tax assessment, minus allowable deductions, tax-deductible expenses and other business and investment losses. Line 23600 is used to calculate federal and provincial non-refundable tax credits.

Line 23600 is not net of income tax paid or owing.

### Net RDSP Payments

Net RDSP payments are not included in AFNI and must be deducted from tax-based net income. A net RDSP payments is the RDSP payment minus any RDSP repayment.

RDSP payments are set out on Line 12500 of the income tax assessment. They must be deducted from Line 23600 when tax-based net income is used to calculate RGI.

Most RDSP repayments are made through an “assistance holdback amount” that is not reflected in the tax assessment and does not impact RGI.

In rare circumstances, an RDSP repayment may be set out on Line 23200 (Other deductions) of the tax assessment. If this is the case, the repayment is added to Line 23600 when tax-based net income is used to calculate RGI.

See [Section 10: Adjusted Family Net Income \(AFNI\)](#) for more information about RDSPs.

## Calculating AFNI

Add together the tax-based net income amounts (or approximated net income amounts) of all family members – excluding the net income of full-time students – to determine Adjusted Family Net Income (AFNI).

Divide AFNI by 12 months to determine the monthly AFNI for use in the RGI calculation.

For example:

Joel receives Old Age Security (OAS), GIS and GAINS. He does not have an RDSP.

Joel	Line 23600	\$19,620	Tax-based net income
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AFNI is \$19,620 (per Line 23600)

Monthly AFNI for RGI is  $\$19,620 \div 12 = \$1,635$

Mike and Carol are a married couple with six children. Both Mike and Carol are employed. Their son, Ian (age 21) is also employed and attending college full-time

Mike	Line 23600	\$15,286	Tax-based net income
Carol	Line 23600	\$9,890	Tax-based net income
Ian	Line 23600	\$4,662	Excluded income

Ian's income is not included in AFNI because he is a full-time student.

AFNI is  $\$15,286 + 9,890 = \$25,176$

Monthly AFNI for RGI is  $\$25,176 \div 12 = \$1,635$

Inez and Conrad are a married couple with two children (ages 4 and 5 years). Inez is employed, and Conrad receives WSIB.

Inez	Line 23600	\$10,223	Tax-based net income
Conrad	Line 23600	\$7,109	Tax-based net income
Conrad	Line 12500	\$1,000	RDSP payment
Conrad	Line 23600	\$0	RDSP repayment

AFNI is  $\$10,223 + \$7,109 - \$1,000 = \$16,332$

Monthly AFNI for RGI is  $\$16,332 \div 12 = \$1,361$

Hannah is a single parent of two children, Jamal (aged 22 years) and Isiah (aged 17 years). Hannah is employed and Jamal recently started receiving Employment Insurance. You have approximated his net income at \$600 per month.

Hannah	Line 23600	\$9,408	Tax-based net income
Jamal	\$600 per month	\$7,200	Approximated net income

AFNI is  $\$9,408 + \$7,200 = \$16,608$

Monthly AFNI for RGI is  $\$16,608 \div 12 = \$1,361$

## Calculating Non-Benefit Income

In the case of Ontario Works or Ontario Disability Support Plan (ODSP) benefit units, you will need to know the amount of non-benefit income to calculate RGI. Non-benefit income is non-social assistance income.

Non-benefit income is used instead of AFNI for Ontario Works and ODSP benefit units. See [Section 15: Ontario Works Benefit Units](#) for information about using non-benefit income to calculate RGI for Ontario Works benefit units. See [Section 16: ODSP Benefit Units](#) for information about non-benefit income limits and calculating RGI at scale for ODSP benefit units.

When AFNI is determined based on tax-based net income, non-benefit income is calculated by deducting the current monthly net social assistance income from the monthly AFNI. The net social assistance amount is the amount paid to the benefit unit after deductions (e.g. income deductions, overpayment deductions).

For example:

Jorge is a single person receiving ODSP and CPP disability benefits (CPP-d).

1. Determine monthly AFNI based on Line 23600 of the income tax assessment.

Line 23600	\$10,260	Includes CPP-d and ODSP
Annual AFNI	\$10,260	
Monthly AFNI	\$855	$\$10,260 \div 12$ months

2. Determine monthly net social assistance income per ODSP Statement of Assistance.

Basic needs	\$672
Shelter allowance	\$183
CPP-d deduction	– \$610
Overpayment deduction	– \$43
Net ODSP payment	= \$202

3. Determine monthly non-benefit income.

Monthly AFNI	\$855	
Net monthly ODSP payment	– \$202	
<b>Non-benefit income</b>	<b>= \$653</b>	Monthly AFNI – net ODSP payment

## Verification of income

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Tax-based net income is issued by verified using either the following documents issued by the Canada Revenue Agency (CRA):

- Proof of Income Statement
- Notice of Assessment (NOA).

Housing providers should encourage tenants and co-op members to register for a [My CRA Account](#) in order to have ready access to their most recent Proof of Income Statement or Notice of Assessment.

## Proof of Income Statement

Although RGI tenants and co-op members may provide their NOA or Proof of Income Statement as verification of tax-based net income, the Proof of Income Statement should be encouraged.

The Proof of Income Statement is a simple version of the tax assessment that summarizes all income and deductions for the tax year. It provides more detailed information than the NOA because it sets out all income tax lines where information was entered by the person filing the return. The Proof of Income Statement may be required in circumstances where someone declares employment-related income, social assistance or a registered Disability Savings Plan (RDSP). It may also be more beneficial than the NOA if the family member has multiple sources of income or has had income changes during the tax year.

Housing providers should use the [How do I get a copy of my Proof of Income statement?](#) sheet at move-in and annual review to encourage RGI tenants and co-op members to register for the MyCRA Account and to promote the use of the Proof of Income Statement to verify income.

## Social Assistance Income

The net social assistance amount is verified by the current Statement of Assistance from Ontario Works or ODSP, and is the amount paid to the benefit unit after deductions (e.g. income deductions, overpayment deductions).

Monthly net social assistance income is deducted from monthly AFNI to determine the non-benefit income of Ontario Works and ODSP benefit units.

## Legislative References

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[Ontario Regulation 316/19](#), s. 6

## 12. Approximated Net Income

### Purpose

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To set out how to determine a person's approximated net income to be included in adjusted family net income (AFNI) for the calculation of RGI.

Approximated net income is used only when the tax-based net income is not available or does not accurately reflect the current average annual income.

### Overview

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Adjusted family net income (AFNI) is the total annual net income of all members of a family unit or benefit unit – excluding the income of full-time students. A person's annual net income can be determined using either:

- Tax-based net income
- Approximated net income.

Tax-based net income should be used whenever possible. Approximated net income is used only when the tax-based net income is not available or does not accurately reflect the current average annual income.

Approximated net income is the amount that best approximates a person's net income for the next 12-month period, calculated and adjusted in a manner similar to tax-based net income – i.e. to best reflect what would normally be included on Line 23600 of the income tax assessment.

### When to Use Approximated Net Income

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Approximated net income may be used instead of tax-based net income at the following times:

- **Move-in** – if the incoming tenant or co-op member has not filed their income tax return or the tax-based net income amount does not accurately reflect the current average income amount.

- **Annual RGI reviews** – if the tax-based net income amount does not accurately reflect the current average income amount or the income tax assessment is not available. Approximated net income will normally be required at annual RGI review if there was a previous in-year change in income, whether or not it also resulted in an in-year RGI change.
- **In-year reviews** – approximated net income is used for all in-year reviews when income has changed.

Tax-based net income should be used whenever possible. If approximated net income is required for one member of a family unit or benefit, it can be combined with the tax-based net income of other members to determine AFNI for the family unit or benefit unit.

For example:

Kimberly and Kobe are a married couple. Kimberly has been working for the same employer for the last 3 years and has relatively stable income of about \$1,000 per month. Kobe lost his job in July and started to receive Employment Insurance (EI) at \$100 per week.

Kimberly	Line 23600	\$12,700	Reflects declared income
Kobe	Line 23600	\$11,212	Does not reflect declared income

AFNI is determined by adding together the following amounts:

Kimberly	Tax-based net income
Kobe	Approximated net income

Approximated net income can also be combined with a person's net taxed-based income in circumstances where only one source of income is missing from their income tax reassessment. This can occur for new sources of income or if a person does not report a source of income that is otherwise reportable on their income tax return (e.g. foreign pensions, spousal support).

For example:

Fiona is a senior who receives OAS, GIS and GAINS. She also receives a foreign pension from the UK of \$310 gross per month. She does not believe that she has to report this on her income tax return because she paid withholding tax in the UK.

Fiona is incorrect that she does not have to report her foreign pension on her income tax return.

Line 23600	\$19,404	Tax-based net income
\$310 per month	\$3,720	Foreign pension

AFNI is  $\$19,404 + \$3,720 = \$23,124$

Monthly AFNI for RGI is  $\$23,124 \div 12 = \$1,927$

Kiara is a single parent who has been working part-time for a local grocer for the last seven years earning \$6,500 per year. She starts a second job at a gas station part way through the year, earning about \$400 per month. She continues to work the same number of hours at the local grocer.

Line 23600	\$7,044	Tax-based net income
		Reflects local grocer only
\$400 per month	\$4,800	Approximated net income

AFNI is  $\$7,044 + \$4,800 = \$11,844$

Monthly AFNI for RGI is  $\$11,844 \div 12 = \$987$

## What to Include in Approximated Net Income

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Only ongoing income that is anticipated to be received regularly over the 12-month period following the RGI review is included in approximated net income. This may include the following types of income that are also included in net income on Line 23600 of the income tax assessment:

- employment income, including wages, salaries, commissions, bonuses, tips, gratuities, vacation pay, and remuneration as a dependent contractor (do not include strike pay)
- net self-employment income (business, professional, commission, farming, fishing, and income from partnerships)
- Employment Insurance (EI), including benefits for training if not a full-time student
- Workplace Safety and Insurance Board (WSIB) benefits for loss of earnings

- wage-loss replacement plan benefits or payments for sick leave, short-term disability or maternity leave under a private or workplace insurance plan
- veterans' benefits for income support or replacement (do not include amounts for disability or death of a war veteran due to war service)
- Old Age Security (OAS), Guaranteed Income Supplement (GIS), Guaranteed Annual Income Supplement (GAINS)
- Canada Pension Plan (CPP) or Quebec Pension Plan (QPP) – excluding CPP or QPP child benefits
- Registered Retirement Income Fund (RRIF) and Registered Retirement Savings Plan (RRSP) income from T4RSP slips
- private pensions, foreign pensions, and superannuation
- Interest, dividends and other investment income - excluding income from Tax-free Savings Account (TFSA) investments
- annuities
- capital gains
- net rental income
- spousal support payments received (but not child support payments).

## Excluded Income

The following sources of income are not included in the determination of approximated net income:

- Net Registered Disability Saving Plan (RDSP) payments  
(See [Section 10: Adjusted Family Net Income \(AFNI\)](#) for more information about RDSPs.)
- Social assistance payments from Ontario Works or the Ontario Disability Support Plan (ODSP)
- Child support payments
- Children's benefits – e.g. Canada Pension Plan (CPP) child benefit

- Income tax credits or benefits – e.g. Trillium Benefit, Child Tax Benefit
- One-time lump sum payments – including lump sums as a result of a disposition or transfer of an asset, such as a Registered Retirement Saving Plan (RRSP).

Some tenants and co-op members may receive reimbursements for disability-related items and services, health care costs (e.g. insurance) or employment expenses (e.g. mileage allowances). Such payments are not normally included as net income on the income tax assessment and should not be included in the determination of approximated net income.

For example:

Jesse is a personal support worker (PSW). Her income tax assessment does not reflect her current income. Her biweekly pay stub shows the following:

Gross hourly income	\$510
Mileage allowance	\$35
CPP deduction	- \$22
EI deduction	- \$8
Net income	\$515

Approximated biweekly net income is \$510. Mileage allowance is excluded.

Note: The biweekly amount must be converted to monthly for the calculation of RGI.

## Adjustments to Approximated Net Income

Like tax-based net income, approximated net income is not net of income tax deductions. In most cases the gross amount of income is used in determining approximated net income.

The gross income amount may be adjusted if a person has the following ongoing and regular expenses or deductions from their income:

- registered pension plan deductions eligible for tax deductions
- RRSP contributions eligible for tax deductions
- annual union, professional, or like dues

- child care expenses eligible for tax deductions
- disability supports eligible for tax deductions
- employment expenses
- spousal support payments paid under an enforceable court order or agreement (but not child support payments paid).

Where these amounts are not known, not material, or cannot be predicted, gross income amounts should be used to determine the approximated net income. These deductions will be reflected in the next income tax assessment and will be considered the next time that tax-based net income is used in the calculation of RGI.

## Calculating Approximated Net Income

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Approximated net income is the amount that best approximates a person’s net income for the next 12-month period. It is not intended to capture short term fluctuations in income or one-time payments.

In order to determine approximated net income, you must know both the annual net income and the monthly net income.

- **Annual net income** is used to compare the current average income to the tax-based net income to determine if approximated net income will be used in the RGI calculation.
- **Monthly net income** is used in the RGI calculation

This is determined as follows:

### Approximated Net Income Conversion Factors

Frequency of payment	Annual Amount	Monthly Amount	Conversion Factor
Weekly	Multiple by 52 weeks	Annual ÷ 12 months	$52 \div 12 = 4.333$
Biweekly	Multiple by 26 biweekly periods	Annual ÷ 12 months	$26 \div 12 = 2.167$
Semi-monthly	Multiple by 24 half months	Multiple by 2	--
Monthly	Multiply by 12 months	--	--
Quarterly	Multiply by 4 quarters	Divide by 3 months	--
Annually	--	Annual ÷ 12 months	--

For example:

Raj started a new job about 6 months prior to his annual review. He submits 2 weekly paystubs to verify his earnings – \$552 and \$582 gross respectively, totaling \$1,134. Line 23600 on his income tax assessment is \$10,590 – which reflects Ontario Works and employment with a former employer.

Tax-based net income = \$10,590  
Annual approximated net income = \$29,484 ( $\$1,134 \times 26$  biweekly periods)  
Monthly approximated net income = \$2,457 =  $\$29,484 \div 12$  months

Current annual income does not reflect annual tax-based net income.

Use monthly approximated net income of \$2,457 to calculate RGI.

Benoit receives EI of \$300 per week. Line 23600 on his income tax assessment is \$24,444 – which reflects his former earnings only.

Tax-based net income = \$24,444  
Annual approximated net income = \$15,600 ( $\$300 \times 52$  weeks)  
Monthly approximated net income = \$1,300 =  $\$15,600 \div 12$  months  
=  $\$300 \times 4.333$  weeks

Current annual income does not reflect annual tax-based net income.

Use monthly approximated net income of \$1,300 to calculate RGI.

Malcolm is recently retired and has started to receive CPP of \$610 per month in August. Line 23600 of his tax assessment is \$15,330 – which reflects his former earnings.

Tax-based net income = \$15,330  
Annual approximated net income = \$7,320 ( $\$610 \times 12$  months)  
Monthly income = \$600

Current annual income does not reflect annual tax-based net income.

Use the monthly CPP amount of \$610 to calculate RGI.

Philip and Patricia are a married couple moving into an RGI unit. Philip has been working for the same employer for the last 4 years and declares earnings of about \$1,200 per month. Patricia started a new job 9 months prior to move-in and declares earnings about \$800 per month. They provide the following information:

Philip	NOA Line 23600	\$15,012	Tax-based net income
Patricia	NOA Line 23600	\$0	Tax-based net income
Patricia	Weekly pay stub	\$210	
		\$10,920	Annual approximated net income (\$210 x 52 weeks)

Philip's current annual income reflects annual tax-based net income.  
Patricia's current annual income does not reflect annual tax-based net income.

Use tax-based net income for Philip and approximated net income for Patricia.

$$\begin{aligned} \text{Annual AFNI} &= \$15,012 + \$10,920 = \$25,932 \\ \text{Monthly AFNI} &= \$2,161 = \$25,932 \div 12 \text{ months} \end{aligned}$$

## Verification

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Approximated net income is verified at source. It must come from the employer or organization that issues the income. It may be a regular statement of income (e.g. pay stub or monthly financial statement) or a letter from the employer or organization to verify gross 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. It may include one or more statements or pay stubs at the discretion of the housing provider.

## Proof of Income Statement

The Proof of Income Statement is a simple version of the tax assessment that summarizes all income and deductions for the tax year. It sets out all income tax lines where information was entered by the person filing the return.

In some cases, the Proof of Income Statement may be used to verify income, even when approximated net income is being determined. This can occur when only one

source of income has changed or if new income starts part way through the year and annual amount can be extrapolated.

For example:

Harry turns 65 years old on June 20. He stops working and starts to receive OAS, CPP and a private pension in July. He submits his Proof of Income Statement as verification and his Record of Employment (ROE) showing he has retired.

Line 10100	Employment income	\$15,780
Line 11300	OAS pension	\$3,678
Line 11400	CPP benefits	\$3,060
Line 11500	Other pensions	\$3,690

Proof of Income Statement verifies 6 months of OAS, CPP and private pension. No further verification is required.

Earnings are no longer being received (ROE submitted).

Housing providers should use the [How do I get a copy of my Proof of Income statement?](#) sheet at move-in and annual review to encourage RGI tenants and co-op members to register for the MyCRA Account and to promote the use of the Proof of Income Statement to verify income.

## Legislative References

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[Ontario Regulation 316/19](#), s. 6



## 13. Full-Time Students

### Purpose

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To provide guidance on the exclusion of the income of full-time students from adjusted family net income (AFNI) from the calculation of rent-geared-to-income (RGI), including how to define who is a full-time student.

### Overview

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Rent-geared-to-income (RGI) is based on adjusted family net income (AFNI). AFNI is the total annual net income of all members of a family unit or benefit unit – excluding the income of full-time students.

The net income of all full-time students is excluded from AFNI and from non-benefit income for the calculation of RGI. This includes full-time students who are the head of the household their spouse and all dependants, regardless of age.

Both education related income (e.g. OSAP, scholarships) and non-educated related income (e.g. earnings) is excluded for the duration of the period that the full-time student is in school full, including summer or other temporary breaks.

### Definition of Full-Time Student

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A full-time student may be the primary tenant or co-op member, their spouse or their dependants.

A full-time student is a student who is taking at least:

- 60 per cent of a full course load
- 40 per cent of a full course load if the student has a disability.

