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**Number: H-16-03**

**Date: February 18, 2016**

**Subject: Occupancy Standards**

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This Directive is to be implemented by Housing Providers listed under the following programs in Schedule 1 of Ontario Regulation 367/11:

- 1 (a) – Local Housing Corporation
  - 2 (a) and 2 (b) – Rent Supplement Programs
  - 6 (a) – Non-Profit Program
  - 6 (b) – Non-Profit Co-Op Program
  - Social Housing Registry
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**Directives Archived and Replaced with This Directive**

Directive H-13-08, Occupancy Standards

**Background:**

The Housing Services Act, 2011 (HSA), section 43, requires Service Managers to establish occupancy standards, in compliance with prescribed requirements, for determining the size and type of unit permissible for a household receiving rent-geared-to-income assistance.

O. Reg. 367/11, section 42 (1), states that the local occupancy standards must follow the two reasons below:

1. provide for the household to be permitted a larger unit than would otherwise be permitted if it is reasonably necessary due to a disability or medical condition of a household member; and
2. include a child of a household member, for the purposes of occupancy standards, if the child as listed in the two points below:
  - lives away from the household while in attendance at a recognized educational institution and
  - lives with the household while not attending that educational institution, and is dependent, in whole or in part, on the household for financial support.

“Recognized educational institution” means any of the following or a similar institution outside Ontario as listed in the five examples below:

1. A school, as defined in the Education Act.
2. A university.
3. A college of applied arts and technology established under the Ontario Colleges of Applied Arts and Technology Act, 2002.
4. A private career college, as defined in the Private Career Colleges Act, 2005.
5. A private school, as defined in the Education Act, for which a notice of intention to operate has been submitted to the Ministry of Education in accordance with that Act.

In consultation with Housing Providers, the Service Manager established the local occupancy standards.

**Action to be Taken:**

A household is eligible to be housed in a unit of a size and type determined in accordance with the local occupancy standards set out below.

The Social Housing Registry shall apply the local occupancy standards as listed in the three points below:

- all new applications; and
- current households on the Centralized Waiting List upon release of this Directive and at ongoing eligibility review; and
- in co-operation with Housing Providers, at initial occupancy.

Housing Providers shall review occupancy standards as part of the rent-geared-to-income eligibility review.

**Note:** Households that were granted an additional bedroom due to a medical condition, disability, or for medical equipment or to accommodate a caregiver as previously legislated shall retain the additional bedroom.

**Occupancy Standards:**

Occupancy standards are generally applied based on the number of household members per bedroom. In some circumstances, a Housing Provider may need to refer to the municipal occupancy standards which are based on the actual size of the unit and the number and age of household members.

The smallest unit a household may request is as listed in the three points below:

- one bedroom per two household members; or
- spouses or same sex partners may accept a bachelor unit; and
- as may be permitted based on the municipal occupancy standards.

The largest unit a household is eligible to request is as listed in the one point below:

- one bedroom for any two household members who are spouses of each other, and one bedroom for each additional household member.

### **Over Housed Households:**

As listed in the two points point below

- A household is considered over housed if they occupy a unit of a size that is larger than the largest unit for which they are eligible.
- Over housed households are required to follow the Service Manager rules as set out in Directive H-16-04, Over Housed Households in order to remain eligible for rent-geared-to-income assistance.

### **Under Housed Households:**

As listed in the four points below

- A household is considered under housed if they occupy a unit of a size that is smaller than the smallest unit for which they are eligible.
- The Housing Provider is responsible to verify the current local municipal occupancy standards set out in By-Law No. 2005-100 Property Standards By-law section 5.55 (local by-law) when making decisions related to additional household members.
- Under housed may not be considered grounds to deem a household ineligible for rent-geared-to-income assistance.
- An under-housed household may apply to the Housing Provider for an internal transfer and or may apply to the Social Housing Registry to be added to the Centralized Waiting List.

