

Questions and Answers for Community Housing Providers

VERSION: April 2021

Community Housing Protocols During COVID-19

- 1. Are there rules that property managers (or related building officials) should consider when communicating with other tenants/residents that someone in their building has tested positive for COVID-19?**

These matters are governed by applicable privacy legislation. Housing providers have an obligation to safeguard information about a community member's health status in a similar way as they would safeguard other personal information. Communications about COVID-19 cases in the building should ensure individual privacy is protected.

Housing providers may also want to consult with their legal counsel for further advice.

- 2. Are there rules landlords/property managers should consider when restricting a person from using common areas of a building (e.g., laundry, elevators, lobby) without interfering with their 'reasonable enjoyment' if they have tested positive for COVID-19?**

Anyone who has tested positive for COVID-19 or is presenting symptoms should self-isolate, except in the event they need to seek urgent medical care. Housing providers are encouraged to help ensure COVID-19 positive residents have what they need so that they can remain in self-isolation. This could include:

- Determining if the resident has a support person (e.g., relative, friend) that can assist with activities (e.g., getting groceries, helping with laundry)
- Helping to ensure food deliveries can get to their door and that garbage can be disposed of without the need for the resident to leave their home
- Cleaning and disinfecting common areas

Housing providers are encouraged to share and refer to [public health resources regarding COVID-19](#) including physical distancing, cleaning and disinfecting, and how to self-isolate fact sheets from Public Health Ontario. They should determine how they can support physical distancing by creating visual cues such as tape on the floor to delineate 2-metre distances.

In addition to daily routine cleaning, all high-touch surfaces that are touched and used frequently by residents and visitors should be cleaned and disinfected at least twice a day and when visibly dirty. This includes door handles, light switches, and elevator buttons.

The *Residential Tenancies Act, 2006* (RTA) may apply to some congregate living arrangements and, in such cases, operators must respect the rights and requirements under the RTA.

3. What are the protocols for general maintenance and safety of units, including:

- **Health and safety maintenance inspections**
- **General day-to-day maintenance**
- **Fire safety improvements (e.g., sprinklers)**

Under the *Residential Tenancies Act, 2006* (RTA) landlords are responsible for the maintenance of a residential complex. Landlords are required to ensure that the residential complex is in a good state of repair and fit for habitation and complies with health, safety, housing and maintenance standards. Further, under the RTA, a landlord may provide 24 hours' written notice to a tenant to enter a rental unit for certain reasons, such as to perform a reasonable inspection, but are encouraged to limit entries at this time.

During this unusual time, patience and understanding from landlords and tenants is necessary to help stop the spread of COVID-19. Landlords are encouraged to limit notices to enter, work collaboratively with their tenants, and to follow physical distancing guidelines.

Businesses undertaking maintenance and repairs must comply with advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

For more information on health and safety guidance for maintenance employees, please see the [guidance document](#) prepared by Workplace Safety and Prevention Services.

If a person or worker shows [symptoms of COVID-19](#), they should remain at home and contact their health care provider or Telehealth Ontario at [1-866-797-0000](tel:1-866-797-0000).

For the most up-to-date information on how individuals can protect themselves and what to do if they suspect they may be at risk, employers and workers may wish to visit ontario.ca/coronavirus and [Public Health Ontario](#) (PHO) for additional information.

It is important to note that housing providers are subject to the *Human Rights Code* and have a duty to [accommodate tenants](#) under protected grounds, including people with disabilities.

Additional resources from the [Ontario Non-Profit Housing Association](#) and the [Eastern Ontario Landlord Association](#) may be helpful to housing providers in approaching necessary and maintenance areas of work.

Mortgage Deferrals

4. Can housing providers experiencing difficulties making their mortgage payment seek mortgage payment deferral?

Housing providers experiencing difficulties paying their mortgage should work with their Service Managers to determine the best course of action. If needed, the ministry will work with housing providers on a case-by-case basis to seek mortgage deferral approval from their lending institutions.

