

CityHousing Hamilton Corporation



CATEGORY	04	Operations	DATE APPROVED: September 26, 2017
SECTION	05		UPDATED ON: December 20, 2017
POLICY	05	Guest	INTERNAL AND EXTERNAL POLICY

1.0 POLICY STATEMENT AND PURPOSE

CityHousing Hamilton (CHH) must confirm that only persons described in the lease or authorized in writing may reside permanently in the unit. Verification of persons that are considered guests of the household have specified requirements for length of stay.

2.0 SCOPE

The policy applies to all CHH households.

3.0 POLICY

The maximum amount of time a guest may stay in a CHH unit without permission for a period of 14 days. Should a tenant require the guest to extend their stay over the period of 14 days, the tenant must write to their Property Manager (PM), stating the length of time the guest would like to stay. At all times the tenant(s) of the unit is responsible for the behaviour and action of their guest(s).

The PM may refuse the request if:

- It appears that the guest does not intend, or has no prospects of moving at the end of the agreed end of the term of the visit;
- The guest does not have a permanent address;
- CHH staff or tenants have complained about the guest's behaviour and those complaints have been found to be valid; or
- The same guest has stayed on a repeated basis.

CHH has the responsibility to ensure that for rent-geared-to-income (RGI) units that the rent levels and the amount of subsidy provided reflects the household. Removal of subsidy may result should guest continues to stay in the unit beyond the agreed term and has not applied to live in the unit.

At any point should the tenant move out of the unit, the guest must also move out from the unit. Any guests staying in the unit after the lease holding tenant moves out will be removed.

3.1 GUEST – SPECIAL CASES

Special Cases where a guest may stay longer than 14 days to a maximum of 30 days include:

- An accommodation-related issue as defined in the CHH's Duty to Accommodate Policy, Harassment and Anti-Discrimination Policy and the Ontario Human Rights Code, such as the need for someone to provide short-term supportive care to a person with a disability as prescribed by a qualified licensed health care professional;
- The guest lives outside the country and has travel documents to prove their planned return date and leaves on that date (examples of documentation may include non-refundable plane, train, ship or bus tickets);
- The guest is a minor and the tenant has documentation showing that the person(s) is staying with them temporarily (an example may include grandchildren visiting on temporary custody arrangements); or
- If it is determined that there is an authorized occupant present in the unit.

3.2 EXCLUSION

The policy does not authorize tenants having their guest(s) stay over the maximum days of stay because a member of the household is a surety for a person on Judicial Interim Release (Bail), probation, parole, or otherwise where that person is not a member of the household.

Any request to have a person stay in a Tenant's unit because they wish to be a surety (or similar) must be reviewed by the PM.

Examples where the person may stay in the unit include: the person is a minor; the person is charged with a non-violent offence; or there are other compelling reasons to allow the person to stay in the unit.

3.3 UNAUTHORIZED BOARDER

CHH may hear from a third party that a new person may be staying in the unit that may be unauthorized to do so, in which case:

- The PM will send An Opportunity to Comment Letter;
- If a response is not validated the Subsidy Removal Policy will be followed;
- If a response is validated the tenant will be asked to follow one of the applicable policies:
 - Market Tenant Additions to Household Composition Policy;
 - Under 17 Years of Age Addition to Rent Geared to Income Household Composition Policy; or
 - Over 17 Years of Age Addition to Rent Geared to Income Household Composition Policy.

If the tenant denies there is another occupant, or the situation is unclear, then the PM will request a sworn affidavit or supporting documentation from the tenant confirming that there is no unauthorized boarder(s) in their unit. The documentation should confirm the permanent residence of the guest.

4.0 PROCEDURE

At the end of the term of the visit the PM will check to ensure the guest has left.

If It has been found that a guest(s) has exceeded the agreed term of stay, CHH staff must obtain sufficient evidence to support the case of non-compliance.

Evidence to support non-compliance may include, but are not limited to:

- Receiving mail at the tenants address; or
- Listing the address for the purpose of voting, car registry, employment or credit.

If a guest continues to stay in the unit without CHH permission, the tenant file will be given to the Manager of Residency Administration who will notify the household of the removal of their subsidy and provide a 90 day Notice to Market letter. The tenant has the right to ask for a review of this decision.

CHH will not issue a no trespass order against a tenant's visitor or guest, unless it threatens the safety and wellbeing of the tenant.

5.0 RESPONSIBILITY

It is the responsibility of the Operations Manager to ensure all appropriate staff is trained on this policy.

6.0 DEFINITIONS

Guest: are persons who require temporary accommodation with a Tenant (guests do sleep in the Tenant's unit but only for a maximum of 30 days. Guests are not part of the Tenant's household. Guests maintain a home address outside the Tenant's unit.

Occupants: For RGI tenancies, an Occupant is a person who is a declared member of an RGI household, who has been added to the household with CHH's consent, but who has not signed a lease with CHH. For market rent tenancies, an Occupant is a person who has been added to a market household, with CHH's consent, but has not signed the lease, or an undeclared person who is living in a market rent unit together with the tenant. Occupants have no right to live in the Tenant's unit once the Tenant moves out.

Tenant: are persons who have signed a lease and have all tenant rights related to the tenancy.

Visitor(s): One or more person who goes to the RGI household's unit as frequently as the RGI household invites them. Visitors do not require temporary accommodation with the tenant or member.

Unauthorized Boarder: Any person who is not a Tenant or who was a guest that has overstayed the agreed upon term as defined by this policy is considered an Unauthorized Boarder. An Unauthorized Boarder has no lawful authority to be at a CHH tenential complex and has no rights to the rental unit in question.

7.0 LEGISLATIVE REQUIREMENTS

- *Housing Services Act, 2011*
- Ontario Regulation 367/11

8.0 REFERENCES AND RELATED POLICIES

- Duty to Accommodate Policy
- Market Tenant Additions to Household Composition Policy
- Under 17 Years of Age Addition to Rent Geared to Income Household Composition Policy
- Over 17 Years of Age Addition to Rent Geared to Income Household Composition Policy

9.0 ATTACHMENTS

- [Opportunity to Comment Letter](#)