

# Managers' Reports

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# Request for Recommendation Priorities Committee




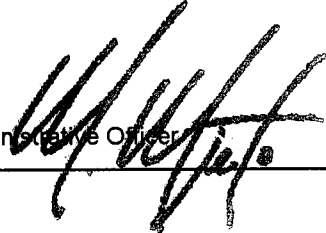
Type of Decision									
Meeting Date	April 23, 2003				Report Date	April 16, 2003			
Recommendation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
South End Rock Tunnel Sewer Project

Policy Implications + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified
<input checked="" type="checkbox"/>	Background attached

Recommendation	
<p>That the City of Greater Sudbury proceed with the construction of the South End Rock Tunnel Sewer project, to be funded as follows:</p> <p>continued</p>	
<input checked="" type="checkbox"/>	Recommendation attached

Recommended by the General Manager
 D. Bélisle General Manager of Public Works

Recommended by the C.A.O.
 M. Mieto Chief Administrative Officer

Date: April 16, 2003

Report Authored By

D. Bélisle  
General Manager of Public Works

Division Review

**RECOMMENDATION continued**

Province of Ontario SuperBuild Contribution	\$8,400,000
2000 to 2003 existing City of Greater Sudbury Reserves and Capital Allocations	6,735,000
2004 City of Greater Sudbury contribution from the Sanitary Sewer Reserve Fund	1,165,000
2004 to 2007 City of Greater Sudbury Sewer Capital Allocations of \$1,600,000 per year	6,400,000

and that the firm of R. V. Anderson Associates Limited be appointed to design, tender, and supervise the project, and

That the City of Greater Sudbury continue to pursue Federal financial participation in this multi-year project.

**BACKGROUND**

History of the Project

The sanitary sewers servicing the south end of the City of Sudbury were constructed in part by the former Township of McKim, starting in 1959. In 1960, McKim Township, then known as Lockerby, was amalgamated into the City of Sudbury who took over the completion of the sanitary sewers. Communal servicing ended at the southern limits of the City, roughly defined as the east-west alignment of Loach's Road. Everything south of the McKim Township line depended on private septic systems, and there was considerable residential development in this area in the 1960's and 1970's, in response to the booming mining industry and lower property taxes just outside the City limits. In 1973, these areas were amalgamated into the City when the Regional Municipality of Sudbury was created. One of the first sewer and water servicing projects undertaken by the former Region in the mid 1970's was in the City's south end, and was known as the Algonquin project. This project extended southerly from the former City limits at Loach's Road, ending along the alignment of the current South-West By-pass.

Considerable residential development evolved in the City's south end throughout the 1980's and 1990's, in response to the area's rural flavour and natural attractions, as well as its close proximity to the City core. Retail and commercial development followed. Today, the City's south end can be categorized as the "hotspot" of residential, commercial, and institutional development in the community.

In the early and mid 1990's, it was becoming apparent that development pressures were outstripping sewage collection capacities in the City's south end. Sporadic sewage overflows and house floodings were occurring during spring runoff and heavy rains. The Public Works Department responded and developed operational plans devised to minimize house floodings by diverting sewage overflows into local lakes and watercourses. This was by no means environmentally acceptable, but it did work for a few years at preventing homes from flooding. Eventually, sewage flows exceeded the City's best efforts to

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by-pass untreated sewage to the natural environment in order to protect private property. By the late 1990's, untreated sanitary sewage was being dumped into watercourses while private homes continued to flood almost every spring. The sanitary sewer system had exceeded its capacities.

In May of 2000, the Region appointed the firm of R.V. Anderson Associates Limited to undertake a Class Environmental Assessment (Class EA) of the City's south end sewers. The study was commissioned to identify immediate, mid-term, and long-term solutions, to sewage collection capacities in the City's south end. The Class EA was completed in 2001 following a lengthy public consultation process and on November 29, 2001, the Council of the City of Greater Sudbury adopted the construction of a Rock Tunnel sewer as the preferred solution to sewage capacity issues in the City's south end. The project would put an end to ongoing environmental degradation, as well as provide opportunities for economic growth in the City's south end. The project would cost \$22.7 million over several years, with the majority of costs (\$21.3 million) occurring in the first four years.

### Federal/Provincial Funding

In September, 2001, the Province of Ontario announced its Millennium SuperBuild initiative, designed to fund infrastructure projects in concert with the Federal Government through the Canada-Ontario Infrastructure Program (COIP). The COIP provided for equal partnership funding of one-third each by Municipalities, Ontario, and Canada. This Federal/Provincial announcement came just at the time that the City's Class EA for the south end sewers was nearing completion. Anticipating City Council's adoption of the preferred solution for the City's south end sewer problems, City staff initiated an aggressive pursuit of COIP grants. Three priority projects were sanctioned by City Council in the pursuit of these grants:

- David Street Water Treatment Plant, Filtration Upgrades, \$20 million
- Municipal Road #35 Four-Laning, Sudbury to Azilda, \$10 million
- City's south end Rock Tunnel Sewer, \$22.7 million

Council is well aware of the current status of these priority projects. For the record, here is where they stand.

