

---

**Subject: Assistance to Live Independently**

**Date:** March 29, 2016

**Replaces:** March 10, 2010

---

**Who is  
required to  
follow this  
document**

The policy and procedures contained in this document apply to the following:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Municipal & Private Non-Profit | <input type="checkbox"/> Federal Non-Profit                                      |
| <input checked="" type="checkbox"/> Co-operatives                  | <input checked="" type="checkbox"/> Rent Supplement*<br>*incl. former OCHAP/CSHP |
| <input checked="" type="checkbox"/> Peel Access to Housing (PATH)  |  |

---

**Content**

This document contains the following information:

|  |
|--|
| <a href="#">Legislation</a>                                      |
| <a href="#">Purpose</a>  |
| <a href="#">Background</a>                                       |
| <a href="#">Policies</a>   |
| <a href="#">Adding a member to the household to provide care</a> |
| <a href="#">Duty to accommodate</a>                              |
| <a href="#">Questions</a>  |
| <a href="#">Cross references</a>                                 |

---

**Legislation**

*Housing Services Act, 2011 (HSA), Ontario Regulation 367/11, section 24, (1) & (2), and section 69.  
The Human Rights Code (HRC), section 2.(1)*

---

**Purpose**

The purpose of this document is to provide

- a definition of a caregiver; and
- direction on what to do when a household requests an additional bedroom for a caregiver to assist them to live independently.

---

**Background**

Under the Eligibility requirements [O. Reg. 367/11 s. 24(a)] a household is eligible for rent-gearred-to-income (RGI) assistance if at least one member of the household is at least 16 years old and is able to live independently.

An individual is considered able to live independently if he/she is able to perform for himself/herself the normal essential activities of day-to-day living [O. Reg. 367/11 s. 24(2)].

An individual must be deemed able to live independently if the individual is able to live independently with the aid of certain support services and demonstrates that those support services will be provided to him/her when they are required. [O. Reg. 367/11 s. 24(2)]

Under the local occupancy standards (refer to HIP P&P on Local [Occupancy Standards](#)), a household is eligible for an additional bedroom to accommodate an individual who

- is not a member of the household, and
  - provides a member of the household with support services required because of a disability or medical condition. [O. Reg. 367/11 s. 42(1)(1)].
- 

**Policies**

This section contains the policies related to the approval of an additional bedroom for a live-in caregiver who is not a member of the household:

|  |
|--|
| <a href="#">Caregiver definition</a>                                   |
| <a href="#">Application for additional bedroom</a>                     |
| <a href="#">Information required before additional bedroom offered</a> |
| <a href="#">Acceptable service contract</a>                            |
| <a href="#">Annual eligibility review</a>                              |
| <a href="#">Seeking a replacement live-in caregiver</a>                |
| <a href="#">Caregiver no longer required</a>                           |

---

**Caregiver definition**

For the purpose of this policy, a caregiver is defined as an individual who will live in the unit, and

- provides support to a member of the household allowing them to live independently
- is qualified to provide support services and works without supervision
- has a signed contract to provide daily support care, including overnight care, for a member of the household
- is considered an employee of the household and does not need to meet the housing provider's mandate (i.e. does not need to be 65 years or older in order to be employed in a seniors' only building).

**The caregiver is not a member of the household**, and does not

- sign the lease/occupancy agreement, or
- pay rent/occupancy charge (all their income is excluded for RGI calculation, including any money earned outside the unit)

The caregiver does not have any occupancy rights for the unit and must vacate the unit when their services are no longer required or when tenancy/occupancy of the household is terminated.

**Note:** A household continues to have the ability to add a member to the lease/occupancy agreement for any reason including to provide care. Under this policy, a member of the household is different from a caregiver. See section below on ‘Adding a member to the household to provide care’.

---

**Application for additional bedroom**

A household must apply in writing for an additional bedroom and be placed on the transfer list if appropriate. The household may also apply to the PATH centralized waiting list at the same time (<http://www.peelregion.ca/housing/apply-for-subsidy/>).

The application must include written verification from a physician that support care is required

- overnight by a member of the household because of a long term disability or medical condition, and
- to enable the household member to live independently in the unit.

**Note:** If support care, including overnight care, is provided by multiple caregivers through an agency, the household is not eligible for an additional bedroom. Consideration may be given for extenuating circumstances.

