



[Français](#)

Housing Services Act, 2011

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PART I PURPOSE AND INTERPRETATION

Purpose of the Act

- 1.** The purpose of this Act is,
 - (a) to provide for community based planning and delivery of housing and homelessness services with general provincial oversight and policy direction; and
 - (b) to provide flexibility for service managers and housing providers while retaining

requirements with respect to housing programs that predate this Act and housing projects that are subject to those programs. 2011, c. 6, Sched. 1, s. 1.

Definitions

2. In this Act,

“designated housing project” means, in relation to a service manager, a housing project designated in the regulations for the purposes of subsection 68 (1) as a project in relation to which the service manager shall administer a transferred housing program; (“ensemble domiciliaire désigné”)

“district social services administration board” means a board established under the *District Social Services Administration Boards Act*; (“conseil d’administration de district des services sociaux”)

“dssab service manager” means a service manager that is a district social services administration board; (“conseil gestionnaire de services”)

“former Act” means the *Social Housing Reform Act, 2000* repealed by section 184; (“ancienne loi”)

“household” includes an individual living alone; (“ménage”)

“housing project” means all or part of the residential accommodation, including facilities used for ancillary purposes, located in one or more buildings used in whole or in part for residential accommodation; (“ensemble domiciliaire”)

“housing provider” means a person who operates a housing project; (“fournisseur de logements”)

“local housing corporation” means a local housing corporation as defined in section 24; (“société locale de logement”)

“Minister” means the Minister of Municipal Affairs and Housing or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“municipal service manager” means a service manager that is a municipality; (“municipalité gestionnaire de services”)

“Ontario Mortgage and Housing Corporation” means the Ontario Mortgage and Housing Corporation continued under the *Ontario Mortgage and Housing Corporation Act*; (“Société ontarienne d’hypothèques et de logement”)

“personal information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*; (“renseignements personnels”)

“pre-reform operating agreement” means an agreement, a memorandum of understanding, a letter of commitment or any combination of them, whether oral, written or in part oral and in part written, entered into before December 13, 2000 between a housing provider and one or more of the Crown in right of Ontario, the Crown in right of Canada, the Minister, the ministry of the Minister, a minister or ministry of the Crown in right of Canada, the Ontario Mortgage and Housing Corporation, Canada Mortgage and Housing Corporation, a local housing authority, an agent of the Crown in right of Ontario and an agent of the Crown in right of Canada under which funding is provided to the housing provider with respect to a housing project under a

housing program, and “pre-reform operating agreement” includes any amendments made on or after December 13, 2000; (“accord d’exploitation antérieur à la réforme”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means regulations made under this Act; (“règlements”)

“service area”, in relation to a service manager, means the geographic area specified as the service area of that service manager under subsection 11 (2); (“aire de service”)

“service manager” means a service manager designated under subsection 11 (1); (“gestionnaire de services”)

“transferred housing program”, in relation to a service manager, means a housing program for which responsibility was transferred to the service manager under section 10 of the former Act and that is prescribed for the purposes of this definition; (“programme de logement transféré”)

“unit” means a unit intended for use as residential accommodation in a housing project. (“logement”) 2011, c. 6, Sched. 1, s. 2.

Interpretation – housing project subject to a program

3. A housing project is subject to a transferred housing program for the purposes of this Act only if the project is designated in the regulations for the purposes of subsection 68 (1). 2011, c. 6, Sched. 1, s. 3.

PART II PROVINCIAL POLICIES AND LOCAL PLANS

PROVINCIAL INTEREST

Provincial interest

4. (1) For the purposes of sections 5 and 6, it is a matter of provincial interest that there be a system of housing and homelessness services that,

- (a) is focussed on achieving positive outcomes for individuals and families;
- (b) addresses the housing needs of individuals and families in order to help address other challenges they face;
- (c) has a role for non-profit corporations and non-profit housing co-operatives;
- (d) has a role for the private market in meeting housing needs;
- (e) provides for partnerships among governments and others in the community;
- (f) treats individuals and families with respect and dignity;
- (g) is co-ordinated with other community services;
- (h) is relevant to local circumstances;
- (i) allows for a range of housing options to meet a broad range of needs;
- (j) ensures appropriate accountability for public funding;
- (k) supports economic prosperity; and
- (l) is delivered in a manner that promotes environmental sustainability and energy conservation. 2011, c. 6, Sched. 1, s. 4 (1).

Same

(2) It is also a matter of provincial interest, for the purposes of sections 5 and 6, that a service manager's housing and homelessness plan be consistent with other plans prescribed for the purposes of this subsection. 2011, c. 6, Sched. 1, s. 4 (2).

Additional matters declared by Minister

(3) The Minister may, with the approval of the Lieutenant Governor in Council, declare additional matters to be matters of provincial interest for the purposes of sections 5 and 6. 2011, c. 6, Sched. 1, s. 4 (3).

Declaration may be included in policy statement

(4) A declaration under subsection (3) may be incorporated into a policy statement under section 5. 2011, c. 6, Sched. 1, s. 4 (4).

Publication and notice if not in policy statement

(5) If a declaration under subsection (3) is not incorporated into a policy statement under section 5, subsections 5 (3) and (4) apply to the declaration with necessary modifications. 2011, c. 6, Sched. 1, s. 4 (5).

MINISTER'S POLICY STATEMENTS**Policy statements to guide plans**

5. (1) For the purpose of guiding service managers in the preparation of their housing and homelessness plans, the Minister may, with the approval of the Lieutenant Governor in Council, issue policy statements on matters relating to housing or homelessness that are of provincial interest under section 4. 2011, c. 6, Sched. 1, s. 5 (1).

Joint issue

(2) The Minister may issue a policy statement alone or together with any other minister. 2011, c. 6, Sched. 1, s. 5 (2).

Publication and notice

(3) If a policy statement is issued, the Minister shall,

(a) publish it in *The Ontario Gazette*; and

(b) give such notice of it, as the Minister considers appropriate, to each service manager.
2011, c. 6, Sched. 1, s. 5 (3).

Legislation Act, 2006

(4) For greater certainty, Part III (Regulations) of the *Legislation Act, 2006* does not apply to a policy statement. 2011, c. 6, Sched. 1, s. 5 (4).

Review

(5) The Minister shall, at least once every 10 years, undertake a review of the policy statement. 2011, c. 6, Sched. 1, s. 5 (5).

Consultation

(6) In the course of the review of a policy statement, the Minister shall consult with any persons the Minister considers appropriate. 2011, c. 6, Sched. 1, s. 5 (6).

HOUSING AND HOMELESSNESS PLANS**Housing and homelessness plans**

6. (1) Each service manager shall have a plan to address housing and homelessness. 2011,

c. 6, Sched. 1, s. 6 (1).

What plan must include

(2) The plan must include,

- (a) an assessment of current and future housing needs within the service manager's service area;
- (b) objectives and targets relating to housing needs;
- (c) a description of the measures proposed to meet the objectives and targets;
- (d) a description of how progress towards meeting the objectives and targets will be measured; and
- (e) such other matters as may be prescribed. 2011, c. 6, Sched. 1, s. 6 (2).

Requirements relating to provincial interest, policy statements

(3) The plan must,

- (a) address the matters of provincial interest under section 4, including each aspect described in a clause of subsection 4 (1); and
- (b) be consistent with the policy statements issued under section 5. 2011, c. 6, Sched. 1, s. 6 (3).

Prescribed requirements

(4) The plan must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 6 (4).

Period of plan

(5) The period covered by the plan must extend for at least the minimum period described in subsection (6) after the plan was approved or, if the plan is reviewed under subsection 10 (1), after the review was completed. 2011, c. 6, Sched. 1, s. 6 (5).

Minimum period

(6) The minimum period referred to in subsection (5) is 10 years or such other period as may be prescribed. 2011, c. 6, Sched. 1, s. 6 (6).

Time for initial plan

(7) A service manager shall approve its initial plan on or before the prescribed date. 2011, c. 6, Sched. 1, s. 6 (7).

Consultation with the public, etc.

7. (1) In the course of preparing its housing and homelessness plan, a service manager shall consult with the public and the prescribed persons. 2011, c. 6, Sched. 1, s. 7 (1).

Conduct of consultation

(2) Consultations under subsection (1) shall be conducted in accordance with any prescribed requirements. 2011, c. 6, Sched. 1, s. 7 (2).

Consultation with Minister

8. (1) Before approving its housing and homelessness plan, a service manager shall consult with the Minister by providing the Minister with a copy of the proposed plan. 2011, c. 6, Sched. 1, s. 8 (1).

Comments from Minister

(2) The service manager shall allow the Minister at least the prescribed period of time to

comment on the plan and, before approving the plan, the service manager shall consider any comments the Minister provides. 2011, c. 6, Sched. 1, s. 8 (2).

Copy of approved plan to Minister

(3) The service manager shall provide the Minister with a copy of the plan without delay after approving it. 2011, c. 6, Sched. 1, s. 8 (3).

Amendment of plan

9. A service manager may amend its approved housing and homelessness plan, either after a review under section 10 or at any other time, and sections 7 and 8 apply, with necessary modifications, to the amendment. 2011, c. 6, Sched. 1, s. 9.

Periodic review

10. (1) At least once every five years, a service manager shall review its housing and homelessness plan and amend it as the service manager considers necessary or advisable. 2011, c. 6, Sched. 1, s. 10 (1).

Report to Minister

(2) The service manager shall give the Minister a written report on the results of the review without delay after the completion of the review. 2011, c. 6, Sched. 1, s. 10 (2).

PART III SERVICE MANAGERS

Designation of service managers

11. (1) The regulations shall designate the municipalities and district social services administration boards that are service managers for the purposes of this Act. 2011, c. 6, Sched. 1, s. 11 (1).

Service areas

(2) The regulations shall specify the geographic area that is the service area of each service manager for the purposes of this Act. 2011, c. 6, Sched. 1, s. 11 (2).

Role of service manager

12. A service manager shall, in accordance with its housing and homelessness plan, carry out measures to meet the objectives and targets relating to housing needs within the service manager's service area. 2011, c. 6, Sched. 1, s. 12.

General powers of service manager

13. (1) A service manager may establish, administer and fund housing and homelessness programs and services and may provide housing directly. 2011, c. 6, Sched. 1, s. 13 (1).

Natural person powers

(2) For greater certainty, a service manager may use its powers under the following provisions for the purposes of this Act:

1. If the service manager is a municipal service manager, section 9 of the *Municipal Act, 2001* or section 7 of the *City of Toronto Act, 2006*.
2. If the service manager is a dssab service manager, sections 274 and 275 of the *Corporations Act*. 2011, c. 6, Sched. 1, s. 13 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 is amended by striking out “sections 274 and 275 of the *Corporations Act*” and substituting

“section 15 of the *Not-for-Profit Corporations Act, 2010*”. See: 2011, c. 6, Sched. 1, ss. 185 (1), 189.

Powers not exclusive

(3) Paragraphs 5 and 6 of subsection 11 (4) of the *Municipal Act, 2001* do not apply with respect to a power a service manager has under this section. 2011, c. 6, Sched. 1, s. 13 (3).

Clarification on powers – municipal service manager

14. Section 19 of the *Municipal Act, 2001* does not limit a municipal service manager from exercising its powers under this Act or section 9 of the *Municipal Act, 2001* throughout its service area for the purposes of this Act. 2011, c. 6, Sched. 1, s. 14.

Clarification on powers – dssab service manager

15. (1) Subsection 4 (1) of the *District Social Services Administration Boards Act* does not limit a dssab service manager from exercising its powers under this Act or sections 274 and 275 of the *Corporations Act* throughout its service area for the purposes of this Act. 2011, c. 6, Sched. 1, s. 15 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by striking out “sections 274 and 275 of the *Corporations Act*” and substituting “section 15 of the *Not-for-Profit Corporations Act, 2010*”. See: 2011, c. 6, Sched. 1, ss. 185 (2), 189.

Provisions of *Municipal Act, 2001*

(2) The following provisions of the *Municipal Act, 2001* and the regulations that relate to those provisions apply, with necessary modifications, to a dssab service manager for the purposes of this Act:

1. Section 6.
2. Sections 106 and 107.
3. Subsections 110 (1), (2), (3), (4), (10) and (11).
4. Subsections 417 (1), (2) and (3).
5. Subsections 418 (1), (2), (3) and (4). 2011, c. 6, Sched. 1, s. 15 (2).

Powers of dssab service manager re debentures

16. (1) This section applies if a dssab service manager wishes to make permanent improvements to a housing project and wishes to obtain financing for the improvements. 2011, c. 6, Sched. 1, s. 16 (1).

Direction

(2) The dssab service manager may direct a municipality within its service area that is prescribed for the purposes of this subsection to issue and sell debentures on the credit of the municipality to raise such sums as the dssab service manager may require to make the improvements. 2011, c. 6, Sched. 1, s. 16 (2).

Same

(3) The direction must state the purpose of the debenture and the nature and estimated cost of the improvements. 2011, c. 6, Sched. 1, s. 16 (3).

Application for approval

(4) A dssab service manager that proposes to give a direction to a municipality shall apply to

the Ontario Municipal Board for approval of the proposed direction under section 65 of the *Ontario Municipal Board Act* and the dssab service manager is deemed, for the purposes of that section, to make the application on behalf of the municipality. 2011, c. 6, Sched. 1, s. 16 (4).

Approval

(5) If the Ontario Municipal Board approves the proposed direction, the council of the municipality shall pass a by-law authorizing the borrowing of money by the issue and sale of debentures on the credit of the municipality for the purposes stated in the direction. 2011, c. 6, Sched. 1, s. 16 (5).

Various powers and duties re debentures

(6) Section 401, subsections 404 (7) to (13) and section 405 of the *Municipal Act, 2001* apply, with necessary modifications, with respect to debentures issued pursuant to a direction under this section as if the dssab service manager were a school board. 2011, c. 6, Sched. 1, s. 16 (6).

Interest on temporary borrowing

(7) If a municipality has raised money for a dssab service manager by temporary financing pending the sale of debentures issued pursuant to a direction under this section, the municipality shall charge the cost of the borrowing to the dssab service manager for the period before the sale for which the money is borrowed or for a period of one year, whichever is less. 2011, c. 6, Sched. 1, s. 16 (7).

Liability under debentures

(8) Debentures issued pursuant to a direction under this section are joint and several obligations of the dssab service manager and all of the municipalities in its service area even if the costs of the improvements have not been apportioned to all the municipalities. 2011, c. 6, Sched. 1, s. 16 (8).

Same

(9) Nothing in subsection (8) affects the rights of the dssab service manager and the municipalities in its service area as among themselves. 2011, c. 6, Sched. 1, s. 16 (9).

Debenture costs included in housing costs

(10) The costs of servicing debentures issued pursuant to a direction under this section and any costs of borrowing under subsection (7) shall be included as housing costs of the dssab service manager under section 109. 2011, c. 6, Sched. 1, s. 16 (10).

Delegation by service manager

17. (1) Subject to the prescribed limitations, a service manager may, in writing, delegate all or some of its powers and duties under this Act with respect to all or part of its service area. 2011, c. 6, Sched. 1, s. 17 (1).

Conditions, etc., relating to exercise

(2) A service manager may impose conditions or restrictions relating to the exercise or performance of delegated powers and duties and a service manager shall impose such conditions or restrictions as may be prescribed. 2011, c. 6, Sched. 1, s. 17 (2).

Consent of delegate

(3) A delegation may not be made without the consent of the delegate. 2011, c. 6, Sched. 1, s. 17 (3).

No limit to delegate boundaries, etc.

(4) If a delegate is,

- (a) a municipality, section 19 of the *Municipal Act, 2001* or section 15 of the *City of Toronto Act, 2006* does not limit the municipality from exercising or performing a delegated power or duty outside its municipal boundaries; or
- (b) a district social services administration board, subsection 4 (1) of the *District Social Services Administration Boards Act* does not limit the board from exercising or performing a delegated power or duty outside its district. 2011, c. 6, Sched. 1, s. 17 (4).

Service manager remains responsible

(5) A service manager remains responsible for the exercise or performance of any delegated powers or duties. 2011, c. 6, Sched. 1, s. 17 (5).

Municipal delegation scheme not to apply

(6) Sections 23.1 to 23.5 of the *Municipal Act, 2001* and sections 20 to 24 of the *City of Toronto Act, 2006* do not apply with respect to powers and duties under this Act. 2011, c. 6, Sched. 1, s. 17 (6).

Language of services

18. (1) A service manager shall provide its services that relate to housing in both English and French if any part of the service manager's service area is in an area that is designated in the Schedule to the *French Language Services Act*. 2011, c. 6, Sched. 1, s. 18 (1).

Same

(2) In addition to what is required under subsection (1), a service manager shall provide services in both English and French to the prescribed housing providers. 2011, c. 6, Sched. 1, s. 18 (2).

Requirement if services delegated

(3) If the provision of services is delegated under section 17,

- (a) the requirement under subsection (1) applies to the delegate only if the delegate provides any of the services in an area that is designated in the Schedule to the *French Language Services Act*; and
- (b) the requirement under subsection (2) applies to the delegate. 2011, c. 6, Sched. 1, s. 18 (3).

Service manager consent – Ministerial policies and directives

19. (1) The Minister may issue policies and directives in writing to service managers in respect of consents given by service managers under this Act. 2011, c. 6, Sched. 1, s. 19 (1).

Policies and directives binding

(2) A service manager shall ensure that a policy or directive issued under subsection (1) is followed. 2011, c. 6, Sched. 1, s. 19 (2).

Legislation Act, 2006

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to policies and directives issued under subsection (1). 2011, c. 6, Sched. 1, s. 19 (3).

Periodic reports to Minister

20. (1) At the prescribed times, a service manager shall give the Minister reports on the following:

- (a) the implementation of its housing and homelessness plan;

- (b) the administration and funding of its transferred housing programs; and
- (c) such other matters as may be prescribed. 2011, c. 6, Sched. 1, s. 20 (1).