- David Street Water Treatment Plant. This \$20 million project is under construction, with completion slated in December of this year. It is fully funded in equal shares, by the City, Ontario, and Canada, under the COIP.
- Municipal Road #35. This \$10 million project is currently out to public tender, for construction in 2003 and 2004. It ended up being funded on a 50-50% formula between the City and the Province of Ontario under the Northern Ontario Heritage Fund Program.
- City's south end Rock Tunnel Sewer. In December, 2001, the Province of Ontario announced that it would contribute \$8.4 million to this project under its Millennium SuperBuild program. This amount was slightly more than the 33 1/3 % share prescribed under the COIP formula, but the Province wanted to max-out its \$15 million commitment to Sudbury under the Millennium SuperBuild Program (\$6.6 million for David Street, \$8.4 million for the Rock Tunnel Sewer). A copy of the December 17, 2001 Provincial News Release on funding for the Rock Tunnel Sewer is appended (Appendix "A").

The City immediately looked to the Federal Government for its one-third share of this project under the COIP. Months of countless communications with Ottawa by City staff and Councillors yielded no results, neither positive nor negative. All the while, sewage spillage events continued in the City's south end,

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compounded by accelerating development pressures in the City's fastest growing residential, commercial, and institutional area. By late 2002, the following developments were at various stages along the City's approvals process.

- 1,745 single family lots in 14 residential subdivisions
- 225 units in a Seniors' Community complex near Laurentian University
- expansion of the Sudbury Regional Hospital
- a new Seniors' and Alert Care complex between Paris and Regent Streets
- a major truck fuelling station near the South East By-Pass
- the new Medical School
- the proposed 278,000 square feet WalMart development on Regent Street
- the proposed 150,000 square feet expansion of the Southridge Mall

In the face of these environmental and development pressures, the City would have been well justified in freezing all new development in the City's south end. Instead, the City kept relying on a positive response for funding assistance from the Federal Government and allowed development to proceed.

In October 2002, I wrote to the Federal Government, seeking what I believed to be a reasonable compromise to the City's dilemma (Appendix "B"). I asked that the City be allowed to commence construction of this multi-year project, using the City's and the Province's financial contributions. I was seeking a commitment from Ottawa that commencement of the project would not jeopardize any future Federal grants for the project. To this day, we have not received a reply to this letter, one way or another.

In January 2003, Mayor Gordon wrote to the Federal Minister of Industry, Allan Rock, once again asking for Federal participation in this essential project (Appendix "C"). Once again, neither a positive nor a negative reply was received.

In February 2003, Councillor Craig and I held a conference call with Mr. Kim Bulter, Federal Co-Chair of the COIP, seeking responses to our October 2002 non-jeopardy request, as well as Mayor Gordon's January 2003 letter to Minister Rock. Once again, neither a positive nor a negative response was obtained, although Mr. Bulter did indicate that some assistance may be forthcoming in the imminent Federal Budget. That Budget has come and gone, with no assistance for Sudbury's Rock Tunnel Sewer project.

Finally, on March 27, 2003, we received a letter dated March 21, 2003, from Mr. Kim Butler, Federal Co-Chair of the COIP, essentially advising the City that there is no more Federal funding available to Sudbury in the foreseeable future (Appendix "D").

Under the circumstances, I am compelled to recommend to City Council that all new development in the City's south end be frozen immediately. Further, I recommend that all pre-existing development approvals in the City's south end, be retroactively rescinded wherever legally possible. These measures are essential in order to shield the City from environmental and civil suits.

In the alternative, the City can proceed with the construction of the South End Rock Tunnel Sewer. That is my preferred recommendation.

Date: April 16, 2003

**Project Phasing & Financing**

This is a large project spanning several years, with the majority of the works occurring in the first four years at a cost of \$21.3 million. These earlier works will eliminate south end flooding and respond to emerging development pressures. In the following years, about \$1.4 million will be needed to complete the project, with actual construction paced to development activity. Total project costs are estimated at \$22.7 million. The following table outlines the recommended construction schedule and corresponding costs.

- 2003 - Design, land acquisition, tendering, start of construction, \$ 2,900,000
- 2004 - Construction, 7,400,000
- 2005 - Construction, 8,900,000
- 2006 - Construction, 2,100,000
- 2007 + Construction, 1,400,000
- Total: \$22,700,000

From the very onset of this project in 2001, City Council prudently marshalled its finances to meet its one-third share of the project costs. Accordingly, \$6,735,000 is in place to fund the City's share. The Province has committed \$8,400,000 to the project, leaving a shortfall of \$7,565,000, which was to have been funded by the Federal Government.

The following tables depict how the project can be funded.

**Existing Funding**

Province of Ontario, Millennium SuperBuild Program	\$ 8,400,000
2000 City Reserves, sewer & water replacements	1,350,000
2000 City sewer & water capital allocations, banked for COIP	2,215,000
2002 City sewer capital allocation	1,884,000
2003 City sewer capital allocation	<u>1,286,000</u>
Sub Total, existing funding	\$15,135,000

**Future Funding**

2004 City Contribution from Sewer Reserve Fund (Leaves balance of \$2,311,000)	\$ 1,165,000
2004 City sewer capital allocation (leaves an annual balance of \$4,992,000)	1,600,000
2005 City sewer capital allocation (leaves an annual balance of \$5,467,000)	1,600,000
2006 City sewer capital allocation (leaves an annual balance of \$5,865,000)	1,600,000
2007 City sewer capital allocation (leaves an annual balance of \$6,478,000)	<u>1,600,000</u>
Sub Total, future funding	\$ 7,565,000

Total Funding: \$22,700,000

**Date: April 16, 2003**

In conclusion, it is evident that the City has the financial ability to undertake this project, albeit to the detriment of other much needed sewage works throughout the entire City. Of course, the Province's \$8.4 million contribution is essential. Without it, the project cannot proceed.

