

1.4.1.4 Landlord Tenant Relations Policy

1.1 PURPOSE

In its landlord-tenant relations, the Corporation operates within the guidelines of the Residential Tenancies Act. The Act outlines procedures for notices of rent increases, tenant security, tenancy agreements, landlord responsibilities, tenant responsibilities, notices of termination by the landlord or tenant, rental termination, eviction, and other areas where conflict or disagreement can occur.

2.1 DEFINITIONS

- a) 'Corporation' shall mean the Central Elgin Non-Profit Housing Corporation
- b) 'Council' shall mean the Council of the Corporation of the Municipality of Central Elgin
- c) 'Municipality' shall mean the Corporation of the Municipality of Central Elgin
- d) 'Secretary-Treasurer' shall mean the Secretary-Treasurer of the 'Corporation
- e) 'Tenant' shall mean those persons named in the lease
- f) 'Board' shall mean the Board of Directors of the Corporation
- g) 'Residential Unit' shall mean any living accommodation used or intended for use as rented residential premises as per the lease agreement
- h) 'Common Area' shall mean the entry way, corridors, stairwells, common room, laundry room, lawn, walkways, and parking lot

3.1 POLICY

It is the responsibility of all Corporation staff to always be courteous, polite, and helpful to the public and to strive for good tenant-landlord relations in matters including, but not limited to:

- a) Providing information on housing,
- b) Application processing,
- c) Maintenance,
- d) Rental policies

3.1.1 Responding to Tenant Complaints About Other Tenants

It is the responsibility of tenants to ensure harmonious relations with their neighbours. However, there will be times when they will require assistance in resolving problems within their communities. Every reasonable effort to assist in resolving problems will occur so that no tenant's housing is unnecessarily jeopardized. This assistance includes providing information about appropriate community support services and resources.

At the same time, the Corporation is responsible for protecting the rights of tenants for the peaceful enjoyment of their units. This may necessitate acting against tenants who persist in endangering the safety or well-being of other tenants. If a tenant engages in violent behaviour towards neighbours or persists in disturbing other tenants, despite all efforts to resolve the problem, the Corporation can initiate eviction procedures.

Complaints that stem from racist or other discriminatory attitudes are not acceptable and will not be tolerated by the Corporation.

3.1.2 Initial Assessment

All tenant complaints about other tenants of the Corporation will be acknowledged. The Corporation is responsible for determining how to respond to a complaint based on the initial

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assessment. The Corporation will record information from the tenant making the complaint and document all complaints exactly as presented i.e., "The tenant said..." or "The tenants say..." or "The tenant believes...". The tenant is encouraged to provide the complaint in writing. If they are not prepared to do so, they are encouraged to write it down immediately and keep it at home for later reference. The **Incident Report Form** should be used to record and submit details of the complaint. If necessary, the tenant will be able to refer to these notes in court. Only notes they have made themselves are permitted as court evidence.

Questions to ask the tenant making the complaint:

- a) Is it the first time the incident has occurred? If not, get details about previous incidents.
- b) What are the dates, times, and locations of the incident(s)?
- c) Were any other witnesses present?
- d) Were the police called?
- e) Is property damage involved? If so, it should be photographed, dated, and signed by the same person who will be testifying in court if it becomes necessary.
- f) Are there any adverse effects on the tenant i.e., fright, anger, distress, illness?
- g) Are any long-term effects?

Any comments by the Corporation should be clearly identified as subjective. In certain circumstances the Corporation will need to assess whether the tenant has the right to be complaining at all as complaints can occur for a variety of reasons. The legitimacy of any complaint which may be racially, culturally, or linguistically based will be questioned.

3.1.3 Determine Appropriate Action

Tenants are encouraged to resolve minor disputes or disturbances amongst themselves as a first step and make a written record of conversations. If the complaint is based on activities that the Corporation has no authority to deal with, tenants will be directed to contact the appropriate authority such as:

- a) The police when illegal activities are involved
- b) The children's aid society when abuse of children is suspected
- c) Legal services for civil disputes
- d) The police if domestic violence is suspected.

In certain cases, such as when these activities are endangering other tenants, the Corporation will want to be involved. However, tenants are encouraged to contact the police directly. At the very least, a police report and a willingness on the part of witnesses to provide evidence is required before the Corporation can act. If the tenant is upset at the time of the call, it may be appropriate to provide emotional support and advise of community resources that may be available to help them in coping with the situation.

If it is clear at the outset that the grounds for the complaint are based on discriminatory attitudes (generalizations of a derogatory nature about certain people e.g., social assistance recipients, members of visible minority groups, LGBTQ etc) rather than a legitimate complaint, the complainant will be advised that complaints of this nature will not be tolerated. Tenants have the right to live as they choose if their activities do not jeopardize the safety or well-being of other tenants, provided they keep to the terms of their lease and do not damage Corporation

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property. Specific reasons why the complaint would not be pursued further must be documented in the file.