Form, manner and contents

(2) The reports required under subsection (1) must be given in the form and manner authorized by the Minister and must include the prescribed information and the prescribed documents. 2011, c. 6, Sched. 1, s. 20 (2).

False information

(3) A service manager shall not knowingly furnish false information in a report given under subsection (1). 2011, c. 6, Sched. 1, s. 20 (3).

Other reports, etc., to Minister

21. (1) A service manager shall give the Minister,

- (a) such reports as the regulations require; and
- (b) such reports, documents and information as the Minister requests. 2011, c. 6, Sched. 1, s. 21 (1).

Timing

(2) A service manager shall give reports, documents and information requested under clause (1) (b) at the times the Minister specifies. 2011, c. 6, Sched. 1, s. 21 (2).

Form and manner

(3) The reports, documents and information required under subsection (1) must be given in the form and manner authorized by the Minister. 2011, c. 6, Sched. 1, s. 21 (3).

False information

(4) A service manager shall not knowingly furnish false information in a report, document or information given under subsection (1). 2011, c. 6, Sched. 1, s. 21 (4).

Note: Section 22 comes into force on a day to be named by proclamation of the Lieutenant Governor. See: 2011, c. 6, Sched. 1, s. 189.

Reporting to public

22. A service manager shall report to the public in accordance with the prescribed requirements. 2011, c. 6, Sched. 1, s. 22.

Remedy if service manager contravention

23. (1) If, in the opinion of the Minister, a service manager has contravened a provision of this Act or the regulations, the Minister may exercise the following remedies:

1. The Minister may discontinue or suspend the payment of federal housing funding to the service manager under section 102.
2. The Minister may reduce the amount of any payment of federal housing funding to the service manager under section 102.
3. The Minister may apply to a judge of the Superior Court of Justice for an order,
 - i. directing the service manager to carry out a specified activity or course of action to rectify the contravention or to ensure future compliance, or

- ii. prohibiting the service manager from carrying out a specified activity or course of action that would result in, or would be likely to result in, the continuation or repetition of the contravention.
4. The Minister may take away any of the service manager's powers or duties under this Act, other than a power or duty under Part VIII, and may,
 - i. exercise the powers or perform the duties that were taken away, or
 - ii. enter into an agreement with another service manager providing for that other service manager to exercise the powers or perform the duties that were taken away. 2011, c. 6, Sched. 1, s. 23 (1).

Notice and opportunity to avoid remedy

- (2) The Minister may exercise a remedy under subsection (1) only if,
- (a) the Minister has given the service manager a written notice that complies with subsection (3); and
 - (b) the service manager has not complied with the notice by the deadline specified in the notice. 2011, c. 6, Sched. 1, s. 23 (2).

Content of notice

- (3) The notice referred to in clause (2) (a) must,
- (a) specify the particulars of the service manager's contravention;
 - (b) specify what the service manager must do or refrain from doing to avoid the exercise of a remedy under subsection (1);
 - (c) specify the matters that must be addressed in any plan the service manager is required to submit; and
 - (d) specify the deadline for compliance with the notice, which may not be earlier than 60 days after the date the notice is given. 2011, c. 6, Sched. 1, s. 23 (3).

If required plan is not acceptable

(4) If a notice requires the submission of a plan and the Minister is reasonably of the opinion that the plan submitted is not acceptable, the service manager is deemed, for the purposes of clause (2) (b), to have not complied with the notice. 2011, c. 6, Sched. 1, s. 23 (4).

Power of Court to make order

(5) If the Minister applies to a judge of the Superior Court of Justice under paragraph 3 of subsection (1), the Court may make the order or any other order it considers reasonable. 2011, c. 6, Sched. 1, s. 23 (5).

Remedy to take away powers or duties

- (6) The following apply with respect to the remedy under paragraph 4 of subsection (1):
1. If the Minister intends to exercise the remedy, the Minister may request the service manager to give the Minister or the other service manager with whom the Minister has entered into an agreement under subparagraph 4 ii of subsection (1), any records or information relevant to the exercise of the remedy and the service manager shall comply with such a request.
 2. Expenses incurred by the Minister in exercising the remedy, including amounts paid by the Minister to another service manager with whom the Minister has entered into an

agreement under subparagraph 4 ii of subsection (1), may be included in the provincial housing costs under section 103.

3. A service manager exercising or performing a power or duty under an agreement under subparagraph 4 ii of subsection (1) has the powers necessary to do so and if the service manager is,
 - i. a municipal service manager, section 19 of the *Municipal Act, 2001* or section 15 of the *City of Toronto Act, 2006* does not limit the service manager from exercising or performing the power or duty outside its municipal boundaries, or
 - ii. a district social services administration board, subsection 4 (1) of the *District Social Services Administration Boards Act* does not limit the board from exercising or performing the power or duty outside its district. 2011, c. 6, Sched. 1, s. 23 (6).

Other remedies not limited

[\(7\)](#) Nothing in this section limits the exercise of any other remedy the Minister may have. 2011, c. 6, Sched. 1, s. 23 (7).

PART IV LOCAL HOUSING CORPORATIONS

DEFINITIONS

Definitions

[24.](#) In this Part,

“local housing corporation” means a corporation that was incorporated in accordance with section 23 of the former Act, including a corporation that results from an amalgamation with such a corporation, subject to section 30; (“société locale de logement”)

“related service manager” means, in relation to a local housing corporation,

- (a) the service manager to whom common shares were deemed to have been issued under subsection 23 (7) of the former Act, or
- (b) such other service manager as is prescribed for the purposes of this clause. (“gestionnaire de services lié”) 2011, c. 6, Sched. 1, s. 24.

GENERAL

Not a crown agent

[25.](#) A local housing corporation is not an agent of the Crown for any purpose, despite the *Crown Agency Act* and it is not an administrative unit of the Government of Ontario. 2011, c. 6, Sched. 1, s. 25.

Status – municipal aspects

[26.](#) A local housing corporation is deemed,

- (a) not to be a commercial enterprise for the purposes of subsection 106 (1) of the *Municipal Act, 2001* and subsection 82 (1) of the *City of Toronto Act, 2006*; and
- (b) not to be a local board of a service manager or of any municipality. 2011, c. 6, Sched. 1, s. 26.

Rules governing operation

27. (1) A local housing corporation shall be operated in accordance with,

- (a) the prescribed rules; and
- (b) the rules made by the related service manager. 2011, c. 6, Sched. 1, s. 27 (1).

Content

(2) The rules may address the operation and activities of the local housing corporation, including such matters as reporting requirements, budgeting and funding, the maintenance of housing projects, audits and investigations, the exchange of information and such other matters as the service manager or Lieutenant Governor in Council considers appropriate to ensure the performance of the local housing corporation's duties under this Act. 2011, c. 6, Sched. 1, s. 27 (2).

Capital fund

(3) Without limiting the scope of subsection (2), the rules may provide for the establishment and maintenance of a fund for capital expenditures of the local housing corporation. 2011, c. 6, Sched. 1, s. 27 (3).

Conflicts

(4) A rule made by the related service manager does not apply to the extent that it conflicts with a prescribed rule, unless the prescribed rule provides otherwise. 2011, c. 6, Sched. 1, s. 27 (4).

Application of rules to entity that is not a local housing corporation

(5) The rules may provide that they apply to an entity described in paragraph 1 or 2 of subsection 30 (1) that owns a housing project that was previously transferred to a local housing corporation by a transfer order under Part IV of the former Act, but the rules may apply to the entity,

- (a) only in respect of the housing project; and
- (b) only with respect to the period of time in which the entity owns the housing project. 2011, c. 6, Sched. 1, s. 27 (5).

Subsidy from related service manager

28. (1) The related service manager shall pay a subsidy to a local housing corporation in accordance with the regulations. 2011, c. 6, Sched. 1, s. 28 (1).

Same

(2) An entity described in paragraph 2 of section 29 or paragraph 2 of subsection 30 (1) is entitled to a subsidy under subsection (1) in respect of a housing project that was previously transferred to a local housing corporation by a transfer order under Part IV of the former Act and is owned by the entity, but only with respect to the period of time during which the entity owns the housing project. 2011, c. 6, Sched. 1, s. 28 (2).

Authority to acquire shares

29. Without limiting who else may acquire shares in a local housing corporation, the following are authorized to acquire such shares:

1. The related service manager.
2. A municipality in the service manager's service area, other than a municipality that forms part of the service manager for municipal purposes. 2011, c. 6, Sched. 1, s. 29.

Requirement to be a local housing corporation

30. (1) A corporation is a local housing corporation only if all the shares are held by the

following:

1. An entity authorized to acquire shares under section 29.
2. A corporation one of whose objects is the provision of housing and that is controlled by an entity authorized to acquire shares under section 29. 2011, c. 6, Sched. 1, s. 30 (1).

Same

(2) A corporation is a local housing corporation only if the related service manager owns, legally or beneficially, shares that carry voting rights sufficient to elect a majority of the board of directors. 2011, c. 6, Sched. 1, s. 30 (2).

Language of services

31. A local housing corporation shall provide its services that relate to housing in both English and French if the corporation provides any of such services in an area that is designated in the Schedule to the *French Language Services Act*. 2011, c. 6, Sched. 1, s. 31.

RESTRICTION ON CERTAIN CORPORATE CHANGES

Share issue – restriction

32. A local housing corporation shall not issue shares unless,

- (a) the Minister consents in writing; or
- (b) the requirements prescribed for the purposes of this clause are satisfied. 2011, c. 6, Sched. 1, s. 32.

Share transfer, etc. – restriction

33. (1) A shareholder of a local housing corporation shall not transfer or encumber shares unless,

- (a) the Minister consents in writing; or
- (b) the requirements prescribed for the purposes of this clause are satisfied. 2011, c. 6, Sched. 1, s. 33 (1).

Duty on local housing corporation

(2) A local housing corporation shall not permit or acquiesce in a transfer or encumbrance that is prohibited under subsection (1). 2011, c. 6, Sched. 1, s. 33 (2).

Definition

(3) For the purposes of this section,

“transfer or encumber” includes the transfer or encumbrance of the beneficial ownership in shares. 2011, c. 6, Sched. 1, s. 33 (3).

Amalgamation – restriction

34. A local housing corporation shall not amalgamate with another corporation unless,

- (a) the Minister consents in writing; or
- (b) the requirements prescribed for the purposes of this clause are satisfied. 2011, c. 6, Sched. 1, s. 34.

Voluntary wind-up or dissolution – restriction

35. A local housing corporation shall not be voluntarily wound up or dissolved unless,

- (a) the Minister consents in writing; or

- (b) the requirements prescribed for the purposes of this clause are satisfied. 2011, c. 6, Sched. 1, s. 35.

Invalidity if provisions contravened

36. (1) An issue, transfer, encumbrance, amalgamation, winding-up or dissolution carried out in contravention of section 32, 33, 34 or 35 is invalid and of no force or effect. 2011, c. 6, Sched. 1, s. 36 (1).

Invalidity – things done in furtherance of contravention

(2) Anything done by a local housing corporation or the shareholders or directors of a local housing corporation in furtherance of an action that would contravene section 32, 33, 34 or 35 is invalid and of no force or effect. 2011, c. 6, Sched. 1, s. 36 (2).

Conflicts with *Business Corporations Act*

37. In the event of a conflict between sections 32 to 36 and the *Business Corporations Act* or regulations made under that Act, sections 32 to 36 prevail. 2011, c. 6, Sched. 1, s. 37.

PART V

RENT-GEARED-TO-INCOME ASSISTANCE AND SPECIAL NEEDS HOUSING

DEFINITIONS

Definitions

38. In this Part,

“rent-geared-to-income assistance” means financial assistance provided in respect of a household to reduce the amount the household must otherwise pay to occupy a unit; (“aide sous forme de loyer indexé sur le revenu”)

“special needs housing” means housing intended for use by a household with one or more members who require accessibility modifications or provincially funded support services in order to live independently in the community; (“logement adapté”)

“special needs housing administrator” means, in relation to a housing project with special needs housing,

- (a) the service manager for the service area where the housing project is located, or
- (b) if the regulations so provide, the housing provider operating the housing project. (“administrateur de logements adaptés”) 2011, c. 6, Sched. 1, s. 38.

APPLICATION OF PART

Application of Part

39. (1) This Part applies with respect to rent-geared-to-income assistance and special needs housing provided under a transferred housing program that is prescribed for the purposes of this subsection. 2011, c. 6, Sched. 1, s. 39 (1).

Exception

(2) Despite subsection (1), sections 55 to 58 are not limited to rent-geared-to-income assistance described in subsection (1). 2011, c. 6, Sched. 1, s. 39 (2).

MINIMUM SERVICE LEVELS

Service levels, rent-geared-to-income assistance

40. (1) A service manager shall ensure that rent-geared-to-income assistance under this Part is provided in its service area for at least,

- (a) the prescribed number of households whose income is no greater than the household income limit; and
- (b) the prescribed number of high need households. 2011, c. 6, Sched. 1, s. 40 (1).

Households not included

(2) A household accommodated under a housing program prescribed for the purpose of this subsection may not be included to meet the requirements of clause (1) (a) or (b). 2011, c. 6, Sched. 1, s. 40 (2).

Households included

(3) A household may be included to meet the requirements of clause (1) (a) or (b) even if this Part does not apply to the rent-geared-to-income assistance received by the household, as long as the assistance is provided in accordance with the scheme set out in this Part. 2011, c. 6, Sched. 1, s. 40 (3).

Definitions

(4) In this section,

“high need household” means a household that meets such criteria as may be prescribed for the purposes of this definition; (“ménage ayant des besoins importants”)

“household income limit” means the household income limit prescribed for the purposes of this definition. (“seuil de revenu des ménages”) 2011, c. 6, Sched. 1, s. 40 (4).

Service levels, modified units

41. (1) The following apply with respect to housing projects that are subject to the transferred housing programs prescribed for the purposes of this section:

1. The service manager shall ensure that the housing projects have, in total, at least the prescribed number of modified units.
2. The service manager shall ensure that the modified units required under paragraph 1 meet the prescribed requirements. 2011, c. 6, Sched. 1, s. 41 (1).

Definition of “modified unit”

(2) In this section,

“modified unit” means a unit that has been modified so as to be accessible to an individual with a physical disability or so as to allow an individual with a physical disability to live independently. 2011, c. 6, Sched. 1, s. 41 (2).

RENT-GEARED-TO-INCOME ASSISTANCE

Eligibility rules

42. (1) Eligibility for rent-geared-to-income assistance shall be determined in accordance with the following:

1. The prescribed provincial eligibility rules.
2. The local eligibility rules made by the service manager. 2011, c. 6, Sched. 1, s. 42 (1).

Limits of local rules

(2) A service manager may make local eligibility rules only with respect to the prescribed

matters. 2011, c. 6, Sched. 1, s. 42 (2).

Prescribed requirements for local rules

(3) The local eligibility rules must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 42 (3).

Conflicts

(4) A local eligibility rule does not apply to the extent that it conflicts with a provincial eligibility rule, unless the provincial eligibility rule provides otherwise. 2011, c. 6, Sched. 1, s. 42 (4).

Occupancy standards

43. (1) A service manager shall establish occupancy standards for determining the size and type of unit permissible for a household receiving rent-gear-to-income assistance. 2011, c. 6, Sched. 1, s. 43 (1).

Prescribed requirements

(2) The occupancy standards must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 43 (2).

Application for assistance

44. (1) A member of a household may apply, on behalf of the household, to a service manager for rent-gear-to-income assistance for a unit in a housing project in the service manager's service area. 2011, c. 6, Sched. 1, s. 44 (1).

Contents of application

(2) An application must include,

- (a) the prescribed information and documents; and
- (b) the information and documents required by the service manager. 2011, c. 6, Sched. 1, s. 44 (2).

Limitations on required information and documents

(3) The information and documents a service manager may require under clause (2) (b) are subject to the prescribed limitations. 2011, c. 6, Sched. 1, s. 44 (3).

Form of application

(4) An application must be in a form authorized by the service manager. 2011, c. 6, Sched. 1, s. 44 (4).

Determination of eligibility

45. (1) The service manager shall determine whether the household is eligible for rent-gear-to-income assistance. 2011, c. 6, Sched. 1, s. 45 (1).

Rules guiding determination

(2) The service manager's determination shall be made in accordance with the following:

1. The eligibility rules referred to in section 42.
2. The requirements prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 45 (2).

Determination of size and type of unit

46. (1) The service manager shall determine the size and type of unit that would be permissible if the household received rent-gear-to-income assistance. 2011, c. 6, Sched. 1, s. 46 (1).

Rules guiding determination

(2) The service manager's determination shall be made in accordance with the occupancy standards established under section 43. 2011, c. 6, Sched. 1, s. 46 (2).

System for selecting waiting households

47. (1) A service manager shall have a system for selecting households from those waiting for rent-geared-to-income assistance in the housing projects in the service manager's service area. 2011, c. 6, Sched. 1, s. 47 (1).

Specific inclusions

(2) The system must include,

- (a) rules for determining whether a unit that becomes vacant should be occupied by a household that will be receiving rent-geared-to-income assistance;
- (b) priority rules for households waiting for rent-geared-to-income assistance; and
- (c) rules governing the selection by a housing provider of households to occupy units or receive rent-geared-to-income assistance. 2011, c. 6, Sched. 1, s. 47 (2).

Prescribed requirements

(3) The system must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 47 (3).

Determination of priority

48. (1) The service manager shall determine the priority of households waiting for rent-geared-to-income assistance, including whether a household is included in a category given priority over other categories. 2011, c. 6, Sched. 1, s. 48 (1).

Rules guiding determination

(2) The service manager's determination shall be made in accordance with the following:

1. The prescribed provincial priority rules.
2. The service manager's priority rules included in the service manager's system under clause 47 (2) (b). 2011, c. 6, Sched. 1, s. 48 (2).