The full-time student must be attending a recognized educational institution, which is:

- a public, separate (Catholic) or private primary or elementary school,
- a public, separate (Catholic) or private secondary school or high school

- home-schooling for primary or secondary school
- a university
- a college of applied arts and technology (community college)
- a private career college as authorized under the Private Career Colleges Act.

A person continues to be a full-time student while on summer or other temporary breaks as long as they are registered or intending to attend full-time for the next school term.

## Benefit Units

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If the full-time student is part of an Ontario Works or Ontario Disability Support Program (ODSP), their income is excluded from the calculation of non-benefit income, but the benefit unit is still subject to the social assistance scale. For example:

Marta is a single parent with 3 children. She is a full-time student and she also has a part-time job, and also receives Ontario Works and OSAP. Her earnings are not included in non-benefit income, making her non-benefit income zero.

Marta's base RGI is \$269 per the Ontario Works social assistance scales.

See [Section 15: Ontario Works Benefit Units](#) for more information about calculating RGI for Ontario Works benefit units.

## Reporting Requirements and In-year Changes

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RGI tenants and co-op members are not normally required to report a change in full-time student status until the annual RGI review. However, if a full-time student has income excluded from RGI, they must notify the housing provider immediately if they are no longer a full-time student.

The housing provider will only make an in-year change due to a change in student status if the former full-time student had income excluded from RGI for at least 6 months prior to ceasing school.

If an in-year change is warranted, the change comes into effect on the first day of the month following the date that the person ceased to be a full-time student.

Tenants or co-op members who have income and start full-time studies will not have their RGI decreased until the time of the annual RGI review.

## Verification

---

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 that would not otherwise be included in the RGI calculation (e.g. OSAP, student awards, support, child tax benefits)
- part-time or occasional students.

## Income verification

Full-time students with income are not required to provide proof of income while they are in school, except for the following:

- The primary tenant or co-op member (head of household) must provide their Notice of Assessment (NOA) or Proof of Income Statement at annual RGI review
- The spouse must provide their NOA or Proof of Income Statement at annual RGI review.

## Legislative References

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[Ontario Regulation 367/11](#), s. 28

[Ontario Regulation 316/19](#), s. 6, 10, 11



## 14. Calculating RGI Per AFNI

### Purpose

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To detail the steps to calculate rent-geared-to-income (RGI) at 30 per cent of adjusted family net income (AFNI) for family units and for benefit units with non-benefit income over the applicable non-benefit income limit.

### Overview

---

Rent-geared-to-income (RGI) is based on 30 per cent of adjusted family net income (AFNI). AFNI is the total net income of all members of the household – excluding the income of full-time students.

RGI is calculated at 30 per cent of AFNI for:

- family units who do not receive Ontario Works or Ontario Disability Support Plan (ODSP) income
- Ontario Works or ODSP benefit units with non-benefit income greater than the non-benefit income limit.

Under this method, the base RGI for the family unit or benefit unit is calculated as follows:

- determine AFNI based on tax-based net income or approximated net income of all members of the family – excluding full-time students
- divide AFNI by 12 to determine the monthly amount
- subtract the current net monthly amount of social assistance received (benefit units only)
- subtract the applicable earnings exemption for employment-related income
- multiply the resulting amount by 30 per cent to determine the base RGI for the family unit or benefit unit.

## Determining AFNI

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Adjusted family net income (AFNI) is the annual net income of all members of a family unit or benefit unit – excluding the income of full-time students. A person's annual net income can be determined using either:

- Tax-based net income
- Approximated net income.

If the person has or had a Registered Disability Saving Plan (RDSP), any net income from the RDSP is excluded from their net income.

AFNI is divided by 12 to find the monthly amount to be used in the calculation of RGI.

See [Section 10: Adjusted Family Net Income](#) for more information about calculating AFNI.

## Social Assistance and Non-Benefit Income

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In the case of Ontario Works or Ontario Disability Support Plan (ODSP) benefit units, the monthly AFNI amount is reduced by the current net social assistance amount to determine the amount of non-benefit income.

- If AFNI is determined based on tax-based net income, non-benefit income is determined by deducting the current monthly net social assistance income from the monthly AFNI (i.e. Line 23600 of the income tax assessment divided by 12 months). See [Section 11: Tax-Based Net Income](#) for more information about how this is calculated.
- If AFNI is determined based on approximated net income, all Ontario Works and ODSP payments are excluded, leaving only non-benefit income.

RGI calculations for Ontario Works and ODSP benefit units with income above the non-benefit income limit are based on 30 per cent of non-benefit income – i.e. AFNI excluding the social assistance income.

See [Section 15: Ontario Works Benefit Units](#) for information about non-benefit income limits and calculating RGI at scale for Ontario Works benefit units.

See [Section 16: ODSP Benefit Units](#) for information about non-benefit income limits and calculating RGI at scale for ODSP benefit units.

## Earnings Exemptions

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Family units and benefit units with employment-related income are entitled to an earnings exemption to offset AFNI. Employment-related income includes:

- wages, salaries, commissions, bonuses
- tips and gratuities
- vacation pay
- remuneration as a dependent contractor remuneration
- net business or self employment income
- Employment Insurance (EI) benefits
- Workplace Safety and Insurance Board (WSIB) benefits for loss of earnings
- payments for sick leave or short-term disability under a private or workplace insurance plan
- wage replacement benefits payable by the federal, provincial or a municipal government.

A family unit or benefit unit with employment related income is entitled to an earnings exemption as follows:

- \$75 for a single person
- \$150 for a couple or family.

The earnings exemption cannot be more than the total earnings of the applicable family unit or benefit unit.

For example:

Joseph and Josephine are a couple. Joseph receives CPP retirement benefits and also has casual earnings. Josephine has no income. Joseph's Proof of Income Statement shows the following:

Line 10100	Employment income	\$1,680
Line 11400	CPP benefits	\$8,250
Line 23600	Net tax-based income	\$9,930

Monthly employment related income is  $\$1,680 \div 12 = \$140$

Joseph and Josephine are entitled to an earnings exemption of \$140 – equivalent to the full employment related income.

Earnings exemptions apply per family unit or benefit unit in the household. If there is more than one family unit in the household, the tenant or co-op member's household may qualify for more than \$150 in earnings exemptions.

For example:

Joan is a single parent with two children. She works full-time. Joan lives with her sister, Donna. Donna receives EI benefits. The total earnings exemption for the tenant or co-op member's household is \$225.

- Joan is entitled to an earnings exemption of \$150 because she has dependents.
- Donna is entitled to an employment exemption of \$75 because she is a single person, and not part of Joan's family unit.

## Dependants with Employment-related Income

Dependants over the age of 18 with employment-related income are entitled to an earnings exemption in their own right. If an earnings exemption applies, the dependant is not also included for the purpose of determining any earnings exemption applicable to their parent(s).

For example:

Carmella is a single parent has one daughter aged 21, Anna. Both Carmella and Anna work. The household is entitled to a total earnings exemption of \$150.

- \$75 for Carmella, who is treated as a single person family unit because she has no other dependents
- \$75 for Anna, who is also treated as a single person family unit.

Suki has two dependents over the age of 18 years, Lee and Hope. Suki and Lee are working. Hope is not. The household is entitled to a total earnings exemption of \$225.

- \$150 for Suki, who is treated as a family unit with one dependent (Hope, who is not working).
- \$75 for Lee, who is treated as a single person family unit.

Douglas and Everette are receiving ODSP as couple. Douglas is also working. They live with their son, Michael, who works and is not included in their ODSP budget. The household is entitled to a total earnings exemption of \$225.

- \$150 for the Douglas and Everette because they are a benefit unit couple
- \$75 for Michael because he is a single family unit

## Calculating Base RGI

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Base RGI is calculated at 30 per cent of AFNI for family units or 30 per cent of non-benefit income (AFNI minus social assistance income) for benefit units with non-benefit income greater than the non-benefit income limit.

For example:

Mila is a senior who declares OAS/GIS of \$1,000 per month and CPP of \$600 per month.

Line 23600	= \$19,320	Tax-based net income
Annual AFNI	= \$19,320	
Monthly AFNI	= \$1,610	$\$19,320 \div 12 \text{ months}$
RGI	= \$1,610 x 30%	
	= \$483	

Paige is a single parent with one child. She declares earnings of about \$1,000 per month.

Line 23600	= \$13,896	Tax-based net income
Annual AFNI	= \$13,896	
Monthly AFNI	= \$1,158	$\$13,896 \div 12 \text{ months}$
RGI	= \$1,158 – \$150 earnings exemption = \$1,008	
	= 1,008 x 30%	
	= \$302 (rounded)	

Heba is a single parent with two children who receives Ontario Works and also works part time. Heba declares net monthly earnings of \$1,300 and Ontario Works of about \$400 per month.

Line 23600	= \$20,760	Tax-based net income
Annual AFNI	= \$20,760	
Monthly AFNI	= \$1,730	$\$20,760 \div 12 \text{ months}$
Net Ontario Works	= \$385	Per Statement of Assistance (monthly)
Monthly non-benefit income	= \$1,345	$\$1,730 - \$385$

Non-benefit income is above the non-benefit income limit of \$907.

See [Section 15: Ontario Works Benefit Units](#) for more information about non-benefit income limits for single parent Ontario Works benefit units.

$$\begin{aligned} \text{RGI} &= \$1,345 - \$150 \text{ earnings exemption} = \$1,195 \\ &= \$1,195 \times 30\% \\ &= \$359 \text{ (rounded)} \end{aligned}$$

See [Section 11: Tax-Based Net Income](#) for more information about how to determine non-benefit income.

## Legislative References

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[Ontario Regulation 316/19](#), s. 5, 6, 7



# 15. Ontario Works Benefit Units

## Purpose

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To detail the steps to calculate rent-geared-to-income (RGI) for all or part of a tenant of co-op member's household that has Ontario Works income.

## Overview

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Family units that receive social assistance from Ontario Works are called Ontario Works benefit units. RGI for Ontario Works benefit units is calculated according to set social assistance rent scales. These scales are set out in Tables 1 and 2 of [Ontario Regulation 316/19](#).

- Table 1 applies to sole-support parent benefit units receiving Ontario works
- Table 2 applies to all other Ontario Works benefit units.

Each Ontario Works rent scale sets out the base RGI for the benefit unit, as well as maximum amount of non-benefit income that the benefit unit can receive at that rate of RGI. This is called the non-benefit income limit.

- If the total non-benefit income of the benefit unit is less than or equal to the non-benefit income limit, the RGI amount set out in the Ontario Works rent scale is the base RGI for the benefit unit.
- If the total non-benefit income of the benefit unit is greater than the non-benefit income limit, the base RGI for the benefit unit is calculated at 30 per cent of the non-benefit income. See [Section 14: Calculating RGI Per AFNI](#) for more information about calculating RGI at 30 per cent of non-benefit income.

A benefit unit may be all or only part of a family unit. If part of the family receives Ontario Works and part of the family does not, this section applies to that part of the family that receives Ontario Works.

## Defining the Benefit Unit

---

A family unit may be a benefit unit in whole or in part. However, a benefit unit cannot consist of more than one family unit. An Ontario Works benefit unit can consist of:

- a single person
- a person and their spouse
- a person, their spouse and their dependent children (regardless of age)
- a person and their dependent children (regardless of age).

“Children” over the age of 18 may still be included as part of their parents’ Ontario Works benefit unit. Ontario Works refers to these people as dependant adults.

The Ontario Works office defines the benefit unit. This means that a member of the family who is not included in the benefit unit by Ontario Works is also not part of the benefit unit for the calculation of RGI. This may occur if a dependent is removed from the benefit unit because they have sufficient income to support themselves.

For example:

Charlie and Marie are a married couple with three children – Jill (age 16), Dianne (age 19) and Paul (age 21). The Ontario Works office confirms that Charlie receives social assistance for himself, his wife and his two children, Jill and Paul. Dianne is employed.

Dianne is not part of the Ontario Works benefit unit, and her employment income is not considered non-benefit income.

This household consists of a benefit unit of four and a family unit of one (Dianne).

In some circumstances the Ontario Works office may deem a member of a benefit unit to be “non-contributing” for non-compliance with employment participation requirements. When this happens, the Ontario Works payment is reduced to exclude the non-contributing member from the calculation. However, RGI is not affected because the member is still considered a part of the benefit unit.

For example:

Monica and Ronald are a married couple with two children. Their only source of income is Ontario Works of \$707 per month.

This is a benefit unit of four.

Ronald is determined to be non-contributing because he is not looking for work. The family's Ontario Works payment is reduced to \$484 per month.

This continues to be a benefit unit of four. RGI does not change.

## Non-Benefit Income

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Non-benefit income is compared to the non-benefit income limits in the Ontario Works social assistance scales to determine whether the scales apply.

Non-benefit income is all income normally included in AFNI, excluding social assistance income. In the case of an Ontario Works benefit unit:

- If AFNI is determined based on tax-based net income, non-benefit income is determined by deducting the current monthly net Ontario Works payment from the monthly AFNI (i.e. Line 23600 of the income tax assessment divided by 12 months). See [Section 11: Tax-Based Net Income](#) for more information about how this is calculated.
- If AFNI is determined based on approximated net income, all Ontario Works payments are excluded, leaving only non-benefit income.

The monthly net Ontario Works payment is verified by the current Statement of Assistance from Ontario Works and is the amount paid to the benefit unit after deductions (e.g. income deductions, overpayment deductions).

## Table 1 – Single Parent Benefit Units

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If the Ontario Works Benefit unit consists of a single parent with one or more children (regardless of age), use Table 1 in [Ontario Regulation 316/19](#) to determine the base RGI for the benefit unit.

Table 1 consists of three columns:

- **Column 1** sets out the size of the benefit unit
- **Column 2** sets out the base RGI for the benefit unit
- **Column 3** set outs the maximum non-benefit income that the benefit unit can have (i.e. the non-benefit income limit)

[Table 1 – Ontario Regulation 316/19](#)

<b>Column 1 Benefit unit size (number of individuals)</b>	<b>Column 2 Rent attributable to benefit unit (monthly)</b>	<b>Column 3 Non-benefit income limit (monthly)</b>
2	\$ 191	\$ 791
3	226	907
4	269	1,051
5	311	1,191
6	353	1,331
7	396	1,474
8	438	1,614
9	480	1,754
10	523	1,897
11	565	2,037
12 or more	607	2,117

To use Table 1:

- Determine the size of the benefit unit
- Determine the amount of non-benefit income
- Select the benefit unit size from Column 1
- Compare the total non-benefit income of all members of the benefit unit to the amount in Column 3.

If the total non-benefit income is less than or equal to the amount in Column 3, the base RGI for the benefit unit is the corresponding amount in Column 2

For example:

Denise is a single parent who receives Ontario Works for herself and her two young children. She also receives WSIB of \$500 per month.

Monthly AFNI = \$500 (Approximated net income using WSIB)

Total monthly non-benefit income = \$500

Per Table 1:

Column 1    Size of benefit unit            = 3

Column 2    Scale RGI                                    = \$226

Column 3    Non-benefit income limit            = \$907

As total non-benefit income (\$500) is less than the non-benefit income limit amount set out in Column 3 (\$907), the base RGI is the amount set out in Column 2.

The base RGI for the benefit unit is \$226.

Catherine is a single parent with one child. She receives Ontario Works and CPP survivor benefits. Her annual tax-based net income is \$7,632, and her most recent net Ontario Works payment is \$336.

Monthly AFNI                                    =  $\$7,632 \div 12 = \$636$

Total monthly non-benefit income        =  $\$636 - \$336 = \$300$

Per Table 1:

Column 1    Size of benefit unit            = 2

Column 2    Scale RGI                                    = \$191

Column 3    Non-benefit income limit            = \$797

As total non-benefit income (\$300) is less than the non-benefit income limit amount set out in Column 3 (\$797), the base RGI is the amount set out in Column 2.

The base RGI for the benefit unit is \$226.

If the total non-benefit income is greater than the amount in Column 3, the base RGI is calculated at 30 per cent of the non-benefit income. Ontario Works income is not included in the non-benefit income or the calculation of RGI.

In other words, the base RGI is calculated in the same manner as a single parent who is not in receipt of Ontario Works – excluding the Ontario Works income.

For example:

Donna is a single parent with one young child, who receives Ontario Works and works part-time. You determine her approximated net income to be \$1,000 per month based only on her earnings only.

Monthly AFNI = \$1,000

Total monthly non-benefit income = \$1,000.

Per Table 1:

Column 1    Size of benefit unit            = 2

Column 2    Scale RGI                                    = \$191

Column 3    Non-benefit income limit            = \$797

As the total non-benefit income (\$1,000) is greater than the non-benefit income limit set out in Column 3 (\$797), the amount set out in Column 2 is not used as the base RGI.

The base RGI is calculated at 30 per cent of non-benefit income:

$\$1,000 - \$150$  (earnings exemption) =  $\$850 \times 30\%$  =  $\$255$

The base RGI for the benefit unit is \$255.

Clara is a single parent with three children. She is employed and also receives Ontario Works. Her annual tax-based net income is \$24,810 and her most recent Ontario Works net payment was \$740.50.

Monthly AFNI =  $\$24,810 \div 12$  =  $\$2,067.50$

Monthly non-benefit income =  $\$2,067.50 - \$740.50$  =  $\$1,327$

Per Table 1:

Column 1    Size of benefit unit            = 4

Column 2    Scale RGI                                    = \$269

Column 3    Non-benefit income limit            = \$1,051

As the total non-benefit income (\$1,327) is greater than the non-benefit income limit set out in Column 3 (\$1,051), the amount set out in Column 2 is not used as the base RGI.

The base RGI is calculated at 30 per cent of non-benefit income:  
 $\$1,327 - \$150$  (earnings exemption) =  $\$1,177 \times 30\% = \$353$

The base RGI for the benefit unit is \$353.

Note that the earnings exemption for employment-related income applies only to the calculation of RGI at 30 per cent of the non-benefit income. It does not apply when comparing the non-benefit income to the non-benefit income limit in Column 3 of the Ontario Works social assistance scale.

See [Section 14: Calculating RGI Per AFNI](#) for more information about how to calculate RGI for Ontario Works benefit units with non-benefit income above the non-benefit income limit.

## Table 2 – Other Ontario Works Benefit Units

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If the Ontario Works Benefit unit is not a single parent with one or more children, use Table 2 in [Ontario Regulation 316/19](#) to determine the base RGI for the benefit unit. Table 2 applies specifically to the following types of Ontario Works benefit units:

- a single person
- a person and their spouse
- a person, their spouse and their dependent children (regardless of age).

