



Durham Housing Directives

Housing Services Division |

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Subject:	Regional Review Process
Directive Number:	INF 05-01
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Purpose

To outline the process by which a Regional Review is requested and conducted.

Background

Under the Housing Services Act (HSA), the Region of Durham must have a review body for decisions about rent-geared-to-income (RGI) or alternate calculation of rent under the HSA, the Private Landlord Durham Rent Supplement (DRS), modified housing, the Durham Portable Housing Benefit (Durham PHB), and placement on the Durham Access to Social Housing (DASH) wait list. The Regional Review Panel (the Panel) handles these reviews, known as Regional Reviews.

The Panel also reviews decisions by the Durham Regional Local Housing Corporation (DRLHC) to deny/refuse to offer RGI or modified units to applicants on the DASH waitlist. Other community housing providers are responsible for reviews of denials/refusals to offer in line with their own local policies, by-laws or rules; however, providers may choose to assign this responsibility to the Panel.

Original decision makers, including housing providers, Regional housing programs staff, or DASH staff, must forward all requests for Regional Review to the Regional Review Panel as per this directive.

Overview of Regional Review Process

When a Regional Review is requested, the original decision maker (i.e. the housing provider, Regional housing programs staff, or DASH staff) will:

- Reconsider the decision and try to resolve the issue or forward the request to the Regional Review Panel.

- If the issues is unresolved following reconsideration, complete the Regional Review Package and send copies to the appellant and the Panel.
- Attend the hearing to present the decision or provide the Panel with all relevant information to conduct an expedited review without a hearing
- Implement the Panel's decision promptly

When the Panel receives a Regional Review Package, it will:

- Determine if more information is needed
- Decide whether to decline the review (e.g. ineligible appeal or late request)
- Decide if the review will be expedited or if a hearing is needed.

For expedited reviews without a hearing, the Panel will:

- Review the Regional Review Package and decide whether to uphold or change the decision.
- Notify the original decision maker and the appellant of the decision in writing.

For hearings, the Panel will:

- Schedule the hearing date
- Notify the original decision maker and appellant
- Conduct the hearing and decide whether to uphold or change the decision.
- Notify the original decision maker and appellant of the Panel's decision in writing.

If a request doesn't qualify for a Regional Review, the Panel will notify the appellant and original decision maker with the reason.

Regional Reviews must be completed within 30 days of receiving the Request for Regional Review form.

If the request pertains to a decision of ineligibility for Special Priority status, the Regional Review must be completed within 10 days of receiving the Request for Regional Review form.

Appealable Decisions

Applicants, tenants and co-op members may request a Regional Review of a decision of:

- ineligibility for RGI or alternate calculation of rent under the HSA, the Private Landlord Durham Rent Supplement (DRS), Durham Portable Housing Benefit (PHB), Special Priority (SPP), or a modified unit
- ineligibility for immediate in-situ RGI or DRS
- the amount of RGI or alternate calculation of rent under the HSA, the Private Landlord Durham Rent Supplement (DRS) D, Durham PHB or other financial housing assistance
- the size of the unit in which a household is eligible for RGI, DRS or other financial housing assistance, including any requirement to move to a smaller unit
- removal from the DASH waitlist
- refusal to offer an RGI, DRS or modified unit (DRLHC only).

Notice of Original Decision

Housing providers, DASH and other decision makers must notify tenants, co-op members, applicants and recipients of appealable decisions in writing within 7 business days.

A notice of decision must be communicated in writing and delivered to the tenant, co-op member, applicant or recipient in person or by mail.

A copy of the notice of decision will be kept on file.

A notice of decision letter for an appealable issue must contain the following statement of the individual's right to request a Regional Review:

If you do not agree with this decision, you can ask for a review of the decision within 10 business days of receiving this letter. You must submit a Request for Regional Review form to **[Housing providers, DASH and other decision makers]** stating the reason you disagree with the decision. If you are able to provide any updated information to support why you disagree with this decision, please provide the information to **[Housing providers, DASH and other decision makers]** within 5 business days of receipt of this letter.

If we are unable to address your concerns, we will forward your Request for Regional Review to the Panel for review.

Original decision makers will forward the individual requesting a review the Request for Regional Review form with the notice of decision letter.

Requests for Regional Reviews

Appellants are required to submit written requests for Regional Reviews to the original decision maker within 10 business days of the notice of the decision.