Conflicts

(3) A service manager's priority rule does not apply to the extent that it conflicts with a provincial priority rule, unless the provincial priority rule provides otherwise. 2011, c. 6, Sched. 1, s. 48 (3).

Requirement to provide information

(4) If a service manager, for the purposes of determining the priority of a household and with the household's consent, requests another service manager to provide information prescribed for the purposes of this subsection, the other service manager shall supply the requested information. 2011, c. 6, Sched. 1, s. 48 (4).

Use of system by housing provider

49. A housing provider shall use the system under section 47 for its housing projects. 2011, c. 6, Sched. 1, s. 49.

Amount of geared-to-income rent

50. (1) The service manager shall determine the amount of rent payable by a household receiving rent-geared-to-income assistance for a unit in a housing project in the service manager's service area. 2011, c. 6, Sched. 1, s. 50 (1).

Requirements guiding determination

(2) The service manager's determination shall be made in accordance with the requirements prescribed for the purposes of this subsection. 2011, c. 6, Sched. 1, s. 50 (2).

Housing provider bound

(3) A determination under this section is binding on the housing provider. 2011, c. 6, Sched. 1, s. 50 (3).

Deferral or forgiveness of geared-to-income rent

51. (1) The service manager may, upon the application of a household receiving rent-geared-to-income assistance, defer or forgive all or part of the rent payable by the household. 2011, c. 6, Sched. 1, s. 51 (1).

Rules guiding decision and deferral or forgiveness

(2) The service manager's decision on an application and any resulting deferral or forgiveness of rent shall be made in accordance with the rules made by the service manager. 2011, c. 6, Sched. 1, s. 51 (2).

Prescribed requirements

(3) The rules must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 51 (3).

Housing provider bound

(4) A deferral or forgiveness under this section is binding on the housing provider. 2011, c. 6, Sched. 1, s. 51 (4).

Review of continued eligibility

52. (1) On a periodic basis and at such other times as the regulations may require, a service manager shall determine whether the households receiving rent-geared-to-income assistance for units in housing projects of the service manager continue to be eligible for rent-geared-to-income assistance. 2011, c. 6, Sched. 1, s. 52 (1).

Requirements relating to periodic basis

(2) The regulations may govern the periodic basis upon which determinations under subsection (1) shall be made. 2011, c. 6, Sched. 1, s. 52 (2).

Rules guiding determination

(3) The service manager's determination shall be made in accordance with the following:

1. The eligibility rules referred to in section 42.
2. The requirements prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 52 (3).

Notice of certain decisions

53. (1) A service manager shall give a household written notice, in accordance with any prescribed requirements, of the following decisions:

1. A determination, under subsection 45 (1), whether the household is 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), whether the household is included in a category given priority over other categories.

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 51 (1), as to whether or not rent will be deferred or forgiven.
7. A decision prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 53 (1).

Notice to housing provider

(2) The service manager shall also give the affected housing provider notice of the following decisions:

1. A determination described in paragraph 4 of subsection (1) of the amount of rent payable by the household.
2. A determination described in paragraph 5 subsection (1) that the household is no longer eligible for rent-geared-to-income assistance.
3. A determination described in paragraph 6 of subsection (1) that rent is being deferred or forgiven.
4. A decision prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 53 (2).

Information, etc., made available to the public

54. (1) A service manager shall make the following available to the public in accordance with any prescribed requirements:

1. The service manager's procedures for applications for rent-geared-to-income assistance, including what information and documents the service manager requires under clause 44 (2) (b) and the form authorized for the purposes of subsection 44 (4).
2. The service manager's local eligibility rules made under section 42.
3. The service manager's occupancy standards established under section 43.
4. The rules included, under subsection 47 (2), in the service manager's system for selecting households required under section 47.
5. Information on the housing projects in the service manager's service area where rent-geared-to-income assistance is provided.
6. Information about the provincial eligibility rules prescribed for the purposes of paragraph 1 of subsection 42 (1).
7. Information about the provincial priority rules prescribed for the purposes of paragraph 1 of subsection 48 (2).
8. Any information or documents prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 54 (1).

Service manager request for information

(2) A housing provider shall provide such information as the service manager requests for the purposes of complying with paragraph 5 of subsection (1). 2011, c. 6, Sched. 1, s. 54 (2).

Information, etc., made available by housing provider

(3) The housing provider operating a housing project that is subject to a program prescribed for the purposes of subsection 39 (1) shall make the prescribed information or documents relating to

rent-gear-to-income assistance available to the public in accordance with any prescribed requirements. 2011, c. 6, Sched. 1, s. 54 (3).

Prohibition re obtaining assistance

55. (1) No member of a household shall knowingly obtain or receive rent-gear-to-income assistance for which the household is not eligible. 2011, c. 6, Sched. 1, s. 55 (1).

Same

(2) A person shall not knowingly aid or abet a member of a household to obtain or receive rent-gear-to-income assistance for which the household is not eligible. 2011, c. 6, Sched. 1, s. 55 (2).

Penalty

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and, on conviction, is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months or to both. 2011, c. 6, Sched. 1, s. 55 (3).

Assistance improperly received

56. (1) This section applies if a household received rent-gear-to-income assistance to which it was not entitled because either,

- (a) the amount of the gear-to-income rent was less than what the household was entitled to; or
- (b) the household was not entitled to rent-gear-to-income assistance. 2011, c. 6, Sched. 1, s. 56 (1).

Repayment by household

(2) Subject to any prescribed limitations, the service manager may require the household to pay the service manager the difference between the rent the household paid and the rent the household should have paid. 2011, c. 6, Sched. 1, s. 56 (2).

Individuals liable

(3) The members of the household who were parties to the lease or occupancy agreement are jointly and severally liable to pay the amount required under subsection (2). 2011, c. 6, Sched. 1, s. 56 (3).

Recovery

(4) An amount a person is required to pay under subsection (3) is a debt owed to the service manager and the service manager may recover the debt by any remedy or procedure available to the service manager by law. 2011, c. 6, Sched. 1, s. 56 (4).

Recovery by rent increase

(5) Subject to any prescribed limitations or requirements, the service manager may recover an amount required under subsection (2) by increasing the amount of the gear-to-income rent payable by the household to the housing provider and either,

- (a) deducting the increase from the subsidy paid by the service manager to the housing provider under section 28 or 78; or
- (b) requiring the housing provider to pay the service manager the increase. 2011, c. 6, Sched. 1, s. 56 (5).

Same

(6) Sections 116 and 118 of the *Residential Tenancies Act, 2006* do not apply with respect to

an increase under subsection (5). 2011, c. 6, Sched. 1, s. 56 (6).

Eligibility review officers

57. (1) A service manager may designate persons as eligibility review officers. 2011, c. 6, Sched. 1, s. 57 (1).

Investigation

(2) An eligibility review officer may investigate the past or present eligibility of a household to receive rent-geared-to-income assistance and may investigate any member of a household under investigation. 2011, c. 6, Sched. 1, s. 57 (2).

Powers

(3) An eligibility review officer has the prescribed powers. 2011, c. 6, Sched. 1, s. 57 (3).

Search warrants

(4) An eligibility review officer may apply for and act under a search warrant. 2011, c. 6, Sched. 1, s. 57 (4).

Powers subject to regulations

(5) The regulations may govern the exercise of an eligibility review officer's powers under subsection (3) or (4). 2011, c. 6, Sched. 1, s. 57 (5).

Personal information

(6) An eligibility review officer is deemed to be engaged in law enforcement for the purposes of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*. 2011, c. 6, Sched. 1, s. 57 (6).

Prohibition, obstruction

(7) No person shall obstruct or knowingly give false information to an eligibility review officer engaged in an investigation under subsection (2). 2011, c. 6, Sched. 1, s. 57 (7).

Penalty

(8) A person who contravenes subsection (7) is guilty of an offence and, on conviction, is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months or to both. 2011, c. 6, Sched. 1, s. 57 (8).

Family support workers

58. (1) A service manager, or a person or organization authorized to do so by the service manager, may designate persons as family support workers to assist any member of a household that is eligible for rent-geared-to-income assistance in taking whatever action is necessary to pursue financial support from persons with a legal obligation to provide it. 2011, c. 6, Sched. 1, s. 58 (1).

Powers and duties

(2) A family support worker has the prescribed powers and duties. 2011, c. 6, Sched. 1, s. 58 (2).

Personal information

(3) A family support worker may collect and disclose personal information to assist in legal proceedings for financial support and in the enforcement of agreements, orders and judgments relating to financial support. 2011, c. 6, Sched. 1, s. 58 (3).

SPECIAL NEEDS HOUSING

Eligibility rules

59. Eligibility for special needs housing shall be determined in accordance with the prescribed provincial eligibility rules. 2011, c. 6, Sched. 1, s. 59.

Application for special needs housing

60. (1) A member of a household may apply, on behalf of the household, to the special needs housing administrator for special needs housing in a housing project. 2011, c. 6, Sched. 1, s. 60 (1).

Contents of application

(2) An application must include,

- (a) the prescribed information and documents; and
- (b) the information and documents required by the special needs housing administrator. 2011, c. 6, Sched. 1, s. 60 (2).

Limitations on required information and documents

(3) The information and documents the special needs housing administrator may require under clause (2) (b) are subject to the prescribed limitations. 2011, c. 6, Sched. 1, s. 60 (3).

Form of application

(4) An application must be in a form authorized by the special needs housing administrator. 2011, c. 6, Sched. 1, s. 60 (4).

Determination of eligibility

61. (1) The special needs housing administrator shall determine whether the household is eligible for special needs housing. 2011, c. 6, Sched. 1, s. 61 (1).

Rules guiding determination

(2) The special needs housing administrator's determination shall be made in accordance with the following:

1. The eligibility rules referred to in section 59.
2. The requirements prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 61 (2).

System for selecting waiting households

62. (1) A special needs housing administrator shall have a system for selecting households from those waiting for special needs housing in the administrator's housing projects. 2011, c. 6, Sched. 1, s. 62 (1).

Prescribed requirements

(2) The system must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 62 (2).

Determination of priority

63. (1) The special needs housing administrator shall determine the priority of households waiting for special needs housing, including whether a household is included in a category given priority over other categories. 2011, c. 6, Sched. 1, s. 63 (1).

Rules guiding determination

(2) The special needs housing administrator's determination shall be made in accordance with the prescribed provincial priority rules. 2011, c. 6, Sched. 1, s. 63 (2).

Use of system by housing provider

64. A housing provider shall use the system under section 62 for its housing projects. 2011, c. 6, Sched. 1, s. 64.

Review of continued eligibility

65. (1) On a periodic basis and at such other times as the regulations may require, a special needs housing administrator shall determine whether the households that occupy special needs housing in housing projects of the administrator continue to be eligible for special needs housing. 2011, c. 6, Sched. 1, s. 65 (1).

Requirements relating to periodic basis

(2) The regulations may govern the periodic basis upon which determinations under subsection (1) shall be made. 2011, c. 6, Sched. 1, s. 65 (2).

Rules guiding determination

(3) The special needs housing administrator's determination shall be made in accordance with the following:

1. The eligibility rules referred to in section 59.
2. The requirements prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 65 (3).

Notice of certain decisions

66. (1) A special needs housing administrator shall give a household written notice, in accordance with any prescribed requirements, of the following decisions:

1. A determination, under subsection 61 (1), whether the household is eligible for special needs housing.
2. A determination, under subsection 63 (1), whether the household is included in a category given priority over other categories.
3. A determination, under subsection 65 (1), that the household is no longer eligible for special needs housing.
4. A decision prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 66 (1).

Notice to housing provider

(2) A special needs housing administrator that is a service manager shall also give the affected housing provider notice of the following decisions:

1. A determination described in paragraph 3 of subsection (1) that the household is no longer eligible for special needs housing.
2. A decision prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 66 (2).

Information, etc., made available to the public

67. (1) A special needs housing administrator shall make the following available to the public in accordance with any prescribed requirements:

1. The special needs housing administrator's procedures for applications for special needs housing, including what information and documents the administrator requires under subsection 60 (2) and the form authorized for the purposes of subsection 60 (4).
2. The rules included in the special needs housing administrator's system for selecting households required under section 62.

3. Information on the special needs housing administrator's housing projects where there is special needs housing.
4. Information about the provincial eligibility rules prescribed for the purposes of section 59.
5. Information about the provincial priority rules prescribed for the purposes of subsection 63 (2).
6. Any information or documents prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 67 (1).

Administrator request for information

(2) If the special needs housing administrator for a housing project is the service manager, the housing provider shall provide such information as the administrator requests for the purposes of complying with paragraph 3 of subsection (1). 2011, c. 6, Sched. 1, s. 67 (2).

Information, etc., made available by service manager

(3) If the special needs housing administrator for a housing project is the housing provider, the service manager in whose service area the project is located shall make the prescribed information or documents relating to special needs housing available to the public in accordance with any prescribed requirements. 2011, c. 6, Sched. 1, s. 67 (3).

Information, etc., made available by housing provider

(4) The housing provider operating a housing project that is subject to a program prescribed for the purposes of subsection 39 (1) shall make the prescribed information or documents relating to special needs housing available to the public in accordance with any prescribed requirements. 2011, c. 6, Sched. 1, s. 67 (4).

PART VI

GENERAL RULES FOR TRANSFERRED HOUSING PROGRAMS AND PROJECTS

General duty of service manager

68. (1) A service manager shall administer and fund a transferred housing program as it relates to a housing project designated in the regulations for the purposes of this subsection. 2011, c. 6, Sched. 1, s. 68 (1).

How duty carried out

- (2) A service manager shall carry out the duty under subsection (1) in accordance with,
- (a) this Act and the regulations, including such criteria and rules as may be prescribed for the program for the purposes of this clause; and
 - (b) any applicable pre-reform operating agreement. 2011, c. 6, Sched. 1, s. 68 (2).

Conflicts

(3) A requirement under clause (2) (a) does not apply to the extent that it conflicts with a requirement under clause (2) (b). 2011, c. 6, Sched. 1, s. 68 (3).

Restriction on amendments to agreement

(4) No amendment shall be made to a pre-reform operating agreement after this section comes into force if the amendment would result in a conflict with a requirement under clause (2) (a). 2011, c. 6, Sched. 1, s. 68 (4).

Same

- (5) Subsection (3) does not apply with respect to an amendment made contrary to subsection

(4). 2011, c. 6, Sched. 1, s. 68 (5).

General duty of housing provider

69. (1) This section applies to a housing provider that operates a designated housing project. 2011, c. 6, Sched. 1, s. 69 (1).

General management

(2) The housing provider shall ensure that the project is well managed, maintained in a satisfactory state of repair and fit for occupancy. 2011, c. 6, Sched. 1, s. 69 (2).

Rent and leases

(3) The housing provider is responsible, in relation to the project, for the collection of rent and the administration of leases. 2011, c. 6, Sched. 1, s. 69 (3).

Information to service manager

(4) The housing provider shall give such information as the regulations require to the service manager that administers the transferred housing program to which the project is subject. 2011, c. 6, Sched. 1, s. 69 (4).

Plans

(5) The housing provider shall prepare and follow such plans relating to the governance or operation of the housing provider as the regulations may require. 2011, c. 6, Sched. 1, s. 69 (5).

Records

70. A service manager shall keep records, in accordance with the regulations, in relation to its transferred housing programs and the designated housing projects that are subject to those programs. 2011, c. 6, Sched. 1, s. 70.

Audit or investigation

71. (1) The Minister may appoint a person to conduct an audit or investigation to ensure that a service manager is administering and funding its transferred housing programs in accordance with this Act and the regulations. 2011, c. 6, Sched. 1, s. 71 (1).

Notice to service manager

(2) The person appointed under subsection (1) shall give the service manager notice before beginning the audit or investigation. 2011, c. 6, Sched. 1, s. 71 (2).

Duty to co-operate

(3) The service manager and its employees and agents shall co-operate in all respects with the person appointed under subsection (1). 2011, c. 6, Sched. 1, s. 71 (3).

Solicitor-client privilege

(4) Subsection (3) does not override any solicitor-client privilege. 2011, c. 6, Sched. 1, s. 71 (4).

Report to service manager

(5) Within 60 days after the audit or investigation is completed, the Minister shall prepare a report of the results and give a copy of the report to the service manager. 2011, c. 6, Sched. 1, s. 71 (5).

Exception if referral to law enforcement agency

(6) If the report or circumstances identified in the report have been referred to a law enforcement agency, the Minister is not required to give the service manager a copy under

subsection (5) but may give the service manager a copy of all or part of the report if the Minister is satisfied that the service manager will use it only for the purposes of the proper administration and funding of the transferred housing programs. 2011, c. 6, Sched. 1, s. 71 (6).

Notice of certain projects in difficulty

72. (1) A service manager shall promptly give written notice to the Minister if,

- (a) one of its designated housing projects is in difficulty; and
- (b) the project is subject to a mortgage guaranteed by the Province of Ontario or the Ontario Mortgage and Housing Corporation. 2011, c. 6, Sched. 1, s. 72 (1).

When a project is in difficulty

(2) For the purposes of clause (1) (a), a designated housing project is in difficulty if,

- (a) the mortgage described in clause (1) (b) is in default;
- (b) the service manager is of the opinion that, because of the financial position or the projected financial position of the housing provider, either of the following is likely to happen within 12 months after the end of the current fiscal year of the housing provider,
 - (i) the mortgage described in clause (1) (b) will go into default, or
 - (ii) the housing provider will fail to meet a substantial financial obligation; or
- (c) the service manager is of the opinion that the housing provider has failed to comply with a substantial obligation under this Act. 2011, c. 6, Sched. 1, s. 72 (2).

