

DNSSAB Housing Services
Local Housing Policy

LHP – 2020-22

SUBJECT:	Systems for the Review of Certain Decisions (Internal Reviews)		
DATE of ISSUE TO HOUSING PROVIDER:			
IMPLEMENTATION DATE:	January 1, 2021	APPROVED BY:	DNSSAB Supervisor
REVISION DATE(S):	January 1, 2020	SIGNATURE:	<small>DocuSigned by:</small> Dee Johnson <small>09F4F2BF8B442F</small>
ASSOCIATED DOCUMENT(S):	Appendix "A" – Formal Review Process (Internal Reviews) Appendix "B" – Internal Review Disclaimer Template		
RELATED POLICY(IES):			
ISSUED TO:	<input type="checkbox"/> Federal Section 95 Private Non-Profit Housing Program <input type="checkbox"/> Federal Section 26/27 Housing Program <input type="checkbox"/> Federal Urban Native Non-Profit Housing Program <input checked="" type="checkbox"/> Private Non-Profit Housing Program <input checked="" type="checkbox"/> Municipal Non-Profit Housing Program (Pre-1986) <input checked="" type="checkbox"/> Local Housing Corporation <input type="checkbox"/> Affordable Housing/Investment in Affordable Housing/Social Infrastructure Fund Program <input checked="" type="checkbox"/> DNSSAB Rent Supplement Programs <input checked="" type="checkbox"/> DNSSAB Housing Access		

PURPOSE

To inform all housing stakeholders of the local rule, background and compliance standard under the Housing Services Act, 2011 (HSA) and associated regulations related to systems for the review of certain decisions (internal reviews).

BACKGROUND

Under *O. Reg 298/01 s. 52* of the Housing Services Act, 2011 s. 57 and s.155-159 a Service Manager has the authority to establish a local rule regarding the implementation of systems for the review of certain decisions.

LOCAL RULE

The DNSSAB requires Housing Providers to put in place a system for the review of certain decisions relative to that Housing Provider's housing projects and the Centralized Wait List.

The DNSSAB has determined that the local rule to remain as the provincial default, The Housing Services Act, 2011 s. 57 and s.155-159, to include *O. Reg 298/01 s. 52*.

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The following has been reproduced from the regulation:

Eligibility Review Officers - *The Housing Services Act, 2011 s. 57*

57 (1) A Service Manager may designate persons as eligibility review officers. *HSA 2011, c. 6, Sched. 1, s. 57 (1).*

System for Dealing with Reviews - *The Housing Services Act, 2011 s. 57 and s.155-159*

155 (1) A Service Manager shall have a system for dealing with reviews requested. *HSA 2011, s. 156 or 157. HSA 2011, c. 6, Sched. 1, s. 155 (1).*

System May be Shared

(2) The system may be shared with one or more other Service Managers. *HSA 2011, c. 6, Sched. 1, s. 155 (2).*

Requirements

(3) The system must include,

- a) provision for a review body, including rules for the appointment and removal of members and their remuneration; *and*
- b) procedural rules for the reviews. *HSA 2011, c. 6, Sched. 1, s. 155 (3).*

Prescribed Requirements

(4) The system must comply with the prescribed requirements. *HSA 2011, c. 6, Sched. 1, s. 155 (4).*

Reviews Requested by Households

156 A member of a household may, on behalf of the household, request a review of the following decisions:

1. A determination, under subsection 45 (1), that the household is not eligible for rent-geared-to-income assistance.
2. A determination, under subsection 46 (1), of the size and type of unit that would be permissible if the household received rent-geared-to-income assistance.
3. A determination, under subsection 48 (1), that the household is not included in a category given priority over other categories.

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4. A determination, under subsection 50 (1), of the amount of rent payable by the household.
5. A determination, under subsection 52 (1), that the household is no longer eligible for rent-geared-to-income assistance.
6. A determination, under subsection 61 (1), that the household is not eligible for special needs housing.
7. A determination, under subsection 63 (1), that the household is not included in a category given priority over other categories.
8. A determination, under subsection 65 (1), that the household is no longer eligible for special needs housing.
9. A decision prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 156.

Reviews Requested by Housing Providers

157 A Housing Provider may request a review of a decision of a Service Manager if the decision is prescribed for the purposes of this section. *HSA 2011, c. 6, Sched. 1, s. 157.*

Rules for Reviews

158 The following rules apply to a review requested under section 156 or 157:

1. The review body may substitute its decision for the decision that was reviewed.
2. The review body shall give its decision in writing and shall give reasons in writing.
3. The review body shall give notice of its decision and reasons to,
 - i.* the person who requested the review,
 - ii.* the person who made the decision that was reviewed, and
 - iii.* any Housing Provider that was given notice, under subsection 53 (2) or 66 (2), of the decision that was reviewed.
4. The Statutory Powers Procedure Act does not apply. *HSA 2011, c. 6, Sched. 1, s. 158.*

Effective Date of Decision

159 (1) The date on which the following are effective shall be determined in accordance with the regulations:

1. A decision for which a review may be requested under section 156 or 157.

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2. A decision made by the review body conducting a review requested under section 156 or 157. 2011, c. 6, Sched. 1, s. 159 (1).