Appellants will complete the Request for Regional Review form.

This form will include:

- A copy of the original decision letter
- Explanation of why the appellant disagrees with the decision
- Any other supporting documents that the appellant would like to be considered.

The original decision maker should ensure that the appellant's documentation is complete prior to forwarding the request to the Regional Review Panel.

Delayed Requests

If a request for a review is received more than 10 business days after the notice of decision, and the original decision maker is satisfied that there are extenuating circumstances for the delay, they may still reconsider the decision. If the original decision maker believes the decision should not be reconsidered the delayed request for regional review must be sent to the Regional Review Panel. In deciding whether to complete a reconsideration, the original decision maker should consider:

- The appellant's right to due process.
- Impact to the appellant in not proceeding with the review, including undue hardship.
- Administrative errors impacting the original decision.
- The length of the delay (e.g. requests received 20 business days after notice of decision as opposed to a year after the decision).
- Whether the appellant understood their right to appeal and/or the process to do so.

If a request for a review is received more than 10 days after the decision, the Regional Review Panel may still conduct the review if it is satisfied that there are compelling or unavoidable reasons for the delay. Housing providers, DASH, community partners, the Program Manager (HSD) and other Regional staff

cannot refuse to proceed with the regional review based on a delayed request. Only the Regional Review Panel can make this decision.

Withdrawals

The appellant may withdraw their request for a Regional Review at any time. If the request for review has already been forwarded to the Regional Review Panel, the notice of request for withdrawal from the appellant must be submitted to the Panel in writing.

Reconsideration of Decision

Original decision makers must reconsider the original decision whenever a Regional Review is requested. The benefit of this reconsideration is to avoid unnecessary Regional Review hearings where the:

- appellant provides additional information that may affect the original decision
- housing provider, DASH or other decision maker and the appellant can reach a resolution that is acceptable to the appellant
- decision was made in error

If the appellant is satisfied with the results of the reconsideration, the request for appeal is not forwarded to the Regional Review Panel.

If the appellant is not satisfied with the reconsideration, the decision maker must complete the Regional Review Package and forward to the Regional Review Panel and the appellant within 10 days. This occurs when:

- The original decision is upheld after reconsideration
- The original decision is changed, but the appellant is still not satisfied
- The decision maker cannot decide within 10 days.

For decisions of ineligibility for Special Priority status, DASH must conduct a reconsideration, and if necessary, forward the request with the Regional Review Package to the Regional Review Panel within 2 days of receiving the request for review.

Special Priority Program (SPP) Reviews

Within 14 days of receiving a completed SPP Application Package, DASH staff will determine if the applicant is eligible for SPP and notify the applicant of the outcome of the SPP application.

Applicants made ineligible for SPP will be advised in writing, including their right to appeal the decision of ineligibility and will be forwarded the Request for Regional Review form.

A Reconsideration of SPP appeals must be completed. If the applicant remains ineligible for SPP, or the applicant is not satisfied with the outcome of the Reconsideration, DASH staff will complete the Regional Review Package and provide a copy to the appellant and the Panel.

The Panel will complete their review of the decision within 10 days of receiving the Regional Review Package.

The outcome of the Regional Review will be communicated to the appellant and DASH staff in writing via mail or email within five business days.

Regional Review Package

If the original decision maker cannot resolve the issue within 10 days of receiving the Request Regional Review, they must complete the Regional Review Package and forward copies to both the Regional Review Panel and the appellant.

The Regional Review Package consists of:

- A Regional Review Summary form, completed by the original decision maker, including summaries of the reasons for the original decision and steps taken during the reconsideration,
- A copy of the original decision
- A copy of the RGI calculation and completed Annual Review Package, if this is the decision under review
- Any other information or supporting documentation used in making the original decision a copy of the appellant's Request for Regional Review form and any additional information or documentation submitted by the appellant

The original decision maker must send a copy of the Regional Review Package to the appellant with the Notice of forwarding of Regional Review Package to Panel advising that:

- the request for review has been submitted to the Regional Review Panel
- the Regional Review Panel will conduct a review based on the information in the package.
- Based on the information provided the Panel may complete an expedited review without a hearing or a Regional Review Hearing.

- The appellant and original decision maker will be required to attend the hearing.

