

	Policy Type	Number	Title	Created	Revised
	Finance and Administration	FA P013	Visitor and Guest Policy	August 2013	September 2019

Purpose

The purpose of this policy is to make sure that all Tenants understand their responsibilities related to Visitors and Guests and for ehm to meet the following objectives:

- Explain when a person is considered a Visitor or a Guest;
- Explain when a market rent household is required to inform ehm of changes to their household composition as required by this policy and further supported by the Addition to Household Composition Directive;
- Explain when a rent-geared-to-income household is required to inform ehm of changes to their household composition as required by this policy and further supported by the Addition to Household Composition Directive;
- Establish the maximum length of time Tenants can have Guests;
- Establish exceptions to the maximum permitted time for Guests;
- Balance the Tenant's right to use their home and ehm's requirement to assess household eligibility for housing;
- Make sure that subsidies are based on the true household income, including anyone who moves into the unit;
- Help to make sure that subsidies are available to households that qualify;
- Ensure that residential units are not improperly transferred or sublet.

Scope

- a. This policy applies to all ehm households.
- b. Live-In Caregivers are not covered by the scope of this policy. If a member of a household requires a Live-In Caregiver, the Tenant must make a request in writing to have the Live-In Caregiver stay in their unit through the Residence office.

Policy

1. Responsibilities of Staff

ehm staff are responsible for investigating cases where Tenants appear to have Guests staying with them for more than 30 days.

2. Responsibilities of Tenants

Tenants are responsible for:

- a. The actions and behaviours of their Occupants, Visitors and Guests;
- b. Telling their Guests and Visitors that they may be asked to prove that they have a home address outside of the unit they are visiting;
- c. Reporting a person that they wish to add to their household composition as outlined in the Addition to Household Composition Directive; and
- d. Complying with this policy.

3. Definitions

a. Visitors

Visitors are persons who visit a Tenant and do not require temporary accommodation with the Tenant (Visitors do not sleep in the Tenant's Unit). Visitors are not part of the Tenant's household. Visitors maintain a home address outside the Tenant's unit.

b. Guests

Guests are persons who require temporary accommodation with a Tenant (Guests do sleep in the Tenant's unit but only for a maximum of 30 days within any 12-month period unless they are a "Special Case" as defined below). Guests are not part of the Tenant's household. Guests maintain a home address outside the Tenant's unit.

c. Occupants

For RGI tenancies, an Occupant is a person who is a declared member of an RGI household, who has been added to the household with ehm's consent, but who has not signed a lease with ehm.

For market rent tenancies, an Occupant is a person who has been added to a market household, with ehm's consent, but has not signed the lease, or an undeclared person who is living in a market rent unit together with the tenant.

Occupants have no right to live in the Tenant's unit once the Tenant moves out.

d. Tenants

Tenants are persons who have signed a lease and have all Tenant rights and responsibilities related to the tenancy.

e. ehm Staff

This includes, but is not limited to, tenant support staff, superintendent, maintenance staff, as well as property management agents acting on behalf of ehm.

f. Live-In Caregivers

Live-In Caregivers are people who provide support services needed because of a household member's disability or medical condition. They are not considered Tenants, Visitors, or Guests

g. Unauthorized occupants

Any person who is not a Tenant, Occupant, Visitor, or Guest or Live-In Caregiver as defined by this policy is considered an Unauthorized Occupant. An Unauthorized Occupant has no lawful authority to be at a ehm residential complex and has no rights to the rental unit in question.

4. Visitors

Visitors may come to the unit as often as the Tenant invites them. Frequent Visitors may be asked to prove that they have a home address outside of the unit they are visiting. Tenants are responsible for telling all Visitors about this rule.

5. Guests

Tenants may have a Guest stay in their unit for a maximum of 30 days in total, within a 12-month period and are encouraged to report to ehm all persons staying in the unit for safety and emergency purposes.

6. Guest who stays longer than 30 days

6.1. Special Cases

If ehm staff receives information that a person has been staying in a Tenant's unit longer than 30 days, ehm staff will investigate and request documentation from the Tenant explaining the reason for the stay and information about how long the person is staying to ensure that the person qualifies as a Special Case - Guest.

Special Cases where a Guest may stay longer than 30 days might include, but are not limited to:

- An accommodation-related issue as defined in the ehm's Human Rights, Harassment and Fair Access Policy and the Ontario Human Rights Code, such as the need for someone to provide short-term supportive care to a person with a disability as prescribed by a qualified licensed health care professional; or
- The Guest lives outside the country and has travel documents to prove their planned return date and leaves on that date.
- Additional detail about Special Cases is provided in the Visitor and Guest Policy Guideline.

6.2. Limitations to stays longer than 30 days

In all cases other than Special Cases, ehm will decline to allow the person to stay with the Tenant.

ehm staff may determine a situation is not a Special Case and a Guest is not allowed to stay longer than 30 days for the following reasons, including but not limited to:

- The Tenant does not provide appropriate documentation as outlined in the Visitor and Guest Policy Guideline to explain why the Guest needs to stay longer than 30 days;
- The Guest does not intend to leave at the end of the agreed-to term;
- Staff or Tenants have complained about the Guest's behaviour, and ehm is satisfied the complaints are well founded;
- The Guest(s)' stay would result in non-compliance with Occupancy Standards under the Toronto Municipal Code Property Standard.

Any person located in a residential unit who is not a Tenant, Occupant, Visitor, Guest, or Live-In Care Giver, as defined by this policy is an Unauthorized Occupant and has no lawful right to be on the premises.

7. Unreported stay

If a person remains longer than 30 days in breach of this policy, ehm may pursue any legal rights available to it including, but not limited to:

- Possible termination of subsidy if it is an RGI household due to failure to notify the landlord of changes in household composition as required by the Housing Services Act, 2011;
- Enforcement of any rights available to ehm under the Trespass to Property Act against the Unauthorized Occupant; and,
- any action against the tenancy available to ehm.

If an RGI household loses their subsidy they will have to pay the market rent for the unit and will no longer qualify for RGI subsidy. The Tenant has the right to request a review of decisions related to their continued eligibility for rental subsidy.

8. Rights to Unit

If the Tenant moves out of the unit, all other persons in the unit must also leave. Any Occupant, Guest, Visitor, Live-In Caregiver, Unauthorized Occupant, or anyone else found in the unit after the Tenant moves out will be:

- Ineligible for receipt of the household's RGI subsidy, and
- Identified as trespassing,

and ehm will reclaim the unit.

9. Market Rent Households

A market rent Tenant:

- may allow a Guest to stay in their rental unit. The market rent Tenant may not, however, assign or sublet all or any part of the unit;
- is required by their lease to report any changes in household composition within 30 days of the change;
- may request to add another Tenant to their unit and sign a new lease;
- should report all persons living in the unit even if the Tenant does not wish to add the proposed person to their lease as a Tenant. It is essential for safety and emergency purposes that ehm knows who is living in its units. Occupants do not have any legal rights or entitlements to a Tenant's unit.

10. Compliance

The Director of Programs and Client Support, or designate, will monitor compliance with the policy on an ongoing basis by reviewing a random sampling of Tenant files.