Tenants should not be advised at this stage who has made the complaint. This is especially true when the complainant is afraid of the tenant or when it involves a violation of the lease agreement that anyone could have reported. They should only be advised if the complainant agrees to the release of their name.

The Corporation will prepare a report including all the relevant information and speak with any witnesses to the incident. If the tenant, as the subject of the complaint, denies the allegations or gives a version of events significantly different from that of the tenant bringing the complaint, it may be necessary to locate witnesses and speak with them. This would only apply when the allegations are serious enough to warrant legal action if substantiated. Otherwise, mediation is more appropriate.

If the complainant did not name any witnesses, the Corporation shall check with neighbours without going into details to see if they saw or heard anything at the time the incident allegedly occurred. Details about the complaint are to remain private and confidential. They should only be made aware that an incident has been reported and is being investigated.

If the complaint is serious enough to warrant legal action, the Corporation will ask if they would be willing to testify in court if this became necessary. The complainant should make notes and keep them at home in case they are required to testify.

3.1.4 Resolve the Problem

The Corporation shall firstly by bringing the tenants together so they can find a solution to the problem themselves. The role of the Corporation in these cases is to facilitate open and respectful communication between the tenants. In certain cases, a prompt and informal on-the-spot discussion will be appropriate. In other cases, if tensions have escalated, a neutral setting may be necessary, and the Corporation should set the tone so that the tenants talk to each other. Applicable ground rules are that:

- Each respect the other's right to have their say without being interrupted
- Each listen to and be open to the other person's perspective
- Each be committed to finding a solution to the problem

If tenants are not willing to come together to discuss the problem, the Corporation could become the mediator and meet with each separately to try to resolve the problem, but this should be a last resort. Follow-up with letters describing the process to date e.g., information gathered from the investigation (dates, times, incidents, versions), what everyone agreed to do about it and what will happen if there is a breach of the agreement should be provided.

If the problem is particularly difficult, or the Corporation is not neutral in the situation, or does not feel the skills exist to deal with the mediation, then the matter should be referred to a 3rd party who will appoint a qualified person to take over responsibility. Alternatively, outside mediation resources may be available in the community. When the investigation finds that the incident is serious enough to constitute grounds for eviction and intervention by the Corporation would not help to resolve the problem, the Corporation will ensure that:

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- a) The offending tenant is notified in writing about the findings of the investigation, the evidence collected to support the complaint and the Corporation's intention to begin eviction procedures if the problem is not rectified.
- b) Any resources available to assist in resolving the problem are included in the letter
- c) A lawyer is consulted before any recommendation for action is brought to the Corporation.

If the investigation finds that the complaint was malicious or false, the complainant is to be notified in writing about the evidence collected to support that finding and that the Corporation strongly objects to behaviour of this sort as any form of harassment is taken seriously. If the offending tenant is aware of the complaint, that message should be communicated to them as well.

3.1.5 Refer to Outside Resources

Certain situations may require the services of a professional for specialized intervention for tenants in crisis situations, such as for:

- a) Victims of domestic assault or other forms of violence
- b) Child or elder abuse or neglect
- c) Mental health related issues
- d) Tenants threatened with violence or where it is reasonable to believe violence may occur
- e) Victims of harassment or discrimination
- f) Tenants posing serious threats to themselves or the community where intervention may be beneficial
- g) Disturbing behaviours due to alcohol or substance abuse
- h) Serious child behaviour problems which are affecting the community
- i) Vulnerable tenants at risk of eviction, especially when children are present
- j) Those whose own activities or the activities of other members of the household pose a danger

3.1.6 Documentation, Monitoring and Accountability

The Corporation shall have a system in place to ensure all complaints brought to any staff members' attention are investigated. Complaints should be recorded, and all conversations and actions noted on the files of the tenant making the complaint and the tenant the complaint is about. This will provide necessary evidence in cases where the Corporation must initiate eviction proceedings. In all cases the privacy of all persons involved in a complaint will be maintained as per the **Confidentiality Policy**. Tenants who have reason to believe an investigation has been improperly conducted according to these procedures can appeal the findings to the Corporation. Every effort to settle any tenant complaint that may arise will occur, including the interpretation, application, or apparent violation of Corporation policies. Any tenant who feels s/he has a complaint against management may contact the Corporation to discuss the concern. A Corporation representative will meet with the tenant within five business days to discuss the matter. A copy of the complaint and a copy of the response will be recorded and filed.