### **Additional Bedroom:**

A household may request and be allocated an additional bedroom for the following reasons providing the household meets the eligibility criteria:

#### **Disability or Medical Condition:**

As listed in the six points below:

- A member of the household can be assigned an additional bedroom if the member has a disability or medical condition that makes it reasonably necessary to have a larger unit and the household meets the criteria set out below.
- The disability or medical condition is permanent or is expected to continue for an indefinite period of time; and
- The member of the household requires medical equipment to accommodate a physical disability and due to the size of the equipment, such as a scooter, an additional bedroom is necessary to store the equipment; and
- Exercise equipment does not qualify as eligible criteria for an additional bedroom; and
- The Verification of Disability or Medical Condition form, available on the website or through the Social Housing Registry, must be completed by a qualified Health Care Professional.
- There may be additional circumstances where based on the documentation and information provided it is determined that an additional bedroom is necessary.

### **Children attending school:**

As listed in the four points below

- A child that does not live with the household while attending a recognized educational institution whether full-time or part-time, is entitled to a bedroom providing the child lives with the household while not in attendance at school and is dependent, in whole or in part, on the household for financial assistance.
- In accordance with O. Reg. 298/01, paragraph 26 of section 50(3) the income of a child in full time attendance at school is excluded income for the purposes of rent calculation; and
- In accordance with O. Reg. 298/01 section 49 the income of a child in part time attendance at school is included for the purposes of rent calculation.
- Documentation must be provided to verify school attendance and may include a letter from the school, confirmation tuition fees have been paid, a current timetable, etc.

### **Children not residing with the household on a permanent basis:**

As listed in the four points below

- A member of the household has joint custody or has visitation rights for a child who stays overnight with the household regularly and is legally required through a documented legal agreement to provide adequate accommodation for the child when she or he stays overnight with the member.
- Where there is no legal agreement a sworn affidavit from each parent or guardian confirming the regular overnight visitation of the child may be accepted.
- A member of the household is pregnant then medical documentation may be required.
- Where child or children of a household member are in the care of the Children's Aid Society, the member must provide written confirmation from Children's Aid Society that there is, or soon will be, a plan of care in place to return the child or children to the household member; or a letter from a lawyer advising that they are working with Children's Aid Society to obtain a Plan of Care to return the child or children to the household member.

### **Foster Children:**

As listed in the four points below

- Kingston City Council passed a resolution on 2003-09-24 that foster children are included as members of the household for the purpose of meeting occupancy standards.
- Households that provide foster care on an ongoing basis may be housed to meet occupancy standards for the foster children providing proper documentation is supplied.
- Households that cease to have foster children in the home will be deemed over housed; however if extenuating circumstances exist and the household provides documentation to confirm that foster care is ongoing, the Housing Provider may determine that the household continues to meet occupancy standards for the unit.
- Documentation must be in the form of a letter from the Children's Aid Society.

If a household requests an additional bedroom and the Housing Provider determines that the household does not meet the eligibility criteria, the Housing Provider must notify the household

of the decision in accordance with Directive H-16-01, Internal Reviews Conducted by Housing Providers.

**Reference:**

As listed in the seven points below

- Housing Services Act, 2011, section 43 – Occupancy standards
- O. Reg. 367/11, section 42 - Occupancy standards requirements
- O. Reg. 298/01, section 50(3) - Adjusted Family Income
- O. Reg. 298/01 section 49 - Family Units
- By-Law No. 2005-100 Property Standards By-law
- Directive H-16-04, Over Housed Households
- Directive H-16-01, Internal Reviews Conducted by Housing Providers



Sheldon Laidman, MCIP RPP  
Director, Housing & Social Services Department

c Lanie Hurdle, Commissioner, Community Services  
Jannette Amini, County of Frontenac  
Susan Nicholson, Director, Legal Services & City Solicitor  
Housing Programs Administrators, Housing & Social Services Department

If you have any questions, please contact a Housing Programs Administrator, Housing & Social Services Department.

362 Montreal Street, Kingston, ON K7K 3H5

Phone Number 613-546-2695 Extension 4957

Fax Number 613-546-2623