Table 2 consists of three columns:

- **Column 1** sets out the size of the benefit unit
- **Column 2** sets out the base RGI for the benefit unit
- **Column 3** set outs the maximum non-benefit income that the benefit unit can have (i.e. the non-benefit income limit)

**Table 2 – Ontario Regulation 316/19**

<b>Column 1 Benefit unit size (number of individuals)</b>	<b>Column 2 Rent attributable to benefit unit (monthly)</b>	<b>Column 3 Non-benefit income limit (monthly)</b>
1	\$ 85	\$ 360
2	175	737
3	212	861
4	254	1,001
5	296	1,141
6	339	1,284
7	381	1,424
8	423	1,564
9	466	1,707
10	508	1,847
11	550	1,987
12 or more	593	2,131

To use Table 2:

- Determine the size of the benefit unit
- Determine the amount of non-benefit income
- Select the benefit unit size from Column 1
- Compare the total non-benefit income for members of the benefit unit to the amount in Column 3.

If the total non-benefit income is less than or equal to the amount in Column 3, the base RGI for the benefit unit is the corresponding amount in Column 2

For example:

Omar and Farah receive Ontario Works for themselves and their 3 children. Farah is receiving Employment Insurance (EI) benefits of \$200 per week. You determine approximated net income of \$866.60 based only on EI.

Monthly AFNI = \$866.60  
Monthly non-benefit income = \$866.60

Per Table 2:

Column 1 Size of benefit unit = 5  
Column 2 Scale RGI = \$296  
Column 3 Non-benefit income limit = \$1,141

As the total non-benefit income (\$866.60) is less than the non-benefit income limit set out in Column 3 (\$1,141), the base RGI is the amount set out in Column 2.

The base RGI for the benefit unit is \$296.

Bob receives Ontario Works as a single person and also has casual earnings. His tax-based net income is \$9,786, and his most recent Ontario Works net payment is \$465.50.

Monthly AFNI =  $\$9,786 \div 12 = \$815.50$   
Monthly non-benefit income =  $\$815.50 - \$465.50 = \$350$

Per Table 2:

Column 1 Size of benefit unit = 1  
Column 2 Scale RGI = \$85  
Column 3 Non-benefit income limit = \$360

As the total non-benefit income (\$350) is less than the non-benefit income limit set out in Column 3 (\$360), the base RGI is the amount set out in Column 2.

The base RGI for the benefit unit is \$85.

If the total non-benefit income is greater than the amount in Column 3, the base RGI is calculated at 30 per cent of non-benefit income. The Ontario Works income is not included in non-benefit income or the calculation of the base RGI.

In other words, the base RGI is calculated in the same manner as a single person or a family who is not in receipt of Ontario Works – excluding the Ontario Works income.

For example:

Rob is a single person receiving Ontario Works and a small private early retirement pension of \$410 per month.

Monthly AFNI = \$410 (Approximated net income based on pension)

Monthly non-benefit income = \$410

Per Table 2:

Column 1    Size of benefit unit            = 1

Column 2    Scale RGI                                    = \$85

Column 3    Non-benefit income limit            = \$360

As the total non-benefit income (\$490) is greater than the non-benefit income limit set out in Column 3 (\$360), the amount set out in Column 2 is not used as the base RGI.

The base RGI is calculated at 30 per cent of non-benefit income:

$\$490 \times 30\% = \$147.$

The base RGI for the benefit unit is \$147.

Andrew and Linda receive Ontario Works as a family for themselves and their two young children. Andrew and Linda are both employed. Their most recent Ontario Works net payment is \$402

Andrew's tax-based net income = \$15,680

Linda's tax-based net income = \$4,144

Monthly AFNI =  $\$15,680 + \$4,144 = \$19,824 \div 12 = \$1,652$

Monthly non-benefit income =  $\$1,652 - \$402 = \$1,250$

Per Table 2:

Column 1    Size of benefit unit            = 4

Column 2    Scale RGI                                    = \$254

Column 3    Non-benefit income limit            = \$1,001

As the total non-benefit income (\$1,250) is greater than the non-benefit income limit amount set out in Column 3 (\$1,001), the amount set out in Column 2 is not used as the base RGI.

The base RGI is calculated at 30 per cent of non-benefit income:

$\$1,250 - \$150$  (earnings exemption)  $= \$1,100 \times 30\% = \$330$

The base RGI for the benefit unit is \$330.

Note that the earnings exemption for employment-related income applies only to the calculation of RGI at 30 per cent of the non-benefit income. It does not apply when comparing the non-benefit income to the non-benefit income limit in Column 3 of the Ontario Works social assistance scale.

See [Section 14: Calculating RGI Per AFNI](#) for more information about how to calculate RGI for Ontario Works benefit units with non-benefit income greater than the non-benefit income limit.

## Temporary Care Assistance

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The Ontario Works social assistance rent scales are used only for benefit units that receive regular Ontario Works benefits.

Temporary Care Assistance is not a regular Ontario Works benefit. It is a special benefit paid to an adult who is providing temporary care for a child who is not their dependant, and for whom they have no legal obligation to provide support. Temporary care assistance is for the sole benefit of the child and does not consider the income or assets of the adult providing temporary care – as is the case with regular Ontario Works benefits. Additionally, it does not include a shelter allowance.

Where an adult providing temporary care also receives Ontario Works in their own right, the Temporary Care Assistance will be issued as a separate payment.

Temporary Care assistance is not included on Line 23600 of the income tax assessment and is also excluded from approximated net income. It is not used to calculate RGI.

For example:

Peter and Beverly receive Ontario Works as a married couple, as well as CPP income. Their tax-based net income is \$8,568 and their most recent monthly net Ontario Works payment is \$314. They are also caring temporarily for their six-year-old twin nieces while their mother is in a residential rehabilitation facility. Ontario works pays the couple an additional \$498 for Temporary Care Assistance.

Monthly AFNI =  $\$8,568 \div 12 = \$714$   
Monthly non-benefit income =  $\$714 - \$314 = \$400$

Temporary Care Assistance of \$498 is not included in AFNI and is not deducted when determining non-benefit income.

Per Table 2:

Column 1    Size of benefit unit            = 2 (Peter and Beverly only)  
Column 2    Scale RGI                                    = \$175  
Column 3    Non-benefit income limit            = \$737

As the total non-benefit income (\$400) is less than the non-benefit income limit amount set out in Column 3 (\$737), the base RGI for the benefit unit is the amount set out in Column 2 (\$175).

The base RGI for the household is \$175.

The Temporary Care Assistance of \$498 has no impact on RGI.

Greta is a single senior who receives Old Age Security (OAS) and the Guaranteed Income Supplement (GIS). Her annual tax-based net income is \$19,356. She also receives \$274 Temporary Care Assistance from Ontario Works because she is caring for her 10-year-old grandson while his father is in jail.

Greta is not a benefit unit.

The base RGI is calculated at 30 per cent of Greta's tax-based net income.

Monthly AFNI =  $\$19,356 \div 12 = \$1,613$

Temporary Care Assistance of \$274 is not included in AFNI.

Greta is not a benefit unit. Her RGI is calculated at 30% of AFNI.

$\$1,613 \times 30\% = \$484$

The base RGI for the household is \$484.

The Temporary Care Assistance of \$274 has no impact on RGI.

## Financially Dependent Parents

---

The Ontario Works social assistance rent scales are used only for benefit units that receive regular Ontario Works benefits.

Children under the age of 18 who live with their parent(s) do not qualify for Ontario Works in their own right and are included in their parents' benefit unit.

If the dependent has a child of their own, they may receive a special benefit from Ontario Works for the support of the dependent child. These "financially dependent parents" are not entitled to a shelter allowance as part of the special benefit they receive on behalf of their child.

Where a dependent of Ontario Works benefit unit receives assistance as a financially dependent parent, it will be issued as a separate payment.

Assistance for financially dependent parents is not included on Line 23600 of the income tax assessment and is also excluded from approximated net income. It is not used to calculate RGI.

For example:

Mavis lives with her 17-year-old daughter, Jenny and Jenny's 6-month old son. Mavis receives Ontario Works for herself and Jenny only. Jenny receives Ontario Works of \$366 as a financially dependent parent for her son only.

Monthly non-benefit income = \$0

Jenny's assistance of \$366 is not included in AFNI or non-benefit income.

Per Table 2

Column 1	Size of benefit unit	= 2 (Mavis and Jenny only)
Column 2	Scale RGI	= \$191
Column 3	Non-benefit income limit	= \$791

As the total non-benefit income (\$0) is less than the non-benefit income limit amount set out in Column 3 (\$791), the base RGI for the benefit unit is the amount set out in Column 2 (\$191).

The base RGI for the household is \$191.

Jenny's financial assistance of \$366 has no impact on RGI.

## Verification Requirements

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To calculate RGI for Ontario Works benefit units, you must verify:

- the number of people included in an Ontario Works benefit unit
- the current monthly net amount of social assistance received after deductions (e.g. income deductions, overpayment deductions).

Ontario Works benefit units receive a monthly Statement of Assistance that sets out the names of all family members included in the benefit unit, as well as the net monthly social assistance payment. The 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 office setting out the current net social assistance amount and the number of people in the benefit unit.

Normally the tenant or co-op member will request such a letter from the Ontario Works office. If the housing provider requests the letter from the Ontario Works office directly, they must attach the [Regional Consent](#) form to their request. Providers will normally request information directly from the Ontario Works office only with the tenant or co-op member's permission.

Housing providers may also contact the Housing Services Division for assistance in verifying Ontario Works information.

## Legislative References

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[Ontario Regulation 316/19](#), s. 3, 4

## 16. ODSP Benefit Units

### Purpose

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To detail the steps to calculate RGI for all or part of a tenant or co-op member household that has Ontario Disability Support Program (ODSP) income.

### Overview

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Family units that receive social assistance from the Ontario Disability Support Program (ODSP) are called ODSP benefit units. RGI for ODSP benefit units is calculated according to a set social assistance rent scale. This scale is set out in Table 3 of [Ontario Regulation 316/19](#).

The ODSP rent scale sets out the base RGI for the benefit unit, as well as the maximum amount of non-benefit income that the benefit unit can receive at that rate of RGI. This is called the non-benefit income limit.

- If the total non-benefit income of the benefit unit is less than or equal to the non-benefit income limit, the RGI amount set out in the ODSP rent scale is the base RGI for the benefit unit.
- If the total non-benefit income of the benefit unit is greater than the non-benefit income limit, the base RGI for the benefit unit is calculated at 30 per cent of the non-benefit income. See [Section 14: Calculating RGI Per AFNI](#) for more information about calculating RGI at 30 per cent of non-benefit income.

A benefit unit may be all or only part of a family unit. If part of the family receives ODSP and part of the family does not, this section applies to that part of the family that receives ODSP.

### Defining the Benefit Unit

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ODSP is a social assistance program intended to support people with disabilities and their families. Recipients of ODSP are referred to as benefit units.

A family unit may be a benefit unit in whole or in part. However, a benefit unit cannot consist of more than one family unit. An ODSP benefit unit can consist of:

- a single person with a disability
- a person with a disability and their spouse (who may or may not also have a disability)
- a person with a disability, their spouse (who may or may not also have a disability), and their dependent children (regardless of age)
- a person with a disability and their dependent children (regardless of age)

“Children” over the age of 18 may still be included as part of their parents’ ODSP benefit unit. ODSP refers to these people as dependant adults.

The ODSP office defines the benefit unit. This means that a member of the family who is not included in the benefit unit by ODSP is also not part of the benefit unit for the calculation of RGI. This may occur if a dependent is removed from the benefit unit because they have sufficient income to support themselves, or because they are eligible to receive Ontario Works or ODSP in their own right.

For example:

Bill lives with his 21-year-old son, Tom. Bill has a disability and receives ODSP as a single person. Tom is unemployed and receiving Ontario Works as a single person.

This household consists of an ODSP benefit unit of one (Bill) and an Ontario Works benefit unit of one (Tom).

## Non-Benefit Income

---

Non-benefit income is compared to the non-benefit income limits in the ODSP social assistance scales to determine whether the scales apply.

Non-benefit income is all income normally included in AFNI, excluding social assistance income. In the case of an ODSP benefit unit:

- If AFNI is determined based on tax-based net income, non-benefit income is determined by deducting the current monthly net ODSP payment from the monthly AFNI (i.e. Line 23600 of the income tax assessment divided by 12 months).

- If AFNI is determined based on approximated net income, all ODSP payments are excluded, leaving only non-benefit income.

The monthly net ODSP payment is verified by the current Statement of Assistance from ODSP and is the amount paid to the benefit unit after deductions (e.g. income deductions, overpayment deductions).

## ODSP Social Assistance Scales

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Table 3 of Ontario Regulation 316/19 is used to determine the base RGI for an ODSP benefit unit.

Table 3 consists of three columns:

- **Column 1** sets out the size of the benefit unit
- **Column 2** sets out the base RGI for the benefit unit
- **Column 3** set outs the maximum non-benefit income that the benefit unit can have (i.e. the non-benefit income limit)

**Table 3 – Ontario Regulation 316/19**

Column 1 Benefit unit size (number of individuals)	Column 2 Rent attributable to benefit unit (monthly)	Column 3 Non-benefit income limit (monthly)
1	\$ 109	\$ 440
2	199	817
3	236	941
4	278	1,081
5	321	1,224
6	363	1,364
7	405	1,504
8	448	1,647
9	490	1,787
10	532	1,927
11	575	2,071
12 or more	617	2,211

To use Table 3:

- Determine the size of the benefit unit
- Determine the amount of non-benefit income
- Select the benefit unit size from Column 1
- Compare the total non-benefit income for members of the benefit unit to the amount in Column 3.

If the total non-benefit income is less than or equal to the amount in Column 3, the base RGI for the benefit unit is the corresponding amount in Column 2

For example:

Kelly and Mark are a married couple with two children under the age of six. The family receives ODSP due to Mark's disability. Kelly does home daycare and her approximated net income is \$860 per month.

Monthly AFNI = \$860 (Kelly's earnings)  
Total monthly non-benefit income = \$860

Per Table 3:

Column 1    Size of benefit unit        = 4  
Column 2    Scale RGI                                = \$278  
Column 3    Non-benefit income limit    = \$1,081

As total non-benefit income (\$860) is less than the non-benefit income limit amount set out in Column 3 (\$1,081), the base RGI is the amount set out in Column 2.

The base RGI for the benefit unit is \$278.

Amrit is a single person receiving ODSP and CPP-disability (CPP-d) benefits. His annual tax-based net income is \$9,732, and his most recent net ODSP payment is \$411.

Monthly AFNI =  $\$9,732 \div 12$  = \$811  
Total monthly non-benefit income =  $\$811 - \$411 = \$400$

Per Table 3:

Column 1	Size of benefit unit	= 1
Column 2	Scale RGI	= \$109
Column 3	Non-benefit income limit	= \$440

As total non-benefit income (\$400) is less than the non-benefit income limit amount set out in Column 3 (\$440), the base RGI is the amount set out in Column 2.

The base RGI for the benefit unit is \$109.

If the total non-benefit income is greater than the amount in Column 3, the base RGI is calculated at 30 per cent of the non-benefit income. ODSP income is not included in the non-benefit income or the calculation of RGI.

In other words, the base RGI is calculated in the same manner as a tenant or co-op member who is not in receipt of ODSP – excluding the ODSP income.

For example:

Gina is a single mother with one young child. She receives ODSP and CPP-disability (CPP-d). Her approximated net income is \$850 per month (CPP-d only).

Monthly AFNI	= \$850
Total monthly non-benefit income	= \$850

Per Table 3:

Column 1	Size of benefit unit	= 2
Column 2	Scale RGI	= \$191
Column 3	Non-benefit income limit	= \$797

As the total non-benefit income (\$850) is greater than the non-benefit income limit set out in Column 3 (\$797), the amount set out in Column 2 is not used as the base RGI.

The base RGI is calculated at 30 per cent of non-benefit income:  
 $\$850 \times 30\% = \$255$

The base RGI for the benefit unit is \$255.

Alan is a single person with a disability. He receives ODSP and also works part time. His tax-based net income is \$14,364, and his most recent net ODSP payment is \$680.

Monthly AFNI  $= \$14,364 \div 12 = \$1,197$   
Monthly non-benefit income  $= \$1,197 - \$654 = \$543$

Per Table 3

Column 1	Size of benefit unit	= 1
Column 2	Scale RGI	= \$109
Column 3	Non-benefit income limit	= \$440

As the total non-benefit income (\$543) is greater than the non-benefit income limit set out in Column 3 (\$440), the amount set out in Column 2 is not used as the base RGI.

The base RGI is calculated at 30 per cent of non-benefit income:  
 $\$543 - \$75$  (earnings exemption)  $= \$468 \times 30\% = \$140$

The base RGI for the benefit unit is \$129.

Note that the earnings exemption for employment-related income applies only to the calculation of RGI at 30 per cent of the non-benefit income. It does not apply when comparing the non-benefit income to the non-benefit income limit in Column 3 of the Ontario Works social assistance scale.

See [Section 14: Calculating RGI Per AFNI](#) for more information about calculating RGI for ODSP benefit units with non-benefit income greater than the non-benefit income limit.

## **ODSP Benefit Units with CPP-Disability or OAS Allowance**

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The Housing Services Act sets out a separate test for ODSP benefits units that also receive Canada Pension Plan disability benefits (CPP-d) or the Old Age Security (OAS) Allowance. This second test compares these amounts to the ODSP basic needs amount for the benefit unit.

This second test is not conducted in the Region of Durham. CPP-d and OAS Allowance income is treated in the same manner as other types of non-benefit income.

## Assistance for Children with Severe Disabilities (ACSD)

---

The ODSP social assistance rent scales are used only for benefit units that receive regular ODSP benefits.

Assistance for Children with Severe Disabilities (ACSD) is not a regular ODSP benefit. It is a special benefit that is paid to the parents of a disabled child to assist them with disability related expenses and respite costs. ACSD does not include a shelter allowance.

The parents may or may not be in receipt of social assistance themselves. Parents eligible for both ODSP and ACSD will receive these as separate payments.

ACSD is not included on Line 23600 of the income tax assessment and is also excluded from approximated net income. It is not used to calculate RGI.

For example:

Conrad receives ODSP for himself and his son of \$414, as well as an additional ACSD amount for his son of \$490. He also receives CPP-disability, and his annual tax-based net income is \$12,168.

Monthly AFNI =  $\$12,168 \div 12 = \$1,014$

Monthly non-benefit income =  $\$1,014 - \$414 = \$600$

ACSD of \$490 is not included in AFNI and is not deducted when determining non-benefit income.

