

ONPHA

info on | Failure to Obtain Income

The *Housing Services Act, 2011* states that RGI tenants may cease to be eligible for RGI housing if they fail to obtain specific kinds of income.

Q: What types of income are RGI tenants required to obtain?

A: According to O. Reg 367/11, the six types of income that RGI tenants are required to try to obtain are:

1. Basic financial assistance under the *Ontario Works Act, 1997*.
2. Support under the *Divorce Act (Canada)*, the *Family Law Act* or the *Interjurisdictional Support Orders Act, 2002*.
3. Unemployment benefits under the *Employment Insurance Act (Canada)*.
4. A benefit under section 2 of the *Ontario Guaranteed Annual Income Act*.
5. A pension or supplement under Part I or II of the *Old Age Security Act (Canada)*.
6. Support or maintenance resulting from an undertaking given with respect to the member under the *Immigration and Refugee Protection Act (Canada)*.

Please note: RGI tenants are no longer required to make an effort to obtain Canada Pension Plan or other pension income.

Q: What is the housing provider's role in complying with the pursuit of income regulation?

A: Under the legislation, it is the provider's role to notify any member of an RGI household that may be eligible to receive any of the above types of income that they must pursue this income. The notice must be in writing and specify:

- the type of income that the housing provider believes the tenant may be eligible for,
- that the individual must make a reasonable effort to apply for that income and receive a decision about the application,
- an acceptable time frame for pursuing the specific type of income, and
- that the household will cease to be eligible for RGI if they do not pursue the income, or do not respond to the notification within the specified timeframe.

Because the tenant's RGI status is at stake, it is important to identify these items clearly.



Q: How long should I give the tenant to respond to this notice?

A: The HSA does not specify a time period for a tenant's response. It would seem to be reasonable to give the tenant 30 days to report back to you on what efforts they have made to pursue income.

Q: What should I do if the tenant has not pursued child or spousal support?

A: If the tenant has no agreement for support, you may want to refer them to a Family Law Information Centre (FLIC) to make an application for a court order for support. The FLIC office will provide the tenant with the proper forms and will assist the tenant with the process.

In some circumstances it may not be reasonable to have the tenant pursue support at all (e.g., situations of domestic violence, payor is on social assistance, or the tenant lives in a rural and remote area where travel to court is unreasonable).

Pursuing support can be complex and following up on income received through Family Responsibility Office is often not straight forward. Find out if your service manager provides assistance to tenants or if they have a Family Support Worker (FSW) on staff to assist tenants and housing providers. If not, it may be more feasible to require that a tenant with very low or no income pursue Ontario Works (OW) *only*. OW may be in a better position to assist the tenant in getting support. The tenant will then only need to provide you with the results of the OW application.

Q: Aren't there allowances for exceptional tenant situations?

A: The HSA does allow for tenants with extenuating circumstances to not attempt to obtain income that they may be eligible for. In some situations, such as a breakdown in sponsorship, it may be difficult to pursue the income or may put a tenant at risk of abuse. It is advisable to document any circumstance where you decide that extenuating circumstances exist and a tenant will not be required to attempt to obtain income. The service manager may ask for this documentation. You should also develop a policy about what constitutes an extenuating circumstance so that tenants are treated fairly.

Q: Am I supposed to help tenants pursue income?

A: Housing providers are not required to assist tenants in obtaining income that they may be eligible for. As a housing provider, it is however, in the best interest of your tenants to point them in the right direction or provide whatever assistance possible. ONPHA has prepared the attached chart containing the basic requirements and contact information for some of the income programs. Local Community Information Centres may be able to locate more local services.

Failure to obtain income: INFORMATION FOR TENANTS

Pursuit of Income	Ontario Works - <i>Ministry of Community & Social Services</i>	Family or Child Support - <i>Ministry of the Attorney General</i>	Employment Insurance (EI) - Service Canada	Pensions-for people 65 & older- <i>Service Canada</i>	Support under Immigration Act <i>Citizenship and Immigration Canada</i>
How to Apply	<ul style="list-style-type: none"> ▪ Call your local Ontario Works office to book an appointment to complete and sign a detailed application form. ▪ You can also apply online at http://www.mcscs.gov.on.ca/en/mcss/programs/social/apply_online.aspx ▪ If applying online, you will be contacted by the local office for an appointment ▪ If necessary, emergency funds may be available. 	<ul style="list-style-type: none"> ▪ If you have a support order, you must register it for enforcement with the Family responsibility Office (FRO) ▪ If you do not have a support order, contact your local Family Court about how to apply <ul style="list-style-type: none"> ▪ You will need to complete an Application (Form 8) which is available online at https://formsassistant.ontariocourtforms.on.ca/Welcome.aspx?lang=en ▪ It can take up to 30 days for the initial application to be filed. ▪ Many Ontario courts have Family Law Information Centres (FLIC) that provide information about separation, divorce and related family law issues such as spousal and child support 	<ul style="list-style-type: none"> ▪ EI may be paid when someone has been laid off from work, or for sickness benefits, maternity leave or family leave. ▪ To apply for EI benefits, you must submit an application for EI online. ▪ To access the application for EI Benefits go to http://www.servicecanada.gc.ca/eng/ei/application/employment_insurance.shtml ▪ Your employer must send your Record of Employment (ROE) within 5 days of the last day for which you were paid. ▪ Some employers send the ROE electronically to Service Canada. Check with your former employer to see if this applies. ▪ Even without the ROE, you should apply at the latest 14 days after you stop working. If getting your ROE is a problem, your local Service Canada Centre may be able to help you. ▪ EI will deduct the first 2 weeks of payment. It could take up to 28 days to receive your first cheque. 	<ul style="list-style-type: none"> ▪ For <u>Old Age Security (OAS)</u>, you should apply 6 months before turning 65. OAS also has an allowance for low income spouses and widowed spouses (aged 60 – 64) of current or deceased OAS recipients. ▪ For <u>Guaranteed Income Supplement (GIS)</u>-you must be entitled to receive Old Age Security. Eligibility depends on whether your income and that of your spouse or common-law partner, if you have one, exceeds a specific amount. It is assessed annually based on your income tax return and can be payable in the first month you receive OAS ▪ Service Canada can clarify the residency requirements for OAS (phone # below) 	<ul style="list-style-type: none"> ▪ If your sponsor is not providing you with support and you have no other source of income, ask your sponsor for income. If that is not possible, you should apply to Ontario Works. ▪ If you apply for Ontario Works, your sponsorship is said to have “broken down”. The OW office will notify Citizenship and Immigration Canada (CIC), and your sponsor may have to repay any OW you receive and may be prevented from sponsoring someone else in the future.