Notice to housing provider

(3) If a service manager gives the Minister notice under subsection (1), the service manager shall, at the same time, give the housing provider a copy of the notice unless there are circumstances contributing to the housing project being in difficulty that have been referred to a law enforcement agency. 2011, c. 6, Sched. 1, s. 72 (3).

Content of notice

(4) The notice must include such information as may be prescribed. 2011, c. 6, Sched. 1, s. 72 (4).

PART VII GENERAL RULES FOR CERTAIN HOUSING PROJECTS

DEFINITION

Definition

73. In this Part,

“Part VII housing project” means a designated housing project that is prescribed for the purposes of this definition. 2011, c. 6, Sched. 1, s. 73.

APPLICATION OF PART

Application of Part

74. This Part applies with respect to,

- (a) a housing provider only if it operates a Part VII housing project; and
- (b) a service manager only if there is a Part VII housing project in its service area. 2011, c. 6,

Sched. 1, s. 74.

OPERATION OF PROJECTS

Operating rules for projects

75. (1) A housing provider shall operate a Part VII housing project and govern itself in accordance with,

- (a) the prescribed provincial requirements; and
- (b) the local standards made by the service manager. 2011, c. 6, Sched. 1, s. 75 (1).

Limits of local standards

(2) A service manager may make local standards only with respect to the prescribed matters. 2011, c. 6, Sched. 1, s. 75 (2).

Conflicts

(3) A local standard does not apply to the extent that it conflicts with a provincial requirement, unless the provincial requirement provides otherwise. 2011, c. 6, Sched. 1, s. 75 (3).

Mandates under former Act

76. (1) A mandate of a housing provider established under section 99 of the former Act continues with respect to a Part VII housing project despite the repeal of that section. 2011, c. 6, Sched. 1, s. 76 (1).

Amendment, etc.

(2) The housing provider and the service manager may amend, terminate or replace the mandate by a written agreement. 2011, c. 6, Sched. 1, s. 76 (2).

Targets for rent-g geared-to-income and modified units

77. (1) For each Part VII housing project, there shall be a target for,

- (a) the number of units occupied by households receiving rent-g geared-to-income assistance as defined in section 38; and
- (b) the number of modified units. 2011, c. 6, Sched. 1, s. 77 (1).

Definition of “modified unit”

(2) In clause (1) (b),

“modified unit” means a unit that has been modified so as to be accessible to an individual with a physical disability or so as to allow an individual with a physical disability to live independently. 2011, c. 6, Sched. 1, s. 77 (2).

Prescribed requirements for target

(3) A target, including a target changed under subsection (4) or (5), must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 77 (3).

Changes by agreement

(4) The service manager and housing provider may change a target by a written agreement. 2011, c. 6, Sched. 1, s. 77 (4).

Changes by service manager

(5) The service manager may change a target without the agreement of the housing provider, subject to the following:

1. The service manager shall consult with the housing provider before making the change.

2. The change is subject to the prescribed restrictions. 2011, c. 6, Sched. 1, s. 77 (5).

Transition – initial targets

(6) The initial targets for a Part VII housing project shall be the targets, applicable immediately before this section came into force, under the targeting plan under section 98 of the former Act with any changes under section 101 of the former Act. 2011, c. 6, Sched. 1, s. 77 (6).

FUNDING

Subsidy from service manager

78. (1) A service manager shall pay a subsidy to a housing provider. 2011, c. 6, Sched. 1, s. 78 (1).

Amount

(2) The amount of the subsidy shall be determined in the prescribed manner. 2011, c. 6, Sched. 1, s. 78 (2).

Times for payment

(3) The subsidy shall be paid at the prescribed times. 2011, c. 6, Sched. 1, s. 78 (3).

Determinations by Minister

(4) The regulations may provide for the Minister to determine amounts to be used in the determination of the amount of the subsidy. 2011, c. 6, Sched. 1, s. 78 (4).

Notice of determinations by Minister

(5) If the Minister determines any amounts under the regulations, the Minister shall give the following notices in accordance with any prescribed requirements:

1. A notice to each housing provider of the amounts relevant to the determination of the subsidy paid to the housing provider.
2. A notice to each service manager of the amounts relevant to the determination of the subsidies paid by the service manager. 2011, c. 6, Sched. 1, s. 78 (5).

RECORDS AND REPORTS

Records of housing provider

79. (1) A housing provider shall keep records in accordance with the regulations. 2011, c. 6, Sched. 1, s. 79 (1).

Records required by service manager

(2) A housing provider shall also keep such records as the service manager specifies for such periods as the service manager specifies. 2011, c. 6, Sched. 1, s. 79 (2).

Annual report from housing provider

80. (1) Within five months after the end of each fiscal year of a housing provider, the housing provider shall give the service manager an annual report for the year. 2011, c. 6, Sched. 1, s. 80 (1).

Form and contents

(2) The annual report must be in the form authorized by the Minister and must include the prescribed information and the prescribed documents. 2011, c. 6, Sched. 1, s. 80 (2).

False information

(3) A housing provider shall not knowingly furnish false information in an annual report. 2011,

c. 6, Sched. 1, s. 80 (3).

Reduction in subsidy

(4) If a housing provider does not give the service manager its annual report in accordance with this section, the service manager may reduce the subsidy payments to be made to the housing provider under section 78 by no more than 2 per cent of the unreduced subsidy for the fiscal year or \$5,000, whichever is less, for each month in which the report remains undelivered. 2011, c. 6, Sched. 1, s. 80 (4).

Notice

(5) The service manager shall give the housing provider written notice of the reduction in its subsidy under subsection (4) at least 30 days before implementing it. 2011, c. 6, Sched. 1, s. 80 (5).

Other reports, etc., from housing provider

81. (1) A housing provider shall give the service manager such reports, documents and information as the service manager requests at the times the service manager specifies. 2011, c. 6, Sched. 1, s. 81 (1).

Form and manner

(2) The reports, documents and information required under subsection (1) must be given in the form and manner authorized by the service manager. 2011, c. 6, Sched. 1, s. 81 (2).

False information

(3) A housing provider shall not knowingly furnish false information in a report, document or information given under subsection (1). 2011, c. 6, Sched. 1, s. 81 (3).

ENFORCEMENT

Audit or investigation

82. (1) A service manager may appoint a person to conduct an audit or investigation to ensure that a housing provider is complying with this Act and the regulations. 2011, c. 6, Sched. 1, s. 82 (1).

Notice to housing provider

(2) The person appointed under subsection (1) shall give the housing provider notice before beginning the audit or investigation. 2011, c. 6, Sched. 1, s. 82 (2).

Entry, etc., into housing project

(3) For the purposes of the audit or investigation, the person appointed under subsection (1) may enter and inspect a Part VII housing project at any reasonable time. 2011, c. 6, Sched. 1, s. 82 (3).

Restriction

(4) Despite subsection (3), the person appointed under subsection (1) shall not enter and inspect a unit in which a household resides unless a member of the household consents to the entry and inspection after being informed that he or she may refuse to consent to the entry and inspection. 2011, c. 6, Sched. 1, s. 82 (4).

Use of force prohibited

(5) For greater certainty, subsection (3) does not authorize the use of force. 2011, c. 6, Sched. 1, s. 82 (5).

Duty to co-operate

(6) The housing provider and its employees and agents shall co-operate in all respects with the person appointed under subsection (1). 2011, c. 6, Sched. 1, s. 82 (6).

Solicitor-client privilege

(7) Subsection (6) does not override any solicitor-client privilege. 2011, c. 6, Sched. 1, s. 82 (7).

Report to housing provider

(8) Within 60 days after the audit or investigation is completed, the service manager shall prepare a report of the results and give a copy of the report to the housing provider. 2011, c. 6, Sched. 1, s. 82 (8).

Exception if referral to law enforcement agency

(9) If the report or circumstances identified in the report have been referred to a law enforcement agency, the service manager is not required to give the housing provider a copy under subsection (8) but may give the housing provider a copy of all or part of the report if the service manager is satisfied that the housing provider will use it only for the purposes of the proper operation of the housing provider. 2011, c. 6, Sched. 1, s. 82 (9).

Triggering events

83. The following are triggering events for the purposes of sections 84 to 98:

1. The housing provider contravenes this Act or the regulations.
2. The housing provider becomes bankrupt or insolvent, takes the benefit of any statute for bankrupt or insolvent debtors or makes any proposal, assignment or arrangement with its creditors.
3. Steps are taken or proceedings are commenced by any person to dissolve or wind up the housing provider.
4. The housing provider ceases or threatens to cease to carry on business in the normal course.
5. A trustee, receiver, receiver and manager or similar person is appointed with respect to the business or assets of the housing provider.
6. The housing provider makes a sale in bulk within the meaning of the *Bulk Sales Act*.
7. Any assets of the housing provider are seized under execution or attachment.
8. The housing provider is unable to fulfil its obligations.
9. The housing provider incurs an expenditure that is, in the opinion of the service manager, substantial and excessive.
10. The housing provider incurs an accumulated deficit that is, in the opinion of the service manager, substantial and excessive.
11. In the opinion of the service manager, the housing provider has failed to operate a designated housing project properly.
12. The housing provider contravenes a lease under which it has a leasehold interest in a designated housing project or in land where a designated housing project is located. 2011, c. 6, Sched. 1, s. 83.

Assistance before triggering event

84. (1) If a housing provider notifies the service manager of a situation that may give rise to a triggering event, or if the service manager otherwise becomes aware of such a situation, the service manager shall use reasonable efforts to assist the housing provider to deal with the situation. 2011, c. 6, Sched. 1, s. 84 (1).

Expenditures not required

(2) Subsection (1) does not require the service manager to do anything that would require the expenditure of funds. 2011, c. 6, Sched. 1, s. 84 (2).

No limit on remedies

(3) The duty under subsection (1) does not limit the use of a remedy under section 85. 2011, c. 6, Sched. 1, s. 84 (3).

Remedies

85. If a triggering event occurs, the service manager may exercise the following remedies:

1. The service manager may discontinue or suspend the subsidy payments under section 78.
2. The service manager may reduce the amount of the subsidy payments under section 78.
3. The service manager may deduct amounts from the subsidy payments under section 78 to pay all or part of a debt of the housing provider.
4. The service manager may,
 - i. exercise any of the powers or perform any of the duties of the housing provider under this Act, or
 - ii. act as the housing provider with respect to all or part of the assets, liabilities and undertakings of the housing provider, including its housing projects.
5. The service manager may appoint an operational advisor for the housing provider.
6. The service manager may appoint an interim receiver or interim receiver and manager for the housing provider.
7. The service manager may seek the appointment by the Superior Court of Justice of a receiver or receiver and manager for the housing provider.
8. The service manager may remove some or all of the directors or the deemed directors of the housing provider, regardless of whether they were elected or appointed or became directors by virtue of their office.
9. The service manager may appoint one or more individuals as directors of the housing provider. 2011, c. 6, Sched. 1, s. 85.

Other remedies not limited

86. (1) Nothing in sections 84 to 98 limits the exercise of any remedy the service manager may have other than under section 85. 2011, c. 6, Sched. 1, s. 86 (1).

Exception

(2) Subsection (1) does not apply with respect to the appointment, by the court, of a receiver or receiver and manager for a housing provider and a service manager may not seek such an appointment other than under paragraph 7 of section 85. 2011, c. 6, Sched. 1, s. 86 (2).

Multiple remedies allowed

87. In respect of the same occurrence of a triggering event, the service manager may,

- (a) exercise more than one remedy; or
- (b) exercise the same or different remedies at different times. 2011, c. 6, Sched. 1, s. 87.

Waiver of a remedy

88. The following apply with respect to a waiver by a service manager of the right to exercise a remedy under section 85:

- 1. To be effective, a waiver must be in writing and must be signed by the service manager.
- 2. No delay by the service manager operates as a waiver.
- 3. A waiver of the right to exercise a remedy in respect of an occurrence of a triggering event does not operate as a waiver,
 - i. to exercise another remedy in respect of that same occurrence, or
 - ii. to exercise the same remedy in respect of a different occurrence. 2011, c. 6, Sched. 1, s. 88.

Remedy must be reasonable

89. The service manager may exercise a remedy only if, in the circumstances, it is reasonable to exercise the remedy and the remedy is exercised in a reasonable way. 2011, c. 6, Sched. 1, s. 89.

Notice, opportunity to rectify and make submission

90. (1) A service manager may exercise a remedy under section 85 in respect of an occurrence of a triggering event only if,

- (a) the service manager has given the housing provider a written notice that complies with subsection (2);
- (b) the triggering event continues following the last day of the period referred to in clause (2) (c), and the service manager has subsequently given the housing provider a written notice that complies with subsection (4);
- (c) the service manager has given the housing provider an opportunity to make a submission to the service manager in accordance with clause (4) (c); and
- (d) the service manager has considered the submission if a submission is made, made a decision, and provided the housing provider with notice of the decision and the reasons for it. 2011, c. 6, Sched. 1, s. 90 (1).

Content of notice of triggering event

(2) The notice referred to in clause (1) (a) must,

- (a) specify the particulars of the occurrence of the triggering event or events;
- (b) specify what if anything the housing provider must do or refrain from doing to rectify the situation that gave rise to the occurrence of the triggering event or events in order to avoid an exercise of a remedy or remedies;
- (c) specify the period within which the housing provider must comply with the notice, which may not be less than 60 days from the date the notice is given; and
- (d) if the notice provides for the submission of a plan by the housing provider, specify the matters that must be addressed in the plan. 2011, c. 6, Sched. 1, s. 90 (2).

Training requirement

(3) Without restricting the generality of clause (2) (b), for the purposes of that clause, a service

manager may require a housing provider to ensure that any or all of the following persons receive training:

1. A director, employee or agent of the housing provider.
2. A person who has contracted with the housing provider to manage a Part VII housing project on behalf of the housing provider. 2011, c. 6, Sched. 1, s. 90 (3).

Content of notice regarding submission

(4) The notice referred to in clause (1) (b) must,

- (a) specify the particulars of the occurrence of the triggering event or events;
- (b) specify the remedy or remedies that the service manager is considering exercising to address the triggering event or events and the reasons why the service manager is considering them;
- (c) inform the housing provider that it can make a written submission on the service manager's proposed exercise of a remedy or remedies to the service manager by a date that is not less than 60 days after the date the notice is given;
- (d) inform the housing provider that if no submission is received within the period referred to in clause (c), the service manager will make a decision based on the information that is available to it; and
- (e) if the service manager is considering exercising the remedy under paragraph 4 of section 85, advise the housing provider of which powers the service manager would be exercising, which duties the service manager would be performing and the assets, liabilities or undertakings with respect to which it would be acting as the housing provider. 2011, c. 6, Sched. 1, s. 90 (4).

Exceptions

(5) Subsection (1) does not apply if,

- (a) the triggering event is a contravention of section 162;
- (b) the housing provider is unable to pay its debts as they become due;
- (c) the housing provider has operated a designated housing project in a way that has resulted in,
 - (i) significant physical deterioration of the housing project affecting the structural integrity of the housing project, or
 - (ii) danger to the health or safety of the residents of the housing project;
- (d) a report of an audit or investigation of the housing provider alleges fraud, criminal activity or a misuse of the assets of the housing provider and the alleged fraud, criminal activity or misuse of assets has been referred to a law enforcement agency;
- (e) a designated housing project of the housing provider is subject to a mortgage guaranteed by the Province of Ontario or the Ontario Mortgage and Housing Corporation and the mortgage is in default;
- (f) the number of directors of the housing provider has been less than the quorum needed for a meeting of the board of directors for a period of 90 days and remains less than the quorum; or

- (g) a circumstance exists that is prescribed for the purpose of this clause. 2011, c. 6, Sched. 1, s. 90 (5).

Opportunity to make submission regarding court appointed receiver

(6) Where a service manager is entitled to seek the appointment of a receiver or a receiver and manager under paragraph 7 of section 85, or to make an application for an extension of the appointment of an interim receiver or an interim receiver and manager under subsection 95 (3), the service manager shall not make a decision to do so unless,

- (a) the service manager has first given the housing provider a written notice that complies with subsection (7);
- (b) the service manager has given the housing provider an opportunity to make a submission to the service manager in accordance with clause (7) (c); and
- (c) the service manager has considered the submission if a submission is made, made a decision, and provided the housing provider with notice of the decision and the reasons for it. 2011, c. 6, Sched. 1, s. 90 (6).

Content of notice

(7) The notice referred to in clause (6) (a) must,

- (a) specify the particulars of the occurrence or continuation of the triggering event or events and the circumstances in subsection (5) that are continuing;
- (b) specify that the service manager is considering making an application to seek the appointment of a receiver or a receiver and manager under paragraph 7 of section 85 or extend the appointment of an interim receiver or an interim receiver and manager under subsection 95 (3) and the reasons why the service manager is doing so;
- (c) inform the housing provider that it can make a written submission on the service manager's proposed exercise of the remedy or application for extension by a date that is not less than 60 days after the date the notice is given; and
- (d) inform the housing provider that if no submission is received by the date specified by the service manager under clause (c), the service manager will make a decision based on the information that is available to it. 2011, c. 6, Sched. 1, s. 90 (7).

Decision not to exercise a remedy

(8) If the service manager decides not to exercise a remedy specified in a notice referred in clause (1) (b) but the triggering event or events are continuing, the service manager shall not exercise that remedy unless the service manager has given the housing provider a further written notice that specifies the particulars of the continuation of the triggering event or events and repeats the steps referred to in clauses (1) (c) and (d). 2011, c. 6, Sched. 1, s. 90 (8).

Limitation

(9) Subsection (8) does not apply if the service manager has decided to exercise the remedy only if specified events do not occur by a specified date. 2011, c. 6, Sched. 1, s. 90 (9).

Discontinuation or suspension of subsidy

91. A service manager shall not discontinue or suspend subsidy payments under paragraph 1 of section 85 unless the service manager is of the opinion that the triggering event is substantial. 2011, c. 6, Sched. 1, s. 91.