Per Table 3:

Column 1    Size of benefit unit        = 2

Column 2    Scale RGI                                = \$199

Column 3    Non-benefit income limit        = \$817

As the total non-benefit income (\$600) is less than the non-benefit income limit amount set out in Column 3 (\$817), the base RGI for the benefit unit is the amount set out in Column 2 (\$175).

The base RGI for the household is \$199.

The ACSD of \$490 has no impact on RGI.

## Verification Requirements

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To calculate RGI for ODSP benefit units, you must verify:

- the number of people included in an ODSP benefit unit
- the current monthly net amount of social assistance received after deductions (e.g. income deductions, overpayment deductions).

ODSP benefit units receive a monthly Statement of Assistance that sets out the names of all family members included in the benefit unit, as well as the net monthly social assistance payment. The 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 ODSP office setting out the current net social assistance amount and the number of people in the benefit unit.

Normally the tenant or co-op member will request such a letter from the ODSP office. If the housing provider requests the letter from the ODSP office directly, they must attach the [Regional Consent](#) form to their request. Providers will normally request information directly from the ODSP office only with the tenant or co-op member's permission.

Housing providers may also contact the Housing Services Division for assistance in verifying ODSP information.

## Legislative References

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[Ontario Regulation 316/19](#), s. 3, 4

# 17. Utility Adjustments

## Purpose

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To outline the utility allowances and extra charges that are included in the calculation of rent-gear-to-income (RGI).

## Overview

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RGI is intended to reflect the cost of “fully-serviced accommodation.” This means that the housing provider pays the costs for heat and hot water and also provides a refrigerator and a stove in the unit. Tenants or co-op members are expected to pay for their own electricity, with the exception of electric heat. Where these are not provided or where services are provided in addition to these, the base RGI is adjusted for utilities.

Utility adjustments are based on set scales that reflect the size of the unit, the utilities and services provided by the housing provider, and additional charges paid by the tenant or co-op member. These scales are set out in Tables 4 to 8 of [Ontario Regulation 316/19](#) as follows:

- **Table 4** details extra charges that are added to the base RGI where the housing provider pays the cost for additional services such as laundry facilities or electricity other than that used for heat or hot water.
- **Table 5** details allowances that are subtracted from the base RGI where the tenant or co-op member is required to pay for water, hot water or provide their own fridge or stove.
- **Tables 6, 7 and 8** detail allowances for heat that are subtracted from the base RGI where the tenant or co-op member is required to pay for their own heating costs.

Any combination of allowances and extra charges may be applied to an RGI unit. These are added together to determine the set utility adjustment for the unit.

Once the utility adjustment is determined for a unit, it will remain fixed for this unit unless the services change or the utility tables in Ontario Regulation 316/19 are modified by the Ministry of Municipal Affairs and Housing (MMAH).

## Standard Extra Charges

---

“Fully serviced accommodation” means that the housing provider pays the costs for heat and hot water and also provides a refrigerator and a stove in the unit. Tenants or co-op members are expected to pay for their own electricity, with the exception of electric heat.

Standard extra charges are added to the base RGI of a household if the housing provider is also responsible for the costs of any of the following additional services or utilities:

- electricity for the unit (excluding electric heat)
- power for cooking facilities in the unit
- power to operate a clothes dryer in the unit.
- a washing machine in the unit (not coin-operated)
- a clothes dryer in the unit (not coin-operated)
- laundry facilities in the housing project that are not coin-operated.

Standard extra charges for additional services and utilities that are paid for by the housing provider are determined according to Table 4 in Ontario Regulation 316/19 as set out on the following page:

**Table 4: Standard Extra Charges**

Column 1 Item	Column 2 Service or Utility	Column 3 1-bed unit, Bach, Bed	Column 4 2-bed unit	Column 5 3-bed unit	Column 6 4-bed unit or more
1.	Electricity, other than, electricity provided for heating the unit electricity provided for heating the water supplied to the unit electricity provided as power for cooking facilities in the unit electricity provided as power to operate a clothes dryer in the unit.	\$24	\$34	\$39	\$41
2.	Power for cooking facilities in the unit.	6	9	11	12
3.	Laundry facilities, other than coin- operated laundry facilities, in the housing project.	6	9	11	13
4.	Power to operate a clothes dryer in the unit.	6	9	11	13
5.	A washing machine, other than a coin- operated washing machine, in the unit.	2	2	2	2
6.	A clothes dryer, other than a coin- operated clothes dryer, in the unit.	2	2	2	2

Use Table 4 to determine the applicable extra charge for the unit for each additional service or utility outlined in Column 2 that is paid for by the housing provider. Charges for each service or utility vary according to the size of the unit as outlined in Columns 3 to 6 of Table 4.

For example:

A housing provider pays the utilities and appliances for a three-bedroom unit, including heat, electricity, water, hot water, stove and refrigerator. The housing provider also provides a washer and dryer in the unit for the tenant or co-op member's use.

The extra charge, which is added to the base RGI for the household, is based on a three-bedroom unit and services provided as follows:

Electricity	\$ 39
Cooking power	\$ 11
Clothes drying power	\$ 11
Washer	\$ 2
Dryer	\$ 2
Total extra charge for the unit \$ 65	

## Allowances for Water, Hot Water and Appliances

---

“Fully serviced accommodation” means that the housing provider pays the costs for heat and hot water and also provides a refrigerator and a stove in the unit. Tenants or co-op members are expected to pay for their own electricity, with the exception of electric heat.

An allowance is subtracted from the base RGI of the household if the tenant or co-op member is expected to pay for the costs of any of the following additional services or appliances:

- fuel (i.e. oil, gas or electricity) used to operate a hot water heater
- water
- refrigerator
- stove.

Where the tenant or co-op member is responsible for the costs of fuel to operate a hot water heater, the allowance that is subtracted from the base RGI is dependent on the type of fuel (i.e. oil, gas or electricity) and whether or not the tenant or co-op member is also required to pay a rental fee for the hot water heater. If the housing provider does not own the hot water heater, the tenant or co-op member is paying a rental fee for it.

Allowances for water, hot water and appliances that are supplied by the tenant or co-op member are determined according to Table 5 in Ontario Regulation 316/19 as set out on the following page:

**Table 5: Allowances for Water and Appliances**

Column 1 Item	Column 2 Service or Utility	Column 3 1-bed unit, Bach, Bed	Column 4 2-bed unit	Column 5 3-bed unit	Column 6 4-bed unit or more
1.	Oil used to operate a hot water heater, where the household does not pay a rental fee for the heater	\$28	\$34	\$39	\$47
2.	Oil used to operate a hot water heater, where the household pays a rental fee for the heater	34	41	46	56
3.	Gas used to operate a hot water heater, where the household does not pay a rental fee for the heater	15	21	26	32
4.	Gas used to operate a hot water heater, where the household pays a rental fee for the heater	29	40	47	54
5.	Electricity used to operate a hot water heater, where the household does not pay a rental fee for the heater	23	28	32	39
6.	Electricity used to operate a hot water heater, where the household pays a rental fee for the heater	28	34	38	46
7.	Water, other than hot water	8	15	18	20
8.	Refrigerator	2	2	2	2
9.	Stove	2	2	2	2

Use Table 5 to determine the applicable allowance for the unit for each item outlined in Column 2 that is paid for by the tenant or co-op member. Charges for each service or utility vary according to the size of the unit as outlined in Columns 3 to 6 of Table 5.

For example:

John lives in a 3-bedroom unit and pays directly for water and gas, including gas to heat the hot water. He pays a rental fee for the hot water heater and owns its own refrigerator and stove.

The allowance for water and appliances, which is subtracted from the base RGI, is based on a 3-bedroom unit and is calculated as follows:

Gas for hot water, including a fee for a rental hot water heater	\$ 47
Water	\$ 18
Refrigerator	\$ 2
Stove	\$ 2
Total allowance for the unit	\$ 69

Note: This example does not calculate the allowance for gas heat, which will be outlined in the next subsection, Allowances for Heat.

## Allowances for Heat

---

Fully serviced accommodation means that the housing provider pays the full costs to heat the unit. If the tenant or co-op member pays their own heating costs directly, the applicable heating allowance is subtracted from the base RGI for the tenant or co-op member.

Heating allowances are set out in Tables 6, 7 and 8 of Ontario a Regulation 319/19 and are based on the:

- type of fuel used to heat the unit
- area of the province in which the tenant or co-op member lives
- size and type of the unit.

Table 6 sets out the heating allowances for oil heat, Table 7 for gas heat, and Table 8 for electric heat, as follows:

**Table 6: Heat Allowance — Oil**

Column 1 Item	Column 2 Type of Unit	Column 3 Southern	Column 4 Central	Column 5 Northeastern	Column 6 Northern
1.	Apartment — Bachelor or one bedroom	\$49	\$55	\$56	\$67
2.	Apartment — Two bedrooms	51	57	58	72
3.	Apartment — Three or more bedrooms	64	69	73	90
4.	Row house	68	73	79	102
5.	Semi-detached house	92	97	107	135
6.	Single detached house	136	147	149	182

**Table 7: Heat Allowance — Gas**

Column 1 Item	Column 2 Type of Unit	Column 3 Southern	Column 4 Central	Column 5 Northeastern	Column 6 Northern
1.	Apartment — Bachelor or one bedroom	\$21	\$31	\$32	\$40
2.	Apartment — Two bedrooms	24	32	33	43
3.	Apartment — Three or more bedrooms	25	35	39	49
4.	Row house	28	37	42	56
5.	Semi-detached house	39	49	56	76
6.	Single detached house	56	74	79	100

**Table 8: Heat Allowance — Electricity**

Column 1 Item	Column 2 Type of Unit	Column 3 Southern	Column 4 Central	Column 5 Northeastern	Column 6 Northern
1.	Apartment — Bachelor or one bedroom	\$40	\$45	\$46	\$55
2.	Apartment — Two bedrooms	42	47	48	59
3.	Apartment — Three or more bedrooms	53	57	60	74
4.	Row house	56	60	65	84
5.	Semi-detached house	76	80	88	111
6.	Single detached house	112	121	123	150

Durham Region is located in the Central Region of Ontario, so the amounts set out in Column 4 of the above tables are used to determine the heating allowance.

Determine the type of fuel (oil, gas or electricity) used to heat the unit, and then use one of Tables 6, 7 or 8 to determine the applicable allowance for the type and size of unit set out in Column 2.

For example:

Joanna lives in a 3-bedroom townhouse in Oshawa. She pays for all utilities including electric baseboard heating for the unit.

The heating allowance that is subtracted from the base RGI is \$60. This is the amount set out in Column 4 (Central Region) for a row house.

## Utility Adjustment Examples

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Once all of the standard extra charges, allowances for water, hot water and appliances, and allowances for heat are determined, this amount is applied to the base RGI for the unit. This net amount may be either added to or subtracted from the base RGI for the unit.

For example:

Eleanor lives in a semi-detached four-bedroom house and pays the costs of all utilities including electricity, water and gas for heat and hot water. The housing provider owns the hot water heater in the house, and also provides a fridge, stove, washer and dryer.

The base RGI is \$480.

The utility adjustment for the unit is:

Washer	\$ 2 per Table 4
Dryer	\$ 2 per Table 4
Water	– \$ 20 per Table 5
Gas for hot water	– \$ 32 per Table 5 (no hot water heater fee)
Gas to heat house	– \$ 49 per Table 7

Total utility adjustment for unit is – \$ 97 (minus).

The RGI is determined by subtracting the utility adjustment from the base RGI as follows:

Base RGI	\$ 480
Utility adjustment	– \$ 97
RGI charge	= \$ 383

Helene lives in a two-bedroom apartment. The housing provider pays the costs for all utilities including the electricity to heat the unit. Helene owns her own fridge and stove.

The base RGI is \$191.

The utility adjustment for the unit is:

Electricity for unit	\$ 34	per Table 4
Power for cooking facilities	\$ 9	per Table 4
Fridge	– \$ 2	per Table 5
Stove	– \$ 2	per Table 5

Total utility adjustment for unit is \$ 39.

RGI is determined by adding the utility adjustment to the base RGI as follows:

Base RGI	\$ 191
Utility adjustment	+ \$ 39
RGI charge	= \$230

## Legislative References

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[Ontario Regulation 316/19](#), s. 9



## 18. Minimum RGI

### Purpose

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To outline how to calculate the minimum rent-geared-to-income (RGI) that may be charged to a tenant or co-op member. This is called minimum rent.

### Overview

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Once the total RGI amount is calculated for a tenant or co-op member, including any applicable utility adjustments, this amount is compared to the minimum RGI chargeable for the unit.

The minimum RGI rent under the Housing Services Act for the period July 1, 2021 to June 30, 2022 is \$131. This amount will be indexed annually at the same rate as the rent increase guideline under the Residential Tenancies Act.

There are two exceptions to the minimum rent amount:

- Provisional Minimum Rent – RGI tenants and co-op members whose RGI remains less than the previous minimum rent of \$129 are subject to a provisional minimum rent amount of \$101 for the period July 1, 2020 to June 30, 2021.
- Single Person Benefit Units at Scale - the minimum rent for a single person receiving Ontario Works is \$85; the minimum rent for a single person receiving ODSP is \$109. This applies only if RGI is determined per the social assistance scale amount.

Minimum rent applies to the entire household or unit, not to individual family units or benefit units within the household and is determined after any applicable utility adjustments.

### Calculating Minimum Rent

---

Minimum rent is determined after all RGI calculations are completed – including any applicable utility adjustments. It applies to the whole household, not to individual family units or benefit units.

Housing providers calculate RGI for the household as follows:

- Determine the RGI charge for each family unit or benefit unit in the household using 30 per cent of the adjusted family net income (AFNI) or applicable social assistance scale.
- Total the RGI charges for all family units and benefit units in the household.
- Apply any utility adjustments for the unit.
- If this amount is lower than the applicable minimum rent for the household, increase the RGI charge to the applicable minimum rent amount.

For example:

You calculate 30 per cent of AFNI at \$150. There is a utility allowance for the unit of \$36.

RGI calculation	$\$150 - \$36 = \$114$
Adjusted to minimum RGI	$= \$131$

Minimum rent applies to the entire household, not to individual family units within the household. For example:

A household consists of a couple receiving ODSP and their 30-year-old son. The couple do not receive ODSP for their son. The son has no income of his own. There is no utility adjustment for the unit.

RGI calculation for couple	\$ 199
RGI calculation for son	\$ 0
Total RGI for household	\$199

No minimum rent adjustment is required.

## Provisional Minimum Rent

---

If an RGI tenant or co-op member has been paying less than \$129 continuously since July 1, 2020, the minimum monthly rent applicable to that household is \$101. This

provisional minimum rent amount will be increased annually by \$8 on July 1 of each year until it is equivalent to the indexed \$131 minimum rent amount.

The provisional minimum rent ceases to apply to an RGI tenant or co-op member if their RGI is calculated at more than \$129 any time after July 1, 2020.

For example:

In December 2021, you conduct an RGI review for a tenant who was previously paying RGI of \$100 due to low income. You calculate their new RGI at \$65.

Old RGI	\$100	Less than \$129 since July 1, 2020
New RGI Calculation	\$65	Less than \$129
Minimum rent	\$101	Provisional minimum rent

Adjust RGI to provisional minimum rent of \$101.

On July 1, 2022, minimum rent is indexed to \$133 (based on hypothetical rent increase guideline) and provisional minimum rent is increased to \$109 (\$101 +\$8).

In December 2021, you conduct an RGI review for a tenant who was previously paying RGI of \$100 due to low income. You calculate their new RGI at \$65. you conduct an RGI review for the same tenant and calculate their new RGI at \$98.

Old RGI	\$93	Less than \$131 (new indexed minimum rent)
New RGI Calculation	\$98	Less than \$131 (new indexed minimum rent)
Minimum rent	\$101	Provisional minimum rent (indexed)

Adjust RGI to new provisional minimum rent of \$101.

On July 1, 2022, minimum rent is indexed to \$134 and provisional minimum rent is indexed to \$109 (\$101 +\$8).

In December 2022, you conduct an RGI review for the same tenant and calculate their new RGI at \$140.

Old RGI	\$101	Less than \$134 (new indexed minimum rent)
New RGI Calculation	\$140	More than \$134 (new indexed minimum rent)

Minimum rent does not apply. RGI is charged at \$140.

Provisional minimum rent will no longer apply to this tenant if income decreases.

On July 1, 2023, minimum rent is indexed to \$137 and provisional minimum rent is indexed to \$117 (\$109 +\$8).

In December 2022, you conduct an RGI review for the same tenant and calculate their new RGI at \$135.

Old RGI	\$93	Less than \$137 (new indexed minimum rent)
New RGI Calculation	\$135	Less than \$137 (new indexed minimum rent)
Minimum rent	\$137	

Adjust RGI to new indexed minimum rent of \$137.

Provisional minimum rent no longer applies to this tenant because they have paid RGI of more than the indexed minimum rent since July 1, 2020.

## Minimum Rent for Single Person Benefit Units at Scale

---

The minimum rent for a tenant or co-op member who pays RGI of less than \$129 per the social assistance rent scale is the rent scale for the benefit unit. This only applies to households that consist of a single benefit unit of one person.

- Minimum rent for an ODSP benefit unit of one is \$109.
- Minimum rent for an Ontario Works benefit unit of one is \$85.

For example:

Dwayne is a single person receiving ODSP. He is overhoused and lives in a 3-bedroom townhouse with a utility allowance of \$58.

RGI Calculation	\$51	= \$109 – \$58 utility allowance
Minimum rent	\$109	ODSP scale

RGI is adjusted to the scale rate for a benefit unit of one – not to provisional minimum rent.

## Indexed Minimum Rent

---

Beginning on July 1, 2021, the minimum rent will be increased annually at the same rate as the rent increase guideline under the Residential Tenancies Act. Provisional minimum rent will be increased by \$8.

Minimum rents for single benefit units paying RGI per the social assistance scales will continue to be the scale amount. These amounts are not indexed annually.

The Housing Services Division will notify housing providers of the applicable indexed minimum rent amounts before July 1 each year. Housing providers will adjust RGI for tenants and co-op members paying minimum rent to the new indexed amount at the first RGI review conducted after July 1 each year. Any increase in RGI is effective the first day of the month following the review.

For example:

A tenant moves into an RGI unit on September 1, 2020. RGI is calculated at \$110.

RGI is calculated at less than \$129, so RGI is adjusted to minimum rent of \$129.

Minimum rent is indexed effective July 1, 2021 at 1.9 % per the rent increase guidelines, making it \$131.

