

Administration	Tenant & Housing Services	Board Approved Date:	21-02-24
Policy	Guests	Revision Date:	N/A
Policy No.	20-082	Internally Approved Date:	21-02-12
References	Housing Services Act, 2011 O. Reg. 367/11 Section 96 (4) Residential Tenancies Act, 2006 Accommodation Policy Review of Decisions Policy		
Forms			

1. Policy Statement

DRNPHC will permit all tenants to invite overnight guests into their home for periods not greater than 14 days. As much as possible DRNPHC will treat market and rent-geared-to-income tenants similarly and will seek to balance the rights of tenants to host overnight guests with its legislated obligations.

2. Purpose

The purpose of this policy is to:

- ensure both DRNPHC and tenants comply with provincial laws and regulations
- ensure subsidies are based on the true household income, including anyone who has moved into the unit
- ensure all tenants, including those who join the household, are subject to the same rules as other tenants in DRNPHC
- treat market rent tenants and RGI tenants as equitably as possible while complying with provincial regulations

3. Scope

This policy applies to all tenants of DRNPHC.

4. Definitions

Applicant

An individual or household who is applying for tenancy at DRNPHC.

Designated staff

The staff person or department who has been designated to complete a particular action or requirement.

Guest

A person who has not provided proof of an alternative address and who is staying with a tenant for a limited time. Their income is not included in the calculation of the tenant's rent-geared-to-income subsidy, if applicable.

HSA

Housing Services Act, 2011

Occupant

A person who lives in a unit with the permission of DRNPHC and the current tenant, but does not have any right to remain in the unit after the current tenant moves out.

RGI subsidy

The tenant's rent-geared-to-income subsidy.

RTA

The *Residential Tenancies Act, 2006*

Tenant

A person who has signed a lease and who enjoys all of the rights and responsibilities of tenancy.

Visitor

A person who visits the tenant, but whose principal address is outside DRNPHC.

5. Procedure

a) Visitors

Visitors may come to the unit as frequently as the tenant invites them. Very frequent visitors may be asked to provide proof of residence elsewhere. Exceptions for extenuating circumstances such as an extended illness may be granted.

b) Guests

Any tenant may invite guests into their unit for up to two week's stay without the DRNPHC's consent.

If a tenant would like a guest to stay for longer than two weeks, they must submit a written request to DRNPHC, stating the length of time the guest would like to stay and providing the guest's home address.

If granted, designated staff will advise, in writing, the length of the stay permitted.

Designated staff may refuse the request if staff or other tenants have complained about the guest's behaviour and those complaints have been found to be valid.

At the end of the permitted stay, designated staff will confirm with the tenant that the guest has left. The unit may be inspected to confirm this information. Tenants will be given proper notice prior to a unit being inspected. With the tenant's consent, guests who wish to stay beyond the term may apply to become tenants.

If a guest remains in an RGI unit without the consent of DRNPHC, designated staff will notify the tenant that their guest's on-going presence in the unit is jeopardizing their RGI subsidy and an investigation may begin.

At all times, tenants are responsible for the behaviour of their guests.

If the tenant moves out of the unit, the guest must also move. Any guests remaining in the unit after the lease-holding tenant moves out will be identified as trespassing and appropriate action available to DRNPHC and / or through the Landlord and Tenant Board will be taken.

At no time is DRNPHC to refer to the guest as a tenant.

c) Additions to RGI households

Tenants must report any new persons who will be residing in the unit immediately. Tenants wanting guests to become co-tenants or an occupant must make a written request to designated staff before the guest's term of stay is over.

If the tenancy is RGI, a formal application process must be completed, which requires providing updated proof of income and current status in Canada from all proposed members of the revised household, including current tenants.

The person requesting to be added to the household must be eligible to receive RGI subsidy in order for the entire household to continue to qualify for RGI subsidy.

- If they are not eligible for RGI subsidy, DRNPHC will inform them and the tenant. DRNPHC may allow the newcomer to become a tenant or occupant, but the household will cease to be eligible for its RGI subsidy.
- If they are eligible for RGI subsidy, then DRNPHC may permit them to become a tenant. The household, including the new addition, will be required to sign a new lease.

Designated staff may refuse to allow the new addition to become a tenant on the grounds outlined in O. Regulation 367/11 of the *HSA*, section 50 (1):

- if it would be contrary to the mandate of the housing provider under section 76 of the Act
- based on the new addition's rental history, that they may fail to fulfill their obligations to pay rent for the unit in the amount and at the times the rent is due
- The unit is one in which individuals will reside in a shared living situation and it would be unreasonable for the household to reside in the shared accommodation
- If the person requesting tenancy status is refused and/or ineligible to receive an RGI subsidy, designated staff may initiate proceedings under the *HSA* to revoke the household's RGI subsidy.

Unreported stays

If DRNPHC is notified by a third party that a visitor or guest has been staying in an RGI unit for a period longer than 14 days, designated staff will contact the tenant by telephone or, if necessary, in writing, to confirm the duration of the individual(s)'s stay.

If confirmation is not received and/or the visitor or guest remains in the unit for longer than the permitted stay, designated staff will issue a notice of decision to the household, indicating that their RGI subsidy may be in jeopardy.

Designated staff may request that the tenant provide proof that their visitor / guest resides elsewhere or ask that they complete a sworn affidavit that the visitor / guest does not permanently reside in the unit.

If it is established that the new individual in the unit is a guest who has stayed in the unit longer than permitted by DRNPHC, the occupant must apply to become a tenant (following the steps above). This could result in a retroactive rent charge or a loss in subsidy.

d) Additions to market rent households

Market rent tenants must report any new occupants in their unit immediately of their moving into the unit.

- It is the market rent tenant's decision whether or not to grant tenancy rights to the occupant. If the tenant would like the occupant to become a tenant, then the occupant must complete a tenancy application with DRNPHC.
- Designated staff will screen the applicant prior to revising the tenancy in the unit.
- Designated staff may refuse to grant tenancy if the applicant would not have been accepted had they been a member of the original household.
- Designated staff may allow the applicant to remain as an occupant while the current tenant remains solely responsible for the rent, unit, and the conduct of the occupant and other guests.

End.