Exercise of powers, etc., by service manager

92. (1) This section applies with respect to the exercise of the remedy under paragraph 4 of section 85 to either exercise powers or perform duties of a housing provider or to act as the housing provider with respect to all or part of the assets, liabilities and undertakings of the housing provider, including its housing projects. 2011, c. 6, Sched. 1, s. 92 (1).

Time limit

(2) The maximum period during which a service manager may exercise the remedy in respect of a triggering event or events is two years unless,

- (a) the period is extended by agreement with the housing provider; or
- (b) the service manager has extended the period, for no more than one year for each extension, after having first given the housing provider a further written notice that specifies the particulars of the continuation of the triggering event or events and having repeated the steps referred to in clauses 90 (1) (c) and (d). 2011, c. 6, Sched. 1, s. 92 (2).

Requirement re property managers

(3) A service manager shall not retain a property manager to act on its behalf in the exercise of the remedy in relation to a housing provider unless the service manager is of the opinion,

- (a) if the property manager is an individual, that the property manager is knowledgeable about this Act and the transferred housing program or programs under which the housing provider's housing project or projects operate and,
 - (i) if the housing provider is a non-profit housing corporation, the property manager is knowledgeable about the structure and operation of non-profit housing corporations, or
 - (ii) if the housing provider is a non-profit housing co-operative, the property manager is knowledgeable about the structure and operation of non-profit housing co-operatives; or
- (b) if the property manager is not an individual, that the staff of the property manager are knowledgeable about this Act and the transferred housing program or programs under which the housing provider's housing project or projects operate and,
 - (i) if the housing provider is a non-profit housing corporation, the staff of the property manager are knowledgeable about the structure and operation of non-profit housing corporations, or
 - (ii) if the housing provider is a non-profit housing co-operative, the staff of the property manager are knowledgeable about the structure and operation of non-profit housing co-operatives. 2011, c. 6, Sched. 1, s. 92 (3).

Appointment by agreement

(4) A property manager retained to act on the service manager's behalf in the exercise of the remedy shall be appointed under an agreement between the service manager and the property manager. 2011, c. 6, Sched. 1, s. 92 (4).

Time limit

(5) The term of the appointment of the property manager shall be determined under the agreement retaining the property manager. 2011, c. 6, Sched. 1, s. 92 (5).

Qualification on time limit

(6) Subsection (5) does not limit the retention of a property manager in respect of a different

occurrence of a triggering event. 2011, c. 6, Sched. 1, s. 92 (6).

Termination, etc.

(7) Despite anything to the contrary in the agreement appointing a property manager, the service manager may, without the consent of the property manager, terminate or shorten the appointment at any time. 2011, c. 6, Sched. 1, s. 92 (7).

Copy of agreement to housing provider

(8) The service manager shall give the housing provider a copy of any agreement appointing a property manager and any amendment to the agreement. 2011, c. 6, Sched. 1, s. 92 (8).

Powers

(9) For greater certainty, section 162 applies to a service manager exercising the remedy. 2011, c. 6, Sched. 1, s. 92 (9).

Powers not included

(10) The powers of a service manager do not include the power to sell, convey, lease, assign, give as security or otherwise dispose of the assets of the housing provider, including its housing projects, outside of the ordinary course of business. 2011, c. 6, Sched. 1, s. 92 (10).

Use of powers

(11) The service manager may only use its powers with the objective of returning control to the housing provider and only for the following purposes:

1. To carry on the business of the housing provider.
2. To improve the governance of the housing provider.
3. To stabilize or improve the financial situation of the housing provider. 2011, c. 6, Sched. 1, s. 92 (11).

Return of control

(12) When it is appropriate, in the opinion of the service manager, to return control to the housing provider, the service manager shall cease exercising the remedy. 2011, c. 6, Sched. 1, s. 92 (12).

Duty to co-operate

(13) The housing provider shall co-operate with the service manager and any property manager retained by the service manager to act on its behalf in the exercise of the remedy, give the service manager and property manager full access to the housing provider's books and records, and not take any action to reverse or set aside the acts or omissions of the service manager or property manager. 2011, c. 6, Sched. 1, s. 92 (13).

Ratification of acts of service manager, etc.

(14) The housing provider is deemed to ratify and confirm what the service manager and any property manager retained by the service manager to act on its behalf in the exercise of the remedy do during the exercise of the remedy, but only with respect to things done in accordance with this Act and the regulations. 2011, c. 6, Sched. 1, s. 92 (14).

Release of service manager, etc.

(15) The housing provider is deemed to release and discharge the service manager and the property manager and every person for whom the service manager or property manager is responsible from every claim of any nature arising by reason of any act or omission done or omitted during the exercise of this remedy, other than the following claims:

1. A claim for an accounting of the money and other property received by the service manager or property manager or another person for whom the service manager or property manager is responsible.
2. A claim arising from negligence or dishonesty by the service manager or property manager or by another person for whom the service manager or property manager is responsible. 2011, c. 6, Sched. 1, s. 92 (15).

Expenses of service manager

(16) If the service manager exercises the remedy,

- (a) the service manager may bill the housing provider for expenses incurred by the service manager in exercising the remedy;
- (b) the housing provider shall pay an amount billed under clause (a) at the time specified by the service manager; and
- (c) an amount billed under clause (a) is a debt owing from the housing provider to the service manager and may be recovered by reducing the amount of any subsidy required under section 78 or by any remedy or procedure available to the service manager by law. 2011, c. 6, Sched. 1, s. 92 (16).

Remuneration

(17) For greater certainty, the remuneration of the property manager shall be determined under the agreement retaining the property manager and shall be paid out of the funds of the housing provider. 2011, c. 6, Sched. 1, s. 92 (17).

Reports to housing provider

(18) During the period when the remedy is being exercised, the service manager shall give the housing provider, at least every three months, a written report that includes a summary of what the service manager has done in the exercise of the remedy. 2011, c. 6, Sched. 1, s. 92 (18).

Operational advisor

93. (1) This section applies with respect to the exercise of the remedy to appoint an operational advisor for a housing provider under paragraph 5 of section 85. 2011, c. 6, Sched. 1, s. 93 (1).

Requirement re operational advisors

(2) A service manager shall not appoint an operational advisor for a housing provider unless the service manager is of the opinion,

- (a) if the operational advisor is an individual, that the operational advisor is knowledgeable about this Act and the transferred housing program or programs under which the housing provider's housing project or projects operate and,
 - (i) if the housing provider is a non-profit housing corporation, the operational advisor is knowledgeable about the structure and operation of non-profit housing corporations, or
 - (ii) if the housing provider is a non-profit housing co-operative, the operational advisor is knowledgeable about the structure and operation of non-profit housing co-operatives; or
- (b) if the operational advisor is not an individual, that the staff of the operational advisor are knowledgeable about this Act and the transferred housing program or programs under

which the housing provider's housing project or projects operate and,

- (i) if the housing provider is a non-profit housing corporation, the staff of the operational advisor are knowledgeable about the structure and operation of non-profit housing corporations, or
- (ii) if the housing provider is a non-profit housing co-operative, the staff of the operational advisor are knowledgeable about the structure and operation of non-profit housing co-operatives. 2011, c. 6, Sched. 1, s. 93 (2).

Appointment by agreement

(3) The operational advisor shall be appointed under an agreement between the service manager and the operational advisor. 2011, c. 6, Sched. 1, s. 93 (3).

Purpose

(4) The purpose of an operational advisor is to provide written recommendations and advice to the housing provider and the service manager on how the housing provider may improve all or part of the operation of its housing project or projects as stipulated in the agreement appointing the operational advisor. 2011, c. 6, Sched. 1, s. 93 (4).

Time limit

(5) The term of the appointment of the operational advisor shall be determined under the agreement appointing the operational advisor, but shall not exceed two years unless extended with the agreement of the housing provider. 2011, c. 6, Sched. 1, s. 93 (5).

Qualification on time limit

(6) Subsection (5) does not limit the appointment of an operational advisor in respect of a different occurrence of a triggering event. 2011, c. 6, Sched. 1, s. 93 (6).

Termination, etc.

(7) Despite anything to the contrary in the agreement appointing the operational advisor, the service manager may, without the consent of the operational advisor, terminate or shorten the appointment at any time. 2011, c. 6, Sched. 1, s. 93 (7).

Copy of agreement to housing provider

(8) The operational advisor shall give the housing provider a copy of the agreement appointing the operational advisor and any amendment to the agreement. 2011, c. 6, Sched. 1, s. 93 (8).

Remuneration

(9) The remuneration of the operational advisor shall be determined under the agreement appointing the operational advisor and shall be paid out of the funds of the housing provider. 2011, c. 6, Sched. 1, s. 93 (9).

Duty to co-operate

(10) The housing provider shall co-operate with the operational advisor, give the operational advisor full access to the housing provider's books and records, and consider any recommendations or advice that the operational advisor provides to the housing provider on how to improve the operation of the housing project or housing projects. 2011, c. 6, Sched. 1, s. 93 (10).

Release of service manager and operational advisor, etc.

(11) The housing provider is deemed to release and discharge the service manager and the operational advisor and every person for whom the service manager or the operational advisor is responsible from every claim of any nature arising by reason of any act or omission done or omitted during the operational advisor's appointment, other than claims arising from negligence or dishonesty

by the operational advisor or by another person for whom the service manager or operational advisor is responsible. 2011, c. 6, Sched. 1, s. 93 (11).

Restriction on appointment of receiver, etc.

94. A service manager may appoint an interim receiver or interim receiver and manager under paragraph 6 of section 85, or seek the appointment of a receiver or receiver and manager under paragraph 7 of section 85, only if one of the situations listed in subsection 90 (5) is continuing. 2011, c. 6, Sched. 1, s. 94.

Service manager – appointed receiver, etc.

95. (1) This section applies with respect to the exercise of the remedy to appoint an interim receiver or interim receiver and manager under paragraph 6 of section 85. 2011, c. 6, Sched. 1, s. 95 (1).

Time limit

(2) The maximum period during which there may be an interim receiver or interim receiver and manager is 180 days. 2011, c. 6, Sched. 1, s. 95 (2).

Extension by court

(3) The Superior Court of Justice may, on application of the service manager, extend the maximum period under subsection (2). 2011, c. 6, Sched. 1, s. 95 (3).

Qualification on time limit

(4) Subsection (2) does not limit the appointment of an interim receiver or interim receiver and manager in respect of a different occurrence of a triggering event. 2011, c. 6, Sched. 1, s. 95 (4).

Appointment by agreement

(5) The interim receiver or interim receiver and manager shall be appointed under an agreement between the service manager and the interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (5).

Termination, etc.

(6) Despite anything to the contrary in the agreement appointing the interim receiver or interim receiver and manager, the service manager may, without the consent of the interim receiver or interim receiver and manager, terminate or shorten the appointment at any time. 2011, c. 6, Sched. 1, s. 95 (6).

Return of control

(7) When it is appropriate, in the opinion of the service manager, to return control to the housing provider, the service manager shall terminate the appointment of the interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (7).

Copy of agreement to housing provider

(8) The interim receiver or interim receiver and manager shall give the housing provider a copy of the agreement appointing the interim receiver or interim receiver and manager and any amendment to the agreement. 2011, c. 6, Sched. 1, s. 95 (8).

Powers

(9) The interim receiver or interim receiver and manager has the prescribed powers, subject to subsection (10) and any limits in the agreement appointing the interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (9).

Powers continued

(10) The powers of an interim receiver do not include the power to sell, convey, lease, assign,

give as security or otherwise dispose of the assets of the housing provider, including its housing projects, outside of the ordinary course of business of the housing provider. 2011, c. 6, Sched. 1, s. 95 (10).

Powers are exclusive

(11) The powers of the interim receiver or interim receiver and manager are exclusive and no other person may exercise those powers during the appointment of the interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (11).

Restriction on dealing with housing project

(12) For greater certainty, section 162 applies to an interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (12).

Remuneration

(13) The remuneration of the interim receiver or interim receiver and manager shall be determined under the agreement appointing the interim receiver or interim receiver and manager and shall be paid out of the funds of the housing provider. 2011, c. 6, Sched. 1, s. 95 (13).

Duty to co-operate

(14) The housing provider shall co-operate with the interim receiver or interim receiver and manager and give the interim receiver or interim receiver and manager full access to the housing provider's books and records. 2011, c. 6, Sched. 1, s. 95 (14).

Ratification of acts of receiver, etc.

(15) The housing provider is deemed to ratify and confirm what the interim receiver or interim receiver and manager does during the appointment of the interim receiver or interim receiver and manager, but only with respect to things done in accordance with this Act, the regulations and the agreement appointing the interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (15).

Release of receiver, etc.

(16) The housing provider is deemed to release and discharge the service manager and the interim receiver or interim receiver and manager and every person for whom the service manager and the interim receiver or interim receiver and manager is responsible from every claim of any nature arising by reason of any act or omission done or omitted during the appointment of the interim receiver or interim receiver and manager, other than the following claims:

1. A claim for an accounting of the money and other property received by the interim receiver or interim receiver and manager or another person for whom the interim receiver or interim receiver and manager is responsible.
2. A claim arising from negligence or dishonesty by the interim receiver or interim receiver and manager or by another person for whom the interim receiver or interim receiver and manager is responsible. 2011, c. 6, Sched. 1, s. 95 (16).

Reports to housing provider

(17) Every three months, the interim receiver or interim receiver and manager shall give the housing provider and service manager a written report that includes,

- (a) a summary of what the interim receiver or interim receiver and manager has done during the period covered by the report;
- (b) a summary of what the interim receiver or interim receiver and manager proposes to do in the future;

- (c) a summary of the operations of the housing provider during the period covered by the report; and
- (d) a general description of the financial situation of the housing provider. 2011, c. 6, Sched. 1, s. 95 (17).

Not bound by proposed actions

[\(18\)](#) The interim receiver or interim receiver and manager is not required to do anything or prevented from doing anything only because it was included or not included in a report under clause (17) (b). 2011, c. 6, Sched. 1, s. 95 (18).

Reports to cover entire appointment period

[\(19\)](#) The interim receiver or interim receiver and manager shall make reports under subsection (17) covering the entire period of the appointment of the interim receiver or interim receiver and manager, even if that requires a report to be made after the end of the appointment of the interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (19).

Access by housing provider

[\(20\)](#) The interim receiver or interim receiver and manager shall give the housing provider access to the books and records of the housing provider at reasonable times during the appointment of the interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (20).

Limit on report requirements

[\(21\)](#) Subsections (17) and (20) do not require the disclosure of information that, in the opinion of the interim receiver or interim receiver and manager, may relate to fraud or other criminal activity by a director, member or employee of the housing provider. 2011, c. 6, Sched. 1, s. 95 (21).

Restriction

[\(22\)](#) An interim receiver or interim receiver and manager may not be the same person as a property manager retained to act on behalf of the service manager in the exercise of paragraph 4 of section 85 or an operational advisor appointed under paragraph 5 of section 85 in respect of the housing provider. 2011, c. 6, Sched. 1, s. 95 (22).

Court appointed receiver, etc.

[96. \(1\)](#) This section applies with respect to the exercise of the remedy to seek the appointment of a receiver or receiver and manager under paragraph 7 of section 85. 2011, c. 6, Sched. 1, s. 96 (1).

Return of control

[\(2\)](#) When it is appropriate, in the opinion of the service manager, to return control to the housing provider, the service manager shall seek the termination by the court of the appointment of the receiver or receiver and manager. 2011, c. 6, Sched. 1, s. 96 (2).

Limits on receivers, etc., appointed by service manager or court

[97. \(1\)](#) This section applies with respect to a receiver or receiver and manager appointed under paragraph 7 of section 85. 2011, c. 6, Sched. 1, s. 97 (1).

Restriction on dealing with housing project

[\(2\)](#) For greater certainty, section 162 applies to a receiver or receiver and manager. 2011, c. 6, Sched. 1, s. 97 (2).

Restriction on transfer to service manager, etc.

[\(3\)](#) A receiver or receiver and manager shall not transfer a designated housing project unless,

- (a) the receiver or receiver and manager used an open and competitive process to select a transferee that would continue to operate the project under the transferred housing program administered by the service manager; or
- (b) the receiver or receiver and manager was of the opinion that it would not be reasonable to use such a process. 2011, c. 6, Sched. 1, s. 97 (3).

Appointment of directors

98. (1) This section applies with respect to the exercise of the remedy to appoint individuals as directors under paragraph 9 of section 85. 2011, c. 6, Sched. 1, s. 98 (1).

Maximum not to be exceeded

(2) The remedy may not be exercised in a way that results in the total number of directors exceeding the maximum number allowed under the legislation applying to the governance of the housing provider or under the housing provider's articles, letters patent, by-laws or similar governing documents. 2011, c. 6, Sched. 1, s. 98 (2).

Three-year term limit

(3) A director may not be appointed for a term exceeding three years. 2011, c. 6, Sched. 1, s. 98 (3).

Return of control

(4) When it is appropriate, in the opinion of the service manager, to return control to a board of directors that does not include directors appointed under paragraph 9 of section 85, the service manager shall terminate the appointment of those appointed directors. 2011, c. 6, Sched. 1, s. 98 (4).

Requirements, qualifications and disqualifications

(5) The following do not apply with respect to an appointed director:

1. A requirement that a director be a shareholder or member of the housing provider or a shareholder, member, director or employee of a member of the housing provider, even if the requirement is in legislation.
2. A qualification or disqualification under the housing provider's articles, letters patent, by-laws or similar governing documents. 2011, c. 6, Sched. 1, s. 98 (5).

Consultation before appointment

(6) Before appointing a director, the service manager shall consult with the current directors, if any. 2011, c. 6, Sched. 1, s. 98 (6).

