



Durham Housing Directives

Housing Services Division

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Subject:	Guests and Undeclared Occupants
Directive Number:	RGI: RGI-01-21
Date:	July 2026

Purpose

This directive establishes standards for managing guests and undeclared occupants in households receiving a rental subsidy, such as rent-geared-to-income (RGI) assistance or an equivalent subsidy. It outlines procedures and expectations to help community housing providers identify and address undeclared occupants, while ensuring compliance with the Housing Services Act, 2011, service manager directives, and applicable local housing policies or by-laws. This directive:

- Ensures RGI tenants and co-op members understand their rights and responsibilities regarding guests and undeclared occupants.
- Ensures all occupants receiving a rental subsidy comply with RGI eligibility and occupancy standards.
- Assists housing providers in addressing situations where a guest or undeclared occupant has been residing in an RGI unit for longer than the allowable time period.
- Supports tenants, co-op members, and housing providers in determining a reasonable duration for a guest's stay before considering them for household subsidy purposes.

Background

Under the Housing Services Act, 2011, RGI tenants and co-op members must declare all individuals living in their unit to ensure an accurate rental subsidy calculation and an appropriate unit size in accordance with the Region's [Occupancy Standards](#) Directive.

Guests

Community housing providers must have a policy for the temporary accommodation of guests in units occupied by households receiving a rental subsidy, such as RGI (O. Reg. 367/11, s. 96). These rules generally establish a maximum time frame for overnight guests, as set out in the lease or occupancy agreement.

Tenants and co-op members should obtain approval from their housing provider for a guest to stay in the unit, in accordance with the housing provider's guest policy or by-law. Guests must comply with all rules set by the housing provider and outlined in the lease or occupancy agreement. Tenants and co-op members are responsible for the actions and behaviour of their guests.

In determining whether an individual is a visitor, short-term guest, long-term guest, or undeclared occupant, housing providers should consider whether:

- The overall circumstances, including the length and frequency of the person's stay.
- The stays are consecutive or cumulative.
- The person maintains a primary residence elsewhere.
- Personal belongings are kept in the unit.
- The person receives mail or uses the unit as their primary address.
- Any other information indicating the person is residing in the unit rather than visiting temporarily.

No single factor is determinative; decisions should be made on a case-by-case basis and documented by the housing provider.

A short-term guest is an individual who stays overnight with the tenant or co-op member for more than one day but leaves within the maximum time frame for overnight guests set out in the lease, occupancy agreement or housing provider's guest policy.

A visitor is someone who attends the unit on a temporary basis, does not reside overnight or does so infrequently, and maintains a primary residence elsewhere. Visitors are not required to be declared unless their presence suggests they may be residing in the unit.

Households must declare any individual moving into or out of the unit as soon as the change occurs, in accordance with the timelines set out in the [In-Year Reviews and Notice of Changes](#) Directive.

Intervention Requirements:

If a short-term guest exceeds the maximum time frame set out in the lease or occupancy agreement and the housing provider's guest policy or by-law, the housing provider must intervene. The housing provider must determine whether the individual remains a guest or should be assessed as part of the household for rental subsidy purposes. If the individual does not vacate the unit within an agreed-upon time frame, the housing provider must request the information required to determine rental subsidy eligibility.

This does not mean the guest must be added to the lease or occupancy agreement. An individual may be included in the rental subsidy calculation without being added to the lease or occupancy agreement.

Long-Term Guests:

A long-term guest is an individual approved by the housing provider to remain in a subsidized unit beyond the time permitted under the short-term guest policy or by-law, without being added to the lease or occupancy agreement. Long-term guests must meet RGI eligibility requirements, including income, assets, and status in Canada, and must be included in the household for rental subsidy calculation purposes.

If a long-term guest's income causes the household's total income to meet or exceed the market rent for the unit, the household is considered equivalent to market rent. Notice of this change must be provided in accordance with the [Maximum Rent and 24-Month Rule](#) Directive.

