

Dalhousie Legal Aid Service

---

# Public Housing Guide

A Guide to Public Housing in  
Nova Scotia



Tenant Rights Series

# **DOES THIS BOOKLET APPLY TO YOU?**

This booklet is a guide for tenant's rights in Nova Scotia. In Nova Scotia, **the Residential Tenancies Act and Regulations (the RTA) are the law for rental housing**. This means that your rights as a tenant are covered by the RTA.

## **Are You Covered by the RTA?**

If you pay rent you are probably covered by the RTA, even if you didn't sign a lease. However, there are some exceptions.

In other words, the RTA **DOES** apply if you live in:

- Apartment, Flat or Rooming House
- House or Housing Co-operative (Co-op)
- Public / Metro Housing
- Manufactured home spaces

The RTA does **NOT** apply if you live in:

- University Residences
- Shelters
- Hospitals or Nursing Homes / Care Facilities
- Correctional Facilities
- Hotels / Motels

**THIS GUIDE CONTAINS LEGAL INFORMATION, NOT LEGAL ADVICE AND IS NOT INTENDED TO REPLACE TALKING TO A LEGAL PROFESSIONAL**

Everything depends on the individual circumstance. You should only rely on this as a guide. If you need further help, see the Resources page at the back of this guide. This guide is current as of: **May, 2015**.

# CONTENTS

Public Housing	1
Lease	2
How to Apply	4
Wait times	4
Who Qualifies	4
Selection Process	5
Income	6
Rent (RGI)	6
Transfers to Another Unit	9
Priority Access	11
What to do if Your Application is Rejected	12
Legal Process — Appeal	12
Judicial Review	13
Seniors Public Housing	14
Rent Supplement Program	15
Pets	17
End Notes	18
Resources	18

# PUBLIC HOUSING

## **What is public housing?**

Public housing is a form of subsidized housing. It is commonly known as ‘Housing.’ It is housing that is owned or subsidized by the Department of Community Services’ Housing office and run by a variety of regional housing authorities. These include the Metro Regional Housing Authority, the Cape Breton Island Housing Authority, the Eastern Mainland Housing Authority, the Cobequid Housing Authority, and the Western Regional Housing Authority.

Each housing authority has its own Board of Directors. The board of directors is made up of community members and tenant representatives. There needs to be one community member representing each public housing authority complex within the regional housing authority. The exact make up of the board changes from one housing authority to another.

The Department owns many apartment buildings, row houses, and seniors’ building for public housing. Public housing also provides rental subsidies in some cases for private apartment buildings operating under the Rent Supplement Program.

Tenants living in public housing pay a monthly rent based their on household income.

## **History:**

Halifax was the third Canadian city to institute a public housing entity and it was run by the municipality for many years. Public housing was taken over by the provincial government in the 1980s. The province then created regional housing authorities to run public housing in different areas of the province. This is the system currently in place.

## **Lease:**

Public housing tenants enter into a standard form lease with the housing authority as prescribed in the Nova Scotia Residential Tenancy Act (RTA).

The lease sets the terms and conditions of the agreement between the tenant and the landlord. There are many parts of the RTA that are the same for public housing and many parts that are different. Our *Tenant Rights Guide* highlights RTA aspects that are the same for public housing, but the differences are noted below.

### RTA regulations specifically for public housing:

- You must give public housing information about your household income and family size. The unit you are given should be chosen based on these things.
- If your household income or family size change and you no longer qualify, your housing authority may be able to evict you by giving you notice (the same notice rules as other tenancies).
- You do not have the right to sublet or assign your lease.
- If you want someone to move in with you, you need to check with your housing authority first. There are a variety of rules and conditions that are different from one housing authority to another and they can either allow someone to move in with you or not. If your housing authority allows it then your rent will change, because the income of the person moving in with you will be counted toward the household income, and they will be considered when determining family size.
- The general rules for rental increases do not apply to public housing. In public housing your rent is based on a percentage of your income, so if your income changes then your rent changes. For example if your income increases by 5% your rent will also increase by

5%. This means your rent can change regularly, but the percentage of rent you pay remains the same.

- Your rent can change more than once a year.
- Many of the same problems occur in public housing as in other types of rental housing. However, **the process for dealing with these problems can be different:**
  - ⇒ You should file a complaint with your Housing Authority Board for any issues that are not covered by the RTA. For example, if your request for a transfer has been rejected, or your application to Housing has been rejected you will complain to the Housing Authority Board directly.
  - ⇒ You should file a complaint with Residential Tenancies for anything that is covered by the RTA. For example, if you need repairs and are not getting them, or if there is abandoned property by your rental unit that is not being dealt with.