No other directors without consent

(7) While an appointed director is in office, the shareholders or members of the housing provider may not elect or appoint a director without the written consent of the service manager. 2011, c. 6, Sched. 1, s. 98 (7).

Solicitor-client privilege

99. (1) Despite subsections 92 (13), 93 (10) and 95 (14), the housing provider is not required to provide the service manager, a property manager, an operational advisor, an interim receiver or an interim receiver and manager with access to any records or documents that are solicitor-client privileged and relate to a proceeding, or bringing a proceeding, involving any such party. 2011, c. 6, Sched. 1, s. 99 (1).

No waiver

(2) The provision of access to books and records under subsection 92 (13), 93 (10) or 95 (14)

does not constitute a waiver of any applicable solicitor-client privilege. 2011, c. 6, Sched. 1, s. 99 (2).

Required review

100. The Minister shall, by the prescribed date, undertake a review of sections 82 to 99 of this Act. 2011, c. 6, Sched. 1, s. 100.

CONFLICTS WITH OTHER ACTS, ETC.

Part prevails

101. (1) In the event of a conflict between this Part and any of the Acts specified in subsection (2) or a regulation made under any of those Acts, this Part prevails. 2011, c. 6, Sched. 1, s. 101 (1).

Specified Acts

(2) The Acts referred to in subsection (1) are the following:

1. The *Corporations Act*.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 1 is repealed and the following substituted:

1. The *Not-for-Profit Corporations Act, 2010*.

See: 2011, c. 6, Sched. 1, ss. 185 (3), 189.

2. The *Business Corporations Act*.
3. The *Co-operative Corporations Act*. 2011, c. 6, Sched. 1, s. 101 (2).

PART VIII PAYMENT OF CERTAIN HOUSING COSTS

DISTRIBUTION OF FEDERAL HOUSING FUNDING

Distribution to service managers

102. (1) The Minister shall distribute the federal housing funding received by the Crown in right of Ontario to the service managers in accordance with this section. 2011, c. 6, Sched. 1, s. 102 (1).

Federal housing funding

(2) In this section,

“federal housing funding” means money received from the Crown in right of Canada or the Canada Mortgage and Housing Corporation for the purpose of funding transferred housing programs. 2011, c. 6, Sched. 1, s. 102 (2).

Amounts allocated to service managers

(3) For each year, the Minister shall,

- (a) determine what the total amount of federal housing funding is for the year; and
- (b) allocate the total amount determined under clause (a) among the service managers. 2011, c. 6, Sched. 1, s. 102 (3).

Notice of allocated amounts

(4) The Minister shall publish in *The Ontario Gazette* a notice setting out for each service manager the amount allocated to the service manager under clause (3) (b). 2011, c. 6, Sched. 1,

s. 102 (4).

Payment by Minister

(5) The Minister shall pay, to each service manager, the amount allocated to the service manager for a year under clause (3) (b) in equal instalments due on January 1, April 1, July 1 and October 1 in that year, subject to subsection (6). 2011, c. 6, Sched. 1, s. 102 (5).

Deductions to pay certain amounts

(6) The Minister may deduct amounts from any instalment that would otherwise be payable to a service manager under subsection (5) to pay,

- (a) payments due in respect of amounts owed by the Ontario Mortgage and Housing Corporation to the Crown in right of Ontario in respect of a housing project developed under the *National Housing Act* (Canada) that is located within the service manager's service area;
- (b) payments due in respect of amounts owed by the Ontario Mortgage and Housing Corporation to the Canada Mortgage and Housing Corporation under a debenture issued by the Ontario Mortgage and Housing Corporation in favour of the Canada Mortgage and Housing Corporation to secure the capital funding advanced by the Canada Mortgage and Housing Corporation for a housing project developed under the *National Housing Act* (Canada) that is located within the service manager's service area; or
- (c) an amount owed by the service manager under subsection 106 (3) or 107 (4). 2011, c. 6, Sched. 1, s. 102 (6).

Notice of deductions

(7) The Minister shall give written notice to the service manager of any deduction and payment made by the Minister under subsection (6) and shall do so no later than 30 days after the payment is made. 2011, c. 6, Sched. 1, s. 102 (7).

Amounts only for permitted costs

(8) The service manager may use amounts paid under subsection (5) only to defray the permitted costs described in subsection (9). 2011, c. 6, Sched. 1, s. 102 (8).

Permitted costs

- (9) A cost is a permitted cost for the purposes of subsection (8) if,
- (a) the cost is incurred by the service manager with respect to a transferred housing program;
 - (b) the cost is incurred in respect of residential accommodation or facilities, common areas or services used directly with residential accommodation; and
 - (c) the cost is not incurred in respect of non-residential uses, such as commercial or institutional uses, social or recreational services and services or facilities related to mental or physical health care, education, corrections, food services, social support or public recreation. 2011, c. 6, Sched. 1, s. 102 (9).

PROVINCIAL HOUSING COSTS

Provincial housing costs – definition

103. (1) For the purposes of sections 104 to 108, the provincial housing costs for a period are the costs incurred or to be incurred by the Minister or the Crown in right of Ontario in respect of that period that are,

- (a) costs relating to a transferred housing program;
- (b) costs relating to a housing project that is subject to, or formerly was subject to, a transferred housing program;
- (c) costs relating to a mortgage on a housing project that is subject to, or formerly was subject to, a transferred housing program, even if the mortgage is not related to a transferred housing program; or
- (d) costs under the social housing agreement dated November 15, 1999 between the Canada Mortgage and Housing Corporation and Her Majesty the Queen in right of the Province of Ontario as represented by the Minister of Municipal Affairs and Housing, as amended from time to time. 2011, c. 6, Sched. 1, s. 103 (1).

Clarifications

(2) The Minister may clarify, by a written notice to service managers, types of costs that are or are not provincial housing costs. 2011, c. 6, Sched. 1, s. 103 (2).

Amount of provincial housing costs

104. (1) For each billing period, the Minister shall determine, in accordance with the regulations, the amount of the provincial housing costs. 2011, c. 6, Sched. 1, s. 104 (1).

Billing periods

(2) The billing periods for provincial housing costs shall be prescribed. 2011, c. 6, Sched. 1, s. 104 (2).

Amount of recoverable costs

105. For each billing period, the Minister shall determine, in accordance with the regulations, the amount of the provincial housing costs to be recovered from service managers. 2011, c. 6, Sched. 1, s. 105.

Allocation of costs among service managers

106. (1) The Minister shall allocate, in accordance with the regulations, the amount determined under section 105 among the service managers. 2011, c. 6, Sched. 1, s. 106 (1).

Notice of amounts due

(2) If an amount other than zero is allocated to a service manager, the Minister shall give the service manager a written notice setting out,

- (a) the amount allocated to the service manager;
- (b) the date the service manager is required to pay the amount; and
- (c) such other information as may be prescribed. 2011, c. 6, Sched. 1, s. 106 (2).

Payment by service manager

(3) The service manager shall pay the allocated amount to the Minister of Finance in accordance with the notice. 2011, c. 6, Sched. 1, s. 106 (3).

Revisions to costs or allocations

107. (1) The Minister may revise a determination of provincial housing costs under subsection 104 (1), a determination of recoverable costs under section 105 or an allocation among service managers under subsection 106 (1). 2011, c. 6, Sched. 1, s. 107 (1).

Required revisions in relation to estimates

(2) If any estimates of costs were used, the Minister shall make the appropriate revisions under subsection (1) after the actual costs are known. 2011, c. 6, Sched. 1, s. 107 (2).

If revision changes allocation

(3) If a revision under subsection (1) would result in a change to the allocation to a service manager, the Minister shall give the service manager a written notice setting out,

- (a) the revised amount allocated to the service manager;
- (b) if the amount allocated to a service manager is increased, the date the service manager is required to pay the difference; and
- (c) such other information as may be prescribed. 2011, c. 6, Sched. 1, s. 107 (3).

If allocation is increased

(4) If the amount allocated to a service manager is increased, the service manager shall pay the difference to the Minister of Finance in accordance with the notice. 2011, c. 6, Sched. 1, s. 107 (4).

If allocation is decreased

- (5) If the amount allocated to a service manager is decreased, the Minister of Finance shall,
- (a) pay the difference to the service manager; or
 - (b) credit the service manager with the difference for any future amount the service manager is required to pay. 2011, c. 6, Sched. 1, s. 107 (5).

Collection of amounts owing

108. An amount a service manager is required to pay the Minister of Finance under subsection 106 (3) or 107 (4) is a debt of the service manager owing to the Crown in right of Ontario and the debt together with any interest or penalty that is charged may be recovered by any remedy or procedure available to the Crown by law. 2011, c. 6, Sched. 1, s. 108.

SERVICE MANAGER'S HOUSING COSTS

Housing costs – definition

109. (1) For the purposes of sections 110 to 116, a service manager's housing costs for a period are the sum of,

- (a) the costs incurred or to be incurred by the service manager in respect of that period in administering and funding the service manager's transferred housing programs; and
- (b) the amount for that period allocated to the service manager under subsection 106 (1). 2011, c. 6, Sched. 1, s. 109 (1).

Exclusion

(2) A service manager's housing costs do not include such amounts as may be prescribed. 2011, c. 6, Sched. 1, s. 109 (2).

Amount of housing costs

110. A service manager shall determine, in accordance with the regulations, the amount of its housing costs. 2011, c. 6, Sched. 1, s. 110.

Apportionment by municipal service manager

111. (1) This section provides for the apportionment of housing costs by a municipal service manager if there is a municipality within the service manager's service area that does not form part of the service manager for municipal purposes. 2011, c. 6, Sched. 1, s. 111 (1).

Billing periods

(2) The billing periods for a service manager shall be determined by the service manager. 2011, c. 6, Sched. 1, s. 111 (2).

Apportionment

(3) For each billing period, the service manager shall apportion, in accordance with the regulations, the service manager's housing costs among itself and each municipality described in subsection (1). 2011, c. 6, Sched. 1, s. 111 (3).

Notice of amounts due

(4) The service manager shall give each municipality described in subsection (1) a written notice setting out,

- (a) the amount apportioned to the municipality;
- (b) the date the municipality is required to pay the amount; and
- (c) such other information as may be prescribed. 2011, c. 6, Sched. 1, s. 111 (4).

Payment by municipality

(5) The municipality shall pay the apportioned amount to the service manager in accordance with the notice. 2011, c. 6, Sched. 1, s. 111 (5).

Lower-tier municipalities

(6) Where a municipality described in subsection (1) is an upper-tier municipality, subsections (3) to (5) do not apply with respect to the individual lower-tier municipalities within the upper-tier municipality. 2011, c. 6, Sched. 1, s. 111 (6).

Interpretation

(7) For the purposes of this section, "lower-tier municipality" and "upper-tier municipality" have the same meaning as in the *Municipal Act, 2001*. 2011, c. 6, Sched. 1, s. 111 (7).

Apportionment by dssab service manager

112. (1) This section provides for the apportionment of housing costs by a dssab service manager. 2011, c. 6, Sched. 1, s. 112 (1).

Billing periods

(2) The billing periods for a service manager shall be determined by the service manager. 2011, c. 6, Sched. 1, s. 112 (2).

Apportionment

(3) For each billing period, the service manager shall apportion, in accordance with the regulations, the service manager's housing costs among the municipalities and territory without municipal organization in the service manager's service area. 2011, c. 6, Sched. 1, s. 112 (3).

Payment of municipal apportionment

(4) A municipality shall pay the amount apportioned to it to the service manager on demand. 2011, c. 6, Sched. 1, s. 112 (4).

Payment of unorganized territory apportionment

- (5) The Minister shall pay to the service manager, in accordance with the regulations,
- (a) the amount apportioned to territory without municipal organization; and

- (b) any amount excluded under subsection 109 (2) if,
- (i) the amount is a cost relating to a transferred housing program, and
 - (ii) the amount is a cost incurred or to be incurred with respect to a municipality that is deemed, under subsection (6), to be territory without municipal organization. 2011, c. 6, Sched. 1, s. 112 (5).

Municipality deemed to be unorganized

(6) A regulation may specify that a municipality is deemed to be territory without municipal organization for the purposes of this section. 2011, c. 6, Sched. 1, s. 112 (6).

Regulations relating to apportionments

113. The following apply with respect to the regulations referred to in subsections 111 (3) and 112 (3) relating to the apportionment of the service manager's housing costs:

1. The regulations may provide for the apportionment to be done by a method set out in the regulations.
2. The regulations may provide for the apportionment to be done by an arbitration process set out in the regulations.
3. The regulations may provide for the apportionment to be done,
 - i. if the service manager is a municipal service manager, by agreement between the service manager and each municipality described in subsection 111 (1), or
 - ii. if the service manager is a dssab service manager, by a method determined by the service manager.
4. The regulations may provide for the apportionment to be done by an interim method specified by the regulations until an arbitration referred to in paragraph 2 is completed or an agreement referred to in subparagraph 3 i is entered into and may provide for the reconciliation, after the arbitration is completed or agreement is entered into, of any amounts paid on an interim basis. 2011, c. 6, Sched. 1, s. 113.

Revisions to costs or apportionment

114. (1) A service manager may revise a determination of housing costs under section 110 or an apportionment under subsection 111 (3) or 112 (3). 2011, c. 6, Sched. 1, s. 114 (1).

Required revisions in relation to estimates

(2) If any estimates of costs were used, the service manager shall make the appropriate revisions under subsection (1) after the actual costs are known. 2011, c. 6, Sched. 1, s. 114 (2).

If revision changes apportionment

(3) If a revision under subsection (1) would result in a change to the apportionment to a municipality, the service manager shall give the municipality a written notice of the change setting out such information as may be prescribed. 2011, c. 6, Sched. 1, s. 114 (3).

If apportionment is increased

(4) If the amount apportioned to a municipality is increased, the municipality shall pay the difference to the service manager in accordance with the notice. 2011, c. 6, Sched. 1, s. 114 (4).

If apportionment is decreased

- (5) If the amount apportioned to a municipality is decreased, the service manager shall,
- (a) pay the difference to the municipality; or

- (b) credit the municipality with the difference for any future amount the municipality is required to pay. 2011, c. 6, Sched. 1, s. 114 (5).

Apportionment change – unorganized territory

(6) The following apply if a revision under subsection (1) would result in a change to the apportionment to territory without municipal organization under subsection 112 (3), including to a municipality that is deemed to be territory without municipal organization under subsection 112 (6):

1. If the apportioned amount is increased, the Minister shall pay the difference to the service manager in accordance with the regulations.
2. If the apportioned amount is decreased, the service manager shall pay the difference to the Minister in accordance with the regulations. 2011, c. 6, Sched. 1, s. 114 (6).

Interest and penalties

115. (1) If a municipality does not pay a service manager an amount required under subsection 111 (5), 112 (4) or 114 (4), the service manager may charge the municipality interest and penalties in accordance with the regulations. 2011, c. 6, Sched. 1, s. 115 (1).

If apportionment by arbitration or agreement

(2) If the regulations to which section 113 applies provide for the apportionment to be done by an arbitration process or by agreement, the regulations may provide for the interest and penalties to be determined in accordance with the arbitration process or the agreement. 2011, c. 6, Sched. 1, s. 115 (2).

If apportionment by dssab service manager

(3) If the regulations to which section 113 applies provide for the apportionment to be done by a method determined by the dssab service manager, the regulations may provide for the interest and penalties to be determined by the service manager. 2011, c. 6, Sched. 1, s. 115 (3).

Collection of amounts owing

116. (1) An amount a municipality is required to pay a service manager under subsection 111 (5), 112 (4) or 114 (4) is a debt of the municipality owing to the service manager and the debt together with any interest or penalty that is charged by the service manager under this Act may be recovered by any remedy or procedure available to the service manager by law. 2011, c. 6, Sched. 1, s. 116 (1).

Same

(2) A service manager may set off against amounts owing to a municipality any amount it may recover from that municipality under subsection (1). 2011, c. 6, Sched. 1, s. 116 (2).

SPECIAL RULES FOR THE GREATER TORONTO AREA

GTA service manager

117. In sections 118 and 119,

“GTA service manager” means a service manager whose service area is within the area consisting of the City of Toronto and the regional municipalities of Durham, Halton, Peel and York. 2011, c. 6, Sched. 1, s. 117.

No revisions to costs

118. Section 114 does not apply with respect to a GTA service manager. 2011, c. 6, Sched. 1, s. 118.

GTA equalization payments

119. (1) The regulations may prescribe amounts, including a nil amount, that a GTA service manager is required to pay to one or more of the other GTA service managers for a year in respect of past, present and future housing costs of the GTA service managers. 2011, c. 6, Sched. 1, s. 119 (1).

Notice to service manager

(2) The Minister shall give to a GTA service manager required to pay a prescribed amount a written notice setting out the amounts to be paid, the date on which those amounts are payable and such other information as the Minister considers appropriate. 2011, c. 6, Sched. 1, s. 119 (2).

When notice to be given

(3) The notice under subsection (2) must be given on or before the earliest of the dates on which the amounts are payable. 2011, c. 6, Sched. 1, s. 119 (3).

Payment

(4) A GTA service manager shall pay the Minister of Finance in accordance with the notice and the Minister of Finance shall remit the payment to the other service manager or service managers. 2011, c. 6, Sched. 1, s. 119 (4).

Interest and penalties

(5) If a GTA service manager does not pay the Minister of Finance an amount payable under a notice given under subsection (2), the GTA service manager to whom the amount is owed may charge the other service manager interest and penalties in accordance with the regulations. 2011, c. 6, Sched. 1, s. 119 (5).

Collection of amounts payable

(6) An amount payable under a notice given under subsection (2) is a debt of the GTA service manager owing to the other GTA service manager on and after the due date set out in the notice and the debt, together with any interest or penalty that is charged on the debt under subsection (5), may be recovered by any remedy or procedure available by law to the GTA service manager. 2011, c. 6, Sched. 1, s. 119 (6).