Housing providers must discuss the intended length of time the guest plans to reside in the unit and whether they maintain an address elsewhere.

Approval of a guest or long-term guest does not override local occupancy standards. Housing providers must not approve guest arrangements that result in overcrowding or non-compliance with the Region's [Occupancy Standards](#) Directive.

Consecutive Guest Stays Provision:

For the purposes of this directive, guest stays are considered cumulative when occurring within a defined period (e.g., a calendar month or rolling 30-day window), regardless of short breaks between visits. For example, if a guest stays for 20 consecutive days, leaves for 1 day, and returns for another 20 days, this would be considered a 40-day cumulative stay.

Special Circumstances:

In limited circumstances, a guest may be permitted to stay in a subsidized unit beyond the maximum time period set out in the lease, occupancy agreement, or housing provider's guest policy without being immediately considered a long-term guest for rental subsidy purposes. These arrangements must be temporary, time-limited, and assessed by the housing provider on a case-by-case basis, taking into account legislative requirements, including the Housing Services Act, 2011 and the Ontario Human Rights Code.

The following non-exhaustive examples may qualify as special circumstances. Housing providers may request reasonable documentation to confirm the temporary nature of the arrangement.

Guest residing outside Canada

Where the guest normally resides outside Canada and provides documentation showing their intended departure date, such as confirmed travel arrangements

(for example, plane, train, ship, or bus tickets). The guest must maintain a permanent address elsewhere.

Emergency displacement

Where the guest is temporarily unable to return to their primary residence because of an emergency, such as a fire, flood, or mould remediation, and documentation confirms both the emergency and that the guest maintains a permanent address elsewhere.

Assessment and Follow-up for Special Circumstances

Approval under special circumstances does not remove the requirement to declare individuals residing in the unit. Housing providers must document the expected duration of the stay and monitor compliance. If the guest remains in the unit beyond the approved period, the housing provider must assess whether the individual should be treated as a long-term guest for rental subsidy purposes and proceed accordingly.

All decisions must be made in accordance with procedural fairness and applicable Housing Services directives, including requests for information and eligibility review processes.

Live-in Caregivers

Live-in caregivers may provide support for a child, a senior, or a person with a disability. They may be funded privately by the tenant, co-op member, or a member of their family, or by a community agency or government source, such as the Ministry of Children, Community and Social Services (MCCSS).

Accommodation Requirements

Live-in caregivers who do not maintain accommodation outside the unit are normally considered part of the subsidized household for both rental subsidy calculation and occupancy standards purposes.

If a tenant or co-op member has an employment contract with a live-in caregiver and the contract requires that accommodation be provided, the household may be provided with an extra bedroom. In this circumstance, the live-in caregiver is not part of the household for the purpose of calculating the tenant's or co-op member's rental subsidy.

Undeclared Occupants

Tenants and co-op members receiving a rental subsidy must immediately report if anyone moves into or out of the unit. An undeclared occupant may affect the household's eligibility for rental subsidy.

Any individual living in a subsidized unit who is not a tenant or co-op member, occupant, visitor, declared or approved guest, or declared live-in caregiver is considered an undeclared occupant.

If a housing provider suspects that an undeclared occupant is living in the unit, the housing provider must address the concern directly with the tenant or co-op member. The housing provider should also attempt to gather as much information as possible about the undeclared occupant, such as their name and income, and document all requests for information and efforts to obtain it.

Failure to declare all occupants residing in the unit or to provide requested information may result in the household being deemed ineligible for their rental subsidy. This is considered a failure to notify the landlord of changes in household composition, as required under the Housing Services Act, 2011.

Requests for information must align with Housing Services Directive [Requests for Information](#).

If the housing provider is unable to obtain information about an undeclared occupant, the matter may be referred to the Region's Eligibility Review Officer.