# HOW TO APPLY

Each housing authority has its own standard application form. Applications are both available online or at your local housing authority office or satellite office. Completed applications can be dropped off, mailed, faxed, or e-mailed to your local housing authority office or satellite office.

## **Wait Times:**

The average wait time from when you apply to Housing to when you get accepted depends on a variety of factors. It depends on what your preferences are for where you would like to live and for what type of application you are filing (family or senior).

In general, **wait times can vary between 2 and 8 years.\***

## **Who qualifies:**

Anyone can apply for public housing as long as they meet the following criteria:

- All household members are legal residents of Canada or landed immigrants (this is the same as being a permanent resident).
- Meet municipal residency requirements. This is for seniors or family applications. If you are applying for a public housing unit that falls within a city or a town (as opposed to a rural area) then you have to meet the following requirements: you need to have lived in the town / city (of the public housing unit) for 12 consecutive months out of the last 23, or for 60 total months in your lifetime. **These are not relevant for the rent supplement program.** Make sure you double check what the municipal residency requirements are for the housing authority you are applying to during your application. **Not all towns have these requirements.** Even if you do not meet the

requirements you can still get a unit. The housing authority just has to offer it to someone else who meets the requirements first.

- Fall within the set household income limits.
- For seniors' housing, at least one member of the household is 58 years old or older.
- Previous public housing residents with rental arrears or who were evicted will be assessed on a case by case basis.
- Anybody who might reasonably have exhibited prior behaviour problems will also be assessed on a case by case basis.

### **Selection Process:**

- Once an applicant is approved, their name is added to the housing authority wait list.
- Applicants are placed in order by the date an application was received at the Housing Authority office. Need and circumstances are also considered when adding new applicants to the waitlist.
- When a vacancy appears, a unit is offered to the next approved applicant on the wait list.
- Some applicants with particular circumstances (like people escaping a violent situation, or with medical issues) receive priority access.

**NOTE:** You can select buildings and locations in your application, but not specific units. The more buildings you select the better your chances are of being offered a place and you may have a shorter wait time.

**Income:**

You are required to declare gross household income (before deductions), from all income sources, for all household members. This is used to calculate your rent-geared-to income (RGI).

Tenant's income is reviewed on at least an annual basis (but can be as often as a couple times a month). If your income changes your rent will change to reflect this. Documentation and verification of income and family composition are required from the tenant. They must follow the form requested by the housing authority and be submitted in the appropriate window of time.

**Rent Geared to Income (RGI):**

The housing authority will calculate the amount of rent you will pay based on your gross household monthly income.

**This can include:**

- Wages from Employment
- Canadian Pension Plan (CPP)
- CPP Disability
- Pension Income
- Other Pension
- Old Age Security (OAS)
- Guaranteed Income Supplement (GIS)
- Income Assistance
- Employment Insurance
- Alimony / Child Support
- Capital Gains
- Dividends

- Foster Child Payments
- Gratuities and Tips
- Immigrant Sponsorship
- Human Resource Development Canada
- Interest
- Spouse Allowance
- Other Country Social Security
- Rental Income
- RRSP / RIF
- Student Loan
- Worker's Compensation
- Veteran's Pension and Allowance
- Other Income

Tenants pay rent for a self-contained unit, which often includes heat, water, hot water, stove and refrigerator. Many units also include electricity. If the units do not include electricity then the tenant pays for electricity costs, either through direct payment to Nova Scotia Power or as a surcharge on the monthly rent.

If you are receiving income assistance from the government, the amount of rent is based on the Income Assistance scale. Other adjustments may apply that could increase or decrease the rent you pay.

**NOTE:** Be aware that there are very long wait times for housing. It is quite hard to get in, and you will be placed where the next available unit is, which may not be your first choice. Additionally, the unit you are placed in is generally determined according to family size.

# TRANSFERS TO ANOTHER UNIT

If you already live in a public housing unit, but want to move to another unit you need to apply for a transfer. The transfer application form is not online, and is only available at the housing authority offices. Once the application form is filled out you need to hand in the application at your housing authority office, or satellite office.

**NOTE:** There are two types of application forms for a transfer application. One general form, and another for seniors. Make sure you fill out the correct transfer application form.

## **Criteria for transfer eligibility:**

- Applicants are required to not be in arrears. This means your rent needs to be paid in full before transferring.
- A tenancy report will be made for each applicant, and it should indicate a positive landlord/tenant relationship.
- You must have lived in your current unit for at least two years. If you're housed as an on age waiver, you must be 58 years old and have lived in your current unit for at least two years.
- You must also give a reason for your move. Your reason must meet one of the following three general reasons for a transfer:
  - 1) **Health and security:** For example, you have to move to be closer to life-sustaining support, or to get away from a violent household. Another example, would be needing to move from a house with stairs to an apartment with an elevator due to mobility issues. You will need to provide documentation of this from either a medical or law enforcement professional for your application to be considered.