Same

(7) A GTA service manager may set off against amounts owing to another GTA service manager any amount it may recover from that other GTA service manager under subsection (6). 2011, c. 6, Sched. 1, s. 119 (7).

Repeal

(8) This section is repealed on a day to be named by proclamation of the Lieutenant Governor. 2011, c. 6, Sched. 1, s. 119 (8).

PART IX HOUSING SERVICES CORPORATION

DEFINITION

Definition

120. In this Part,

“Corporation” means the Housing Services Corporation continued under section 121. 2011, c. 6, Sched. 1, s. 120.

CONTINUATION, OBJECTS, POWERS, ETC.

Corporation continued

121. The Social Housing Services Corporation established under the former Act is continued as a corporation without share capital under the name Housing Services Corporation in English and Société des services de logement in French. 2011, c. 6, Sched. 1, s. 121.

Objects

122. The objects of the Corporation are the following:

1. To improve the operation, efficiency and long-term sustainability of housing providers that provide housing for moderate and low-income households.
2. To improve the management, maintenance and long-term sustainability and viability of the physical assets of housing providers that provide housing for moderate and low-income households.
3. To improve the quality of life of residents in housing for moderate and low-income households.
4. Such other objects as may be prescribed. 2011, c. 6, Sched. 1, s. 122.

Powers of a natural person

123. The Corporation has the capacity, rights, powers and privileges of a natural person. 2011, c. 6, Sched. 1, s. 123.

Required activities

124. The Corporation shall,

- (a) establish and manage insurance programs for members prescribed for the purposes of this clause;
- (b) establish and manage schemes to pool capital reserve funds for members that are housing providers and that are prescribed for the purposes of this clause;
- (c) establish and manage schemes for the joint purchase of natural gas by members that are housing providers and that are prescribed for the purposes of this clause;
- (d) undertake research and provide advice to the Province of Ontario, service managers and housing providers with respect to the establishment and use of performance measures and good practices to achieve the efficient and effective provision and long-term sustainability and viability of housing for moderate and low-income households; and
- (e) undertake such other activities as are prescribed. 2011, c. 6, Sched. 1, s. 124.

Not a crown agent

125. The Corporation is not an agent of the Crown for any purpose, despite the *Crown Agency Act* and it is not an administrative unit of the Government of Ontario. 2011, c. 6, Sched. 1, s. 125.

Non- application of the *Corporations Act*

126. The *Corporations Act* does not apply to the Corporation except as provided for in the regulations. 2011, c. 6, Sched. 1, s. 126.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 126 is amended by striking out “*Corporations Act*” and substituting “*Not-for-Profit Corporations Act, 2010*”. See: 2011, c. 6, Sched. 1, ss. 185 (4), 189.

MEMBERS

Members

127. The members of the Corporation are,

- (a) all service managers;
- (b) all local housing corporations;
- (c) the housing providers that are non-profit corporations and that are prescribed for the purposes of this clause;
- (d) the housing providers that are non-profit housing co-operatives under the *Co-operative Corporations Act* and that are prescribed for the purposes of this clause; and
- (e) the housing providers or other persons that meet the requirements prescribed for the purposes of this clause. 2011, c. 6, Sched. 1, s. 127.

DIRECTORS AND OFFICERS

Board of directors

128. (1) The Corporation shall have a board of directors that shall manage, or supervise the management of, the Corporation. 2011, c. 6, Sched. 1, s. 128 (1).

Composition

(2) The board of directors shall consist of the following:

1. Two directors appointed by the Minister.
2. One director selected by the City of Toronto.
3. One director selected jointly by the regional municipalities of Durham, Halton, Peel and York.
4. One director selected jointly by the City of Toronto and the regional municipalities of Durham, Halton, Peel and York.
5. One director selected jointly by the dssab service managers.
6. Four directors selected jointly by the service managers.
7. Three directors selected jointly by the housing providers described in clause 127 (c).
8. Two directors selected jointly by the housing providers described in clause 127 (d). 2011, c. 6, Sched. 1, s. 128 (2).

Selection process

(3) The regulations may govern the selection of directors under paragraphs 2 to 8 of subsection (2). 2011, c. 6, Sched. 1, s. 128 (3).

Terms of directors

129. (1) A director appointed or selected under subsection 128 (2) shall hold office for the prescribed term, subject to sections 130 to 133. 2011, c. 6, Sched. 1, s. 129 (1).

Continuation until successor selected, etc.

(2) Despite subsection (1) but subject to sections 130 to 133, a director continues in office after the end of his or her prescribed term until his or her successor is appointed or selected under subsection 128 (2). 2011, c. 6, Sched. 1, s. 129 (2).

More than one term

(3) A director may hold office for more than one term. 2011, c. 6, Sched. 1, s. 129 (3).

Removal of director by appointer, selectors

130. (1) A director may be removed at any time by the person or entity or entities that appointed or selected the director. 2011, c. 6, Sched. 1, s. 130 (1).

Removal process

(2) The regulations may govern the removal of directors under subsection (1). 2011, c. 6, Sched. 1, s. 130 (2).

Removal of director by board

131. The board of directors may remove a director if,

- (a) the director is unable to perform his or her duties; or
- (b) the director has not performed his or her duties for a period of 90 days or more. 2011, c. 6, Sched. 1, s. 131.

Director ceasing to be member of municipal council, etc.

132. A director selected under paragraphs 2 to 8 of subsection 128 (2) ceases to be a director if,

- (a) when selected, the director was a member of the council or board of the entity or one of the entities that selected the director; and
- (b) the director ceases to be a member of that council or board. 2011, c. 6, Sched. 1, s. 132.

Resignation of director

133. A director may resign. 2011, c. 6, Sched. 1, s. 133.

Filling director vacancies

134. (1) If there is a vacancy on the board of directors, a replacement may be appointed,

- (a) by the Minister, if the director being replaced was appointed by the Minister; or
- (b) by the board of directors of the Corporation, in any other case. 2011, c. 6, Sched. 1, s. 134 (1).

Consultation before appointment

(2) Before appointing a replacement under clause (1) (b), the board of directors shall consult, or make reasonable efforts to consult, with the entity or entities that selected the director being replaced. 2011, c. 6, Sched. 1, s. 134 (2).

Alternative for certain directors

(3) In relation to the replacement of a director selected under paragraph 6, 7 or 8 of subsection 128 (2), the regulations may prescribe different consultation requirements as an alternative to what would otherwise be required under subsection (2). 2011, c. 6, Sched. 1, s. 134 (3).

Reappointment of certain directors

(4) If a person ceases to be a director under section 132, the board of directors may reappoint that person under clause (1) (b). 2011, c. 6, Sched. 1, s. 134 (4).

Term of replacement director

(5) Subject to sections 130 and 133, a director appointed under subsection (1) shall hold office until a successor is appointed or selected under subsection 128 (2). 2011, c. 6, Sched. 1, s. 134 (5).

Chair of board

135. (1) The board of directors shall elect one of the directors as chair. 2011, c. 6, Sched. 1,

s. 135 (1).

Term

(2) The term of the chair is two years. 2011, c. 6, Sched. 1, s. 135 (2).

Limit on terms

(3) A chair may not be elected for more than two terms. 2011, c. 6, Sched. 1, s. 135 (3).

If chair ceases to be member

(4) If the chair ceases to be a director, the chair ceases to be the chair. 2011, c. 6, Sched. 1, s. 135 (4).

Filling vacancy

(5) If the office of chair becomes vacant before the end of the chair's term, the board of directors shall elect one of the directors as a replacement for the remainder of the term. 2011, c. 6, Sched. 1, s. 135 (5).

Acting chair

(6) The board of directors may, by by-law or resolution, provide for a director to act in the place of the chair when the chair is absent or refuses to act or when the office of the chair is vacant. 2011, c. 6, Sched. 1, s. 135 (6).

Quorum of board

136. A quorum for the board of directors is a majority of the directors, including at least one director selected under paragraph 7 or 8 of subsection 128 (2) or appointed under section 134 to replace such a director. 2011, c. 6, Sched. 1, s. 136.

Voting by directors

137. (1) Each director has one vote. 2011, c. 6, Sched. 1, s. 137 (1).

Chair

(2) The chair, including a replacement under subsection 135 (5), does not have a vote, except to break a tie. 2011, c. 6, Sched. 1, s. 137 (2).

Acting chair

(3) An acting chair under subsection 135 (6) may vote as a director, but does not have an additional vote to break ties. 2011, c. 6, Sched. 1, s. 137 (3).

Directors' remuneration

138. (1) The Corporation shall pay the directors such remuneration as the by-laws of the Corporation provide. 2011, c. 6, Sched. 1, s. 138 (1).

Expenses

(2) The board of directors shall establish a policy for the reimbursement of reasonable expenses incurred by a director in the course of performing his or her duties, and the Corporation shall follow that policy when reimbursing a director for expenses. 2011, c. 6, Sched. 1, s. 138 (2).

Regulations

(3) The regulations may govern the policy referred to in subsection (2). 2011, c. 6, Sched. 1, s. 138 (3).

Decisions not made at meeting

139. (1) The board of directors may make a decision otherwise than at a meeting and the signature of a majority of the directors on a document setting out the decision is evidence of the board's decision. 2011, c. 6, Sched. 1, s. 139 (1).

Committees

(2) Subsection (1) applies with necessary modifications to a committee of the board of directors. 2011, c. 6, Sched. 1, s. 139 (2).

Meeting by telephone, etc.

140. Subsection 126 (13) of the *Business Corporations Act* applies, with necessary modifications, with respect to the Corporation. 2011, c. 6, Sched. 1, s. 140.

Chief executive officer

141. (1) The board of directors shall appoint a chief executive officer who is responsible for the operation of the Corporation and who shall implement the policies and procedures established by the board and perform such other duties as may be assigned by the board. 2011, c. 6, Sched. 1, s. 141 (1).

Secretary

(2) The chief executive officer is the secretary of the board of directors. 2011, c. 6, Sched. 1, s. 141 (2).

Conduct of elections

(3) The chief executive officer shall conduct elections of,

(a) the chair under subsection 135 (1); and

(b) a replacement chair under subsection 135 (5). 2011, c. 6, Sched. 1, s. 141 (3).

Conflict of interest of directors and officers

142. Section 132 of the *Business Corporations Act* applies, with necessary modifications, with respect to the Corporation. 2011, c. 6, Sched. 1, s. 142.

Standards of care, etc., of directors and officers

143. Section 134 of the *Business Corporations Act* applies, with necessary modifications, with respect to the Corporation. 2011, c. 6, Sched. 1, s. 143.

Reasonable diligence defence

144. Section 135 (4) of the *Business Corporations Act* applies, with necessary modifications, with respect to the Corporation. 2011, c. 6, Sched. 1, s. 144.

Indemnification of directors and officers

145. Section 136 of the *Business Corporations Act* applies, with necessary modifications, with respect to the Corporation. 2011, c. 6, Sched. 1, s. 145.

FINANCIAL PROVISIONS**Funding from service managers**

146. The service managers shall pay such amounts as may be prescribed to the Corporation and shall pay the amounts in the prescribed manner and at the prescribed times. 2011, c. 6, Sched. 1, s. 146.

Funds held on behalf of members

147. Funds that are held by the Corporation on behalf of a member and any returns on such funds are the property of the member. 2011, c. 6, Sched. 1, s. 147.

Use of income

148. The Corporation shall use its income solely in furtherance of its objects and shall not distribute it to its members. 2011, c. 6, Sched. 1, s. 148.

Regulations may govern fees

149. The regulations may govern the fees the Corporation may charge for services it provides. 2011, c. 6, Sched. 1, s. 149.

Audit

150. The accounts of the Corporation shall be audited annually by an auditor or auditors appointed by the board of directors. 2011, c. 6, Sched. 1, s. 150.

MISCELLANEOUS

Required member participation

151. (1) The regulations may require prescribed members of the Corporation to participate in the prescribed programs and activities of the Corporation. 2011, c. 6, Sched. 1, s. 151 (1).

Specific requirements

(2) Without limiting what other programs and activities a local housing corporation may be required to participate in under subsection (1), a local housing corporation shall participate in the following, unless the Minister gives written consent for the local housing corporation to not participate:

1. The insurance programs under clause 124 (a).
2. The schemes for the joint purchase of natural gas under clause 124 (c). 2011, c. 6, Sched. 1, s. 151 (2).

Annual report

152. (1) The Corporation shall prepare an annual report on the affairs of the Corporation and deliver it to the Minister within 180 days after the end of its fiscal year. 2011, c. 6, Sched. 1, s. 152 (1).

Contents

(2) The report must include the audited financial statements and such other information as may be prescribed. 2011, c. 6, Sched. 1, s. 152 (2).

Copies to directors

(3) The Corporation shall provide a copy of the report to each director. 2011, c. 6, Sched. 1, s. 152 (3).

Report available to public

(4) The Corporation shall make the report available to the public. 2011, c. 6, Sched. 1, s. 152 (4).

Reports by service managers, etc.

153. (1) A service manager or housing provider shall file reports with the Corporation containing the prescribed information in the prescribed manner and at the prescribed times. 2011, c. 6, Sched. 1, s. 153 (1).

Information on request

(2) A service manager or housing provider shall provide the Corporation with such information as the Corporation requests for the purposes of carrying out its objects. 2011, c. 6, Sched. 1, s. 153 (2).

Limit to members

(3) This section only applies to members of the Corporation. 2011, c. 6, Sched. 1, s. 153 (3).

Application of certain municipal statutes

154. The following apply to the Corporation:

1. The Corporation is deemed to be an institution for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*.
2. The Corporation is deemed to be a local board for the purposes of the *Ontario Municipal Employees Retirement System Act, 2006*, but section 7 of that Act does not apply to the Corporation or its employees. 2011, c. 6, Sched. 1, s. 154.

PART X MISCELLANEOUS

REVIEWS OF CERTAIN DECISIONS

System for dealing with reviews

155. (1) A service manager shall have a system for dealing with reviews requested under section 156 or 157. 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. 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. 2011, c. 6, Sched. 1, s. 155 (3).

Prescribed requirements

(4) The system must comply with the prescribed requirements. 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.
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. 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. 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.
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. 2011, c. 6, Sched. 1, s. 159 (2).

RESTRICTIONS ON DEALING WITH CERTAIN LAND

Definitions

160. In sections 161 to 165,

“develop” includes redevelop; (“aménager”)

“mortgage” includes encumbering in any way and includes extending or amending a mortgage or encumbrance; (“hypothéquer”)

“transfer” includes transferring or granting an interest, including a leasehold interest. (“transférer”)
2011, c. 6, Sched. 1, s. 160.

Real property transferred under a transfer order

161. (1) This section applies with respect to real property that was transferred under a

transfer order made under Part IV of the former Act. 2011, c. 6, Sched. 1, s. 161 (1).

Consent required for certain transactions or activities

(2) A person may mortgage or develop the real property only with the written consent of the service manager in whose service area the real property is located. 2011, c. 6, Sched. 1, s. 161 (2).

Consent required

(3) A person may transfer the real property only with the written consent of the Minister. 2011, c. 6, Sched. 1, s. 161 (3).

Clarification of scope

(4) For greater certainty, the restrictions under subsections (2) and (3) apply to a person even if the person is not the transferee under the transfer order referred to in subsection (1). 2011, c. 6, Sched. 1, s. 161 (4).

Prescribed exceptions

(5) The following apply with respect to a transaction or activity prescribed for the purposes of this subsection:

1. Consent is not required under subsection (2) or (3) for the transaction or activity.
2. If a document is to be registered or deposited under the *Registry Act* or the *Land Titles Act* in respect of a transaction for which the exemption in paragraph 1 is being relied on, the document must include a statement, in a form approved by the Minister, containing the information specified by the Minister.
3. A statement included under paragraph 2 is deemed to be conclusive evidence of the facts stated in it for the purposes of determining whether consent is not required under subsection (2) or (3). 2011, c. 6, Sched. 1, s. 161 (5).

Consent for all future mortgages, etc.

(6) The service manager may give a written consent, for the purposes of subsection (2), for all future mortgages and developments and the following apply with respect to such a consent:

1. Where such a consent is given, subsection (2) ceases to apply in respect of the real property.
2. The consent must be registered, in the form approved by the Minister, under the *Registry Act* or the *Land Titles Act*. 2011, c. 6, Sched. 1, s. 161 (6).

Consent for all future transfers, etc., Minister

(7) The Minister may give a written consent, for the purposes of subsection (3), for all future transfers and the following apply with respect to such a consent:

1. Where such a consent is given, subsection (3) ceases to apply in respect of the real property.
2. The consent must be registered under the *Registry Act* or the *Land Titles Act*. 2011, c. 6, Sched. 1, s. 161 (7).

Transition, statements on title

(8) The following apply to a statement setting out the restrictions imposed by section 50 of the former Act included in a document registered or deposited under section 43 of the former Act:

1. References to the restrictions imposed by section 50 of the former Act are deemed to be references to the restrictions imposed by subsections (2) and (3).

2. A reference to the consent of the Minister is deemed to be a reference to consent under subsections (2) and (3). 2011, c. 6, Sched. 1, s. 161 (8).

Certain housing projects

162. (1) This section applies with respect to,

- (a) a Part VII housing project as defined in section 73; and
- (b) a designated housing project with respect to which a pre-reform operating agreement applies. 2011, c. 6, Sched. 1, s. 162 (1).

Consent required for certain transactions

(2) The housing provider may mortgage the housing project or the land where it is located only with the written consent of the service manager in whose service area the housing project is located. 2011, c. 6, Sched. 1, s. 162 (2).

Same, Minister

(3) The housing provider may transfer the housing project or the land where it is located only with the written consent of the Minister. 2011, c. 6, Sched. 1, s. 162 (3).