Referral Process:

To refer a matter to the Eligibility Review Officer (ERO), housing providers must complete the Eligibility Review Officer (ERO) Referral for Housing Providers form. A copy of the form may be requested from Housing Services by email at HousingERO@durham.ca. The referral must include a copy of the most recent Annual Review, Declaration, and Consent forms, along with any other relevant documents, notices, or requests for information.

After submitting a referral to the ERO, housing providers should continue to share any new information related to the referral. For example, this may include notice that the tenant or co-op member has moved out, the results of a unit inspection, or confirmation that another individual and their belongings were observed in the unit.

Members of the public are instructed to call 311 to submit a complaint for ERO review.

Co-operative Housing Sites

Co-operative Housing by-laws typically define a household to include:

- Approved members living in the unit

- Children of the member(s)
- Long-term guests approved by the board of directors

Only persons defined as being part of the household can occupy a unit.

Occupancy agreement holders must inform the board of directors about short-term or casual guests, especially if the stay exceeds 14 days. Guests must comply with all co-op rules and regulations during their stay.

A person is considered a long-term guest if their stay exceeds the short-term or casual guest by-law at their co-operative housing site. Long-term guests should be added to the household for the purposes of calculating rental subsidy.

Long-term guests included in rental subsidy calculations are not automatically considered members of the co-op. A long-term guest seeking membership must complete the standard membership application process and obtain board approval. The request must be signed by all household members. If membership is not approved but the guest remains a long-term guest, they must still be included for rental subsidy calculation purposes.

The board can approve a long-term guest for a fixed or indefinite period. This must be stated in the board's approval motion. If approval is for a fixed or maximum time, the person will no longer be a long-term guest at the end of the period and must vacate the unit or request an extension of their long-term guest status.

All members in the household and their guests must sign and comply with any long-term guest agreements and submit all requested documentation to determine the rental subsidy.

Adding Guests to the Household

Eligibility for rental subsidy will be determined through the standard application and verification process. [The Eligibility Verification Rent-Geared-to-Income \(RGI\) and Modified Housing](#) form and [Regional Consent](#) form must be completed by the tenant or co-op member and their long-term guest. Housing providers are required to verify all information provided on the application per the standard verification process. Housing providers will notify the household of their eligibility status and any changes to their rent or housing charges in writing.

It is the responsibility of the housing provider to request Status in Canada, income, and asset information, per the Verification Requirements outlined in the [Annual RGI Reviews](#) Directive, from the guest to establish eligibility. Requests for information must:

- Be made in writing.
- State that failure to provide the information will result in RGI ineligibility.

- Give at least 14 days to submit the requested information.

If the tenant or co-op member fails to provide the necessary information to add the guest to their household, this will result in RGI ineligibility. If the requested information is not received by the due date indicated, the tenant or co-op member will become 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. [Notice of RGI Ineligibility](#) must be provided to the household in writing.

If a long-term guest included in the rental subsidy calculation vacates the unit, the housing provider may adjust the tenant's rent or co-op member's housing charge should the conditions for an in-year review be met. Please see [In-Year Reviews and Notices of Changes](#) for further information regarding in year changes.

If a tenant or co-op member vacates their unit, all visitors and guests must also vacate the unit. Any remaining visitors will be considered trespassers, and appropriate action will be taken.

Rent Supplement Households

This Directive does not apply to Rent Supplement households in privately owned buildings. For information on guest management for those households please review the Rent Supplement Guests and Undeclared Occupants policy, which sets out the specific requirements, thresholds, and processes that apply to privately owned units.

Occupancy Standards

Local occupancy standards set out the maximum and minimum unit size for which an RGI tenant or co-op member is eligible. Please review the Region's [Occupancy Standards](#) Directive to ensure the tenant or co-op member remains in compliance with local occupancy standards.

Effective Date

This Directive comes into effect July 2026

Legislative Authority

Housing Services Act, 2011
Ontario Regulation 367/11, s. 96 (4)