You conduct an annual RGI review for the same tenant in September 2021 and calculate their RGI at \$102.

RGI is calculated at less than the indexed minimum rent amount, so RGI is adjusted to new minimum rent of \$131 effective October 1, 2021 following the review.

## Legislative References

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[Ontario Regulation 316/19](#), s. 2(2), 2(3), 2(4), 2(5), 2(6), 2(7) and 2(8)



# 19. Maximum RGI

## Purpose

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To outline how to calculate the maximum rent-geared-to-income (RGI) that may be charged to a tenant or co-op member.

## Overview

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Once the total RGI amount is calculated for a tenant or co-op member, including any applicable utility adjustments, this amount is compared to the maximum RGI chargeable for the unit. The total RGI charge for the unit cannot be more than the market RGI charge for the unit.

## Maximum RGI

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The maximum RGI that can be charged to a tenant or co-op member is the amount of the market rent or housing charge for the unit.

If RGI is calculated at more than the market rent or housing charge, the RGI is reduced to an amount equivalent to the market rent or housing charge.

For example:

The base RGI for a household is \$820. There is utility charge of \$39 for the unit. The market rent for the unit is \$850. The RGI charge for the unit is:

RGI calculation	$\$820 + \$39 = \$859$
Adjusted to maximum RGI	$= \$850$

## Legislative References

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[Ontario Regulation 316/19](#), s. 2



## 20. Pro-Rated RGI

### Purpose

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To outline how to calculate rent-geared-to-income (RGI) for a partial month of occupancy.

### Overview

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If a tenant or co-op member lives in a unit for less than a full month, the RGI for the month is prorated so that the tenant or co-op member only pays for the part of the month in which it occupied the unit. This may occur in the month of move-in or the month of move-out.

### Move-ins

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If a new tenant or co-op member's lease or housing agreement stipulates a move-in date that is after the first of the month, the RGI will be pro-rated for the first month of occupancy.

The RGI is not prorated if the lease or housing agreement begins on the first of the month, and the tenant or co-op member chooses not to move in until after this date.

To pro-rate the RGI for the month of move-in:

- calculate the full monthly RGI amount
- determine the daily RGI rate by dividing the full monthly RGI amount by the number of days in the month of move-in
- multiply the daily rate by the number of days that the tenant or co-op member will occupy the unit in the month of move-in.

For example:

John moves into an RGI unit on July 19. This means that, in the month of move-in, they will reside in the unit for only 13 days of a 31-day month.

The full monthly RGI for the unit (including utility adjustments) is \$500.

Full monthly RGI	\$500
Daily RGI	\$500 divided by 31 days = \$16.13
Pro-rated RGI	\$16.13 times 13 days = \$209.69

The pro-rated RGI for the month of July is \$210 (\$209.69 rounded to the nearest dollar).

Housing providers can also use the table on the following page to determine prorated RGI in the month of move-in. To use the table:

- select the column that matches the number of days in the month of move-in
- move down the column to the row with the date of the month in which the tenant or co-op member moved in
- multiply the factor indicated by the full monthly RGI.

In the earlier example:

John moves into an RGI unit on July 19. The full monthly RGI for the unit (including utility adjustments) is \$500.

Full monthly RGI	\$500
Column to use	31 days (last column)
Row to use	19 <sup>th</sup>
Factor for pro-rating	0.41935 (where column and row intersect)
Pro-rated RGI	\$500 times 0.41935 = \$209.68

The pro-rated RGI for the month of July is \$210 (\$209.68 rounded to the nearest dollar).

**Pro-rating RGI in the Month of Move-in**

<b>Move-in Day</b>	<b>28 Days</b>	<b>29 Days</b>	<b>30 Days</b>	<b>31 Days</b>
31st	--	--	--	.03226
30th	--	--	.03333	.06452
29th	--	.03448	.06667	.09677
28th	.03571	.06897	.10000	.12903
27th	.07143	.10345	.13333	.16129
26th	.10714	.13794	.16667	.19355
25th	.14286	.17242	.20000	.22581
24th	.17857	.20690	.23333	.25806
23rd	.21428	.24138	.26667	.29032
22nd	.25000	.27586	.30000	.32258
21st	.28571	.31035	.33333	.35484
20th	.32143	.34483	.36667	.38710
19th	.35714	.37932	.40000	.41935
18th	.39285	.41378	.43333	.45161
17th	.42857	.44827	.46667	.48387
16th	.46428	.48276	.50000	.51613
15th	.50000	.51724	.53333	.54839
14th	.53572	.55173	.56667	.58065
13th	.57143	.58622	.60000	.61290
12th	.60715	.62068	.63333	.64516
11th	.64286	.65517	.66667	.67742
10th	.67857	.68965	.70000	.70968
9th	.71429	.72414	.73333	.74194
8th	.75000	.75862	.76667	.77419
7th	.78572	.79310	.80000	.80645
6th	.82143	.82758	.83333	.83871
5th	.85714	.86206	.86667	.87097
4th	.89286	.89655	.90000	.90323
3rd	.92857	.93103	.93333	.93548
2nd	.96429	.96552	.96667	.96774
1st	--	--	--	--

## Move-outs

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If a tenant or co-op member provides notice of move-out prior to the end of a calendar month, the RGI may be pro-rated for the final month of occupancy.

The RGI is not prorated if the tenant or co-op member has a legal obligation to pay for the full final month of tenancy (e.g. if the tenant or co-op member vacates the unit without notice or chooses to vacate prior to the date of notice).

To pro-rate the RGI for the month of move-out:

- calculate the full monthly RGI amount
- determine the daily RGI rate by dividing the full monthly RGI amount by the number of days in the month of move-out
- multiply the daily rate by the number of days that the tenant or co-op member will occupy the unit in the month of move-out.

For example:

Kelly gives notice to vacate an RGI unit on August 27. The full monthly RGI for the unit (including utility adjustments) is \$600.

Full monthly RGI	\$600
Daily RGI	\$600 divided by 31 days = \$19.36
Pro-rated RGI	\$19.36 times 27 days = \$522.72

The pro-rated RGI for the month of August is \$523 (\$522.72 rounded to the nearest dollar).

Housing providers can also use the table on the following page to determine prorated RGI in the month of move-out. To use the table:

- select the column that matches the number of days in the month of move-out
- move down the column to the row with the date of the month in which the tenant or co-op member moved out
- multiply the factor indicated by the full monthly RGI.

### Pro-rating RGI in the Month of Move-out

Move-in Day	28 Days	29 Days	30 Days	31 Days
1st	.03571	.03448	.03333	.03226
2nd	.07143	.06897	.06667	.06452
3rd	.10714	.10345	.10000	.09677
4th	.14286	.13794	.13333	.12903
5th	.17857	.17242	.16667	.16129
6th	.21428	.20690	.20000	.19355
7th	.25000	.24138	.23333	.22581
8th	.28571	.27586	.26667	.25801
9th	.32143	.31035	.30000	.29032
10th	.35714	.34483	.33333	.32258
11th	.39285	.37932	.36667	.35484
12th	.42857	.41378	.40000	.38710
13th	.46428	.44827	.43333	.41935
14th	.50000	.48276	.46667	.45161
15th	.53572	.51724	.50000	.48387
16th	.57143	.55173	.53333	.51613
17th	.60715	.58622	.56667	.54839
18th	.64286	.62068	.60000	.58065
19th	.67857	.65517	.63333	.61290
20th	.71429	.68965	.66667	.64516
21st	.75000	.72414	.70000	.67742
22nd	.78572	.75862	.73333	.70968
23rd	.82143	.79310	.76667	.74194
24th	.85714	.82758	.80000	.77419
25th	.89286	.86206	.83333	.80645
26th	.92857	.89655	.86667	.83871
27th	.96429	.93103	.90000	.87097
28th	*	.96552	.93333	.90323
29th	*	*	.96667	.93548
30th	*	*	*	.96774
31st	*	*	*	*

In the earlier example:

Kelly gives notice to vacate an RGI unit on August 27. The full monthly RGI for the unit (including utility adjustments) is \$600.

Full monthly RGI	\$600
Column to use	31 days (last column)
Row to use	27 <sup>th</sup>
Factor for pro-rating	0.87097 (where column and row intersect)
Pro-rated RGI	\$600 times 0.87097 = \$522.58

The pro-rated RGI for the month of July is \$523 (\$522.58 rounded to the nearest dollar).

## Legislative References

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[Ontario Regulation 316/19](#), s. 2

## 21. In-Year RGI Reviews

### Purpose

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Set out the requirements for conducting in-year reviews of rent-geared-to-income (RGI) to minimize the number of RGI reviews and changes that occur outside of annual review.

### Overview

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RGI tenants and co-op members must report a change in information or documents previously provided to determine RGI eligibility as soon as the change occurs. They are required to report only certain changes in income. See [Section 7: Notice of Changes](#) for more information about required reporting.

In-year changes in RGI eligibility are always implemented.

Not all reported changes in income will result in an in-year review resulting in a change to the RGI charge.

- In-year RGI decreases are implemented only in specific circumstances and when required to avoid hardship or stabilize a tenancy/occupancy.
- Most in year RGI increases are deferred to annual RGI review to support tenants and co-op members transition to more stable incomes.

Most income changes that are reported outside of annual RGI reviews will not result in an in-year change to RGI.

### In-Year RGI Eligibility Changes

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If a tenant or co-op member is determined ineligible for RGI due to a reported in-year change to information or documents (e.g. assets, status in Canada), they are ineligible effective the date of notice, and their 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:

In March, Jeremy reports an in-year change that he received an inheritance of \$250,000 in January. He currently pays \$200 RGI and the market rate for his unit is \$1,100. The provider determines that Jeremy is ineligible for RGI because his assets exceed the asset limit.

On March 15, the provider issues notice to Jeremy that he is ineligible for RGI and his rent/housing charge will increase to the \$1,100 effective July 1.

## In-Year Income Changes

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Most income changes that are reported outside of annual RGI reviews will not result in an in-year change to RGI. Most changes will be implemented at the next annual review.

This section outlines when in-year RGI income changes will be implemented in-year, as opposed to annual RGI review.

## In-Year RGI Decreases

Most reported changes in income will not result in an in-year change. An in-year RGI decrease as a result of a reported change in income is only implemented if it meets all of the following criteria:

- The RGI tenant or co-op member is requesting that RGI be decreased.
- The household has not already had an in-year RGI change solely due to a decrease in income.
- The change decreases total adjusted family net income (AFNI) for the year by at least 20 per cent.
- The RGI tenant or co-op member is not pending or required to pursue another source of income.
- In the case of a benefit unit, the current RGI and utility costs payable are higher than the maximum shelter allowance for the benefit unit, and the difference is material. See [Section 27: Resources](#) for maximum social assistance shelter allowance amounts.

For example:

Gino is a single person who works in construction. AFNI is \$14,640 (\$1,220 per month). Gino advises that he has been ill and earned only \$400 for the last month. He is now back to work. He is requesting an in-year decrease in income.

Gino's annual approximated net income has only decreased by about 6 per cent

- $\$1,200 \times 11 \text{ months} + \$400 \text{ (for month when ill)} = \$13,820$   
(about 6 per cent less than the AFNI of \$14,640)

The in-year RGI decrease is NOT implemented because AFNI has not decreased by at least 20 per cent.

Eliza and Alexander are a married couple with two small children. Eliza is working and Alexander receives Employment Insurance (EI). AFNI is \$19,310 based on the following tax-based net income: Eliza - \$12,002; and Alexander - \$7,308.

Alexander's EI ends and the family requests an RGI decrease. They have had no other in-year changes.

AFNI is reduced to \$12,002, which is a 37.5 per cent decrease in income ( $\$7,308 \div \$19,310$ ).

The in-year RGI decrease will be implemented.

Mathilde and Matt are a married couple with one child. They are receiving Ontario Works and Matt is also working. RGI is \$285 based on 30 per cent of non-benefit income.

- Non-benefit income = \$1,100 (Matt's earnings)
- Ontario Works = \$429 (\$494 basic needs + \$385 shelter)

Mathilde advises that Matt has moved out and requests an in-year decrease in RGI. Her Ontario Works is now \$745 (\$360 basic needs + \$385 shelter for RGI and electricity).

An in-year RGI decrease is NOT implemented because the Ontario Works shelter allowance is sufficient to pay the current RGI of \$285.

In-year RGI changes will not be conducted for tenants or co-op members who are pending or required to pursue income until the amount of the pending income is known.

For example:

Octavia is a sole support parent of one child who is working part-time. Her RGI is \$269 based on her earnings. She requests an in-year RGI decrease because she is no longer working and not eligible for Employment Insurance.

An in-year decrease is NOT implemented. Octavia is required to first pursue Ontario Works.

Octavia starts to receive Ontario Works of \$699 (\$360 basic needs + \$339 shelter for RGI and electricity).

An in-year RGI decrease is NOT implemented because the Ontario Works shelter allowance is sufficient to pay the current RGI of \$269.

Donovan and Marie are a married couple. Both are working. Their RGI is based on AFNI of \$17,224. Donovan is laid off and applies for EI. AFNI decreases to \$9,532, based only on Marie's earnings (a decrease of about 45 per cent). Donovan and Marie are requesting an in-year RGI decrease due to Donovan's loss of earnings.

The in-year RGI decrease is NOT implemented because Donovan is pending EI.

Donovan reports EI income of \$100 per week.

- Donovan's approximated net income =  $\$100 \times 52 = \$5,200$
- $AFNI = \$5,200 + \$9,532 = \$14,732$
- AFNI has decreased by about 15 per cent  
( $\$17,224 - \$14,732 = \$2,492$ , which is 15 per cent of \$17,224)

The in-year RGI decrease is NOT implemented because the decrease in AFNI is not more than 20 per cent after EI has been determined.

Walter is a single senior receiving OAS, GIS and GAINS. His AFNI is \$19,355. He advises that he is no longer receiving GIS or GAINS and his income has reduced to \$613 per month.

An in-year decrease is NOT implemented. Walter is first required to pursue reinstatement of his GIS and GAINS.

In-year RGI decreases are limited to once between annual reviews (or between move-in and the first annual review) if the review was requested by the RGI tenant or co-op member solely because of a 20 per cent reduction in AFNI. There are no exceptions.

A second in-year decrease may be permitted at the discretion of the housing provider if the RGI decrease is due to a required reported change (e.g. someone moves out of the household).

For example:

Gabrielle is a sole support parent receiving Employment Insurance (EI). She lives with her mother who is a senior receiving OAS and GIS.

Gabrielle previously had an in-year RGI decrease when she lost her job and started to receive EI. She requested the RGI change solely because of a 20 per cent decrease in her income.

Gabrielle's mother moves out of the RGI unit into a long term care home. Gabrielle requests a second in-year decrease to her RGI.

The second in-year RGI decrease is implemented because it is due to a required reported change to household composition.

Morgan is a single person working full-time. RGI is \$491 based on AFNI of \$21,550. Morgan requests an in-year RGI decrease because his hours have decreased.

The provider decreases RGI to \$368 based on approximated net income of \$1,300 per month (\$15,600 per year), which is a decrease in AFNI of 24 per cent.

Morgan stops working due to a work place injury and starts receiving WSIB of \$1,000 per month. This is a 23 per cent decrease in AFNI.

An in-year RGI decrease is NOT implemented because Morgan has already had an in-year RGI decrease solely due to a decrease in income.

## In-Year RGI Increases

Most reported changes in income will not result in an in-year change. An in-year RGI increase as a result of a reported change in income is only implemented in the case of any of the following:

- a new household member moves in with income
- a household member ceases to be a full-time student, and that person also has had ongoing income for at least the previous 6 months, that had previously been excluded from RGI due to their student status
- a benefit unit that is paying RGI at scale has an increase in non-benefit income above the applicable non-benefit income limit, and they continue to qualify for Ontario Works or ODSP
- a household member has had their income taxes reassessed and the change in net income is material.

For example:

Natasha is a single parent and full-time student. Her boyfriend, Jordan, moves into the unit. Jordan is working and his tax-based net income is \$27,833 per year.

The in-year RGI increase is implemented.

Kendra is a single parent and a full-time college student who receives only OSAP loans. Kendra starts a new job earnings \$26,000 per year in March, the month before she graduates.

An in-year RGI increase is not implemented because Kendra did not have earnings for at least 6 months before she stopped school.

Gloria is a single person and a masters student. She has worked as a teaching and research assistant throughout her 2-year program, earning about \$12,000 per year. Gloria graduates from her program and starts working part-time at the local library earnings about \$12,000 per year.

The in-year RGI increase is implemented because Gloria has had income excluded from RGI for more than 6 months while she was a full-time student.

Jayne is a single parent on Ontario Works paying RGI at scale of \$191. She receives Ontario Works of \$636 (\$360 basic needs + \$236 shelter for RGI and electricity). Maximum Ontario Works shelter for a 2-person household is \$642.

Jayne starts a new job earning about \$1,500 per month. Her Ontario Works decreases to \$296.

RGI is increased in-year to \$450 based on Jayne's non-benefit income. The new charge is within the maximum Ontario Works shelter allowance.

Note: Jayne's Ontario Works will increase to \$555 due to the RGI change.

Boris is a single person receiving ODSP. Boris's ODSP is terminated when he turns 65 and starts to receive OAS and GIS.

An in-year RGI change is not implemented because Boris is no longer eligible for ODSP.

In-year RGI increases will normally be limited to once between annual reviews (or between move-in and the first annual review).

Housing providers may conduct a second review at their discretion if there are extenuating circumstances.

## Effective Dates of RGI Changes

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Most reported changes in income will not result in an in-year change. If a reported change in income does not result in an in-year change to RGI, the change in income will be included in the RGI calculation at the next annual RGI review.

In-year changes resulting in an RGI increase of less than \$10 are not implemented until the time of the annual RGI review.

## First day of the month following the in-year review

Most reported changes in income will not result in an in-year change. If a reported change in income warrants an in-year change, the effective date of the RGI change is the first day of the month following the in-year review of RGI in the case of:

- a benefit unit whose non-benefit income increases above the applicable non-benefit income limit
- a tenant or co-op member who requests an RGI change due to a decrease in income that does not normally have to be reported.

For example:

Robert is a single person receiving ODSP and paying RGI at the scale rate of \$109. In April, Robert begins to receive CPP-disability benefits of \$580. He notifies you of this change in June. He continues to be eligible for ODSP.

Robert's RGI is increased in-year to \$174 (30 per cent of non-benefit income) effective July 1 – the first day of the month following the in-year review.

Robert's ODSP shelter allowance will be adjusted to pay the increased RGI.