Public Health

5. What guidance is there on how to deal with situations when a tenant/resident dies?

The *Residential Tenancies Act, 2006* (RTA) has specific rules about what happens when a tenant dies. These rules only apply where the deceased was a tenant within the meaning of the RTA. Section 91 of the RTA provides that, if a tenant of a rental unit dies and there are no other tenants of the rental unit, the tenancy is deemed to be terminated 30 days after the death of the tenant.¹

The RTA provides that during those 30 days, the landlord must allow the executor or administrator of the tenant's estate, or a member of the tenant's family if there is no executor or administrator, reasonable access to the rental unit to remove the deceased's belongings.

Section 92 of the RTA provides that, after the 30 days have elapsed, the landlord can sell, retain, or otherwise dispose of the deceased's belongings. If the landlord sells the belongings, they can keep sufficient proceeds from the sale to cover any unpaid rent and expenses. If there is any money left over, the deceased's executor, administrator, or family member can claim the money for the estate within 6 months after the tenant's death.

The landlord and the deceased's executor, administrator, or family member may agree to terms other than those set out in the RTA with regard to the termination of the tenancy and disposal of the deceased's property.

If reasonable access has not been given, the tenant's representative may be able to apply to the Landlord and Tenant Board (LTB) for a remedy.

¹ <https://www.cleo.on.ca/en/publications/yourstuff/what-happens-if-tenant-dies>. Also see Section 91 and 92 of the *Residential Tenancies Act, 2006*.

Also, if a tenant dies and the rental unit is the principal residence of the spouse, the spouse is considered a tenant unless the spouse moves out within 30 days after the tenant's death. In other words, a spouse of a tenant is entitled to remain living in the rental unit after the tenant's death.

In addition to its adjudicative role, the LTB also provides information to landlords and tenants about their rights and responsibilities under the RTA. To learn more about the rights and responsibilities of landlords and tenants, or how to apply to the LTB, you can contact the Board at 1-888-332-3234, or visit their website at <https://tribunalsontario.ca/lrb/>.

6. Existing guidance documents refer to the use of Personal Protective Equipment (PPE) supplies when dealing with tenants/residents. If PPE is not available on-site, what are best practices, alternative approaches, or minimum standards that staff should be using that is in line with public health recommendations?

Individuals providing direct care to tenants (e.g., care provided within 2 metres) should use the appropriate PPE based on the nature of the planned interaction with a resident and what is known about the resident's health status.

Staff should refer to Public Health Ontario and/or Public Health Agency of Canada's (PHAC) [guidance regarding the use of non-medical masks](#).

Education must be provided about the safe use, limitations and proper care (e.g., cleaning) of non-medical masks. See Ontario's [COVID-19 website](#) and [PHO's website](#) for additional information.

If Service Managers are unable to obtain sufficient PPE through existing channels, they may request PPE shipments through the existing Ontario Health process (training was provided to Service Managers in July 2020) and are encouraged to continue completing the COVID-19 Critical Supplies and Equipment (CSE) Survey (virtual inventory tool). Please contact your Housing Team Lead for additional information.

7. What happens if public health rules conflict with the *Housing Services Act, 2011* and the *Residential Tenancies Act, 2006*?

The Ministry is not aware of any current public health requirements that conflict with the *Housing Services Act, 2011* (HSA), or the *Residential Tenancies Act, 2006* (RTA). Housing providers should strive to comply with both the HSA and RTA and applicable health guidance and emergency orders.

The HSA establishes the rules for community housing in Ontario. Under the HSA, Service Managers are responsible for administering and delivering social and affordable

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housing (community housing), including rent-geared-to-income (RGI) assistance, and housing providers are responsible for operating community housing buildings.

The RTA is the law that governs residential tenancies and rental housing in Ontario. It sets rules in areas such as rent, security of tenure and the adjudication of disputes.

8. What are the guidelines/protocols for addressing concerns among staff about their own health and safety?

Housing providers are required to comply with all applicable laws, including the *Occupational Health and Safety Act*. Employers have obligations under the Occupational Health and Safety Act (OHSA) and its regulations to protect workers from hazards in the workplace, including infectious diseases. This law has not changed as a result of COVID-19.