---

**Information required before additional bedroom offered**

Before a household is offered an additional bedroom, they must provide the following information:

- a copy of the service contract for support care services, including overnight care from a registered agency
- verification they are aware they will not be paying rent/occupancy charge for the unit and must vacate the unit when their services are no longer required or if the tenancy/occupancy of the household is terminated
- a completed [Caregiver Agency Information Form](#).

**Note:** Proof of payment for the support care services may be requested.

---

**Acceptable service contract**

An acceptable service contract must contain a minimum of the following information:

---

**Human Services**

10 Peel Centre Drive, Suite B, 5<sup>th</sup> Floor,  
P.O. Box 2800, STN B, Brampton, Ontario, L6T 0E7  
Telephone: 905-453-1300 [www.peelregion.ca](http://www.peelregion.ca)

- the name of the caregiver
  - that the care is required overnight
  - the effective date of the contract, and
  - that the caregiver is required to vacate the unit when their services are no longer required or the household's tenancy/occupancy to the unit is terminated.
- 

**Annual eligibility review**

A household's continued requirement for an additional bedroom for a caregiver must be reviewed each year as part of the household's annual eligibility review.

At the annual eligibility review the household must verify that

- the reason(s) an additional bedroom is required are still ongoing (i.e. the household continues to require overnight care)
- the household is still able to live independently with the support care provided.

At the housing provider's discretion, verification may be in the form of a note from:

- a member of the household, or
- the member's physician.

**Note:** The household may incur a cost for a note from the physician.

---

**Seeking a replacement live-in caregiver**

A household that is actively seeking a replacement live-in caregiver may retain the additional bedroom for up to one year before being considered over-housed.

If after three months the household is unsuccessful in finding a qualified caregiver, the services of a community agency must be used to assist with the search. Written verification of the ongoing search from the community agency is required at the time of the annual eligibility review if the household has been seeking a caregiver for three or more months.

---

**Caregiver no longer required**

If a caregiver is no longer required, the household must

- notify the housing provider in writing within 30 days, and
- provide verification from the household member's physician that their patient is now able to live independently without support.

The household will be considered to be over-housed and will be required to transfer to the appropriate size unit as per section 38 of O. Reg. 367/11. Refer

to the Region's policy on [Over-housed Households](#).

---

**Adding a member to the household to provide care**

Many households are unable to afford to pay for a caregiver and may request adding a family member or friend to the lease to provide care. The individual requested to be added to the lease in this circumstance is not considered a caregiver under this policy. It is simply adding a member to the household.

If an additional bedroom is required the household must go on the housing provider's chronological transfer list or the PATH centralized waiting list.

The individual being added to the lease

- a) will become a member of the household
- b) will have their gross income included for calculating the RGI rent/occupancy charge for the unit
- c) will have occupancy rights to the unit, including the RGI
- d) must comply with all RGI rules, and
- e) must be in keeping with the mandate of the building.

The following are examples of circumstances where the individual must be in keeping with the mandate of the building.

**Example 1**

Connie is 73 years old and lives in a one bedroom unit in a seniors' only building. She has requested that her 50 year old daughter be added to her lease to provide care. The request is denied because her daughter does not meet the mandate of the building as she is under 65 years old. Connie and her daughter will need to complete a new PATH application and go on the centralized waiting list for another building.

**Example 2**

Carlos is physically handicapped and requires overnight support in order to live independently. He lives in a one bedroom unit with no special mandate and has requested that his brother be added to his lease immediately to provide overnight care. Carlos has also requested an additional bedroom for his brother. The request may be approved for Carlos' brother to be added to the lease as a member of the household (not as a caregiver). However, they must go on the chronological transfer list for a two bedroom unit or submit an application to the PATH centralized waiting list for a two bedroom unit.

---

**Duty to accommodate**

Under the *Human Rights Code* (HRC) housing providers have a "duty to accommodate" persons with disabilities.

---

**Questions**

If you have questions pertaining to this document, please contact your Housing Programs Specialist at the Region of Peel.

---

**Cross  
references**

The following documents are related to this policy:

[Caregiver Agency Information Form](#)

[Occupancy Standards](#)

[Over-housed Households](#)

[RGI Household's Request for an Additional Bedroom](#)

---