Submit the complete Regional Review Package to The Region by:

- Email to HousingRegionalReview@durham.ca
- Fax to 905-666-6222
- Mail to Regional Review Panel, Housing Services Division 605 Rossland Rd E Whitby ON L1N 6A3

Regional Review Panel

The Regional Review Panel consists of a permanent chair from the Housing Services Division, Regional staff from the Department of Social Services and representatives from community housing providers.

The Housing Services Division provides administrative support to the Regional Review Panel.

A roster of interested participants from each of these sectors is maintained and updated on a regular basis. To apply to be a member of the Regional Review Panel, the following form should be completed:

[Membership Application - Regional Review Panel - Durham Region](#)

Panel members receive no remuneration for their participation in Regional Reviews.

All Panel members who participate in reviews of decisions under the Housing Services Act (HSA) must have knowledge of the HSA and its regulations and are required to complete RGI training as provided by the Region of Durham.

When a Regional Review Package is received from the original decision maker, the permanent chair will decide whether the decision will be reviewed and if so, determine if it will be conducted as an Expedited Review without a hearing or a Regional Review hearing.

For Regional Review hearings, a Panel of three members will be convened consisting of any combination of the following:

- The permanent chair and if the permanent chair is in conflict, then one person from the Housing Services Division.
- One or two internal Regional staff from the Department of Social Services, which may be from the Housing Services Division.

- One external person from the housing provider or community partner sectors.

The Regional Review hearing may proceed with only two Panel members at their sole discretion.

The Regional Review Panel is an independent body that does not represent the original decision maker in relation to the original decision.

Panel members are required to declare all affiliations with any community housing providers in the region. All Panel members are required to declare a conflict and not participate in Regional Reviews where they:

- Are affiliated with the original decision maker that made the original decision.
- Participated in making the original decision.
- Discussed the original decision with the original decision maker prior to the review.

Information obtained during the conduct of a Regional Review is confidential and is not shared outside of the review. All members of the Regional Review Panel are required to sign confidentiality agreements.

The Region of Durham reserves the right to accept, deny or repeal anyone's membership on the Regional Review Panel.

Types of Regional Reviews

The Regional Review Panel may conduct a Regional Review as either a:

- Expedited review, without a hearing
- Regional Review Hearing

The Panel's permanent chair decides the type of Regional Review but may consider the preferences of the appellant or original decision maker.

The Panel reviews the original decision using only the information in the Request for Review package. If more information is needed, the Panel will request this information from the original decision maker and/or appellant, to be submitted within five business days and shared with all parties involved with the review.

The final decision will be sent to both the original decision maker and appellant.

If a request does not qualify for a Regional Review, the clerk will notify the appellant and original decision maker, explaining why (e.g., ineligible appeal or late request)

If the request pertains to a decision of ineligibility for Special Priority status, the Regional Review must be completed within 10 business days of the request.

Scheduling of Regional Reviews

When a Regional Review Package is received, the clerk to the Regional Review Panel will notify the Panel chair who will determine the type of review.

If the review is determined to be an Expedited Review it will be conducted by the Panel chair.

If the review is a Regional Review hearing the clerk will convene three Panel members to participate in the hearing.

The hearing will be conducted virtually through Microsoft Teams whenever possible, through teleconference and in person in exceptional circumstances.

The clerk will send written notice of the date, time and location of the hearing to the appellant, original decision maker and Panel members.

Hearing dates and times are set at the discretion of the Panel. The panel will not accommodate changes, unless there are extenuating circumstances.

Expedited Review

Expedited reviews are based on information received in the Regional Review Package from the appellant and the original decision maker.

The Panel's permanent chair conducts the review, possibly consulting other Panel members. Additional information may be requested and is to be submitted within five business days. Any additional information received by the Panel chair will be shared with all parties involved with the review.

If another Panel member is consulted, they will be included in the Regional Review Panel – Summary of Decision form.

Expedited Reviews will be completed by the permanent chair within 10 business days of the Panel chair's decision to conduct an Expedited Review.

Regional Review Hearing

Regional Review hearings must be completed within 30 business days of the appellant's request for a Regional Review.

Regional Review hearings will be conducted virtually through Microsoft Teams, by teleconference or in an exceptional circumstance by request, in person.

The hearing is attended by the Regional Review Panel members, the appellant and the original decision maker(s).

The original decision maker must attend the Regional Review hearing to present a summary of their decision and detail the reasons for it. The Regional Review Panel will not present information on behalf of the original decision maker at the hearing.