I recommend that Council proceed with this project now, notwithstanding the missing one-third Federal share. The project will span several years, providing ample opportunities for Federal participation at some future time.

Further, I recommend that Council appoint the firm of R.V. Anderson Associates Limited to undertake the design, tendering, and construction supervision required for the project. This firm undertook and completed the Class EA for this project, and is best suited to see the project to completion.



## **SUPERBUILD INVESTS \$15 MILLION TO EXPAND AND UPGRADE SEWER AND WATER SERVICES**

**SUDBURY** — Dan Newman, Minister of Northern Development and Mines, on behalf of Jim Flaherty, Ontario Minister of Finance and Deputy Premier, today announced a \$15-million SuperBuild contribution to two sanitary sewer and water treatment projects that will support future growth in south Sudbury, and ensure the area continues to enjoy a clean and healthy environment.

In one project, SuperBuild is providing \$8.4 million towards a \$22.9-million sanitary sewer expansion. The major underground sanitary sewer line, now ending near Marcel and Bouchard streets, will be extended to the vicinity of Algonquin Road and Green Avenue. The 6.3 kilometre extension will increase the line's total length to more than 21 kilometres. As previously announced, SuperBuild is also contributing \$6.6 million for a modernization of the David Street Water Treatment Plant, which has been in operation for approximately 40 years.

"SuperBuild's investment recognizes a key priority – building the water treatment and sewer systems that now serve the south end of Sudbury, the fastest growing part of the city," Newman said. "This area is designated for retail, commercial and residential development and the expansion of institutions such as Laurentian University, Sudbury Regional Hospital, Science North and the new Northern Medical School. Another top priority addressed in the sewer line extension is to stop flooding and spillages that now affect homes and business in the south during times of high water run-off.

"This is an investment in Sudbury's future," Flaherty said. "SuperBuild is partnering with municipalities on priority projects throughout the province to create jobs and keep communities and the provincial economy moving ahead in the 21<sup>st</sup> Century. We have nominated both projects to the federal government to participate in supporting the Sudbury sewer and water projects, and we are looking forward to a favourable response."

"The province has recognized that the proposed expansion of the south end sanitary sewer system and upgrades to the David Street Water Treatment Plant are essential to the well-being of our city," said Jim Gordon, Mayor, City of Greater Sudbury. "With today's generous contribution of funds for these critically important infrastructure projects in our community, the province has demonstrated its commitment to environmental protection, economic growth and quality of life."

By March 31, 2002, SuperBuild will have approved total investments across Ontario for almost \$9 billion in projects. When combined with investments by all partners, the total value of these projects is more than \$13 billion.

The sanitary sewer line and water treatment projects are the first in a series of provincial investments planned for Sudbury. Through SuperBuild, more than \$206 million will be provided for health care, education, transportation and other local public works projects.

Other major SuperBuild investments include:

- \$160.7 million to upgrade facilities used for patient care at Sudbury Regional Hospital;
- \$25.6 million to create 1,240 additional student spaces at Cambrian College;
- \$20 million to establish a telecommunications network in Northern Ontario to better link schools, hospitals, municipalities, tourism businesses, environmental groups and youth organizations;
- \$5 million to repair Highway 144 north and south of Sudbury Road 15 to improve driving safety and highway operations.

Contacts:

Natalie James  
Office of Dan Newman  
Minister of Northern Development and Mines  
416- 327-0655

Mohammed Nakhoda  
SuperBuild Communications  
416- 325-1697

*Disponible en français*

For more information on SuperBuild's investments in your community, visit [www.SuperBuild.ca](http://www.SuperBuild.ca)

**BUILDING ONTARIO'S FUTURE TOGETHER**  
**BÂTIR L'AVENIR DE L'ONTARIO ENSEMBLE**

October 18, 2002

APPENDIX "B"

Mr. Brian Booth  
A/Director  
Canada-Ontario Infrastructure Program  
151 Yonge Street, 3rd Floor  
Toronto ON M5C 2W7

Dear Sir:

**RE: Canada-Ontario Infrastructure Program**

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It was a pleasure to welcome you to Sudbury on October 9, 2002, as we toured the retrofit project underway at the City's David Street Water Treatment Plant.

As we discussed during your visit, the City of Greater Sudbury has another significant infrastructure project, the South End Rock Tunnel, currently under review for Canada-Ontario Infrastructure Program funding. The Province of Ontario has committed one-third funding, and the City of Greater Sudbury has developed a four-year cash flow plan to meet its one-third contribution as well. This \$23 million project will take a minimum of three years to construct, following one year of detailed engineering design, and tendering.

This project has undergone extensive public review through the Class Environmental Assessment process, and has emerged as an essential undertaking, providing environmental protection to nearby sources of drinking water, and numerous lakes and streams within our City. The project must proceed under any circumstances, and given its lengthy construction schedule, it is essential that the City proceed as quickly as possible.