Amanda is a single parent working full-time at a local grocer. Her AFNI is \$23,450. In July, she advises that she has been working only about half her usual hours for the last several months. Based on her recent pay stubs, her approximated net income is \$900 per month. This is about a 54 per cent decrease in AFNI. Amanda requests an in-year decrease in RGI.

RGI is decreased in-year to \$225 based on reduced earnings effective August 1 – the first day of the month following the in-year review.

## First day of the month following the change

Most reported changes in income will not result in an in-year change. If a reported change in income warrants an in-year change, the effective date of the RGI change is the first day of the month following any of the following events:

- a permanent change in household composition

- a household member's change in full-time student status
- the start of Ontario Works or ODSP
- the termination of Ontario Works or ODSP
- the date a household member's income taxes were reassessed.

Not all of the above reported changes will always result in an in-year review, but if they do, they are implemented the first day of the month following the income change or event.

For example:

Breanna is a single parent and full-time student paying minimum rent. Her ex-husband, Jack, moves back into the unit in March. Jack has earnings of about \$17,993 per year.

The in-year RGI increase is implemented effective April 1 – the first day of the month after Jack moved in.

Tanya and Tony are a married couple paying RGI of \$693 based on AFNI of \$29,500. Both people are working. In June, Tanya moves out. Tony's tax-based net income is \$11,600. This is roughly a 60 per cent reduction in AFNI.

The in-year RGI decrease is implemented effective July 1 – the first day of the month after Tanya moved out.

Ahmed and Gita are a married couple with 2 children. Ahmed is a full-time college student and works as a teaching assistance while in school. He has earned about \$12,000 per year for the last 2 years. Gita has no income. They pay minimum rent.

Ahmed graduates in April but continues to work for the college in a different capacity. His anticipated income is about \$10,000 per year.

RGI is increased effective May 1 – the first day of the month following the date that Ahmed stopped school – because Ahmed has had earnings for more than 6 months while a full-time student.

Mackenzie is a single parent who works part-time for a local donut shop earning about \$1,500 per month. Her RGI is \$405 based on her earnings. In September, she starts full-time university studies and starts to receive OSAP.

An in-year RGI decrease is not implemented because AFNI has not decreased by at least 20 per cent.

Mackenzie's RGI will be adjusted to minimum rent because she is a full-time student on the first day of the month following the next annual review.

Anthony and Gayle are a married couple with one child. They currently pay RGI of \$465 per month based on Gayle's earnings of \$1,700 per month. In June, Gayle is laid off. She does not qualify for Employment Insurance (EI), and the family notifies you that they started to receive Ontario Works of \$960 per month (\$494 basic needs and \$465 shelter).

An in-year RGI decrease is not implemented because the Ontario Works shelter allowance is enough to cover the current RGI.

The family's RGI will be adjusted to scale the first day of the month after the next annual review.

Sammy is a single person receiving Ontario Works and working part time earnings about \$1,000 per month. He starts a new job earning about \$24,000 annually and his Ontario Works terminates.

An in-year RGI increase is not implemented because Sammy is no longer eligible for Ontario Works. In-year changes due to an increase in income are not implemented in-year.

Sammy's RGI will be adjusted to reflect his new earnings on the first day of the month following the next annual review.

Miguel pays RGI of \$340 per month based on tax-based net income of \$14,500 per year. In October, Miguel's income tax return is reassessed to include additional income from a second undeclared job. Line 23600 of his income tax assessment is adjusted from \$14,500 to \$26,100.

RGI is increased in-year effective November 1 – the first day of the month following the date of the income tax reassessment – to reflect the updated tax-based net income.

Deon pays RGI of \$201 per month based on CPP income of \$8,000 per year. In May, Deon's income tax return is reassessed to correct a clerical error. Line 23600 of his income tax assessment is adjusted from \$8,030 to \$8,300.

The RGI is not increased in-year because the change is not material.

Deon's RGI will be adjusted on the first day of the month following the next annual review.

## Retroactive RGI Changes

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Most reported changes in income will not result in an in-year change. This means that retroactive calculations will also be rare.

If an RGI tenant or co-op member delays in reporting an in-year change, this will result in a retroactive RGI change only if an in-year increase would have been conducted had the change been declared on time. This may occur when:

- a new household member moves in with income
- a household member ceases to be a full-time student, and that person also has ongoing income that had previously been excluded from RGI due to their student status for at least 6 months
- a household member has had their income taxes reassessed and the change in net income is material.

For example:

Maxine is a single senior paying RGI of \$475 based on her OAS/GIS. In October, Maxine advises that her sister moved in with her in July. Her sister also receives OAS/GIS.

Maxine's RGI is retroactively increased to \$950 effective August 1 – the first day of the month following the date that the sister moved in.

Retroactive RGI changes are not implemented for:

- RGI increases that are not material (e.g. the RGI increase is less than \$10)
- RGI decreases.

### Recovery of retroactive RGI

Retroactive RGI increases may result in the tenant or co-op member's owing retroactive RGI.

Retroactive RGI amounts owing as a result of an in-year change (or a retroactive change conducted at the time of annual review due to a delay in reporting) must be repaid by the tenant or co-op member.

- Housing providers should first attempt to recover the retroactive RGI owing through a repayment agreement with the tenant or co-op member.
- If the tenant or co-op member refuses to enter into a repayment agreement, the housing provider may collect the amount owing by increasing the monthly rent or housing charge by 10 per cent of the monthly RGI amount.

Although the original RGI increase may be implemented retroactively to the first day of the month following the change in income, the additional 10 per cent increase cannot take effect until the first day of the second month following the notice of this increase.

For example:

Reema is a single parent paying RGI of \$250. In January, her boyfriend, Zac, moves into the RGI. He has earnings. Reema does not notify the housing provider of the change until mid June. The change results in an increase in RGI to \$500.

- In June, the provider notifies the tenant or co-op member that their RGI has increased to \$500 effective February 1 (first day of the month after Zac moved in).
- This results in retroactive RGI owing of \$1,250 (\$250 x 5 months).
- In June, the housing provider gives notice to the RGI tenant that the RGI charge will be increased by 10 per cent to collect the retroactive RGI. The RGI charge increases to \$550 effective August 1.

Housing providers are required to use the [Notice of Retroactive RGI with Amount Owing](#) template letter in the [Resources for Community Housing Providers](#) section on the Region of Durham's website to notify tenants and co-op members of RGI changes that result in retroactive RGI owing.

## **Administrative errors**

Retroactive RGI resulting from an administrative error is not collected back from the RGI tenant or co-op member (e.g. if an RGI tenant or co-op member declares information on time and the housing provider does not implement the change in a timely manner).

## **Legislative References**

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[Housing Services Act](#), s. 42, 52(3), 56(2)

[Ontario Regulation 367/11](#), s. 28, 60, 64

[Ontario Regulation 316/19](#), s. 11



## 22. Annual RGI Reviews

### Purpose

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

### Overview

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Community housing providers are required to conduct annual RGI reviews for all RGI tenants and co-op members. This is called an annual RGI review. At each annual RGI review, the housing provider will 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 Form

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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 they 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

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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

Housing providers must verify the net income of all members of the household – excluding the income of full-time students.

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 that would not otherwise be included in the RGI calculation (e.g. OSAP, student awards, child 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

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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

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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 6 months prior to the next scheduled annual review month.

For example:

A tenant or co-op member moves in February 1. The housing provider normally conducts annual RGI reviews for all its tenants or co-op members in July.

- The first scheduled annual RGI review is 5 months after move in.
- The housing provider may defer the tenant or co-op member's first annual RGI review until the following July.

Housing providers should send out requests for the completion of the [Annual Eligibility Review](#) form no more than 60 days prior to the first day of the scheduled month of review.

For example:

A tenant or co-op member moves in August 1. The annual RGI review will be conducted the following August.

- The housing provider should send out the Annual Eligibility Review form no earlier than June 1.
- The annual RGI review is conducted in August and the change is implemented effective September 1.

A housing provider conducts annual RGI reviews for all its tenants or co-op members in June.

- The housing provider should send out the Annual Eligibility Review form no earlier than April 1.
- The annual RGI review is conducted in June and the change is implemented effective July 1.

Annual RGI reviews should be completed without delay after the [Annual Eligibility Review](#) form and supporting documentation is received. The review is completed when the notice of RGI change or notice of RGI ineligibility is sent to the tenant or co-op member, regardless of the effective date of the change or ineligibility.

## Biennial Reviews

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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.

## Effective Dates of RGI Changes

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An RGI increase or decrease as a result of an annual RGI review comes into effect on the first day of the month following the review.

Tenants or co-op members who become ineligible for RGI at annual RGI review will be increased to the market rent or housing charge for their unit on the first day of the month following 90 days from the date of the notice of RGI ineligibility.

Housing providers should implement RGI changes resulting from the annual RGI review without delay.

For example:

Jolene is a senior citizen with OAS, private pension and investment income. She declares assets valued at \$35,000. At annual RGI review in September, she submits here Proof of Income Statement but no proof of assets.

- The housing provider implements the RGI change based on her Proof of Income Statement effective October 1.
- The housing provider follows up for proof of assets – and requests the information be returned by October 6.
- Jolene fails to provide the proof of assets by the due date. The housing provider sends notice of RGI ineligibility on October 7 indicating rent/housing change will increase to market rate effective February 1.

## 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 ceases to be a full-time student, and that person also has ongoing income that had previously been excluded from RGI due to their student status for at least 6 months
- a household member has had their income taxes reassessed and the change in net income is material.

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

If the resulting increase in RGI is not material, it is not implemented retroactively (e.g. the RGI increase is less than \$10).

## RGI Ineligibility

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Tenants and co-op members who fail to return their [Annual Eligibility Review](#) form before the required 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.

Housing providers may make an additional request for the information prior to serving notice of RGI ineligibility, but should not unreasonably delay notice of RGI ineligibility if the documentation is not returned.

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.

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. Housing providers should contact the Housing Services Division for assistance if the Annual Eligibility Review form is returned after the increase to the market rent or housing charge.

## Modified Units

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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.

## Legislative References

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[Housing Services Act](#), s. 52

[Ontario Regulation 367/11](#), s. 60

[Ontario Regulation 316/19](#), s. 10



## 23. Notices

### Purpose

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To provide guidance and resources for notices related to rent-geared-to-income (RGI) and modified housing decisions.

### Overview

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The Housing Services Act requires written notice of RGI and modified housing-related decisions and changes, including the right of appeal. All notices of decision must be issued to RGI and modified housing tenants or co-op members within 7 days of making the decision.

From time to time, community housing providers may also give other types of written notice, like requests for information. Requests should be clear and specify the due date for the requested information or action.

The Region has developed a number of letter templates for community housing providers. These letter templates are available in the [Resources for Community Housing Providers](#) section on the Region of Durham's website.

### Letter Templates

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The Region has developed a number of letter templates for community housing providers, including notices related to:

- RGI changes
- RGI ineligibility
- Requests for information
- Overhoused
- Pursuit of income
- Maximum rent and 24-month rule

- Regional Reviews
- Offers/wait list

Housing providers are required to use these letter templates or to incorporate the content of these letters into their own notices. All letters must be issued on the housing provider's letterhead and contain the name and contact information of a designated person for questions or clarification.

Letter templates include bolded placeholders where the housing provider needs to enter specific information into the letter template (e.g. **[date]**, **[reason for ineligibility]**). Housing providers should replace these placeholders with appropriate text. The text should not be bolded.

Some letter templates have checklist options (e.g. requests for information, RGI ineligibility reasons). Community housing providers should re-format these letters to include only the relevant information (e.g. only the information that will be requested, only the applicable ineligibility reason). The checklist items that are not relevant to the notice should not be included.

All [letter templates](#) are available in the in the [Resources for Community Housing Providers](#) section on the Region of Durham's website. Letter templates are updated from time to time, and providers should ensure that they are using the most current version as set out on the Region's website.

## Appealable Decisions

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Housing providers must ensure that all notices of appealable decisions include the following statement of the tenant or co-op member's right to request a Regional Review, including information about how to request a Regional Review.

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.

Housing providers should ensure that this statement is included in notices of appealable decisions about:

- ineligibility for RGI
- ineligibility for a modified unit
- the amount of RGI payable
- the size of the unit in which a household is eligible for RGI, including any requirement to move to a smaller unit
- ineligibility for immediate in-situ RGI.

The housing provider must also ensure that notices of denials/refusals to offer include a statement of the right to appeal, and the process to appeal to the housing provider.

See [Section 25: Regional Review Process](#) for more information about Regional Reviews.

## Legislative References

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[Housing Services Act](#), s. 50, 52, 53, 65

[Ontario Regulation 367/11](#), s. 29, 61



## 24. Occupancy Standards and Overhoused Households

### Purpose

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To set occupancy standards for rent-geared-to-income (RGI) tenants and co-op members, and establish guidelines and procedures to move overhoused RGI tenants and co-op members. The intent of this directive is to:

- ensure RGI tenants and co-op members are housed in reasonably sized accommodation according to their family size
- assist housing providers in responding to the changing needs of their tenants and co-op members
- support RGI tenants and co-op members in determining what is reasonable in relation to their unique household needs.

### Overview

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The Region of Durham has established local occupancy standards regarding the size and type of unit in which an RGI tenant or co-op member may live.

Durham has set local rules and processes about moving overhoused RGI tenants and co-op members.

### Occupancy Standards

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Local occupancy standards set out the maximum and minimum unit size for which an RGI tenant or co-op member is eligible, as well as the implications of:

- dependent students living away from home
- shared custody
- foster care
- live-in caregivers

- additional bedroom for medical reasons.

Where exceptions are made to occupancy standards, the housing provider or Durham Access to Social Housing (DASH) must document the reasons on the RGI tenant, co-op member or applicant file and include appropriate verification.

## **Largest Unit**

The largest unit for which an RGI tenant or co-op member is eligible has one bedroom for each member of the household – with spouses expected to share a bedroom.

## **Smallest Unit**

The smallest unit for which an RGI tenant or co-op member is eligible has one bedroom for every two members of the household.

## **Bachelor Units**

Bachelor units are only for single people and for couples with no children.

## **Students Living away from Home**

Dependants who live temporarily away from home while attending school continue to be included under occupancy standards if they:

- live in the RGI unit when not attending school (e.g. during summer break)
- are dependent on their parents for financial support.

This normally applies to dependents attending college or university away from home, but it can also apply to students at other types of schools, such as private elementary or secondary schools or residential schools. The dependant may be a full-time or a part-time student.

## **Shared Custody**

Where parents share custody of a child, the child will be included under the occupancy standards if they live in the RGI unit at least 40 per cent of the time.

If each parent resides in a separate RGI unit and they share custody, it is possible for the child to be included as part of both households with respect to occupancy standards.

## Foster Care

Foster care provides a temporary home for children who are in the care of a Children's Aid Society (CAS). Children may need foster care for just a few days, a week, several months or possibly years.

Children in foster care are normally not included under occupancy standards.

Children in the temporary care of relatives may be included under the occupancy standards if the care arrangements are intended to be long term. In making this decision, housing providers and DASH should consider the length of time the child has already resided with the relative, the stated intent of the parent(s) and any applicable CAS plan of care.

## Live-in Caregivers

Caregivers may provide support for a child, a senior or a person with a disability. They may be funded privately by the RGI tenant/co-op member or a member of their family, or they may be funded by a community agency or a government source such as the Ministry of Children, Community and Social Services (MCCSS).

Live-in caregivers do not maintain accommodation outside the RGI unit. They are normally considered part of the RGI household for both the calculation of RGI and occupancy standards.

If an RGI tenant or co-op member has an employment contract with a live-in caregiver, and is required under the terms of the employment contract to provide them with accommodation, they can be provided an extra bedroom. In these circumstances, the live-in caregiver is not part of the household for the calculation of RGI, and the tenant or co-op member remains eligible for the extra bedroom only while the employment contract is in effect.

Caregivers who maintain accommodation elsewhere are not entitled to a bedroom, even if they provide overnight care.

## **Additional Bedroom for Medical Reasons**

An RGI tenant or co-op member may be entitled to an additional bedroom if it is reasonably necessary due to a disability or medical condition. This may include circumstances where:

- spouses cannot share a bedroom due to a disability or medical condition
- an extra bedroom is required for storage of medical or disability related equipment.

RGI applicants, tenants and co-op members must provide medical verification supporting the need for an additional bedroom. The medical verification must provide sufficient information to assist the housing provider or DASH in determining if an additional bedroom is required or if the medical condition or disability can be otherwise accommodated. Medical verification only stating that an extra bedroom is required is not sufficient.

The following medical conditions will not normally be considered for an additional bedroom because spouses are unable to share:

- snoring and sleep apnea
- frequent night time waking or insomnia
- temporary medical conditions that make the sharing of a bedroom inconvenient for a short period.

There is a limit of one additional bedroom for medical or disability-related reasons. This additional bedroom will be considered only at the request of the RGI tenant or co-op member.

## **Extenuating Circumstances**

Housing providers and DASH may allow for exceptions to occupancy standards in extenuating circumstances with the approval of the Housing Services Division.

## **Applicants and Incoming RGI Tenants and Co-op Members**

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DASH determines and records the largest unit size for which an RGI or modified housing applicant is eligible under the occupancy standards. Applicants will then be

able to view and express interest in all vacancies for which they are eligible under the occupancy standards.

At the time of offer, the housing provider must verify that the RGI applicant is eligible for the vacant unit under the occupancy standards. If a housing provider refuses to offer a unit because it is outside the applicable occupancy standards, the provider must notify both the applicant and DASH.

Housing providers have discretion to offer a new RGI tenant or co-op member:

- a smaller unit than they would otherwise qualify for, if the RGI tenant or co-op member agrees
- a larger unit if there are compelling reasons for the exception and with the approval of the Housing Services Division (e.g. the incoming tenant or co-op member is pregnant and will be within the occupancy standards within a reasonable time in the future).

## Review of Occupancy Standards

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DASH reviews applicants' occupancy standards annually while on the wait list.

Housing providers must review RGI tenants and co-op members to determine if they are in the right size unit under the occupancy standards:

- at the time of annual review
- when there is a change in the size or composition of the household
- at the request of the household.

## Underhoused RGI Tenants and Co-op Members

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Underhoused RGI tenants and co-op members live in units smaller than the smallest unit permissible under the occupancy standards. These tenants or co-op members may request:

- an internal transfer to a larger unit
- a transfer to a larger unit with the same or a different provider through DASH.