Regulations

- (2)** Without limiting what else the regulations may provide, the regulations may provide for a decision to be effective,
- a) on a date specified by the person or body making the decision; or
 - b) as of a date before the decision is made. *HSA 2011, c. 6, Sched. 1, s. 159 (2)*.

Review of Geared-to-Income Rent Payable - *O. Reg 298/01 s. 52*

52. (10) If one or more members of a household request an internal review of a decision made by a Service Manager under this section to reduce the geared-to-income rent payable by the household, the following apply:

1. If the decision made on the internal review is that the geared-to-income rent payable by the household should remain the same, subsection (7) does not apply.
2. If the decision made on the internal review is to reduce the geared-to-income rent payable by the household, whether by the same amount as or by a different amount from that originally specified by the Service Manager, the rent reduction takes effect on the day referred to in subsection (7).
3. If the decision made on the internal review is to increase the geared-to-income rent payable by the household, subsection (7) does not apply and the rent increase takes effect on the first day of the month following the month in which the review body gives the members who requested the internal review notice under section 158 of the Act of the decision made on the internal review. *O. Reg. 309/07, s. 21 (4); O. Reg. 379/11, s. 7 (4)*.

(11) If one or more members of a household request an internal review of a decision made by a Service Manager under this section to increase the geared-to-income rent payable by the household, the following apply:

1. If the decision made on the internal review is that the geared-to-income rent payable by the household should remain the same, subsection (8) does not apply.
2. If the decision made on the internal review is to increase the geared-to-income rent payable by the household,



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- Ensure a copy of the final written review decision letter is placed in the households file.

When a household or Housing Provider requests a review of a decision by the Service Manager, the Housing Provider will:

- Ensure that the review request has been received in writing no later than **ten (10) business** days from the date of the original decision letter, and immediately forwarded to the Service Manager via email or fax.
 - Document is to be received by the Service Manager on the same date as it has been received by the Housing Provider.
- The Service Manager will complete the formal review process as per Appendix "A" attached.
- The Service Manager will complete a final written review decision letter and ensure it is sent to the household and/or Housing Provider within **ten (10) business** days of receipt of the original review request.

AUTHORIZATION

Original signed by: Stacey Cyopeck Date: 6/10/2021
DocuSigned by: C2A5B0B6B9364F2
 Stacey Cyopeck
 Director, DNSSAB Housing Programs

Replaced By Policy #		Retirement Date:	
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Appendix "A" – Formal Review Process (Internal Reviews)

In accordance with the Housing Services Act, it is required that an internal review process be established to address the following access related reviews:

- A decision that a household is no longer eligible to be placed on the Co-ordinated Access Waiting List for RGI assisted housing.
- A decision about the category in which the household has been placed on a waiting list (includes Special Priority and Urgent Status).
- A decision regarding a household's type or size of accommodation on the Co-ordinated Access Waiting List.
- A decision regarding the processing of an application (including: updating an application, ranking, status and dating of application).
- Any other legislatively required concerns

It has been determined that the DNSSAB Housing Programs Department will facilitate the internal review process for conducting all household related reviews.

This Review Committee will include DNSSAB Housing Programs staff only. The Review Committee will become the formal review body for all household related reviews.

Should a housing applicant wish to request a review of one of the above decisions relating to their application for RGI housing, the written request must be received by the DNSSAB Housing Programs Department within ten (10) business days of the household receiving notice of the decision.

This "written" appeal can come in the form of either: a formal *Appeal Request Form* (attached), a personal email, a handwritten letter, a typed letter, or by means from a 3rd party advocate on behalf of the applicant. Individuals should be notified that if they request a review, the file will become public record.

Where a decision has been made by the DNSSAB Housing Access Department that is subject to a review, a standard letter will be sent to the household advising them of the decision that was made, and their right to request a review of that decision.

Internal Review Committee

Composition

A committee will be comprised of DNSSAB's Supervisor, Housing Programs or their designate and any other DNSSAB Housing Services Staff that the Supervisor deems necessary.

DNSSAB Housing Services will conduct all administrative tasks around the review process.

The DNSSAB's Supervisor, Housing Programs or their designate will serve as chair, if necessary, for the review process.