Prescribed exceptions

(4) Consent is not required under subsection (2) or (3) for a transaction prescribed for the purposes of this subsection. 2011, c. 6, Sched. 1, s. 162 (4).

Transition, statements on title

(5) The following apply to a statement setting out the restrictions imposed by section 95 of the former Act included in a document registered or deposited under section 96 of the former Act:

1. The references to the restrictions imposed by section 95 of the former Act are deemed to be references to the restrictions imposed by subsections (2) and (3).
2. A reference to the consent of the service manager and the Minister is deemed to be a reference to consent under subsections (2) and (3).
3. A reference to the exceptions under section 95 of the former Act is deemed to be a reference to the exceptions under subsection (4). 2011, c. 6, Sched. 1, s. 162 (5).

Notice

163. (1) A service manager shall give the Minister written notice within 10 days of giving a consent under subsection 161 (2) or 162 (2). 2011, c. 6, Sched. 1, s. 163 (1).

Content of notice

(2) The notice must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 163 (2).

Consent by Minister instead of service manager

164. The regulations may provide that it shall be the Minister and not a service manager who gives consent under subsection 161 (2) or 162 (2). 2011, c. 6, Sched. 1, s. 164.

Invalidity

165. (1) Anything done in contravention of subsection 161 (2) or (3) or 162 (2) or (3) is invalid and of no force or effect. 2011, c. 6, Sched. 1, s. 165 (1).

Exception

(2) Subsection (1) does not affect an interest acquired by a person in real property in contravention of subsection 161 (2) or (3) if, at the time the interest was acquired, no notice of the restrictions imposed by section 50 of the former Act had been registered or deposited against title to

the property under section 43 of the former Act. 2011, c. 6, Sched. 1, s. 165 (2).

Conflict with other Acts

(3) Subsection (1) prevails over the *Land Titles Act* or any other Act with which subsection (1) conflicts. 2011, c. 6, Sched. 1, s. 165 (3).

RESTRICTIONS ON CERTAIN CORPORATE CHANGES

Certain housing providers restricted

166. (1) This section applies with respect to a housing provider that is a corporation and that operates,

- (a) a Part VII housing project as defined in section 73; or
- (b) a designated housing project with respect to which a pre-reform operating agreement applies. 2011, c. 6, Sched. 1, s. 166 (1).

Amendment of articles

(2) A housing provider's articles or any other document or instrument by which the housing provider was incorporated may not be amended without the consent described in subsection (5). 2011, c. 6, Sched. 1, s. 166 (2).

Amalgamation

(3) A housing provider shall not amalgamate with another corporation without the consent described in subsection (5). 2011, c. 6, Sched. 1, s. 166 (3).

Voluntary wind-up or dissolution

(4) A housing provider shall not be voluntarily wound up or dissolved without the consent described in subsection (5). 2011, c. 6, Sched. 1, s. 166 (4).

Required consent

(5) The consent required under subsection (2), (3) or (4) in relation to a housing provider is the written consent of each service manager whose service area includes a housing project described in subsection (1) that is operated by the housing provider. 2011, c. 6, Sched. 1, s. 166 (5).

Prescribed exceptions

(6) Consent is not required under subsection (2), (3) or (4) in the circumstances prescribed for the purposes of this subsection. 2011, c. 6, Sched. 1, s. 166 (6).

Invalidity if provisions contravened

(7) An amendment, amalgamation, winding-up or dissolution carried out in contravention of subsection (2), (3) or (4) is invalid and of no force or effect. 2011, c. 6, Sched. 1, s. 166 (7).

Notice

(8) A service manager shall give the Minister written notice within 10 days of giving a consent under subsection (2), (3) or (4). 2011, c. 6, Sched. 1, s. 166 (8).

Content of notice

(9) A notice under subsection (8) must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 166 (9).

EXEMPTIONS FOR CERTAIN TRANSFERS

Legislation from which certain transfers exempt

167. (1) Subject to such conditions and limitations as may be prescribed, the following do not apply to the transfers described in subsection (2):

1. The *Assignments and Preferences Act*.
2. The *Bulk Sales Act*.
3. The *Environmental Assessment Act*.
4. The *Fraudulent Conveyances Act*.
5. The *Land Transfer Tax Act*.
6. The *Retail Sales Tax Act*.
7. Such other Acts or provisions of Acts as may be prescribed for the purposes of this paragraph.
8. Such regulations or provisions of regulations as may be prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 167 (1).

Exempt transfers

(2) Subsection (1) applies to the following transfers:

1. A transfer of an asset, liability, right or obligation that was transferred to a local housing corporation by a transfer order under Part IV of the former Act if the transfer is from the local housing corporation to,
 - i. the related service manager as defined in section 24,
 - ii. a municipality in the related service manager's service area, other than a municipality that forms part of the service manager for municipal purposes, or
 - iii. a non-profit corporation controlled by an entity described in subparagraph i or ii, but only if an object of the non-profit corporation is the provision of housing.
2. A transfer that is related to housing and that is prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 167 (2).

Power to prescribe transfers

(3) A transfer may be prescribed for the purposes of paragraph 2 of subsection (2) even if the transfer is not a transfer of an asset, liability, right or obligation that was transferred by a transfer order under Part IV of the former Act or if the transfer is not to or from an entity referred to in paragraph 1 of subsection (2). 2011, c. 6, Sched. 1, s. 167 (3).

Note: Section 168 comes into force on a day to be named by proclamation of the Lieutenant Governor. See: 2011, c. 6, Sched. 1, s. 189.

REPORTING BY MINISTER

Reporting to public

168. The Minister shall report to the public in accordance with the prescribed requirements. 2011, c. 6, Sched. 1, s. 168.

DEALING WITH INFORMATION

Personal information, standards

169. (1) A person providing services with respect to a housing program prescribed for the purposes of this subsection shall comply with the prescribed standards for the collection, use, disclosure and safeguarding of privacy of personal information and for a person's access to his or her

personal information. 2011, c. 6, Sched. 1, s. 169 (1).

Exception

(2) This section does not apply to an institution under the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*. 2011, c. 6, Sched. 1, s. 169 (2).

Disclosure to or from institutions

170. (1) If this Act or the regulations authorize the disclosure of information to or from an institution under the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*,

- (a) subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* and subsection 29 (2) of the *Municipal Freedom of Information and Protection of Privacy Act* do not apply to the receiving institution in respect of the information;
- (b) the information is deemed to have been disclosed for the purpose of complying with this section; and
- (c) the information is deemed to have been obtained or compiled by the receiving institution for a purpose consistent with the purpose for which the information was initially obtained or compiled. 2011, c. 6, Sched. 1, s. 170 (1).

Control of record

(2) A person does not have control of a record for the purposes of the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act* just because the person is entitled under section 20 or 21, subsection 69 (4) or section 71, 80, 81 or 82 to obtain a copy of a record. 2011, c. 6, Sched. 1, s. 170 (2).

Agreements of Minister re information

171. (1) The Minister may enter into an agreement with respect to the collection, use and disclosure of information with the following:

1. The Government of Canada or a department, ministry or agency of it.
2. The government of a province or territory in Canada or a department, ministry or agency of it.
3. The government of the United States or the government of a state of the United States or a department or agency of either.
4. The government of another country or a department or agency of it.
5. An institution under the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*.
6. Such other bodies as may be prescribed. 2011, c. 6, Sched. 1, s. 171 (1).

Disclosure of personal information

(2) The Minister may disclose personal information collected for the purpose of administering or enforcing this Act and the regulations to a party to an agreement under subsection (1) if,

- (a) the disclosure is made in accordance with the agreement;
- (b) the party administers, enforces or is conducting research relating to,
 - (i) a social benefit program,

- (ii) a social housing or rent-geared-to-income assistance program,
- (iii) the *Taxation Act, 2007*, the *Income Tax Act* or the *Income Tax Act (Canada)*,
- (iv) the *Immigration and Refugee Protection Act (Canada)*, or
- (v) a prescribed Act; and

(c) the party agrees to use the information only for the administration, enforcement or research described in clause (b). 2011, c. 6, Sched. 1, s. 171 (2).

No notice required

(3) Subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* and subsection 29 (2) of the *Municipal Freedom of Information and Protection of Privacy Act* do not apply with respect to information collected under an agreement under subsection (1) if,

- (a) the information has been collected by data matching;
- (b) notice to the individual might frustrate an investigation; or
- (c) notice to the individual is not feasible. 2011, c. 6, Sched. 1, s. 171 (3).

Collection of personal information

(4) The Minister may collect personal information from a party to an agreement under subsection (1) if the collection is made in accordance with the agreement. 2011, c. 6, Sched. 1, s. 171 (4).

Disclosure by institution

(5) An institution described in paragraph 5 of subsection (1) that is a party to an agreement under subsection (1) may disclose personal information to the Minister, a service manager or a housing provider if,

- (a) the disclosure is made in accordance with the agreement; and
- (b) the information is necessary for purposes related to the powers and duties under this Act of the Minister, service manager or housing provider. 2011, c. 6, Sched. 1, s. 171 (5).

Confidentiality provisions in other Acts

(6) Subsection (5) prevails over a confidentiality provision in any other Act, other than the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*. 2011, c. 6, Sched. 1, s. 171 (6).

Service manager bound

(7) With respect to information disclosed to a service manager by an institution under subsection (5), the service manager is bound by the terms and conditions of the agreement under subsection (1) unless the service manager has an agreement with that institution under section 172. 2011, c. 6, Sched. 1, s. 171 (7).

Agreements of service managers re information

172. (1) A service manager may enter into an agreement with an entity referred to in subsection 171 (1) with respect to the collection, use and disclosure of information. 2011, c. 6, Sched. 1, s. 172 (1).

Disclosure of personal information

(2) The service manager may disclose personal information collected for the purpose of administering or enforcing this Act and the regulations to a party to an agreement under subsection (1) if,

- (a) the disclosure is made in accordance with the agreement;
- (b) the party administers, enforces or is conducting research relating to,
 - (i) a social benefit program,
 - (ii) a social housing or rent-geared-to-income assistance program,
 - (iii) the *Taxation Act, 2007*, the *Income Tax Act* or the *Income Tax Act (Canada)*,
 - (iv) the *Immigration and Refugee Protection Act (Canada)*, or
 - (v) a prescribed Act; and
- (c) the party agrees to use the information only for the administration, enforcement or research described in clause (b). 2011, c. 6, Sched. 1, s. 172 (2).

Collection of personal information

(3) The service manager may collect personal information from a party to an agreement under subsection (1) if the collection is made in accordance with the agreement. 2011, c. 6, Sched. 1, s. 172 (3).

Provisions relating to agreements

173. (1) This section applies to an agreement under section 171 or 172. 2011, c. 6, Sched. 1, s. 173 (1).

Protection of information

(2) In relation to the personal information collected, used or disclosed under it, an agreement must,

- (a) provide that the information is confidential;
- (b) establish mechanisms for maintaining the confidentiality and security of the information; and
- (c) include a plan for the disposition of the information. 2011, c. 6, Sched. 1, s. 173 (2).

Names of individuals

(3) Information disclosed under an agreement shall not include the names of individuals unless information about identifiable individuals is necessary for the purposes of the agreement. 2011, c. 6, Sched. 1, s. 173 (3).

Accuracy of information

(4) The Minister or service manager shall take reasonable measures to seek assurances that information collected under the agreement is accurate and current. 2011, c. 6, Sched. 1, s. 173 (4).

Sharing information

174. (1) The Minister, the Ontario Mortgage and Housing Corporation, the Housing Services Corporation, each service manager, each delegate under section 17, each housing provider and each person or organization providing services by contract to any of them may share personal information with each other or with the other persons specified in subsection (2) if,

- (a) the personal information was collected under this Act, the *Ontario Works Act, 1997*, the *Ontario Disability Support Program Act, 1997* or the *Day Nurseries Act*; and
- (b) the information is necessary for the purposes of making decisions or verifying eligibility for assistance under this Act or the other Acts referred to in clause (a). 2011, c. 6, Sched. 1, s. 174 (1).

Other persons with whom information may be shared

(2) The following are the other persons referred to in subsection (1):

1. The Director appointed under the *Ontario Disability Support Program Act, 1997* and any person exercising the Director's powers and duties under section 37 or 39 of that Act.
2. The Director appointed under the *Ontario Works Act, 1997* and any person exercising the Director's powers and duties under section 47 of that Act.
3. The Director or an administrator appointed under the *Day Nurseries Act, 2011, c. 6, Sched. 1, s. 174 (2)*.

Restriction re prescribed personal information

175. The prescribed types of personal information shall not be disclosed or shared under section 171, 172 or 174 except in accordance with the regulations. 2011, c. 6, Sched. 1, s. 175.

Notification on collection

176. When a service manager or special needs housing administrator as defined in section 38 collects personal information from a household in the course of performing its duties under this Act, it shall,

- (a) notify the household that information provided by the household may be shared,
 - (i) as necessary for the purposes of making decisions or verifying eligibility for assistance under this Act, the *Ontario Works Act, 1997*, the *Ontario Disability Support Program Act, 1997* or the *Day Nurseries Act*, or
 - (ii) as authorized by an agreement made under section 171 or 172; and
- (b) notify the household of the name, business address and business telephone number of a person who can answer questions and respond to complaints about the collection, use or disclosure of the information. 2011, c. 6, Sched. 1, s. 176.

PROVINCIAL REFINANCING SYSTEM FOR HOUSING PROVIDERS

No liability for changes, etc.

177. No cause of action arises against the Crown in right of Ontario or an agent of the Crown in right of Ontario as a direct or indirect result of a change to, or discontinuance of, the system or process established by the Minister before this section came into force for renewing or replacing mortgage financing for housing providers. 2011, c. 6, Sched. 1, s. 177.

TRANSFER ORDERS

Past transfers not affected

178. (1) For greater certainty, the repeal of the former Act does not affect any transfer made by a transfer order made under Part IV of the former Act. 2011, c. 6, Sched. 1, s. 178 (1).

Restrictions cease

(2) A restriction contained in a transfer order under section 35 of the former Act ceases to be of any effect upon the repeal of the former Act. 2011, c. 6, Sched. 1, s. 178 (2).

Temporary continuation of power

179. (1) During the two-year period following the repeal of the former Act, a transfer order may be made or amended under Part IV of the former Act as though that Part, other than section 35, was still in force. 2011, c. 6, Sched. 1, s. 179 (1).

Application of former Act

- (2) For the purposes of a transfer order or amendment made under subsection (1),
- (a) Part IV of the former Act, other than section 50 and subsections 61 (2) and (3), is deemed to remain in force during the two-year period following the repeal of the former Act; and
 - (b) the reference to section 50 in subparagraph 2 vi of subsection 43 (1) of the former Act, as it applies under clause (a), is deemed to be a reference to section 161 of this Act, 2011, c. 6, Sched. 1, s. 179 (2).

CONFLICTS WITH OTHER ACTS, ETC.

This Act prevails

180. In the event of a conflict between this Act and another Act or a regulation made under another Act, this Act prevails except where otherwise provided in this Act, 2011, c. 6, Sched. 1, s. 180.

REGULATIONS

Regulations

- 181. (1)** The Lieutenant Governor in Council may make regulations,
- (a) prescribing or otherwise providing for anything required or permitted under this Act, other than the provisions referred to in clause 182 (a), to be prescribed or otherwise provided for in the regulations, including governing anything required or permitted to be done in accordance with the regulations;
 - (b) exempting any person, premises or thing, any combination of any of them or any class of any of them from any provision of this Act or the regulations, and prescribing conditions or restrictions that apply in respect of an exemption;
 - (c) providing for such transitional matters as the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of this Act or the regulations. 2011, c. 6, Sched. 1, s. 181 (1).

Transition regulations

- (2) A regulation made under clause (1) (c),
- (a) may provide that, despite the proclamation of this Act or a provision of this Act, this Act or the provision does not take effect in all or part of the province until the date specified in the regulation;
 - (b) may provide that the former Act or a provision of the former Act continues to apply, for a specified period of time and with necessary modifications, to specified things or in specified circumstances;
 - (c) may specify that, for a specified period of time, a person is entitled to exercise the powers or required to perform the duties of another person under this or any other Act instead of the person otherwise entitled or required to do so and providing that actions by the person who exercises those powers or performs those duties are deemed, for the purposes of the applicable Act, to be the actions of the person otherwise entitled to exercise the powers or required to perform the duties under that Act. 2011, c. 6, Sched. 1, s. 181 (2).

Regulations made by Minister

- 182.** The Minister may make regulations,

- (a) prescribing or otherwise providing for anything required or permitted under subsection 40 (4) or section 78 or 164 to be prescribed or otherwise provided for in the regulations, including governing anything required or permitted to be done in accordance with the regulations;
- (b) exempting any person, premises or thing, any combination of any of them or any class of any of them from any provision of the regulations made by the Minister, and prescribing conditions or restrictions that apply in respect of an exemption;
- (c) providing for such transitional matters relating to a regulation made by the Minister as the Minister considers necessary or advisable in connection with the implementation of the regulation. 2011, c. 6, Sched. 1, s. 182.

Conditions and restrictions

[183.](#) A regulation under section 181 or 182 may impose conditions and restrictions with respect to the exercise of a power or the performance of a duty established by the regulation. 2011, c. 6, Sched. 1, s. 183.

PART XI (OMITTED)

[184.](#) Omitted (amends, repeals or revokes other legislation). 2011, c. 6, Sched. 1, s. 184.

[185.](#) Omitted (provides for amendments to this Act). 2011, c. 6, Sched. 1, s. 185.

[186.-188.](#) Omitted (amends, repeals or revokes other legislation). 2011, c. 6, Sched. 1, ss. 186-188.

PART XII (OMITTED)

[189.](#) Omitted (provides for coming into force of provisions of this Act). 2011, c. 6, Sched. 1, s. 189.

[190.](#) Omitted (enacts short title of this Act). 2011, c. 6, Sched. 1, s. 190.

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