- 2) **Transportation:** If you can show that you need to transfer to another unit to be able to access public or private transportation.
- 3) **Work related:** You can request a transfer to another unit so that you are closer to your work. You will need documentation to show this. For example, a letter from your employer.

**NOTE:** The work related transfer is very rare. It is unlikely that this will be a sufficient reason for a transfer.

### **Before being offered a unit:**

Before being offered another unit the housing authority will conduct an inspection of your unit. If there is only normal wear and tear in your unit your transfer will be approved. However, **if there are any damages the costs to repair them will be charged to you, and must be paid within 5 days of the unit inspection.** If the damages are not paid within 5 days of the inspection the transfer will be cancelled. If damages are discovered after you have left the unit they will be charged to your account.

# PRIORITY ACCESS

There are specific criteria to be eligible to qualify for priority status. If you are applying for this status, there are standard forms and documentation required to verify your situation.

## **Special priority may be given to your application if you are:**

- Moving to escape family violence,
- Living in inadequate housing that causes an immediate health or safety risk,
- OR, need to live closer to medical services to maintain life-sustaining support service.

**NOTE:** To qualify for priority access you need to have significant documentation and you need to be persistent.

# WHAT TO DO IF YOUR APPLICATION IS REJECTED

The housing authority will write to you to confirm if your application is complete and if you are eligible. If you are not eligible for public housing, an explanation is provided in the written notice.

Depending on what you applied for (transfer, priority access, or general admittance) you will receive a different explanation for why you were not accepted.

**NOTE:** They should give you your decision in writing. If they don't give it in writing, call and ask for it in writing. You need the decision in writing if you want to apply for an appeal.

## **Legal Process — Appeal:**

If you are rejected you can apply to the housing authority board in writing for a reconsideration of their decision. They will set up a meeting time to meet them in person. This can take several months as there is a long wait time.

If you are unhappy with their in-person decision, you can ask for a judicial review.

### **Judicial Review:**

A judicial review is a legal procedure that takes place in the Supreme Court. In a judicial review, the Court reviews the decision that has been made by the housing authority board.

Judicial review is a fairly complicated procedure and you should seek legal advice if you want to go on with a judicial review.

**Both Dalhousie Legal Aid Service and Nova Scotia Legal Aid can help with judicial reviews.**

# SENIORS PUBLIC HOUSING

Seniors public housing is a public housing program specifically for seniors. Certain buildings owned by public housing are for seniors only. Other buildings have units specifically for seniors either with market rate rents, or RGI rents.

## **The Rental Building and Unit:**

- Some buildings have social committees, or resident's associations that organize things like social events.
- The rental units have a stove and a refrigerator and include both heat and hot water.
- Some units are accessible for people with physical disabilities

## **Requirements:**

- Must be at least 58 years old to qualify as a senior
- Complete the application form
- Meet the income and need (for example, wheelchair accessibility, parking, pet-friendly units, etc.) requirements on the application form. These requirements vary from housing authority to housing authority. However, in general the maximum income requirement is approximately \$2,200 per month including OAS and CPP.

**NOTE:** Special consideration may be given to people with physical disabilities and other special needs as long as they have proper documentation to prove this.

# RENT SUPPLEMENT PROGRAM

The Rent Supplement Program subsidizes rental units in privately owned rental buildings. This means that public housing will pay for a portion of the rent for one of these units and you will pay the rest. The amount that public housing pays a landlord varies and is based on how much you can afford.

If you apply for public housing you can either be selected for a unit owned by the housing authority or for a Rent Supplement unit. This is determined based on the availability of units. So, if there is an available Rent Supplement Unit it will go to the next person on the housing waitlist, unless the Rent Supplement agreement says otherwise.

## **Rent:**

A rent supplement tenant pays their portion of their rent each month directly to the landlord (not the housing authority) based on the appropriate rate or rent scale, according to the Rent Supplement program in effect for their area.

The monthly rent supplement paid by the housing authority to the landlord is the difference between the rent charged by the landlord and the tenant's portion of the rent.

The tenant should not expect to pay the landlord more than what was calculated by the Housing Authority.

**Lease:**

Tenants enter in a standard lease with the private landlord as prescribed in the Residential Tenancies Act in Nova Scotia. In other words, the lease is not with public housing, even though you would be a client of your local housing authority and you would have a file with public housing.

**NOTE:** If you need repairs you would ask your landlord to fix them, not your housing authority.

# PETS

Service animals are not considered pets. Therefore, rules for pets do not apply for service animals and vice versa.

