

Administration	Tenant & Housing Services	Board Approved Date:	21-02-24
Policy	Review of Decisions	Revision Date:	N/A
Policy No.	20-085	Internally Approved Date:	21-02-12
References	Housing Services Act, 2011, in accordance with service agreement with service manager Accommodation Policy Human Rights Policy Privacy and Confidentiality Policy		
Forms	Request for Review of Decision Review Decisions Form		

1. Policy Statement

DRNPHC is committed to making decisions in a fair and transparent manner. For decisions made under the *Housing Services Act, 2011* (HAS), its regulations and Regional Directives, there are additional requirements set out for DRNPHC to review these decisions. This policy sets out how these reviews will take place and what decisions are subject to the review process.

RGI applicants and tenants may request a Regional Review of a decision under specific circumstances which include:

- Review ineligibility for RGI
- ineligibility for a modified unit
- the amount of RGI payable
- the size of the unit for which the household may receive RGI, including any requirement to move to a smaller unit
- ineligibility for Special Priority status or Critical priority status on a waiting list
- ineligibility for In-situ priority for RGI

2. Purpose

The purpose of this policy is to give tenants and applicants a clear and transparent process for having decisions of DRNPHC reviewed, in compliance with governing legislation, service manager guidelines/directives and DRNPHC's service agreement with the service manager. It will ensure that all requests by tenants for a review of a staff decision are dealt with in a timely and consistent manner.

3. Scope

This policy applies to all staff, board members, and volunteers of DRNPHC who are responsible for the calculation and administration of RGI subsidies, the management of internal and external waiting lists, and tenant selection, as well as the review committee.

The review committee will not make decisions which are contrary to the law, or clearly against the spirit or the intent of board-approved policies. It will consider special circumstances which may not have been initially considered when the policies were created or the decision was made.

The review committee of the housing provider will use precedent in making its decisions, and will aim to treat all applicants and tenants fairly.

The review committee will also consider the impact of its decisions on the tenant seeking the review, other tenants or applicants, DRNPHC staff, and the well-being of DRNPHC.

4. Definitions

Accommodation

Opportunities to support, as much as possible, the full and equitable participation of applicants and tenants who are Ontario *Human Rights Code*-protected in the activities of DRNPHC, for example, accommodating language, accessibility, and literacy needs of the person requesting the review.

Designated staff

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

DRNPHC review committee

The body that is responsible for conducting reviews of decisions on behalf of DRNPHC as per the service manager's local rule. It is composed of DRNPHC staff who meet the following criteria:

- Did not participate in the original decision
- Are knowledgeable about the relevant sections of the HSA
- Have not discussed the decision with the original decision maker prior to the review

Overhoused household

An RGI household living in a unit which is larger than the largest unit for which they qualify under the service manager's eligibility rule regarding occupancy standards.

RGI subsidy

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

Service manager (Region of Durham)

The municipality, district social services administration board, area services board, or other agency, board or commission responsible for the oversight and administration of the non-profit, as named in Schedule 2 of Ontario Regulation 367/11.

Regional Review Committee (Panel)

Regional Review Panel consists of Regional staff from the Department of Social Services and representatives from community housing providers and other partners delivering housing or homelessness services.

Timeframes

The DRNPHC Review Committee will meet within 7 days of receiving a Regional Review Request to ensure DRNPHC meets the requirement of sending it to the Regional Review Panel within 10 days.

5. Procedure

ADMINISTRATIVE POLICIES - PEOPLE

- a) DRNPHC will communicate all decisions that are eligible for a review in writing. The letter/e-mail communicating the decision will contain information advising of the right to request a review and how to request one.
- b) Request for reviews are to be received within 10 days of the decision being sent to applicants/tenants.
- c) Review requests are sent directly to DRNPHC by the applicant/tenant.
- d) Designated staff will prepare the review package for the DRNPHC Review Committee which will include:
 - the tenant's written request for a review
 - the *Request for Review* form
 - A summary of original decision that includes documents used in the decision and the dates these were received
 - any documentation used in making the original decision
- e) The DRNPHC Review Committee to conduct the review within 7 business days of the request for review. The original decision maker may be invited to the DRNPHC Review Committee to present the decision history.
- f) The DRNPHC review Committee will decide whether they will uphold the decision or overturn the decision. The Committee will make decision by consensus.
- g) Once a decision has been reached, the committee will complete the *Request for Review Form* for each requested review. The *Request for Review Form* will document the decision(s) made and the reason(s) for the decision(s). The *Review Decisions Form* will be forwarded to designated staff shortly after the meeting takes place.
- h) If the decision is overturned, designated staff will communicate the new decision to the applicant/tenant and take the necessary steps to enact the new decision.
- i) If the decision is upheld, designated staff will prepare the request for review package and send it to the Region Review Committee within 10 business days of receiving the original request for review.
- j) The Region will schedule a hearing for eligible reviews and communicate the hearing date to both the applicant/tenant and DRNPHC.
- k) In advance of the hearing, designated staff will prepare a summary of the decision and detail the reasons it was made. This information will be shared with Regional Review Committee at the scheduled hearing date.
- l) After the hearing the Regional review Committee can uphold the decision or overturn the decision.

- m) If the decision is overturned, the Regional Review Committee will communicate the new decision to both the applicant/tenant and DRNPHC. Designated staff will take the necessary action to enact the decision and communicate this decision to the applicant/tenant.
- n) If the decision is upheld, designated the Regional Review Committee will communicate this decision to the applicant/tenant and DRNPHC. Designated staff will review the applicant file and take any necessary action to finalize the original decision.
- o) The decisions rendered by the Regional Review Committee are final and cannot be appealed by DRNPHC, the applicant or tenant.

End.