

CALGARY HOUSING COMPANY POLICY:

Eviction Prevention Policy

Policy Number: HS-Eviction Prevention-003
Approved By: CHCMT
Effective Date: 2018/09/04
Next Revision Due: 2021/09/04
Policy Owner: Housing Services

BACKGROUND:

Many of Calgary Housing Company tenants experience socio-economic vulnerabilities and as a result of the compounding issues poverty presents there are, at times negative outcomes including the loss of housing through eviction.

The cost of eviction is high. There is a financial cost to Calgary Housing Company in terms of the cost of a unit turn over and lost rent revenue and certainly there are social and economic costs to the tenant(s) including risks of homelessness or unstable living conditions and consequences to their health and safety.

As social housing providers, Calgary Housing Company seeks to balance its social mandate with its property management role and fiscal responsibility.

The following activities are critical in the eviction prevention strategy:

- Tenant education and transparent communication of CHC policies and rules
- Clear rent collection policies that include payment plans
- Conflict resolution and mediation processes
- Strategic partnerships with community-based organizations and other sectors to support positive tenancy and social outcomes through direct supports and referrals

PURPOSE:

The purpose of this policy is to ensure a transparent, equitable and consistent approach to sustaining and stabilizing housing to prevent evictions from CHC where possible. This policy outlines the business rules and outline expectations of CHC staff and tenants with regards to roles and responsibilities for successful tenancies.

DEFINITIONS:

In this policy:

- a) “Eviction”: When a tenant and their household is put out of their home by legal means because they did not fulfil their obligations under their lease or the *Residential Tenancies Act*.
- b) “Consent Order”: A court order which sets out conditions of continued tenancy which were agreed to by both parties named;
- c) “Overhoused”: means living in a unit that is too large, in terms of number of bedrooms, for the household as outlined in Canadian Mortgage Housing Corporation Occupancy Standards
- d) “RTA” means the *Residential Tenancies Act* of Alberta;
- e) “SHAR” means the Social Housing Accommodation Regulation.

INTENDED POLICY OUTCOMES:

The policy aims to support successful tenancies and to employ best practices to prevent eviction from CHC, where possible. This policy seeks to balance our social mandate with the business needs of the company including the rights and safety of all CHC tenants and surrounding community; as well as individual tenants while maintaining compliance with the RTA and other regulations including SHAR.

POLICY:

1. Scope:

- 1.1. This policy applies to CHC staff and tenants in all properties managed by CHC.
- 1.2. Rent Subsidy tenants living with private market landlords are outside of the scope of this policy.

2. Exceptions:

- 2.1. In cases where a tenant has exhibited violence towards CHC staff, or has made threats towards CHC staff a 24 hour eviction notice will be served and the steps outlined in the [Unacceptable Behaviour and Workplace Violence Policy](#) will be carried out.
- 2.2. This policy does not apply in cases where CHC is terminating leases because of sale or closure of the property or in cases of major repairs or renovations.

3. Non-Compliance Consequences:

- 3.1. Failure to comply with this policy and negating our commitment to preventing evictions may result in:

- 3.1.1. Homelessness and other unsafe housing options
- 3.1.2. Familial breakdown
- 3.1.3. Other health, social and economic stressors such as job loss
- 3.1.4. Increased operational costs to the Company

3.2. Non-compliance to this policy will result in appropriate disciplinary action.

4. General Policy Statements

- 4.1. All actions will reflect a flexible and compassionate position to prevent eviction. A flexible and compassionate approach to eviction prevention does not mean eviction will never occur, but rather that CHC strives to ensure tenants are in the right program that is best suited to meet their needs and support a positive housing outcome. This may be within CHC programming, or a transfer or referral to another housing provider.
- 4.2. CHC will work with tenants, community agencies and other public supports where possible to identify solutions and to maintain tenancies wherever possible; and where eviction is not preventable, to make every effort to refer the tenant(s) to other housing options.
- 4.3. CHC recognizes the rights of each individual to be treated fairly, with respect and without discrimination.
- 4.4. CHC is committed to the early identification and mitigation of issues that may negatively impact housing stability for tenants.
- 4.5. CHC receives the majority of its revenue from rent that tenants pay. Collection and management of rent is crucial to the ongoing viability of the Corporation and the delivery of our social mandate.

5. Reasons for termination either by eviction or non-renewal of lease include:

- 5.1. Non-payment of rent or outstanding accumulated arrears, equal to one full month of rent where there is not an agreed upon payment plan.
- 5.2. Criminal activity.
- 5.3. Unauthorized occupants (staying for a period longer than 7 days without written approval from the Property Manager).
- 5.4. Undue damage to the property or unit including permitting significant damages to the residential premises, common areas of property of which they form a part.

5.5. Endangering the safety of other tenants including assault or threat of assault of another tenant or staff member of CHC.

5.6. Interfering with the reasonable enjoyment of other tenants or CHC as landlord.

5.7. Misrepresentation of income or assets.

5.8. Failure to maintain living conditions that meet the minimum housing standards under the Public Health Act and regulations.

5.9. Ceasing to qualify for housing (i.e. over Income Thresholds or Maximum Income Limits).

5.9.1. In cases where a tenant is no longer eligible for RGI, efforts will be made to transfer the tenant to another CHC program .

5.10. Refusal to provide documentation and income verification at Annual Rent Review.

5.11. Tenants who are considered Over-Housed or Under-Housed and who are not willing to accept a transfer to another unit operated by CHC regulated by the Affordable Housing Act.

5.12. A series of breaches of the Residential Tenancy Agreement where the cumulative effect of which is considered substantial.

5.13. Other substantial breaches as indicated in the Residential Lease Agreement.

6. Eviction Prevention Strategies

6.1. CHC will work to mitigate housing loss through early identification of issues that may be impacting a tenants housing through strategies and resources to educate and equip tenants to have successful tenancies with CHC.

6.2. Tenants who have received an eviction notice, or who are considered to be at risk to receive an eviction notice, may be supported through one, or a combination, of the following options:

6.2.1. Contact with the Tenant Liaison and/or Property Manager to identify potential strategies for sustainable tenancy. This may include in-person meetings, letters, or referrals to agencies.

6.2.2. Agreement to third party payment for tenants on Income Supports (such as Alberta Works or AISH) for the duration of their lease agreement.

6.2.3. Agreement to payment plan, not surpassing the ending term of the lease agreement. Upon lease end, the payment plan can be renegotiated as part of a new lease.

6.2.4. Referral to financial literacy programs.

7. Documentation

7.1. CHC staff must document all efforts to stabilize tenancies and prevent an eviction of a household.

7.2. If an eviction, or non-renewal of lease is the only reasonable option, the CHC Checklist for Ending a Tenancy must be completed.

7.3. Payment plan agreements are to be stored electronically in CHC's information management system and in the tenant file.

7.4. In an eviction, the tenants must be served a written notice that states the reason for the termination and the 'substantial breach' and the date the tenancy is to end as per the RTA.

8. Appeals

8.1. Evictions may be appealed by the tenants through CHC's Appeal process.

SUPPORTING REFERENCES AND RESOURCES:

- CHC Payment Plan Procedure
- Payment Arrangement Agreement
- CHC Eviction & RTDRS Procedure
- Checklist for Ending a Tenancy
- [Alberta Housing Act](#)
- [Housing Accommodation Tenancies Regulation](#)
- www.ab.211.ca
- www.informalberta.ca
- [Residential Tenancy Act](#)
- [Canlii Law Society of Alberta](#)

REVISION HISTORY

Creation Date	Review Date	Description
Date: January 2018	Date:	