Decision Making Principles

1. No individual who participated in the making of the original decision being reviewed may participate in the review as a member of the review body.
2. An individual may only participate in a review as a member of the review body if the individual is knowledgeable about the provisions of the Act and the regulations that are relevant to the decision being reviewed.
3. No individual who previously discussed the decision being reviewed with the decision-maker may participate in the review as a member of the review body and that, during such participation, no member of the review body shall discuss the decision with the decision-maker except in the course of the review.
4. The committee will not make decisions which are contrary to the law, or clearly against the intent of the board-approved policies. It will, however, consider exceptional circumstances which may not have been considered when the policies were made.
5. The committee will use precedent in making its decisions, and will aim to treat all households equitably.
6. The committee will also consider the impact of its decisions on the appellant, other tenants or households, on the Non-Profit staff, and on the well-being of the Non-Profit.
7. Decision of the committee will be made on a consensus basis. Where consensus cannot be reached, the decision of the Chair will prevail.
8. The decision of the committee is final and shall not warrant any further review.

Schedule

1. A committee meeting will be scheduled on an as needed basis, within five (5) business days of receiving the written request for review.
2. When the DNSSAB Housing Services receives a written request for review, they will complete the *Request for Review Form* (attached), attach it to the appellant's letter, and distribute it, along with any documentation used to make the original decision, to the Chair. They will also make a copy for each committee member to be handed out at the meeting if necessary.

Review Process

1. The committee/Chair will consider any/all requests for review submitted.
2. A review must be completed and the decision of the review body made within ten (10) business days after the request for the review is received.
3. The committee, if required, will normally operate by consensus. Where there is no consensus, the decision of the Chair will be final.
4. If the Chair determines that the appellant's presence is required, DNSSAB Housing Services will notify the appellant when their case will be heard and the location of the hearing.
5. Appellants may bring a translator, family members, friends, or other advocates of their choice, however, the Chair may limit the number of advocates at his/her discretion.



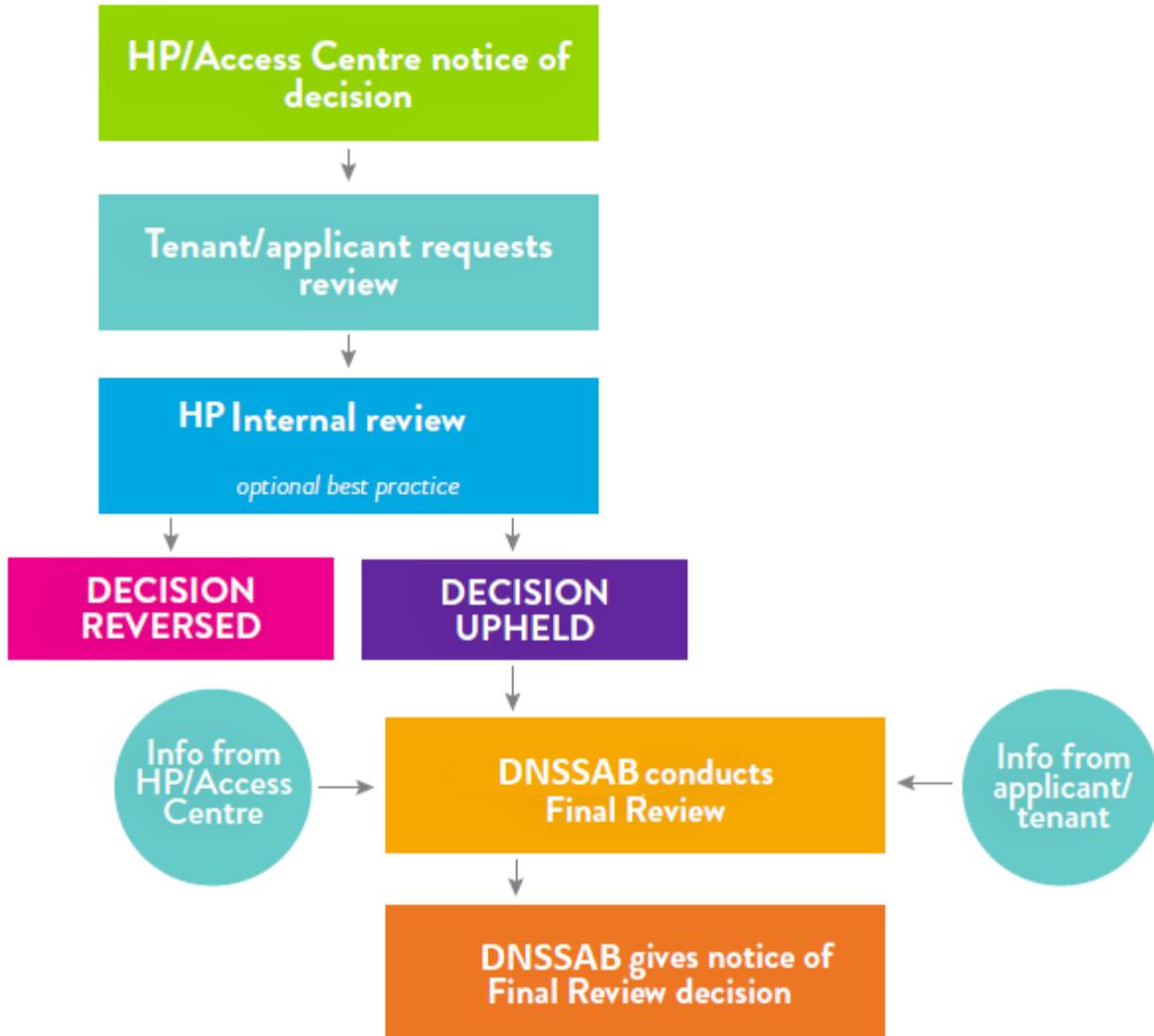
6. The Housing Access Administrator may also attend the meeting to present information at the request of the Chair.
7. Decisions will not be made while the appellant waits, even if they have been present.
8. During and following the meeting, the Chair will complete a "*Committee Decision Form*" (attached) for each appellant, documenting review number assigned to the file, the decisions made, and the reasons for the decision.
9. The Chair will inform the appellant of the decision within five (5) business days of the meeting. They will also ensure a copy of the "*Committee Decision Form*" is placed the applicant/household's file.
10. Notice of the decision of the review body must not be given to any other member of the household other than the member who requested the review. *O. Reg 367/11, s 138.*
11. The decision of the committee is final and shall not warrant any further review.