Housing providers may or may not offer priority for transfer to underhoused RGI tenants or co-op members at their sole discretion in accordance with their internal transfer policies.

RGI tenants or co-op members requesting transfer to a unit that is the same size or larger than their current unit do not have priority on the DASH wait list.

## **Overhoused RGI Tenants and Co-op Members**

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Overhoused RGI tenants and co-op members live in units larger than the largest unit permissible under the occupancy standards.

Overhoused RGI tenants and co-op members are not required to transfer to smaller units until they have been overhoused for 12 consecutive months. However, they may choose to move at any time.

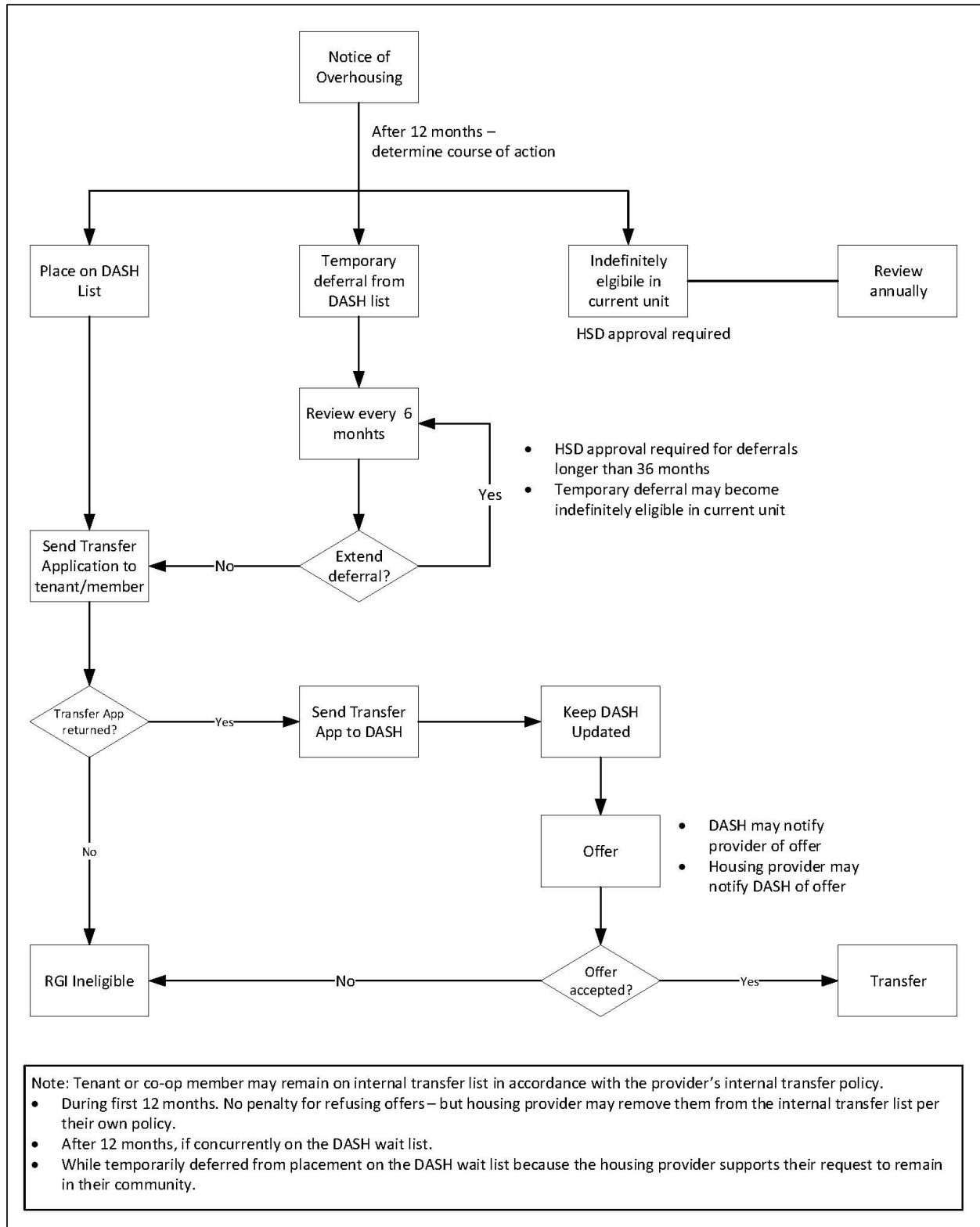
### **Summary of Overhoused Process to Move**

If an RGI tenant or co-op member becomes overhoused, housing providers and DASH must follow the following steps:

- Notify the tenant that they are overhoused and may be required to move if they remain overhoused for 12 consecutive months
- Review overhoused status after 12 months and determine if the tenant or co-op is:
  - required to be placed on the DASH wait list to move to a smaller unit
  - temporarily deferred from being placed on the DASH wait list
  - indefinitely eligible to remain in their current RGI unit (subject to regular annual review).
- If the tenant or co-op member is required to move and is placed on the DASH wait list, DASH will ensure that the tenant receives offers of appropriate housing even if the tenant does not register for the [DASH Vacancies Site](#).

An overhoused RGI tenant or co-op member may remain on the current housing provider's internal transfer list at the sole discretion of the housing provider while also on the DASH wait list for transfer.

## Summary of Overhoused Process



## Notice of Overhousing

When an RGI tenant or co-op member becomes overhoused the housing provider will give them notice stating:

- they are overhoused, including the largest size of unit for which they are eligible under the occupancy standards
- notice that they have been placed on the internal transfer list, if applicable
- they will be placed on the DASH wait list to move to a smaller unit if they remain overhoused for 12 consecutive months.

Overhoused RGI tenants or co-op members cannot appeal at this stage as they are not required to move.

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

Housing providers must follow up after the RGI tenant or co-op member has been overhoused for 12 consecutive months. Normally, this occurs 12 months after the date on the [Notice of Overhousing](#). However, if this notice is delayed because the RGI tenant or co-op member did not report a change (e.g. when someone moved out of the unit), the housing provider may consider the time they have already been overhoused in determining when to follow up.

## First 12 Months

During the first 12 months that an RGI tenant or co-op member is overhoused, the housing provider may place them on their internal transfer list to move to a smaller unit at their current property or another property in their portfolio. Placement on the internal transfer list and offers of housing during the first 12 months are at the sole discretion of the housing provider in accordance with their internal transfer policy.

RGI tenants or co-op members may also choose to apply to the DASH wait list during the first 12 months. They must submit their [Transfer Application](#) form to their housing provider, who will then forward it to DASH. If the RGI tenant or co-op member does not return the Transfer Application form, the housing provider will notify them that they are no longer eligible for RGI.

Any offers received during the first 12 months of being overhoused have no impact on RGI eligibility.

## **Review at 12 Months**

If an RGI tenant or co-op member remains overhoused for 12 consecutive months, the housing provider will determine if they are:

- required to be placed on the DASH wait list to move to a smaller unit
- temporarily deferred from being placed on the DASH wait list
- indefinitely eligible to remain in their current RGI unit (subject to regular annual review).

## **Placement on DASH wait list to move to a smaller unit**

After 12 months, overhoused RGI tenants and co-op members are normally required to be placed on the DASH wait list to move to a smaller unit. The housing provider is responsible for adding overhoused RGI tenants or co-op members to the DASH wait list.

An RGI tenant or co-op member may remain on the current housing provider's internal transfer list at the sole discretion of the housing provider while also on the DASH wait list for transfer.

An RGI tenant or co-op member has the right to request a Regional Review of the decision that they are required to move to a smaller unit because they are overhoused. As part of their reconsideration, the housing provider will review the current household circumstances to determine if there is reason to temporarily defer placement on the DASH list or to allow the tenant or co-op member to remain in their unit indefinitely (subject to regular annual review).

## **Temporary deferral of placement on DASH wait list**

If requested by the RGI tenant or co-op member, the housing provider may temporarily extend the time that they may remain overhoused in their unit. In making its decision, the housing provider should consider the:

- reasons the RGI tenant or co-op member is overhoused
- anticipated changes to household circumstances in the future

- impact of moving the RGI tenant or co-op member.

Circumstances that may warrant an extension to the time that a household remains overhoused include, but are not limited to:

- Someone in the household is pregnant.
- There are children in the temporary care of the Children's Aid Society (CAS), and there is a plan of care for them to be returned to the household.
- The RGI tenant or co-op member is disabled and is actively seeking a roommate or a live-in caregiver to join the household.
- The RGI tenant or co-op member is temporarily unable to move to a different unit because of illness or disability.
- The RGI tenant or co-op member will be eligible to apply for seniors housing within the next two years, and an extension will provide them with stability prior to moving to a seniors unit.
- The RGI tenant or co-op member is overhoused by only one bedroom, and there is reason to believe that they may need to further downsize within the next two years (e.g. as children age and move out of the household). An extension will limit the number of times the household must move.
- The RGI tenant or co-op member is on the housing provider's internal transfer list and the housing provider supports their request to remain in their community.

Temporary extensions to the time an RGI tenant or co-op member may remain overhoused can be granted for up to 6 months at a time – to a maximum of 36 months in total, including the initial 12 months.

Extensions beyond 36 months may be granted in exceptional circumstances with the approval of the Housing Services Division.

Decisions about temporary extensions and the reasons for their approval or denial must be clearly documented on the RGI tenant or co-op member's file and communicated to them.

### **Indefinitely eligible to remain in unit**

In exceptional circumstances, it may be necessary to allow an overhoused RGI tenant or co-op member to remain in their current unit indefinitely (subject to regular annual

review). This may be required when a move is likely to be excessively disruptive to the tenant or co-op member (e.g. a frail senior of advanced age who has lived in the unit for decades).

Decisions to indefinitely extend overhousing must be approved by the Housing Services Division.

Housing providers will ensure that the reason for the exception is still valid at the time of each annual review.

## **Adding Overhoused Tenants or Co-op Members to the DASH Wait List**

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The housing provider is responsible for adding overhoused RGI tenants or co-op members to the DASH wait list. The housing provider must:

- notify the tenant or co-op member that they are required to be on the DASH wait list to transfer to a smaller unit
- provide the tenant or co-op member with a [Transfer Application](#) form to be returned to the housing provider within 10 days
- forward the Transfer Application form to DASH once received.

Housing providers are required to use the [Overhoused – DASH Transfer Required](#) template letter in the [Resources for Community Housing Providers](#) section on the Region of Durham’s website.

The [Transfer Application](#) form is also available in the Resources for Community Housing Providers section on the Region of Durham’s website.

Once the Transfer Application form is returned to them, the housing provider will complete the “To be completed by housing provider” section and send it to DASH, noting the:

- name of the current housing provider
- size of unit to which the RGI tenant or co-op member must transfer
- date the RGI tenant or co-op member was first overhoused.

If the tenant or co-op member does not return the Transfer Application form, they are ineligible for RGI.

## DASH Procedures

The housing provider is responsible for forwarding the Transfer Application form to DASH. If DASH receives a Transfer Application form directly from a current community housing tenant or co-op member, DASH will contact the housing provider to determine how to proceed. The housing provider will determine if the applicant is eligible for an internal transfer or if they should be added to the DASH wait list.

When DASH receives a Transfer Application form from the housing provider for an overhoused RGI tenant or co-op member, they will place the applicant on the DASH wait list and record the:

- overhoused target
- application date according to the date that the RGI tenant or co-op member first became overhoused as reported by the housing provider
- minimum property selections for all community housing providers and rent supplement landlords in the municipality in which the tenant or co-op member lives (north Oshawa or south Oshawa only for Oshawa residents).

DASH may work with the overhoused tenant or co-op member to select other properties outside of the current municipality but should ensure that a reasonable minimum number of property selections are made.

- If the tenant or co-op member wants to move to a different municipality, all properties in that municipality must be selected.
- If the tenant or co-op member wants to move to select properties across multiple municipalities, normally at least six properties must be selected.

DASH will notify the overhoused RGI tenant or co-op member that they have been placed on the DASH wait list to transfer to a smaller unit, and:

- They must register for the DASH Vacancies Site within 10 days.

- They should regularly log in to the DASH Vacancies Site and express interest in vacancies. If they do not, they may be offered any vacancy in the municipality where they currently live or in other areas for which they have indicated housing preferences.
- They will become ineligible for RGI if they refuse an offer to transfer.

## RGI Ineligibility

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An overhoused RGI tenant or co-op member is ineligible for RGI if they:

- fail to return the [Transfer Application](#) form to their housing provider within 10 days of the request
- refuse one offer of housing, including internal transfer offers after 12 months.

DASH may consider additional offers in extenuating circumstances.

The housing provider and DASH must keep each other advised if the overhoused tenant or co-op member is not following the process to move.

- If the housing provider determines that an overhoused tenant or co-op member is ineligible for RGI, they must notify DASH only if the tenant or co-op member is also on the DASH wait list. DASH will remove them from the wait list.
- If DASH determines that an overhoused tenant or co-op member is ineligible for RGI, they will remove them from the wait list and notify the current housing provider. The housing provider will send notice of RGI ineligibility.

## Notice of RGI Ineligibility

The housing provider is always responsible for notice of RGI ineligibility. They will give the RGI tenant or co-op member notice that they:

- are ineligible for RGI in their current unit because they are not following the process to move to a smaller unit – i.e. they have not returned the [Transfer Application](#) form or they have refused an offer to transfer
- must pay the market rent or housing charge beginning the first day of the month following 90 days from the date of notice

- have the right to request a Regional Review.

## Regional Reviews - Appeals

If an overhoused tenant or co-op member on the DASH list requests a Regional Review of the decision of RGI ineligibility, the request will go to the housing provider.

- If the decision of RGI ineligibility was made without input from DASH, the provider will reconsider the decision and determine whether to uphold the ineligibility decision or to overturn the decision and allow for another offer.
- If DASH made the determination of RGI ineligibility, the housing provider will reconsider the decision in consultation with DASH. The housing provider and DASH will determine by consensus whether to uphold the ineligibility decision or to overturn the decision and allow for another offer.

If the decision is upheld on reconsideration, the request for review is forwarded to the Regional Review Panel.

- If the decision of RGI ineligibility was made without input from DASH, the housing provider will complete the Regional Review Package, forward it to the Regional Review Panel, and attend the Regional Review Panel hearing.
- If DASH made the determination of RGI ineligibility, DASH will normally complete the Regional Review Package, forward it to the Regional Review Panel, and attend the Regional Review hearing. The housing provider and DASH may jointly determine that the housing provider is more actively involved. DASH will ensure that the housing provider is copied on all correspondence with the Regional Review Panel.

See [Section 25: Regional Review Process](#) for more information about Regional Reviews.

## Communication with DASH – Housing Provider Updates

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Housing providers continue to be responsible for determining RGI eligibility of overhoused tenants and co-op members. Housing providers must notify DASH if an overhoused RGI tenant or co-op member on the DASH wait list:

- is no longer overhoused and required to transfer

- moves out
- is no longer eligible for RGI
- accepts an offer to transfer to a smaller unit
- refuses an offer to transfer to a smaller unit
- changes telephone numbers or other contact information.

Housing providers should communicate with DASH using the online [Notice to DASH – Tenant and Co-op Members Changes](#) in the [Resources for Community Housing Providers](#) section on the Region of Durham’s website.

If DASH has had no contact with an overhoused tenant or co-op member or with their current housing provider in 12 months, it will contact the housing provider directly to update the file and determine if the RGI tenant or co-op member should remain on the DASH wait list for transfer.

## **DASH Referrals and Offers**

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Overhoused RGI tenants and co-op members will be referred to housing providers before all other applicants on the DASH wait list – except SPP transfer applicants at their current property requesting transfer to another provider.

Applicants who do not regularly express interest on the DASH Vacancies Site may be referred for any vacancy in the municipality where they currently live or in other areas for which they have indicated housing preferences.

DASH will notify the current housing provider when an overhoused RGI tenant or co-op member is referred to another housing provider. DASH will also notify the current housing provider of the outcome of the referral, including the move-in date if the offer is accepted.

## **Modified and Supportive Units**

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Tenants and co-op members who live in modified or supportive units are not required to move to a smaller unit as long as they continue to be eligible for the modification or support service - even if they are eligible for RGI and otherwise determined to be overhoused.

No action is required for these tenants and co-op members.

## Legislative References

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[Housing Services Act](#), s. 42, 43

[Ontario Regulation 367/11](#), s. 32.2, 38, 42

## 25. Regional Review Process

### Purpose

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

### Overview

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The Regional Review Panel is the review body responsible for the review or appeal of decisions under the Housing Services Act, including decisions about rent-geared-to-income (RGI), modified housing, placement on the Durham Access to Social Housing (DASH) wait list, and the Durham Portable Housing Benefit (Durham PHB). These are called Regional Reviews.

The Regional Review Panel also conducts Regional Reviews of decisions about the Durham Housing Benefit (DHB), 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 deny/refuse to offer an RGI or modified unit to an applicant on the DASH wait list. All other community housing providers are responsible for reviews of denials/refusals to offer in line with their own local policies, by-laws or rules; however, they may choose to assign this responsibility to the Regional Review Panel.

Housing providers, DASH and other decision makers are required to follow the Regional Review Process and forward all requests for review or appeal to the Regional Review Panel.

### Types of Decisions Open to Regional Review

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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 in which a household is eligible for RGI, including any requirement to move to a smaller unit
- ineligibility for Special Priority (SPP)
- ineligibility for Critical priority status on the DASH wait list
- ineligibility for immediate in-situ RGI
- refusal to offer an RGI or modified unit (DRLHC only).

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

- ineligibility for the benefit or financial assistance
- the amount of the benefit or financial assistance.