Like all employers, housing providers are being asked to protect the health and well-being of their employees on the frontlines by meeting their workplace health and safety obligations as administered by the Ministry of Labour, Training and Skills Development. For more information on the OHSA, please visit the [Guide to the Occupational Health and Safety Act](#) or call the Ministry of Labour, Training and Skills Development's toll-free health and safety information line at 1-877-202-0008.

Here are some ways housing providers can help keep staff by maintaining a distance from each other:

- Encourage greater physical distances between workers
- Stagger staff breaks at different times to avoid large groups.
- Reduce the number of passengers in elevators, stairwells, hoists, trailers and other tight spaces.
- Hold meetings in outdoor areas.
- Stagger work crews and reduce the number of partner hours.

For more information on health and safety guidance for maintenance employees, please see the [guidance document](#) prepared by Workplace Safety and Prevention Services.

If a person or worker shows symptoms of a respiratory illness, they should be encouraged to remain at home and contact their health care provider or Telehealth Ontario at [1-866-797-0000](tel:1-866-797-0000).

For the most up to date information on how individuals can protect themselves and what to do if they suspect they may be at risk, employers and workers may wish to visit ontario.ca/coronavirus and [Public Health Ontario](#) for additional specific information.

9. Which renters does the residential rent freeze apply to?

On October 1, 2020, Bill 204, the *Helping Tenants and Small Businesses Act, 2020* was passed. The Act freezes rent in 2021 for rent-controlled and non-rent-controlled units, to give the vast majority of Ontario tenants some relief during these unprecedented times.

This includes apartments, townhomes, detached homes, semis, care homes, and rented sites in mobile home parks and land lease communities.

This also includes units in community housing where tenants pay market rent and geared-to-income rent, as well as affordable rental housing units created through various federally and/or provincially funded housing programs.

10. What will the 2021 rent freeze mean for households that receive RGI assistance?

Under the rent freeze, the effective date of decisions to increase rent will generally be deferred until January 1, 2022, but rent could still be reduced during that time.

During the rent freeze period, RGI households will continue to be required to submit all necessary information for annual or in-year reviews (which would continue to occur in 2021), however, any calculated rent increase resulting from these reviews would not take effect until January 1, 2022.

11. Will community housing providers need to conduct annual or in-year reviews in 2021? Will RGI households need to report household changes in 2021?

Yes, in the 2021 calendar year, community housing providers will continue to be obligated to comply with the RGI rules as set out in Ontario Regulation 316/19 under the HSA. This includes rules for annual reviews and in-year recalculations of rent, which will continue to be completed in 2021.

Likewise, RGI households will still be required to report certain household changes and submit all necessary information for annual or in-year reviews. Failure to report certain changes or provide necessary information for reviews could result in the household being determined ineligible for assistance.

12. When does the rent freeze end? What happens at the end of the rent freeze period?

The rent freeze will end on December 31, 2021, however landlords could give proper 90 days' notice of rent increase prior to the end of the freeze for an increase to take effect starting in 2022 (for market rent community housing). For RGI households, on January 1, 2022, any geared-to-income rent increase resulting from an annual or in-year review that would have come into effect in 2021 would be implemented.

For example, an RGI household paying \$300 per month in rent reports an income increase through their scheduled annual review in 2021. While their rent would be recalculated, the decision would not be implemented until after the 2021 calendar year and the household will continue to pay \$300 month until that time.

13. Did the ministry make regulatory amendments to allow for a rent freeze for RGI households?

Yes, the ministry approved consequential amendments to Ontario Regulation 316/19 and Ontario Regulation 367/11 under the HSA to help provide all RGI households with protection consistent with the province's 2021 residential rent freeze, ensuring that Ontario's most vulnerable residents have the protections they need during this challenging time. These amendments are in-force as of January 1, 2021.

The amendments to Ontario Regulation 316/19, can be found [here](#).
The amendment to Ontario Regulation 367/11 can be found [here](#).

Supports for Tenants and Landlords

14. How should COVID-19 emergency income supports provided by the federal government be treated for households who receive RGI assistance?