Under the circumstances, I am seeking your Ministry's approval to proceed with this project, notwithstanding the fact that we have received neither approval nor rejection of Federal funding for this project under the Canada-Ontario Infrastructure Program. We are requesting confirmation that initiating construction of this project would not jeopardize Federal consideration for funding under the Canada-Ontario Infrastructure Program.

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**I look forward to your reply.**

**Yours truly,**

**D. Bélisle  
General Manager of Public Works**

**/vg**

**cc: Mayor and Members of Council  
M. Mieto  
General Managers**



January 24, 2003

RECEIVED  
FEB 03 2003

The Honourable Allan Rock  
Minister of Industry  
11th Floor, East Tower  
CD Howe Building  
235 Queen Street  
Ottawa ON K1A 0H5

CITY OF GREATER SUDBURY ENGINEERING

PO BOX 5000 STN A  
200 BRADY STREET  
SUDBURY ON P3A 5P3

Fax: (613) 992-0302

CP 5000 SUCCA  
200 RUE BRADY  
SUDBURY ON P3A 5P3

Dear Minister Rock,

705.671.2489

www.  
city.greatersudbury  
.on.ca

As Mayor and on behalf of City Council and the people of Greater Sudbury, I am requesting your help on an infrastructure project of vital importance to our community. Minister, your leadership is needed now to champion this project and help us bring this essential capacity-building initiative to fruition through the Canada-Ontario Infrastructure program.

The City of Greater Sudbury has identified construction of a rock tunnel in the fast-growing south end of our community as a project of highest priority. The rock tunnel is required to expand our water and sewer capacity in that part of the city to facilitate further planned development. This is a \$23 million project that will take a minimum of three years to construct, following one year of detailed engineering design and tendering. The City has developed a four-year cash flow plan to manage one-third of the cost.

The project has undergone extensive public review through the Class Environmental Assessment process and emerged as an essential undertaking, providing environmental protection to nearby sources of drinking water and to numerous lakes and streams within our city. The project must proceed, and given its lengthy construction schedule, it is essential that we proceed as quickly as possible.

On December 17, 2001, the Honourable Dan Newman, then Minister of Northern Development and Mines for the Province of Ontario, announced a Provincial contribution of \$8.4 million for the construction of the South End Rock Tunnel. This initiative was also nominated by the Province for one-third Federal Government participation in the Canada-Ontario Infrastructure Program.

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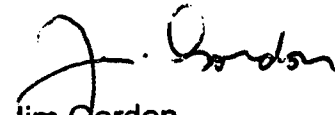
The Honourable Allan Rock  
Minister of Industry  
January 24, 2003

- 2 -

Now we need the participation of the Federal Government to take this project over the top by committing the final one-third of cost through the Canada-Ontario Infrastructure Program. Our own MPs, the Hon. Diane Marleau and Ray Bonin, are both in full support. But your support as Minister is needed now to help us make this vital project a reality.

I know that Sudburians can count on you.

Yours sincerely,



Jim Gordon  
Mayor

cc The Honourable Diane Marleau, MP for Sudbury  
Mr. Ray Bonin, MP for Nickel Belt



Industry Canada

Industrie Canada

151 Yonge Street  
3rd Floor  
Toronto, Ontario  
M5C 2W7

151, rue Yonge  
3<sup>e</sup> Étage  
Toronto (Ontario)  
M5C 2W7

Telephone: (416) 954-7175  
Facsimile: (416) 954-6654

March 21, 2003

RECEIVED

MAR 27 2003

GENERAL MANAGER  
PUBLIC WORKS

Mr. Mark Mieto  
Chief Administrative Officer  
City of Greater Sudbury  
200 Brady Street  
Sudbury, Ontario  
P3A 5P3

Dear Mr. Mieto:

This letter will confirm the Federal Government's contribution to the City of Greater Sudbury under the Canada-Ontario Infrastructure Program (COIP).

I am delighted to confirm, further to the announcement on December 22, 2001, that the Government of Canada has approved a federal investment of up to \$6,666,667 to upgrade the City of Greater Sudbury's David Street Water Treatment Plant. I am pleased that the Federal Government was able to approve this project, which was identified by the City of Greater Sudbury as its highest municipal infrastructure priority. This investment will have a positive impact on the citizens in your community. The project also meets the Federal Government's primary objective of addressing green infrastructure in Ontario municipalities. I am also pleased to confirm that the City of Greater Sudbury is receiving additional federal support of up to \$337,415 toward the upgrading of 16 community arenas, as announced on May 2, 2002. This investment was also based on its ability to address health and safety concerns.

These two projects complete the Federal Government's COIP investment in the City of Greater Sudbury. Because of the extraordinarily positive response to the Canada-Ontario Infrastructure Program, all federal funds available under the program have been earmarked for eligible projects nominated by the Province of Ontario.

The Government of Canada has been very pleased to partner with the Province of Ontario and local governments through COIP. Working together, we have jointly approved and announced 360 projects across Ontario to date, representing a federal investment of approximately \$500 million and total project costs of more than \$2.2 billion. Through participation in the Canada-Ontario Infrastructure Program, the Government of Canada has significantly augmented provincial and local resources available for priority infrastructure projects.

