Eviction Prevention due to Arrears in Rent

Highlighted Initiative: Office of the Commissioner of Housing Equity (OCHE)

Overview of Tool: Eviction Prevention due to Arrears in Rent
Homelessness can be prevented by preventing evictions, particularly due to arrears in rent. For a variety of reasons, tenants may find themselves unable to pay rent and faced with an eviction notice. Rather than being evicted from their housing, they may simply require assistance in remaining housed and addressing the arrears, by addressing the underlying contributing factors and developing a flexible and reasonable repayment plan.

Highlighted Initiative: Office of the Commissioner of Housing Equity (OCHE)
The Office of the Commissioner of Housing Equity (OCHE) is an arms-length accountability office for the Toronto Community Housing Corporation (TCHC), and is the first office of its kind in North America. OCHE’s mandate is to assist senior and vulnerable tenants in TCHC housing to achieve healthy and successful tenancies through the resolution of rental arrears (unpaid rent) and loss of subsidies.

OCHE works directly with tenants to understand their situation and helps them make a plan to avoid eviction. As a large majority of tenants do want to pay their rent but find themselves unable to do so, OCHE supports tenants facing eviction to identify and address the underlying issues preventing them from paying their rent. OCHE has found success in addressing these issues when working with tenants in a respectful, supportive, adaptive role – rather than in an adversarial relationship of arrears collection.

By cultivating relationships of trust with tenants, OCHE has been successful in ensuring tenants are supported to make a plan to pay the arrears owing – and has prevented evictions, and the potential resulting homelessness, through this work.
How does OCHE work?

OCHE works with senior (59+) and vulnerable tenants in TCHC housing – both tenants who are paying market-rate rent, as well as tenants in Rent-Geared-to-Income (RGI) units – who voluntarily choose to work with OCHE, referred after receiving an eviction notice due to arrears in rent.

OCHE is comprised of a designated team of professionals who have experience in legal matters, social work, mental health, dispute resolution and social housing. The Early Resolution Officers (EROs) work directly with tenants facing eviction and identify underlying issues preventing them from paying their rent.

In doing this work, OCHE has found that most arrears aren’t strictly about the money owed, but result from contributing factors – whether personal or structural – that can be addressed when working alongside tenants in a supportive and flexible role. Reasons for arrears may include: loss of income or subsidy; unexpected expenses; need for additional supports; tenancy issues; family composition changes; and more.

EROs work directly with tenants within an intensive and focused timeframe, ensuring that tenants are involved in all aspects of the resolution process, to seek external funding or discounts the tenant may be eligible for, address underlying issues, increase financial literacy, reach out to family (if tenant chooses), develop a creative and flexible plan, and set up a reasonable repayment schedule.

What makes OCHE effective?

OCHE attributes its effectiveness to its approach of engaging and empowering tenants: building relationships of trust by treating people with respect, and by having a flexible and creative approach. Understanding that each tenant is unique, and therefore there is no one-size-fits all method, OCHE adapts their approach depending on the individual person and their circumstances.

OCHE starts with positive messaging, letting the tenant know OCHE is on their side and that OCHE does not want to see them get evicted. The tenant has the opportunity to choose if and how they will work with OCHE. OCHE emphasizes that the tenant’s involvement with OCHE is voluntary, and empowers the tenant to make the choices along the process. For example, OCHE is flexible to meet with the tenant where and when they choose.

What difference does OCHE make?

OCHE observes that tenants may feel like they have had their power taken from them in the systems they interact with – and particularly when faced with an arrears notice. This feeling of powerlessness may be amplifying so OCHE wants to ensure tenants feel like they are in control and making the choices. Around 95% of households contacted voluntarily choose to work with OCHE.
In addition to the successful prevention of evictions due to arrears, OCHE has also observed physical changes in people throughout their time of working together. Initially tenants may seem embarrassed or scared to discuss their financial and life situation, but as OCHE builds relationships of trust they have seen tenants’ demeanors become more positive and confident.

And ultimately, OCHE is successful in preventing eviction. In 2017, of the 359 arrears cases that OCHE handled, only 5 households were evicted.

**Key Lessons Learned**

Building relationships of trust and respect with tenants can have a huge impact on arrears payment and eviction prevention, and the roles within some housing providers can challenge these relationships. For example, if front-line staff are tasked with collecting rent and issuing arrears – in addition to supporting tenants – this can introduce unnecessary tension and conflict into a relationship that is meant to be supportive. Designating a separate contact to collect rent and issue arrears can allow front-line staff to focus on developing and maintaining positive relationships of trust and respect necessary to effectively support tenants.