Hearing Procedure

1. All hearing committee members will receive an identical package to include all relevant supporting documentation from all parties (i.e. Housing Access Administrator, appellant, and Housing Providers).
2. The Chair of the hearing will introduce the members of the hearing committee and explain how the hearing will proceed.
3. Co-ordinated Access Administrator will explain: what decision was made, why it was made, what policies/ sections of the Act are relevant to that decision to include the processes followed regarding making the decision and how the household was informed.
4. Appellant explains: why they disagree with the decision.
5. The hearing committee will ask questions of either representative, for clarification purposes (only questions relevant to the decision will be permitted).
6. The Chair will ask if there are any other comments from either representative (the appellant shall make comments last). Only one round of "extra comments" will be permitted.
7. The hearing will then be adjourned.
8. The hearing committee discusses the documents and comments of the hearing after the appellant and Co-ordinated Access Administrator leaves the room and until the committee arrives at a consensus.
9. The Chair will inform the appellant of the decision within five (5) business days of the meeting. They will also ensure a copy of the "*Committee Decision Form*" is placed the applicant/household's file.



System for reviews





Appeal Request Form
(For applicant)

Today's Date: _____

Name of applicant: _____

Applicant phone number: _____

Date on the Decision Letter Received by applicant: _____

Decision being appealed:

Why are you appealing this decision?

Please provide a copy of the decision letter and list any additional information attached to this Request Form:



Request for Review Form
(For Office Use – from Housing Access Administrator / Housing Provider)

Today's Date: _____

Review Number: _____

Name of Appellant: _____

Appellant's phone number: _____

Date appeal letter was received: _____

Decision being appealed:

What were the reasons for your decision?

What options have already been discussed with the appellant?

Is there other information the committee needs to make a decision? List documentation attached to this Request Form:



Committee Decision Form

Date of Hearing: _____

Review Number: _____

Name of appellant: _____

Date appeal letter was received: _____

Decision being appealed:

Decision of the Review Committee (uphold original decision / overturn original decision) with reasons:

Reasons for the Decision

Action Needed

Recommendations to the Board, Property Manager and/or Co-ordinated Access Administrator from the Committee:



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Appendix "B" – Internal Review Disclaimer Template

If you disagree with this decision you may request an Internal Review/Appeal.

To do this, a written appeal (verbal requests will not be processed) must be made by either: a formal *Appeal Request Form* (from the DNSSAB office), a personal email, a signed handwritten letter, a signed typed letter, or by means of a 3rd party advocate on your behalf.

This written request must be received by (housing provider/housing access) no later than 30 calendar days from the date on this letter.

The Internal Review will occur within 10 business days from the date the review request is received in the office. If you do not ask for the Internal Review/Appeal, in writing, within 30 calendar days the decision made in this letter will be final.

Please note that if an Internal Review/Appeal is requested that your file becomes public record.