Failure to obtain income: INFORMATION FOR TENANTS

Pursuit of Income	Ontario Works - <i>Ministry of Community & Social Services</i>	Family or Child Support - <i>Ministry of the Attorney General</i>	Employment Insurance (EI) - Service Canada	Pensions-for people 65 & older- <i>Service Canada</i>	Support under Immigration Act <i>Citizenship and Immigration Canada</i>
Website	http://www.mcscs.gov.on.ca/en/mcscs/programs/social/index.aspx	For information about family law: http://www.attorneygeneral.jus.gov.on.ca/english/family/divorce/support/default.asp For information about FRO: http://www.mcscs.gov.on.ca/en/mcscs/programs/familyResponsibility/index.aspx	http://www.servicecanada.gc.ca/eng/sc/ei/index.shtml	http://www.servicecanada.gc.ca/eng/sc/oas/pension/oldagesecurity.shtml	For information about sponsorship obligations www.cic.gc.ca
Toll free or Central number	For local office telephone numbers, see website: http://www.mcscs.gov.on.ca/en/mcscs/programs/social/ow/contacts/ow_contacts.aspx	(416) 327-6868 (Toronto only) Other local family court s: http://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses	To find out which office services your area, call: 1(800)206-7218 1-800-529-3742 (TTY)	1(800)277-9914 1(800)255-4786(TTY/TDD) 1(800)277-9915 (French) It may be easiest to reach an attendant if you call at 8:30 am or after 3:30 pm.	See “ Ontario Works ” for telephone numbers and how to apply
Address	For regional offices, see website: http://www.mcscs.gov.on.ca/en/mcscs/programs/social/ow/contacts/ow_contacts.aspx	For local Ontario court offices: http://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/ For a list of Family Law Information Centres (FLIC): http://www.attorneygeneral.jus.gov.on.ca/english/family/service_provider_by_family_court_location.asp	For services in your area, see website: http://www.servicecanada.gc.ca/cgi-bin/sc-srch.cgi?app=hme&ln=eng	For services in your area, see website: http://www.servicecanada.gc.ca/cgi-bin/sc-srch.cgi?app=hme&ln=eng	See “ Ontario Works ” for addresses and how to apply

Failure to obtain income: INFORMATION FOR TENANTS

Pursuit of Income	Ontario Works - <i>Ministry of Community & Social Services</i>	Family or Child Support - <i>Ministry of the Attorney General</i>	Employment Insurance (EI) - Service Canada	Pensions-for people 65 & older- <i>Service Canada</i>	Support under Immigration Act <i>Citizenship and Immigration Canada</i>
Documents Required	<ul style="list-style-type: none">▪ Social Insurance Number▪ Ontario Health Card Number▪ Proof of Identity and date of birth▪ Employment history/information▪ Income and asset statements▪ Proof of accommodation costs including rent, utilities, heat, and tenant insurance▪ Proof of immigration status, if applicable▪ Agreement for child support▪ Copy of Canada Child Tax Benefit statement (for children under 18)	<ul style="list-style-type: none">▪ Ask at the local Family Court for the type of information that you need to assess support▪ For enforcement with FRO, you will need your court order	<ul style="list-style-type: none">▪ Social Insurance Number▪ Record of Employment (ROE)▪ Birth Certificate /Drivers License / Passport▪ Your complete bank information▪ Details regarding most recent employment income (T4’s, pay stubs)▪ For sick benefits: medical documents▪ Detailed version of facts if you quit or were dismissed from any job in the last 52 weeks	<ul style="list-style-type: none">▪ Social Insurance Number▪ Birth Certificate / Baptismal Record▪ Foreign born need citizenship or landed status and proof of years of residency	<p>See “Ontario Works”</p> <p>You will also need to have name and contact information of your sponsor</p>

The website www.cleo.on.ca established through the legal aid system can be helpful in assisting tenants navigate the system. For assistance in applying, you can contact legal clinics, agencies, etc.