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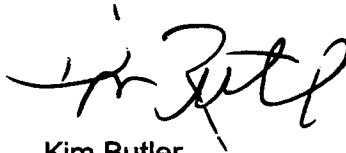
*[Handwritten notes and signatures]*

On September 30, 2002, the Government of Canada's Speech from the Throne acknowledged the success of programs such as the Canada-Ontario Infrastructure Program by signaling a long-term federal commitment to infrastructure: *Working with provinces and municipalities, the government will put in place a ten-year program for infrastructure to accommodate long-term strategic initiatives essential to competitiveness and sustainable growth.*

The Budget speech on February 18, 2003 re-affirmed *this commitment* by announcing a further \$3 billion federal investment over ten years for the renewal of Canada's infrastructure. Details will be forthcoming.

I wish you continued success in your efforts to improve the quality of life in the Greater Sudbury area.

Yours sincerely,



Kim Butler  
Federal Co-Chair  
Canada-Ontario Infrastructure Program

c.c. Ms. Dana Richardson, Provincial Co-Chair  
Canada-Ontario Infrastructure Program

The Honourable Diane Marleau, MP  
Sudbury

# Request for Recommendation Priorities Committee



## Type of Decision

Meeting Date	April 23, 2003				Report Date	April 11, 2003			
Recommendation	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

## Report Title

Policy Recommendation Regarding Changes to Social Housing Provider Mandates and Targeting Plans

### Policy Implications + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified

N/A

Background attached

### Recommendation

That the City of Greater Sudbury through Housing Services, working in co-operation with housing providers, will agree to: 1. restore target plans and mandates to their original commitment settings; 2. approve temporary changes in target plans; 3. approve temporary changes to mandates within those recognized by the Ministry of Municipal Affairs and Housing. All approvals would be subject to the submission of an acceptable business case by the affected housing provider.

Recommendation attached

### Recommended by the General Manager

*Dany Nadrozny*  
D. Nadrozny, General Manager of  
Economic Development and Planning Services

### Recommended by the C.A.O.

*[Signature]*  
Chief Administrative Officer

Date: April 11, 2003

**Report Authored By**



D.R. Desmeules  
Manager, Housing Services

**Division Review**



W.E. Lautenbach  
Director of Planning Services

**EXECUTIVE SUMMARY**

The Province has mandated that the City establish and maintain a central waiting list for applicants in need of regular rent-geared-to-income (RGI) housing. Housing Services met with local providers and stakeholders to discuss and resolve issues related to waiting list process. The City's registry began operations on April 1, 2003. Legislation exempts housing providers previously governed by a Federal operating agreement from participation in the registry.

The registry is based on a modified chronological system. This process was in place prior to the downloading of social housing. The system gives victims of family violence priority over all other applicants. RGI applicants are ranked by date of application. Within that group, High Need applicants (as defined by the Province) are given additional consideration in the selection process.

The City's wait list registry applies to the RGI applicants only. The individual housing providers continue to maintain their own wait list for the following: households who can afford the project market rent; households needing a wheelchair accessible unit and; households who require provincially funded support services to live independently. RGI households in need of a modified or designated supportive housing unit will apply directly with the housing provider.

The Province established a Target Plan and Mandate for each housing provider. The Target Plan establishes the number of rent-geared-to-income units, high need units, market rent units, wheelchair accessible and/or special need units that the housing providers must abide by when filling vacancies. If an RGI vacancy occurs, the provider is required to house the next available RGI applicant from the City registry. If a market rent vacancy occurs, the provider will fill the unit from their own market wait list.

The assigned Mandate reflects a commitment on the part of the housing provider to provide housing to a particular client group. Mandates recognized by the Province include: families; singles; seniors; aboriginals; victims of violence; alternate housing (housing geared to the hard to house/homeless); special needs (housing intended for households in receipt of designated provincially funded support services or the physically or mentally disabled); and none (projects deemed to be open to all applicants). The Province did not designate any Mandate based on religion or ethnicity. Provider Mandates cannot contravene the Ontario Human Rights Code.

The City can only place applicants who meet the project's Mandate on that provider's wait list. For example, only seniors can apply for a project with a seniors mandate. Providers can only house applicants who meet their mandate. A provider with a "None" mandate must accept applicants from all ages.

Date: April 11, 2003

The Province has set Service Level Standard (SLS) for the City. The SLS dictates the **minimum** number of rent-geared-to-income units that the City must subsidize (**3,601**). Of these units, a minimum of 2,151 must be targeted to households in High Need (households whose income is less than an income level set by the Province). The SLS identifies the minimum number of accessible/special needs units (168) which the City must continue to fund. The City meets its SLS by ensuring that local providers meet their identified Target Plan. Only the Province can change the Standard.

The City is required to monitor and enforce the wait list process. Providers who do not comply with the legislation are in breach of the law. The City is required to take action to ensure compliance. Such action includes withholding subsidies or in extreme cases, removing and replacing board members. Failure by the City to act could result in Provincial fines and/or loss of Federal funding. The City currently receives \$5.7 million in federal funding dedicated to social housing.

Legislation permits the housing provider and the City to alter Target Plans and Mandates through mutual consent. In reviewing the Target Plans and Mandates set by the Province, it was noted that changes are required. Some providers were given Targets or Mandates which do not match their original Targets or Mandates. They wish to return to their original settings. A few providers do not want to participate in the central registry and some want the City to adopt Mandates (ie. ethnic) outside those set by the Province.

