



ONTARIO NON-PROFIT
HOUSING ASSOCIATION

October 3, 2016

Sonya Rolfe, Manager
Residential and Commercial Tenancies Unit,
Housing Policy Branch,
Ministry of Housing,
777 Bay Street, 14th Floor
Toronto, ON M5G 2E5

RE: Legislative Framework for Transitional Housing

Dear Sonya:

Please accept my thanks and appreciation, on behalf of our members, for your thorough exploration and consultation with respect to the legislative framework for transitional housing in Ontario.

As you are aware ONPHA has been working with its members on this issue and has, in the past, outlined the issue as our members see it and identified potential solutions (see May 2014 briefing note attached). We are pleased to see that an increase of the exemption period from one year to three years is now being considered. This will provide an opportunity for transitional housing providers to ensure that occupants of their programs can receive the support and time-limited accommodation they require.

As relayed in the September 23, 2016 consultation ONPHA proposes the following for consideration:

- a) ONPHA appreciates the benefit of having a clear definition of transitional housing and overall believes that the definition below meets the needs of our members except the underlined part of the passage:

“Transitional Housing” means living accommodation that: the provider and participant agree is to be temporary, and is not intended to exceed three years; is paired with support services provided for the purpose of rehabilitation and/or to gain skills necessary for independent living in permanent housing (life, employment, and other); and where the temporary housing and support services are subsidized.

Given the requirement of the Ontario non-profit housing sector and individual providers ‘to modernize and tap into its entrepreneurial spirit’ (LTAHS update, 2016) we believe the phrase



'where the temporary housing and support services are subsidized' will act to constrain transitional housing providers in this regard. We appreciate the intent, however believe that this passage could easily be misinterpreted in ways that prevent unsubsidized/market occupants from being included as a part of the occupancy mix in the program. For some providers having market 'spots' might become necessary for program viability.

- b) ONPHA, in keeping with previous submissions, supports a solution that allows transitional housing providers to deliver a program that combines support services and time-limited accommodation to our most vulnerable community members. The intent of such a program is to provide support services with time-limited accommodation 'for the purpose of rehabilitation and/or to gain skills necessary for independent living' as outlined in the definition above and not for purposes of permanent housing.

ONPHA, therefore believes that Option 1: Provide full exemption from the RTA for up to three years, will best provide the necessary flexibility for the diversity of transitional programs across Ontario. Saying that, we understand that Option 2: Provide full exemption from the RTA for up to three years and require written ~~tenancy~~ occupancy agreements, might provide a certain degree of additional clarity and assist transitional housing providers in meeting their obligations. Should this be the preferred option, we have suggested a point of clarification in order to help differentiate between transitional housing occupancy and an actual tenancy.

A final note, ONPHA continues to be available to support you in ensuring a robust consultation with transitional housing providers across the province. As noted we are happy to work with you to ensure that all providers operating transitional housing have an opportunity to be included in the List of Transitional Housing Programs in Ontario. We will also continue to support transitional housing providers in meeting their obligations under existing and new legislation. Please feel free to contact me should you have any questions at 416-927-9144 x111 or michelle.coombs@onpha.org.

Yours truly,



Michelle Coombs

Manager, Education and Member Services
ONPHA



ONPHA

Ontario
Non-Profit Housing
Association

Briefing Note:

**Greater flexibility to operate
transitional housing**

May 2014



ABOUT ONPHA

The Ontario Non-Profit Housing Association (ONPHA) represents 760 non-profit housing providers in 220 communities across Ontario. ONPHA members operate more than 160,000 non-profit housing units and provide housing for approximately 400,000 people including seniors, low-income families with children, Aboriginal people, the working poor, victims of violence and abuse, people living with developmental disabilities, mental illness, HIV/AIDS or addictions, and the formerly homeless/hard-to-house.

BACKGROUND

Transitional housing is a unique form of non-profit housing that integrates support and time-limited accommodation. Transitional housing clients are, often, among the most marginalized members of the community and include formerly homeless individuals and individuals living with mental illness or addiction. The support the client receives helps them to re-learn or build skills that they will need to move into permanent, independent housing in the future. The types of support provided include therapeutic mental health or addiction support, job skills training, and assistance learning basic life skills such as food preparation, personal hygiene and anger management.

THE ISSUE

Transitional housing providers deliver housing and support services to a wide-range of vulnerable clients. In many cases, clients are coping with multiple complex issues, such as their mental or physical health, or exiting difficult situations, such as domestic violence or homelessness. As a result, the trust and rapport necessary to build a strong and supportive relationship with staff may take time to develop.

The *Residential Tenancies Act* recognizes the unique nature of programs like transitional housing. Under the Act, accommodations occupied for the purposes of receiving rehabilitative or therapeutic services are exempt from that legislation provided the client and service provider agree that:

- the period of occupancy is of a specified duration of less than one year, or
- the occupancy will terminate when the objectives of the services have been met or will not be met.



The time limit imposed by the RTA pressures both the client and organization to begin their support relationship immediately. In practice, the complex histories of the clients accessing service make this unlikely. There is also an implicit assumption that clients will be able to move from transitional housing to safe, adequate and affordable permanent housing in the community at the end of one year. Long waiting lists for social housing, unaffordable rents in the private market, and other barriers such as racism and other forms of discrimination make it extremely difficult to locate appropriate affordable housing in communities when it is needed.

The difficulties associated with meeting time restrictions under the RTA mean that many transitional housing providers are forced to make difficult decisions that carry significant consequences for the client and service provider. If the organization chooses to preserve its exemption under the RTA and the flexibility that it permits, then they may be forced to terminate services and housing to clients before they are ready. This has real consequences for the client, as they may be unprepared to live independently (if they are able to find housing), or forced into the shelter system or back into homelessness.

In contrast, if the organization continues to provide housing and support to the client beyond one year, the requirements of RTA come into force. This has significant consequences for the organization and reduces the flexibility and creativity upon which they depend to offer their programs and services. It also changes the legal relationship between the transitional housing provider and the client, who now becomes a “tenant”. As a tenant, the housing the individual receives must be considered permanent and the transitional housing provider’s ability to encourage the tenant to move into other housing in the community is severely restricted. Changes to the relationship between the transitional housing provider and client also limits the organization’s ability to “flow” new clients into their programs or services, because there is no longer space.

SOLUTION

Transitional housing providers are committed to providing accommodations and support to our communities’ most vulnerable members. To do this effectively, they require greater flexibility than is currently offered under the RTA. The solution is an amendment to section 5(k)(ii) of the Act. Increasing the period of time a rehabilitative or



therapeutic program can operate and remain exempt from the Act would give transitional housing providers the time and flexibility they need to cultivate a strong, supportive relationship with the individuals they help and also give them time to help individuals transition to appropriate, affordable housing in the community. We recommend that the time period be extended from one to three years.