

Columbus Estates of Chatham Inc.

Policy Name:	Rent Arrears Policy
Contact Officer:	Wayne Bushey, 519-351-8332
Date Approved by Board of Directors:	January 16 th , 2006
Date Approved by General Membership	N/A
Date Certified:	January 17 th , 2006

Goals:

The Rental Arrears Policy applies to all Columbus Estates of Chatham Inc. tenants. It is designed to:

1. Ensure consistency in the way rental arrears are handled.
2. Ensure both Columbus Estates and our tenants comply with provincial laws and regulations
3. Give tenants every opportunity to pay their rent before any eviction action is taken.
4. Ensure all active tenants, and including former tenants are held accountable for any rental arrears owing to the corporation.
5. Treat tenants paying market rents, and tenants paying rent geared to their income, as equitably as possible while complying with provincial law and regulations.

Definitions:

Tenants: Persons who have signed a lease, and enjoy all the rights and responsibilities of tenancy.

Occupants: Persons who live in a unit with the permission of the non-profit and the original tenant, but do not have any right to remain in the unit after the original tenant moves out.

Rent: Tenant's periodical payment to owner or landlord for use of land or premises.

Rental Arrears: Rental payments owing to the owner or landlord which have not been paid when due.

Rental Arrears Process:

1. If by the second business day of the month a tenant has not paid their rent, a reminder phone call to the tenant will be made advising the tenant that their rent is due and payable immediately.
2. If by the fourth business day of the month the tenant has not yet paid, a letter will be issued and delivered to their residence advising the tenant that if the rent is not paid by the sixth business day of the month a "Notice of Termination Tenancy" (N 4) will be issued. **(N 4 requires the tenant to pay within fourteen (14) days.)**
3. If the rent arrears are not paid by the specified date on the N 4, an "Application to Terminate Tenancy" (Form L 1) will be filed with the Ontario Rental Housing Tribunal. The filing fee will be added to the tenant's rental account. **(Filing fee is currently \$150.00)**

Ontario Rental Tribunal:

4. The Ontario Rental Housing Tribunal will set a hearing date and will notify the Landlord who then must notify the tenant and provide them with a dispute form. The tenant will have five (5) days to file the dispute. If no dispute is filed (or the Landlord proves its claim), an order will be issued. The order informs the tenant when they must leave their unit and how much money must be paid to stop the process.

Sheriff's Office:

5. If the tenant does pay all the arrears owing **(plus the filing fee)** or leave the unit by the date specified in the Tribunal order, the Sheriff's Office is contacted to enforce the order by evicting the tenant. The Sheriff's Fee + mileage will be added to the tenant's rental account.

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Consistency Late Rent:

6. If the tenant's rent is continually paid late, a "Notice to Terminate a Tenancy at the End of Term" (Form N 8) will be issued. There is no remedy to correct this. If the tenant leaves the unit on or before the date specified on the Notice, no further charges will be applied to the tenant's rental account. Should the tenant not leave the unit by the specified date, an "Application to Terminate the Tenancy" (Form L 1) will be filed with the Ontario Rental Housing Tribunal (**see steps 4 and 5**).

Overhoused Households:

7. Overhoused households who are issued a Form N 4 for arrears are not eligible for a transfer unless all arrears and any applicable filing fees have been paid in full.

Former Tenant Collection Procedures:

8. New former tenants will be identified on a month-end former tenant rental arrears report.
9. Within five (5) business days of the month-end report a collection letter will be sent to the address on file, requesting immediate payment in full.
10. If no payment is received within two (2) weeks from the date of the first letter, a second collection letter will be sent to the address on file requesting immediate full payment of rental arrears.
11. If no payment is received within two (2) weeks from the date of the second letter, all accounts will be sent to a collection agency.
12. Exceptions would be as follows:
 - a. If a forwarding address and/or a place of employment is known, we will use the Small Claims Court to pursue payment.
 - b. If the amount owing is greater than one thousand (\$1000.00) dollars, a lawyer may be considered or we will use the Small Claims Court.
13. The internal collection process will not exceed two (2) months before being submitted to collection agency, small claims court or a lawyer.