COVID-19 emergency income supports provided by the federal government including the previous Canada Emergency Response Benefit and the new Recovery Benefits (e.g., Canada Recovery Benefit, Canada Recovery Caregiving Benefit) are considered taxable income by the Canada Revenue Agency. As a result, these benefits should be considered as income and included for the purposes of RGI calculations for Service Manager areas who are conducting rent calculations using the new, simplified rules under Ontario Regulation 316/19.

The COVID-19 emergency income supports should also be considered as income and included for the purposes of RGI calculations for Service Manager areas who continue to conduct rent calculations in accordance with the now-revoked Ontario Regulation 298/01 until July 1, 2021.

However, the Ministry also understands the significant challenges arising from the ongoing COVID-19 outbreak and the need to ensure the health and safety of tenants and staff members. Although the RGI calculation process should continue, the Ministry has encouraged Service Managers to develop internal processes to manage situations related to change of income as a result of emergency financial assistance and use their discretion to provide stability to vulnerable households.

The *Residential Tenancies Act, 2006* (RTA) may apply to some congregate living arrangements and, in such cases, operators must respect the rights and requirements under the RTA.

Community housing providers are encouraged to contact their local Service Manager for more information on the treatment of emergency income supports and RGI calculations during the COVID-19 outbreak.

Domestic Violence Concerns

15. What guidance is there regarding COVID-19 in homes that support survivors of gender-based violence?

Housing providers are encouraged to access the following resources to support them in responding to the complex and diverse needs of survivors of gender-based violence:

COVID-19 Action Plan: Protecting Vulnerable Ontarians

The Ontario government has implemented the [COVID-19 Action Plan for Vulnerable Persons](#) to ensure the protection of people living in high-risk settings during the coronavirus (COVID-19) outbreak. This includes a variety of initiatives including, but not limited to, funding to offset pandemic-related expenses in congregate care residential settings, enhanced screening and reduced exposure to prevent spread, infection prevention and control – managing outbreaks and limiting spread, sustaining existing staff and managing critical staff shortages, as well as strategies to support Indigenous communities and Homeless Shelters.

Ministry of Health COVID-19 Guidance: Congregate Living for Vulnerable Populations

The [Ministry of Health](#) has developed guidance to assist with minimizing COVID-19 transmissions from individuals working or residing in congregate living settings and to help prevent, detect and manage individual cases and outbreaks of COVID-19 in the health sector, including Violence Against Women, Anti-Human Trafficking shelters and Homeless Shelters.

It is important to check the website regularly as guidance and resources are subject to change.

Ontario Association for Interval and Transition Houses (OAITH)

To complement the ongoing guidance and support provided to the Violence Against Women (VAW) sectors from the Ministry of Children, Community and Social Services, the Ministry of Health and Public Health, OAITH has established a community-based COVID-19 Working Group which has developed resources focused on assisting Violence Against Women services and survivors in navigating challenges associated with the pandemic and related impacts. Resources are hosted on the [OAITH website](#).

Anyone interested in learning more about the COVID-19 working group can contact Amber Wardell, Communications and Resource Coordinator, Ontario Association of Interval and Transition Houses: amber@oait.ca.

Housing providers are encouraged to collaborate with local VAW and Anti-Human

Trafficking service providers, including shelters and counselling agencies, as well as the COVID-19 Working Group to determine how best to respond to the housing needs of survivors of gender-based violence during and post-pandemic.

Special Priority Policy and Other Relevant Provisions under Housing Legislation

The *Housing Services Act, 2011* (HSA), and specifically Ontario Regulation 367/11, includes provisions related to the Special Priority Policy (SPP) – a policy which is intended to provide survivors of domestic violence and survivors of human trafficking with priority access to RGI assistance. Survivor households should be encouraged to contact their local Service Managers to apply for priority access to RGI assistance under the SPP.

Survivors of domestic violence may also be eligible for the Canada-Ontario Housing Benefit (COHB). The COHB program builds on the previous Portable Housing Benefit – Special Priority Policy (PHB-SPP) program by providing housing assistance directly to certain priority households in need, including survivors of domestic violence and human trafficking. Interested households are encouraged to contact staff at their VAW shelter/service or their local Service Manager for more information on the COHB program and other forms of housing assistance that may be available to them.