Appellants are to attend the hearing to present their reason for disagreeing with the original decision. They may invite a legal representative, interpreter or support person to attend the hearing with them. Legal representation is not required for a Regional Review hearing.

Where the appellant or decision maker does not attend the hearing, the Panel will make reasonable attempts to contact the absent party prior to starting the hearing. If reasonable efforts have been made, the hearing may proceed without the appellant and/or the decision maker.

At the Regional Review hearing:

- The Panel Chair will outline the process of the hearing and confirm the appellant has received the Regional Review Package. All parties must receive a copy of the Regional Review Package and any additional documentation that was requested.
- The original decision maker will provide a summary of their decision and the reasons for it. They will provide clarification of information or documentation that was previously submitted but will not normally introduce new information unless it was received after the Regional Review package was sent to the Panel.
- The appellant will present their disagreement with the decision and may provide additional supporting information or documentation.
- Both parties will be given an opportunity to speak to any information presented by the other party.
- The Panel may ask questions of both parties.
- The decision under review will not be discussed with one party in the absence of the other.

Decisions of the Regional Review Panel

The Regional Review Panel will meet in private to make its decision. Panel decisions will be made by consensus. Panel members will base decisions on:

- oral and written submissions presented by the appellant and original decision maker at or prior to the Regional Review
- legislative requirements
- Regional policies and procedures
- precedents set by earlier decisions of the Panel.

The Panel may seek clarification from legal, policy or finance staff of the Region of Durham on Regional policies and relevant legislation, provided the staff member has not previously discussed the original decision with any involved parties.

The following forms will be completed and retained on file:

- The Regional Review Panel – Summary of Decision
- Decision letter – sent to the appellant
- Decision memo – sent to the original decision maker
- Copies of the Regional Review package
- All additional information received

The Panel will send notice of its decision to the appellant and original decision maker within five business days of the hearing date.

The original decision maker will ensure that the Panel’s decision is implemented in a timely manner.

All decisions of the Panel are final and will not be reconsidered.

Denials/Refusals to Offer

The Panel reviews decisions by the Durham Regional Local Housing Corporation (DRLHC) to deny/refuse to offer RGI or modified units to DASH applicants on the DASH waitlist. Other community housing providers are responsible for reviews of denials/refusals to offer in line with their own local policies, by-laws or rules; however, providers may choose to assign this responsibility to the Panel.

Housing providers may deny/refuse to offer a unit to an applicant referred by DASH for the following reasons:

- the vacancy is for a seniors’ unit and no one in the applicant’s household is over the age of 60

- based on rental payment history, the housing provider reasonably believes that the applicant may not pay the rent/housing charge on time or in full
- the applicant has been denied membership in the co-operative housing provider with the vacancy
- the vacancy is for shared accommodation and the housing provider believes that it is unreasonable for the applicant to reside in shared accommodation
- in the previous 5 years, the applicant was evicted from community housing under an order of the Landlord and Tenant Board for a serious illegal act, and the housing provider reasonably believes that they pose a risk to the health or safety of someone living at the property with the vacancy. Serious illegal acts include:
 - Production, trafficking, or possession for the purpose of trafficking an illegal drug
 - Illegal production, distribution or sale of cannabis
 - Physical violence or attempted physical violence against another person
 - Physical harm, attempted physical harm, or a risk of physical harm to another person
 - Human trafficking
 - Use of threats to, intimidation of, and harassment of another person

Where an applicant is refused an offer for any of the above reasons, the housing provider must notify the applicant of the reason for the denial and of their right to appeal. It is the responsibility of the housing provider to conduct this review. Notice and right of appeal is required for the first denial only.

All housing providers – except for the DRLHC - must establish procedures for the conduct of reviews of denials/refusals to offer. These procedures must include that:

