

CATEGORY		Operations	Approval Required by: CHH Management Team
SECTION		Current Tenants	
SUBJECT	00	Tenant Swimming Pools	DATE APPROVED: 30/04/2015
			DATE REVIEWED: Click here to enter a date.
POLICY	<p>CityHousing Hamilton (CHH) residents must obtain prior written approval from the landlord before erecting a swimming pool (as defined) on the leased premises.</p> <p>Tenants wishing to erect a swimming pool will be required to arrange for an inspection of the property by contacting the City of Hamilton Planning and Economic Development Department.</p> <p>CHH will deny the request to erect a swimming pool if the City of Hamilton inspection report indicates the rental property does not meet the fencing requirements of the by-law. CityHousing Hamilton will not alter existing fencing for the purposes of meeting the by-law requirements.</p> <p>The request will be further considered where the inspection report indicates the fence is in compliance with the provisions of the by-law. Approval would be conditional on there being a written agreement between landlord and tenant to specify that:</p> <ul style="list-style-type: none"> • The swimming pool is above-ground only (not on-ground or in-ground); • Tenant assumes 100% liability for associated concerns related to the presence of a swimming pool on the lease premises; • Tenant must maintain a current insurance policy, with minimum liability coverage of \$2 million, which includes provision for a swimming pool. A copy of the insurance policy must be provided to CHH to be retained in the tenant file. • Tenant is responsible for repairing all property damage associated with having a swimming pool on the leased premises. Any unrepaired damage will be done by CHH with all related costs charged to the tenant; • Tenant maintains the pool (including water and any support structures) to ensure public safety and appearance; • Tenant agrees to pay a seasonal charge as set by CHH; • Payment will be due upon receipt of Tenant Invoice issued by CHH. • The leased premises must meet municipal by-law requirements at all times while a swimming pool is in use. 		

	<p>Swimming Pool Agreements must be signed and a copy of the current insurance policy provided annually.</p> <p>Annual renewals of swimming pool agreements are not automatic. Tenants must request a renewal of their pool agreement each year and the request may be denied based on any breach of the prior agreement.</p>
	STATEMENT OF PURPOSE
	<p>To address concerns related to liability, safety and security, Municipal By-laws, extra water usage and property damage identified when residents of CityHousing Hamilton set up swimming pools on the rental premises.</p>
	LEGAL REQUIREMENTS
	Municipal By-law No. 03-125
	SCOPE
	<p>This policy applies to any tenant wishing to erect a swimming pool on CHH property.</p>
	RESPONSIBILITY
	<p>It is the responsibility of the CEO to ensure that all staff are aware of the CHH Swimming Pool Policy.</p> <p>It is the responsibility of the Operations Manager and Operations Support Officer to ensure that Operations staff are adequately trained on the Swimming Pool policy.</p> <p>It is the responsibility of all staff receiving and assessing tenant swimming pool requests to attend training and refresher sessions as scheduled and/or provided by CHH; to apply the training in their work; to seek clarification when unsure; and to identify areas where additional training would be helpful.</p>
	DEFINITIONS

	<p>Outdoor Swimming Pool means:</p> <p>Any privately-owned body of water located out of doors which is used or capable of being used for swimming and which is contained wholly or partly by artificial means, but does not include such a pool:</p> <ul style="list-style-type: none"> • which is incapable of holding water beyond a maximum depth of 300 mm (11 ¾ inches), and beyond the volume of 4,550 litres (1000 gallons or 160.5 cubic feet); • which is owned by a public or governmental body, agency or • which is designed and used solely for ornamental purposes; which is a farm pond, which for the purposes of this by-law shall mean a pond which is maintained for agricultural or horticultural uses only; or naturally occurring streams, lakes, swamps or other natural bodies of water;
	<p>REFERENCES & RELATED POLICIES</p>
<p>PROCEDURES</p>	<p>Notice letters will be sent out to all current tenants residing in townhouse complexes and single and semi-detached homes outlining the policy guidelines.</p> <p>Reminders will be included in the bi-annual tenant newsletter throughout the year. Policy information will be included in the CHH Resident’s Guide for all new tenants.</p> <p>Tenants wishing to have a swimming pool (as per the definition) in their yard must submit a written request for approval to their Property Manager (PM).</p> <p>Property Manager will send a Pool Request application package outlining CHH requirements as outlined above.</p>

The tenant returns the completed application package to the Property Manager who will review the information to ensure that it meets all requirements.

If all requirements are met, the Property Manager will arrange for the tenant to sign a “CHH Annual Swimming Pool Agreement.”

Once signed, the tenant will be given one copy of the agreement, and the original document with the insurance certificate will be placed on the tenant file for future reference.

The Property Manager will submit a request to the Property Management Assistant (PMA) to send a Swimming Pool Seasonal Charge Invoice to the tenant each time a CHH Annual Swimming Pool Agreement has been signed.

The PMA will send an invoice to the tenant and place an adjustment on the Tenant’s MISCRENT account for the seasonal charge.

If a tenant erects a pool without the necessary approvals including the appropriate inspections or insurance certification, the Property Manager will send a “Swimming Pool Non-Compliance” letter, advising the tenant to remove the pool.

If a tenant does not remove a pool when required by CHH, or if a tenant does not pay their swimming pool seasonal charge, the Property Manager will contact the CHH Legal Department for advice on appropriate legal action.

	ATTACHMENTS	
	Tenant Swimming Pool Brochure	
MONITORING	METHODS	FREQUENCY
	RATIONALE FOR CHANGE	