The pet policy only allows for pets if they meet the following requirements:

- All pets should be inoculated according to municipal and provincial by-laws, and the owner needs to show proof of this.
- The owner should keep the pet on-leash or otherwise restrained in common areas.
- The pets need to be licensed according to municipal and provincial by-laws, with proper proof.
- The pet **needs to be registered with the Housing Authority before it is brought to the Housing unit.** This includes certification from a veterinarian that the pet is fully vaccinated; that there is sufficient information to differentiate it from other pets; the name and contact information of someone who can care for the pet in your absence; and a signed statement from the pet owner acknowledging the pet policies outlined above.

**NOTE:** The Housing Authority can add other restrictions based on number of pets allowed in the unit, and types of pets allowed in the unit.

# END NOTES

\* Information on wait times found through a FOIPOP (Freedom of Information and Protection of Privacy) request. The information came directly from Public Housing.

# RESOURCES

## **Dalhousie Legal Aid Service — Specialized Guides:**

- Tenant Rights Guide
- Finding a Place & Being a Good Tenant Guide
- Legal Procedures & Dispute Resolution Guide
- Manufactured Home Parks Guide
- Enforcement Guide

## **Housing Authorities:**

Map of Nova Scotia:

**Cape Breton Island Housing Authority:**

Serving Cape Breton, Richmond, Inverness & Victoria Counties:

18 Dolbin Street,

Sydney, NS B1P 6K3

Phone: (902) 539-8520

Toll free: 1-800-565-3135

Fax: (902) 539-0330

**Eastern Mainland Housing Authority:**

Serving Antigonish, Guysborough & Pictou Counties:

7 Campbell's Lane

New Glasgow, NS B2H 2H9

Phone: (902) 752-1225

Toll

1-800

2101

Fax:

(902)

1315

Free:

933-

752-



**Cobequid Housing Authority:**

Serving Cumberland & Colchester Counties:

Amherst office

144 Victoria East

Amherst, NS B4H 4B9

Phone: (902) 667-8757

Toll Free: 1-800-934-2445

Fax: (902) 667-1686



**Western Regional Housing Authority:**

Serving the counties of Annapolis, Kings, Hants West, Lunenburg, and Queens Regional Municipality. Also the Counties of Digby, Yarmouth and Shelburne:

New Minas Office

25 Kentucky Court

New Minas, NS B4N 4N1

Phone: (902) 681-3179

Toll Free: 1-800-441-0447

Fax: (902) 681-0806



**Metropolitan Regional Housing Authority:**

Serving Halifax Regional Municipality:

MacDonald Building

2131 Gottingen Street, 5th Floor

Halifax, NS B3K 5Z7

24-hour Switchboard: (902) 420-6000



For Applications: (902) 420-6017

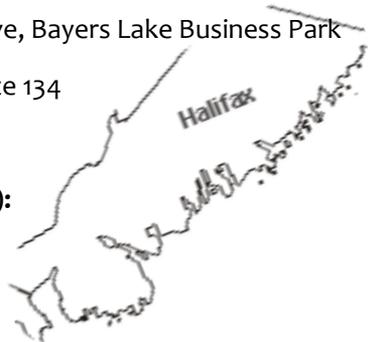
Toll Free: 1 800-565-8859

Fax: (902) 420-6020



**Residential Tenancies — Access Nova Scotia:**

- Telephone: (902) 424-5200 or 1-800-670-4357 (toll free in North America)
- Online: <https://www.gov.ns.ca/snsmr/access/land/residential-tenancies.asp>
- Halifax: 300 Horseshoe Lake Drive, Bayers Lake Business Park
- Dartmouth: 250 Baker Drive, Suite 134



**Halifax Regional Municipality (HRM):**

- Telephone: 311 in HRM

**Legal Information Society of Nova Scotia:**

- Telephone: (902) 455-3135 or 1-800-665-9779 (toll free in Nova Scotia)
- Email: [questions@legalinfo.org](mailto:questions@legalinfo.org)
- Web: <https://www.legalinfo.org>

**Dial-A-Law:**

- Telephone: (902) 420-1888

**Nova Scotia Human Rights Commission — Halifax:**

- Telephone: (902) 424-4111 or 1-877-269-7699 (toll free in Nova Scotia)
- Email: [hrcinquiries@gov.ns.ca](mailto:hrcinquiries@gov.ns.ca)

**Nova Scotia Legal Aid:**

- Representation and summary advice for people with low income. There are 19 locations throughout the province.
- Main Office (Halifax): (902) 420-3450 or 1-866-420-3450 (toll free)
- Web: <http://www.nslegalaid.ca/>