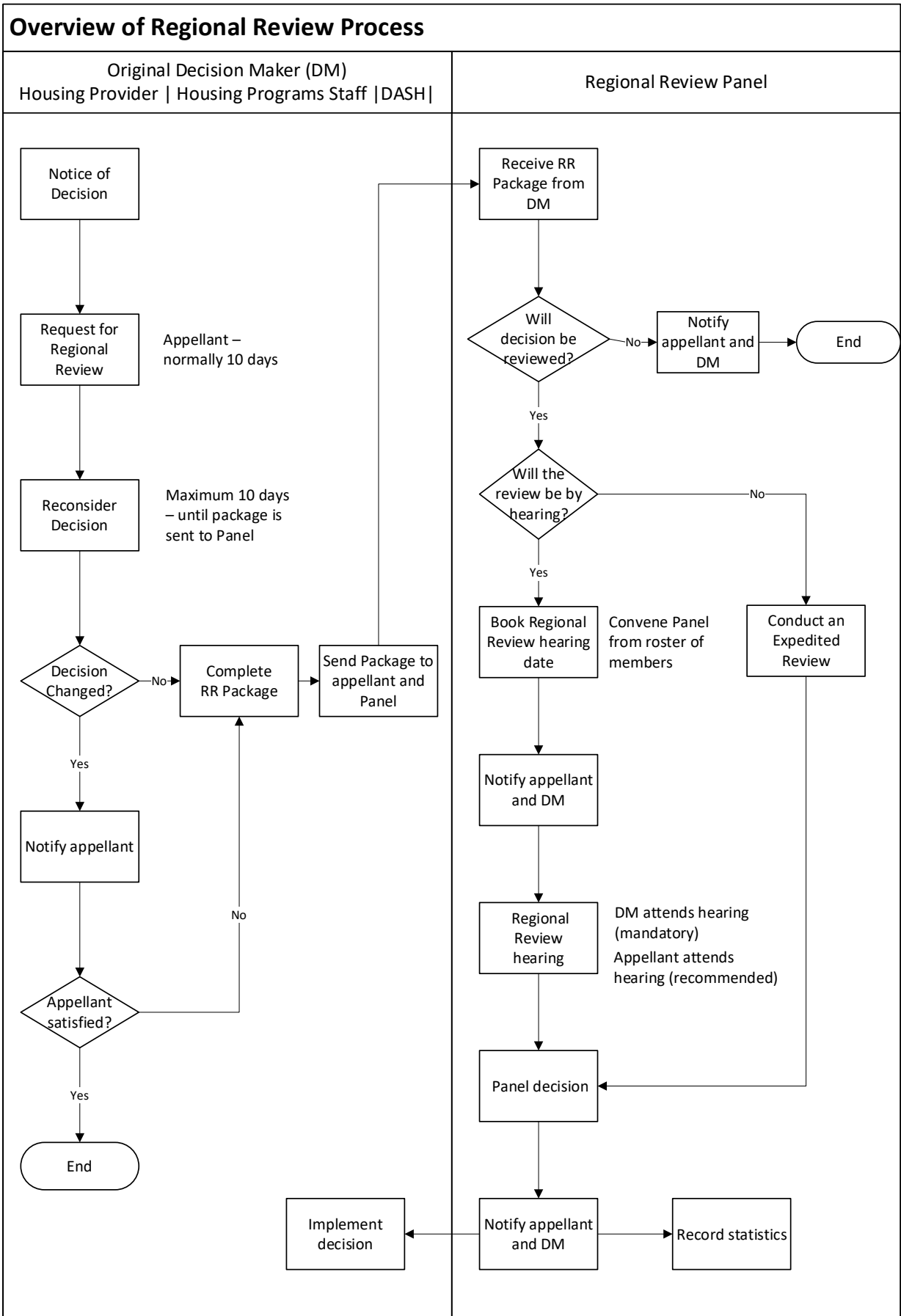
- the denial must be in writing and set out the reason and the right to request a review
- the review must be conducted by someone not involved in making the original decision to deny the offer
- timelines to complete the review and provide notice of the decision.

Housing providers are encouraged to have short timelines for reviews as they cannot offer the vacant unit to the next applicant on the DASH wait list until either:

- the time to request the appeal has expired
- the review has been completed.

Housing providers are encouraged to seek the input of the Regional Review Panel in conducting reviews of refusals to offer. Housing providers may also choose to assign this responsibility to the Regional Review Panel as part of their local procedures.

The Regional Review Panel conducts reviews of decisions by the Durham Regional Local Housing Corporation (DRLHC) to deny offers.



Effective Date

This directive comes into effect on March 26, 2025.

Repealed Rules

This Directive replaces Durham Social Housing Directive RGI 2014-04 Regional Review Process.

Legislative Authority

Housing Services Act, s. 155, 156, 158
Ontario Regulation 367/11, s.138