Four policy options have been identified to deal with the above issues. Each was reviewed and evaluated based on the 13 criteria identified in the Options Table. The criteria address: the goals of an applicant focused central registry; the need to maximize compliance with legislation and the Human Rights Code by the City and providers; and the comments and requests from providers.

Option One calls for a policy of no changes to Target Plans and Mandates. Those set by the Province at the time of program transfer will remain. Providers would have to adjust their current practices to comply with their new circumstances. Option Two allows some changes but only to reset the Target Plans and Mandates to their original levels. Option Three allows for negotiated changes beyond the original Target Plans and Mandates. This option permits the City and providers to make temporary adjustments to reflect local market need. Should a project be faced with vacancies and no applicants meeting its mandate, the City and provider could set a new temporary mandate. This would allow needy applicants to be housed and minimize vacancy losses. Option Four allows the City and providers to set mandates beyond those recognized by the Province ie. ethnic.

Based on the review, Option Three provides the best balance in addressing the criteria. None of the options permit regular housing providers to opt out of the central registry. Legislation does not provide the City with the ability to grant this type of exemption. The Province views a central registry as a key component of the new legislation.

**OPTIONS TABLE**

**RECOMMENDED  
OPTION**

<b>CRITERIA</b>	<b>ONE</b>	<b>TWO</b>	<b>THREE</b>	<b>FOUR</b>
Recognizes original project commitment Target Plan and Mandate		X	X	X
Permits temporary changes to Target Plans and Mandates to meet local needs			X	X
Minimizes provider program non-compliance related to Target Plan & Mandate issues			X	X
Allows providers to maintain their own RGI wait list				
Allows provider Mandates outside those set by Province				X
Provides all applicants greatest access to all units through the City Registry	X	X	X	
Provides greatest consistency in determining applicant eligibility for all projects	X	X	X	
Limits potential Ontario Human Rights Code challenges by applicants against the City	X	X	X	
Simplifies application eligibility process for all applicants	X	X	X	
Standardizes eligibility criteria for all applicants for all projects	X	X	X	
Allows provider marketing of individual projects	X	X	X	X
Facilitates the City's ability to meet its Service Level Standard		X	X	
Supports the modified chronological system and minimizes queue jumping	X	X	X	

Date: April 11, 2003

## BACKGROUND

Section 68 of the Social Housing Reform Act, 2000 (SHRA) requires that the City as service manager establish and administer one waiting list for rent-geared-to-income (RGI) units within its service area. To achieve this, the Council of the City of Greater Sudbury passed a resolution on April 10, 2001, instructing Housing Services to establish and manage the City's common RGI waiting list. The City registry became operational on April 1, 2003. With the system in place, Housing Services assumed the responsibility for determining the eligibility of applicants requesting rent-geared-to-income assistance.

The City's RGI registry applies only to the RGI units which were previously governed by a Provincial operating agreement. Ontario Regulation 339/01 indicates that all former Provincial housing providers must participate in the registry. Providers with RGI units covered by a Federal operating agreement are exempt. They can join the registry at their discretion.

All housing providers will continue to maintain their own individual wait list for units rented at a market rent. The legislation states that the wait list for wheelchair accessible units and the wait list for households in receipt of designated provincially-funded support services in order to live independently (supportive housing) will be maintained by the individual housing provider whose project contains these type of units. For example, a housing provider operating a 20 unit RGI project may have only two wheelchair accessible units within its portfolio. Legislation requires the housing provider to maintain a waiting list for the two accessible units. The remaining 18 units would be housed through referrals from the City's central registry.

It should be noted that the Province did not transfer to the City any projects which were deemed to be 100% supportive housing. These projects remained under Provincial program funding and administration.

Very few of the City's providers have supportive housing units as part of their projects. Those few providers continue to maintain those waiting list because they either provide the provincially funded support services directly or they have contracted with a provincially funded support provider to deliver services to tenants within the project. It is appropriate for those providers to retain the wait list since the eligibility process involves not only determining the need for housing, but assessing the need for the support services. The service providers are best suited to complete service assessment since the services may involve some medical evaluations. Housing Services is not staffed to perform these types of detailed reviews.

In consultation with our local providers, many have expressed a desire to have the City's registry maintain the wait list for accessible units. This reflects the providers' view that it would be more advantageous for applicants in need of accessible units to be able to apply at one central location rather than having to seek out individual providers and apply at each project individually. As well, legislation requires that accessible units be filled with only those households requiring these types of units. In some cases, providers have had to leave the units vacant for several months as they did not have applicants on their list. Having the registry maintain a central list would make more people aware of the units and therefore minimize the chance that units would remain vacant. Housing Services is working with those providers to accommodate their request. Ultimately, the decision to maintain the project wait list for accessible and/or supportive units is at the housing provider's discretion.

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In transferring the program administration of social housing to the municipal sector, the Province established an individual Target Plan and Mandate for each housing provider. For each project, the Target Plan establishes the number of rent-geared-to-income units, high need units, market rent units, wheelchair accessible and/or special need units that the project must maintain. Project vacancies are filled based on the provider's Target Plan.

The assigned Mandate reflects a commitment on the part of the housing provider to provide housing to a particular client group. Mandates recognized by the Province include: families; singles; seniors; aboriginals; victims of violence; alternate housing (housing designed for the hard to house/homeless); special needs (housing intended for the physically and/or developmentally disabled; consumers of mental health services. The units must house households who are in receipt of designated provincially funded support services); and none (projects deemed to be non-specific and open to all applicants). The Province did not designate any Mandate based on religion or ethnicity. Mandates cannot contravene the Ontario Human Rights Code.