## Overview of Regional Review Process

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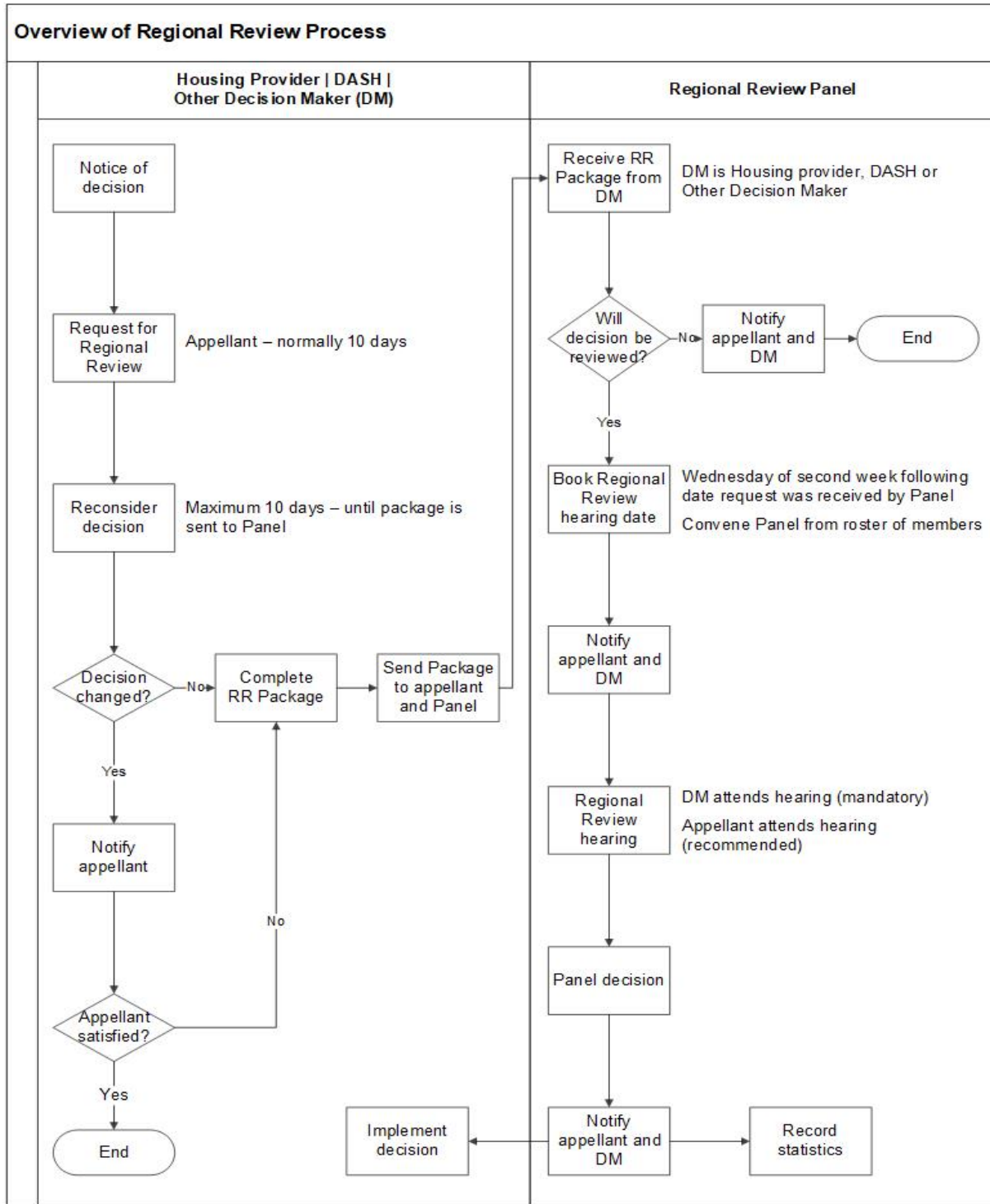
Housing providers, DASH and other decision makers must:

- give written notice of appealable 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.

The Regional Review Panel will:

- schedule the date for the Regional Review hearing
- notify the housing provider, DASH or other decision maker 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 other decision maker and the appellant of the Panel's decision.



## Notice of Original Decision

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Housing providers, DASH and other decision makers must notify tenants, co-op members, applicants and recipients of housing or homelessness benefit or financial assistance in writing of appealable decisions within 7 days of making the decision.

A notice of a reviewable decision must contain the following statement of the right to request a Regional Review:

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.

## Requests for Regional Reviews

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Appellants are normally required to submit written requests for Regional Reviews to the housing provider, DASH or other decision maker within 10 days of the notice of the decision.

- Program guidelines for the Durham Housing Benefit, the Housing Stability Program (HSP) and other housing or homelessness programs outside of the HSA may set different timelines for appeal requests.

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 and other decision makers cannot refuse to proceed with the review based on a delayed request. Only the Regional Review Panel can make this decision. If a delayed request is received, the decision maker may request that the Panel:

- Not hear the review
- Conduct an expedited review without a hearing (see below)

- Conduct a regular Regional Review hearing.

Requests for Regional Reviews should normally be in writing and 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 other decision makers 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 already been forwarded to the Regional Review Panel, the notice must be submitted to the Panel in writing.

## Reconsideration of Decision

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Housing providers, DASH and other decision makers 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 other decision maker and the appellant are able to reach a resolution that is acceptable to the appellant
- decision was made in error.

If the appellant is satisfied with the results of the reconsideration, the request for appeal is not forwarded to the Regional Review Panel.

If the appellant is not satisfied with the results of the reconsideration, the housing provider, DASH or other decision maker must complete the Regional Review Package and forward it to the Regional Review Panel and the appellant within 10 days. This normally occurs when the:

- original decision is upheld after reconsideration

- original decision is changed after reconsideration, but the appellant is not satisfied with the new decision
- housing provider, DASH or other decision maker is unable or unlikely to decide 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.

If the request pertains to a decision related to the Durham Housing Benefit, Housing Stability Program (HSP) or other housing or homelessness programs outside of the HSA, the reconsideration must be conducted in accordance with the guidelines of that program.

## Regional Review Package

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If the housing provider, DASH or other decision maker 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, 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 other decision maker must send a copy of the Regional Review Package to the appellant with the [Notice of forwarding of Regional Review Package to Panel](#) advising that the request for review has been submitted to the Regional Review Panel, and selecting one of two options:

- Regional Review Hearing – noting 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
- Expedited Review without Hearing – noting the Regional Review Panel will conduct the review and notify the appellant of their decision.

If the housing provider, DASH or other decision maker is recommending that the Regional Review should not be conducted due to delayed request, they should submit the Regional Review Package to the Panel noting this under Type of Review Requested on the Regional Review Summary Form.

The [Regional Review Summary Form](#) and [Notice of forwarding of Regional Review Package to Panel](#) template letter can be found in the [Resources for Community Housing Providers](#) section on the Region of Durham's website.

## Regional Review Panel

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The Regional Review Panel consists of Regional staff from the Department of Social Services and representatives from community housing providers and other 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 by 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 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 may proceed with only two Panel members at their sole discretion. Expedited Reviews may be conducted with one or more Panel members.

The Regional Review Panel is an independent body that does not represent the service manager, housing provider or other decision maker in relation to the original decision.

Panel members are required to declare all affiliations with any community 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, DASH or other party 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**

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Regional Review hearings are normally scheduled for the Wednesday of the second week following the date that a 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 are no requests 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:

- convene 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 other decision maker.

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 other decision maker 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

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Regional Review hearings are normally conducted in person, and are attended by the Panel members, the appellant, and the housing provider, DASH or other decision maker. 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 other decision maker must attend the Regional Review Hearing to present a summary of their decision and detail the reasons for it.

The Regional Review Panel will not present information on behalf of the housing provider, DASH or other decision maker.

At the Regional Review hearing:

- The housing provider, DASH or other decision maker will present a summary of their 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 unless it was received after the Regional Review Package was sent to the Panel.
- 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 other decision maker 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 other decision maker.
- 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 other decision maker if they fail to attend the hearing without prior notice to the Panel. If they cannot be contacted, the hearing may proceed in their absence.

## **Expedited Reviews without Hearings**

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Expedited Reviews without hearings may be conducted:

- as requested by the housing provider, DASH or other decision maker in the case of delayed requests for review
- with the agreement of both the appellant and the housing provider, DASH or the other decision maker
- as deemed appropriate by the Regional Review Panel.

The Panel has sole discretion to determine if it will conduct an Expedited Review, refuse to hear the appeal, or convene a regular Regional Review hearing.

Expedited reviews without hearings will be based on the written submissions of both parties. One or more Panel members may conduct the review. Expedited reviews will be completed within 5 days of receiving the request.

## Decisions of the Regional Review Panel

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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 other decision maker 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 of Durham regarding the implementation and/or interpretation of Regional policies and required legislation – provided the staff member had not previously discussed the original decision with the appellant, the housing provider, DASH or other party involved in making the original decision.

The Panel will send notice of its decision to the appellant and to the housing provider, DASH or other decision maker within 5 days of the hearing date.

The housing provider, DASH or other decision maker 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

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Regional Reviews must normally 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.
- If the request pertains to a decision related to the Durham Housing Benefit, Housing Stability Program (HSP) or other housing or homelessness programs outside of the HSA, the Regional Review must be conducted in accordance with the guidelines of that program.

- If the Panel conducts an expedited review without a hearing, the Regional Review must be completed within 5 days of receiving the request.

Housing providers, DASH and other decision makers 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 for RGI, modified housing or the Durham PHB.
- within 2 days of the appellant's request for a Regional Review of a decision of ineligibility for Special Priority status
- in accordance with the program guidelines for the Durham Housing Benefit, Housing Stability Program (HSP) or other housing or homelessness programs outside of the HSA.

The Panel will send notice of its decision to the appellant and to the housing provider, DASH or other decision maker within 5 days of completing the review.

## Monitoring

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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 Regional Council and may 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.

## Denials/Refusals to Offer

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Housing providers may deny/refuse to offer a unit to an applicant referred by DASH for the following reasons:

- the vacancy is for a seniors' unit and no one in the applicant's household is over the age of 60
- based on rental payment history, the housing provider reasonably believes that the applicant may not pay the rent/housing charge on time or in full
- the applicant has been denied membership in the co-operative housing provider with the vacancy
- the vacancy is for shared accommodation and the housing provider believes that it is unreasonable for the applicant to reside in shared accommodation
- in the previous 5 years, the applicant was evicted from community housing under an order of the Landlord and Tenant Board for a serious illegal act, and the housing provider reasonably believes that they pose a risk to the health or safety of someone living at the property with the vacancy. Serious illegal acts include:
  - Production, trafficking, or possession for the purpose of trafficking an illegal drug
  - Illegal production, distribution or sale of cannabis
  - Physical violence or attempted physical violence against another person
  - Physical harm, attempted physical harm, or a risk of physical harm to another person
  - Human trafficking
  - Use of threats to, intimidation of, and harassment of another person

Where an applicant is refused an offer for any of the above reasons, the housing provider must notify the applicant of the reason for the denial and of their right to appeal. It is the responsibility of the housing provider to conduct this review. Notice and right of appeal is required for the first denial only.

All housing providers – with the exception of the DRLHC - must establish procedures for the conduct of reviews of denials/refusals to offer. These procedures must include that:

- the denial 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 original decision to deny the offer

- timelines to complete the review and provide notice of the decision.

Housing providers are encouraged to have short timelines for reviews as they cannot offer the vacant unit to the next applicant on the DASH wait list until either:

- the time to request the appeal has expired
- the review has been completed.

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 deny offers.

## Legislative References

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[Housing Services Act](#), s. 155, 156, 158

[Ontario Regulation 367/11](#), s.138

## 26. Forms and Letter Templates

Standard forms and letter templates related to RGI decisions and RGI administration can be found in the [Resources for Community Housing Providers](#) section of the Region of Durham's website at [www.durham.ca/housing](http://www.durham.ca/housing). Housing providers are required to use these forms and letter templates where applicable.

References to required forms and letter templates are included throughout this guide, including direct links to the resource on the Region's website.

See [Section 23: Notices](#) for more information about how to use letter templates.

All [forms](#) and [letter templates](#) are available in the in the [Resources for Community Housing Providers](#) section on the Region of Durham's website. Forms and letter templates are updated from time to time, and providers should ensure that they are using the most current version as set out on the Region's website.



## 27. Resources

This section sets out a number of resources that may be helpful to housing providers who administer RGI.

These resources are accurate as of the last update of this guide. Housing providers are cautioned that these resources – notably contact information – may have changed after this guide was printed.

## Ontario Works Asset Limits

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Ontario Works asset limits are set out in [section 42 of Ontario Regulation 134/98](#) under the Ontario Works Act.

Effective September 1, 2017, the Ontario Works asset limits are:

- \$10,000 for a single person
- \$15,000 for a couple with no dependants
- \$15,500 for a couple with one dependant
  - Plus \$500 for each additional dependant
- \$10,500 for a single parent with one dependant
  - Plus \$500 for each additional dependant

## Ontario Works Shelter Allowance

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Ontario Works shelter allowance benefits are set out in section 42 of [section 42 of Ontario Regulation 134/98](#) under the Ontario Works Act. The shelter amount is paid based on actual expenses. Shelter costs may include:

- rent/housing charges, excluding parking and cable
  - cable may be included only if it is extra mandatory fee of the housing provider and required for the operation of the building security or entry system
- insurance premiums for the dwelling and contents
- sector support and other required common expenses in co-operative housing
- utilities
- heating costs.

The maximum amount of the Ontario Works shelter allowance is based on the number of members in a benefit unit as outlined below:

#### Ontario Works Maximum Shelter Allowance

Benefit Unit Size	Maximum Monthly Ontario Works Shelter Allowance
1	\$390
2	\$642
3	\$697
4	\$756
5	\$815
6+	\$844

## ODSP Shelter Allowance

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ODSP shelter allowance benefits are set out in [section 31 of Ontario Regulation 222/98](#) under the Ontario Disability Support Program Act. The shelter amount is paid based on actual expenses. Shelter costs may include:

- Rent/housing charges, excluding parking and cable
  - cable may be included only if it is extra mandatory fee of the housing provider and required for the operation of the building security or entry system
- insurance premiums for the dwelling and contents
- sector support or other required common expenses in co-operative housing
- utilities
- heating costs.

The maximum amount for shelter is based on the number of members in a benefit unit as outlined below:

**ODSP Works Maximum Shelter Allowance**

Benefit Unit Size	Maximum Monthly ODSP Shelter Allowance
1	\$497
2	\$781
3	\$846
4	\$918
5	\$991
6+	\$1,026

## Pursuit of Income – Where to Apply

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### Ontario Works

Applicants can apply for Ontario Works by telephone or online.

For telephone intake screening, call:

Local calls: 905-428-8982

Toll-free: 1-877-678-6333

Bell Relay: 1-800-855-0511

Apply online at the [Ontario Works website](http://www.ontario.ca/socialassistance) at [www.ontario.ca/socialassistance](http://www.ontario.ca/socialassistance).

### Employment Insurance

Applicants can apply in person at a Service Canada Centre or online.

Apply at a Service Canada Centre in Durham at any of the following locations:

- Oshawa - Service Canada Centre (Midtown Mall)  
200 John Street West, Oshawa
- Ajax - Service Canada Centre  
274 Mackenzie Avenue, Ajax
- Uxbridge Scheduled Outreach Site  
29 Toronto Street, Unit 2, Uxbridge

Apply online at the [Employment Insurance section of the Service Canada website](http://www.canada.ca/ei) at [www.canada.ca/ei](http://www.canada.ca/ei).

## Child Support Resources

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This information is provided for information purposes only. Housing providers may share this information with tenants or members who are looking for assistance in pursuing support.

RGI tenants and co-op members are not required to pursue child or spousal support income as a condition of continued RGI eligibility.

For general information about family law issues such as child support and custody, go to the [Attorney General's website](http://www.ontario.ca/familylaw) at [www.ontario.ca/familylaw](http://www.ontario.ca/familylaw).

### Family Support Worker (FSW) Unit

The Family Support Worker (FSW) unit operates out of the Ontario Works office at 200 John St, Unit C1A, Oshawa.

RGI tenants and co-op members may self-refer to the FSW unit by email at [fsw@durham.ca](mailto:fsw@durham.ca) or by calling 905-436-6747, ext. 5222.

RGI tenants and co-op members do not need to be receiving or applying for Ontario Works to access the FSW Unit.

### Family Responsibility Office (FRO)

Mail or fax general correspondence to the Family Responsibility Office (FRO) at:

Family Responsibility Office  
Ministry of Community and Social Services  
PO Box 200, STN A  
Oshawa, ON L1H 0C5  
Fax: 416-240-2401

To speak to a case contact, call:

Telephone: 416-326-1817  
Toll Free: 1-800-267-4330

For general information through the 24-hour Automated Information Line, call:

Telephone: 416-326-1818  
Toll Free: 1-800-267-7263

For more information go to the [Family Responsibility Office website](http://www.ontario.ca/fro) at [www.ontario.ca/fro](http://www.ontario.ca/fro).

## Access to Justice Hub

The Access to Justice Hub is a partnership between the Durham Community Legal Clinic, Durham College, TeachingCity and the Region of Durham. It provides a one-stop shop for legal assistance for low income residents and may be an option for tenants or co-op members who are choosing to seek spousal or child support. The Access to Justice Hub operates within the Durham Legal Clinic located at:

200 John St, Unit 1B  
Oshawa, ON L1J 2B4

Telephone: 905-7287321  
Toll Free: 1-888-297-2202

For more information, go to the [Durham Community Legal Clinic website](http://www.durhamcommunitylegalclinic/acceess-to-justice-hub.ca) at [www.durhamcommunitylegalclinic/acceess-to-justice-hub.ca](http://www.durhamcommunitylegalclinic/acceess-to-justice-hub.ca).

## Legal Aid Ontario

RGI tenants or co-op members may contact Legal Aid Ontario on 1-800-668-8258 or visit the [Legal Aid Ontario website](http://www.legalaid.on.ca) for assistance with family law matters including pursuit of spousal support.

## Ontario Superior Court of Justice, Family Branch

To obtain a copy of a court order made in Durham, go to the Ontario Superior Court of Justice at:

150 Bond St E  
Oshawa, ON L1G 0A2  
Tel: 905-743-2620

For more information, go to the [Ontario Courts website](http://www.ontariocourts.ca/scj) at [www.ontariocourts.ca/scj](http://www.ontariocourts.ca/scj) or the [Attorney General's website](http://www.ontario.ca/familylaw) at [www.ontario.ca/familylaw](http://www.ontario.ca/familylaw).

## **Family Law Information Centre (FLIC)**

The Family Law Information Centre (FLIC) is located at the Ontario Superior Court of Justice at:

150 Bond St E  
Oshawa, ON L1G 0A2

RGI tenants and co-op members can go there for court forms or to speak to Information and Referral Coordinators or an Advise Lawyer before filing court forms.

For more information, go to the [FLIC section of the Attorney General's website](http://www.attorneygeneral.jus.gov.on.ca/english/family/infoctr.php) at [www.attorneygeneral.jus.gov.on.ca/english/family/infoctr.php](http://www.attorneygeneral.jus.gov.on.ca/english/family/infoctr.php).



The Regional Municipality of Durham  
605 Rossland Rd. E., Whitby, ON L1N 6A3  
905-668-7711 or 1-1800-372-1102  
[www.durham.ca](http://www.durham.ca)



**THINK FORWARD**