Tenants can find the contact information for their local Service Manager by visiting this link <https://www.ontario.ca/page/find-your-local-service-manager>.

Housing providers should also be aware of provisions under the *Residential Tenancies Act, 2006* (RTA) for survivors of sexual or domestic violence. Under the RTA, survivors of sexual or domestic violence can end their tenancy with 28 days' notice if they believe they may be harmed if they don't leave the unit. Tenants can give this notice any time during their tenancy.

If they are in a joint tenancy and the other tenant does not sign the notice or they choose not to tell them about it, the tenancy will continue for the other tenant.

To give this notice, tenants must give their landlord two documents:

1. Tenant's Notice to End my Tenancy Because of Fear of Sexual or Domestic Violence and Abuse (N15)
2. Tenant's Statement about Sexual or Domestic Violence and Abuse

OR

A copy of a court order (such as a restraining order or a peace bond).

Please note that a landlord who receives such notice must keep the notice confidential, subject to certain very limited exceptions. For more information about this notice, read the section *Important Information from the LTB* on the [Tenant's Notice to End my Tenancy Because of Fear of Sexual or Domestic Violence and Abuse \(N15\)](#).

The *Residential Tenancies Act, 2006* (RTA) may apply to some congregate living arrangements and, in such cases, operators must respect the rights and requirements under the RTA.

16. What guidance is there regarding COVID-19 in residential settings with people with developmental disabilities?

In instances where there are partnerships with Service Managers and the Ministry of Children, Community and Social Services (MCCSS) funded Developmental Service agencies, there has been guidance provided on recommendations and actions to help protect vulnerable populations and staff in congregate settings from COVID-19.

The Ontario government has implemented the COVID-19 Action Plan for Vulnerable Persons to ensure the protection of people living in high-risk settings during the coronavirus (COVID-19) outbreak. More information can be found [here](#), or please contact the MCCSS Regional office.

Appendix – Key Resources

Public Health Ontario / Ministry of Health Resources

1. Public Health Ontario has a webpage on COVID-19:
<https://www.publichealthontario.ca/en/diseases-and-conditions/infectious-diseases/respiratory-diseases/novel-coronavirus>
2. Public Health Ontario has a guide on Physical Distancing:
<https://www.publichealthontario.ca/-/media/documents/ncov/factsheet/factsheet-covid-19-guide-physical-distancing.pdf?la=en>
3. The Ministry of Health has developed guidance materials on COVID-19:
http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/2019_guidance.aspx#other
4. The Ministry of Health has a webpage on Directives, Memorandums and Other Resources:
http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/dir_mem_res.aspx
5. The Ministry of Health has a COVID-19 reference document for symptoms:
http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_reference_doc_symptoms.pdf
6. The Ministry of Health has a COVID-19 guidance document on congregate living for vulnerable populations:
http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_congregate_living_guidance.pdf
7. Ontario.ca has a webpage on COVID-19: <https://covid-19.ontario.ca/>
8. Ontario.ca has a Guide to the Occupational Health and Safety Act:
<https://www.ontario.ca/document/guide-occupational-health-and-safety-act>
9. Ontario.ca has an online COVID-19 self-assessment tool to help determine if further care is required: <https://covid-19.ontario.ca/self-assessment/>

Other Resources

10. Ontario.ca has a webpage on the COVID-19 Action Plan for Protecting Vulnerable Persons:
[COVID-19 action plan: protecting vulnerable Ontarians | Ontario.ca](#)
11. Ontario.ca has a webpage on frequently asked questions about essential businesses:
<https://www.ontario.ca/page/frequently-asked-questions-about-essential-businesses>
12. For more information on the rights of tenants and landlords, please visit: www.ltb.gov.on.ca
13. The Retirement Homes Regulatory Authority (RHRA) has a COVID-19 webpage:
<https://www.rhra.ca/en/covid-19-coronavirus-update/>
14. The Ontario Non-Profit Housing Association has a COVID-19 webpage:
<https://onpha.on.ca/covid19>
15. The Eastern Ontario Landlord Association has a COVID-19 webpage:
<http://www.eolo.ca/covid-19-response>