Ontario Regulation 298/01, prohibits the City from placing a household who does not meet the housing provider's mandate on that project's wait list. Further, the SHRA states that a housing provider must select households for its project(s) in accordance to their designated Target Plan and Mandate. A project with a seniors mandate would house only seniors. The seniors could be RGI households or market rent households. It is therefore critical that the Target Plan and Mandate accurately reflect the project's circumstances. This provincial setting dictates what project an applicant can apply for and which project they are likely to be housed at.

The Province chose to enshrine the operation of the social housing programs in legislation. This makes refusal to comply by housing providers or by the City a breach of the law. Part of the City's legislated responsibilities include ensuring that housing providers do not breach provincial legislation. Legislation outlines what action the City can and must take to ensure compliance. These actions include providing additional supervision or training, requiring additional reporting requirements, withdrawal of subsidies and in extreme cases, the removal and replacement of non-profit board members. Failure by the City to act on housing provider non-compliance could result in fines, loss of federal funding or other remedies as determined by the Province. The City currently receives \$5.7 million in federal funding.

The Province has legislated a Service Level Standard (SLS) which must be met by the City. The SLS dictates the **minimum** number of rent-geared-to-income units that the City must provide in the community (**3,601**). The SLS also specifies that of these units, a minimum of 2,151 must be targeted to households in high need (households whose income is less than an income level set by the Province). The minimum number of accessible/special needs units which the City must continue to fund is 168. The City meets its Service Level Standard by funding local providers and ensuring that they meet their identified Target Plan. Changes to the Service Standard can only be made by the Province.

Through meetings with local housing providers and our own review of the data supplied by the Province, we have discovered errors in the assignment of the provider target plans and mandates. In some cases, the number of market rent units and the number of modified units are reversed. Another provider's project is listed as 100% accessible when only 6 units would meet that definition. A seniors housing provider was assigned a wrong mandate. By law, it must now accept applicants of all ages. Housing Services has raised these issues to the Ministry of Municipal Affairs and Housing. Since the SHRA permits the service manager and the provider to amend, terminate or replace, with mutual consent, a specific target plan or mandate, the Ministry sees no need to respond. Ministry approval is only required if changes impact on the number of accessible or supportive housing units or if changes affect the Service Level Standard.

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The affected providers want to correct the errors as these have put them in non-compliance with the SHRA. Housing Services supports many of the changes being requested. Since the errors have put providers in non-compliance, the City is required to act to bring the providers into program compliance.

A small number of providers have stated they do not want to comply with the SHRA requirements of the central registry. They do not want to give up control of their wait list. A few providers have stated that they would like the City to recognize mandates other than those set by the Province.

## COMMUNITY CONSULTATION

Prior to establishing the central registry, Housing Services met with individual housing provider boards and staff, Greater Sudbury Housing Corporation staff, sector organizations, Ministry of Municipal Affairs and Housing staff, Ministry of Health and Long Term Care staff, and other service managers and stakeholders. Housing Services also partnered with a work group of local housing providers and held several public sessions to discuss the wait list management process. The suggestions received through the process have been considered in the development of the local registry.

## POLICY OPTIONS REVIEWED

### Option 1 Status-Quo

**That the City of Greater Sudbury accept and only recognize the target plans and mandates as determined by the Ministry of Municipal Affairs and Housing at the point of transfer to the City. Housing providers will be expected and required to abide by the target plans and mandates assigned by the Ministry. No changes in target plans and mandates will be permitted.**

This option would enshrine the target plans and mandates as is. Ministry errors occurred in a small number of circumstances. Providers would have to adjust their operations to comply with their new target plans and mandates.

The errors; however, do create some hardship on providers. Their existing tenant mix may not match the assigned target plan. Changing the mix would mean that some households who have waited their turn for housing would now have to wait longer. In the case of mandate errors, some existing seniors only projects would be required to accept applications and house non-senior households. This would disrupt the nature and atmosphere of the formerly seniors only projects. Local volunteer boards would find this scenario unacceptable. Senior tenants may feel intimidated by the presence of younger adults and their younger lifestyle. The revenue stream at these projects would be negatively impacted as arrears for young adults run at a much higher level than for seniors only projects. In cases where the number of modified units is incorrect, disabled applicants would be referred to units unsuitable to their needs. This would further create hardship for these applicants.

The errors affect the City's ability to meet its Service Level Standard, especially since the number of accessible units has been overstated. The City may be required to fund the modification of existing units in order to meet its assigned service standard.

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Should Council accept this option, it is expected that volunteer board members, applicants and tenants will continually lobby Council and senior levels of government to make changes. It is likely that the providers will not comply with the target plan or mandate. The City would have to enforce compliance by imposing remedies such as withdrawing subsidy or removing board members. Implementation of these measures would focus City staff resources on these projects. This could result in other providers requiring assistance due to funding issues (deficits) to not receive timely service. This could lead to losses being incurred by those providers and ultimately, by the City.

The Ministry of Municipal Affairs and Housing, which must concur with the City's response to non-compliance, would likely advise that they do not support the City's position. In their view, the City has the legislated ability to right the wrong by mutually agreeing with providers on target plan or mandate changes. The Ministry could then impose penalties on the City for failing to take appropriate action.

This Option does not address the concern of those providers not willing to give up their wait list or those who want the City to recognize mandates other than those identified by the Province. As a result, these providers would likely continue to resist compliance. This type of non-compliance would be viewed as a breach of the law.

The Ministry has indicated through the legislation that it is strongly committed to a single community list for rent-geared-to-income housing. This approach is intended to simplify access to rent-geared-to-income units by needy applicants. The Province views artificial barriers placed by providers that prevent or intentionally delay needy households from accessing these units as unacceptable. Housing Services would be required to take appropriate action. This action could include withholding subsidy and/or replacing board members. The Ministry would likely support this action since the non-compliance is not related to a target plan or mandate error.

## **Option 2 Minimal Corrections**

**The City of Greater Sudbury recognizes that some target plans and mandates assigned by the Ministry of Municipal Affairs and Housing at the point of transfer to the City do not reflect those originally set by the Ministry at the time of project commitment. The City, working in co-operation with the affected providers, will agree to restore target plans and mandates to their original commitment settings subject to submission of an acceptable business case by the affected housing provider.**

This option gives Housing Services the flexibility to work with the affected providers and reset the target plans and mandates only to their original commitment levels.

Should Council accept this option, Housing Services will work with the affected providers to correct the transfer errors and bring project target plans and mandate to their original standing. Providers with a seniors only mandate could then legitimately continue to house seniors only applicants. Housing Services could more accurately refer applicants to projects who meet the providers mandate and target plan. The actual number of accessible units built in the project would be recognized rather than an inflated figure. Applicants requiring these units would be appropriately referred to those providers. Providers are more likely to operate in compliance with legislation allowing both provider and Housing Services to focus resources on project operations.

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Under this option, Housing Services would analyze the impact of the changes on the Service Level Standard. If these changes increase or decrease the number of rent-geared-to-income units or change the number of accessible units, a change to the Service Level Standard would be required. Housing Services would seek agreement from the Province to accept the new target plan and revise the City's Service Level prior to approving a provider's revised target plan. An increase in the number of rent-geared-to-income units could increase the amount of subsidy required by a housing provider. Project budget adjustments would be made accordingly.

This Option does not provide Housing Services with the flexibility to respond to temporary changes experienced by some housing providers. The change in provider mandate or target plan would be **temporary** for two reasons: 1. applicant and tenant needs of a given project can change and 2. provincial funding for support services is only provided on a year to year basis. For example, as seniors age within the project, some providers may want to designate a percentage of their units for seniors who require provincially funded support services in order to remain in their units. These units could then be viewed as supportive housing units. The project would continue to have a seniors mandate except that for the units designated as supportive, applicants wishing to move into the project would have to meet the social housing eligibility requirements AND have a verified need for the support services. In recognizing this **temporary** change in mandate, the City would allow the housing provider to maintain the wait list for the designated supportive units in the project. The remaining units would continue to be filled from the City's central housing registry.

In another situation, a provider may find that due to reasons beyond their control, the number of rent-geared-to-income or market applicants has decreased. Rather than leave units vacant, it would be more appropriate to permit Housing Services to work with the provider to temporarily alter their target plan to accommodate other applicants on the wait list.

This Option does not address the concern of those providers not willing to give up their wait list or those who want the City to recognize mandates other than those identified by the Province. These providers would likely continue to resist compliance. As previously stated, this type of non-compliance would be viewed as a breach of the law. The Ministry would require Housing Services to take appropriate action since the non-compliance is not related to a target plan or mandate error.

### **Option 3 Targeted Flexibility**

**The City of Greater Sudbury recognizes that some target plans and mandates assigned by the Ministry of Municipal Affairs and Housing at the point of transfer to the City do not reflect those originally set by the Ministry at the time of project commitment. The City also acknowledges that project and community housing needs may vary over time. As a result, the City through Housing Services, working in co-operation with housing providers, will agree to: 1. restore target plans and mandates to their original commitment settings; 2. approve temporary changes in target plans; and 3. approve temporary changes to mandates within those recognized by the Ministry of Municipal Affairs and Housing. All approvals would be subject to the submission of an acceptable business case by the affected housing provider.**

This option gives Housing Services the flexibility to work with the affected providers and reset the target plans and mandates to their original commitment levels. City staff can work with providers who require temporary changes in target plans and/or need to revise their mandate to another Ministry recognized mandate to adjust for local needs. This option addresses the majority of the outstanding concerns raised in Option 2.

In reviewing any request for temporary changes to mandates or target plans, Housing Services would review the impact of the change on the City's Service Level Standard. Discussions with the Ministry would take place to ensure that the City would not be deemed to be in non-compliance.

Should Council accept this option, providers who do not want to participate in the City's central registry or would like the City to accept mandates not recognized by the Ministry of Municipal Affairs and Housing would likely continue to resist compliance. As previously stated, this type of non-compliance would be viewed as a breach of the law.

Providers not wanting to participate in the City's registry are generally concerned that they will be inundated with applicants having different ethnic backgrounds, race, colour, habits, philosophy or way of thinking. They feel that over time, the project will be housing tenants which they do not know or want. The providers therefore wish to impose additional screening criteria to the tenant selection process in the hopes of having a more homogenous flavour to their project. This view has been encountered where ethnic, religious or fraternal groups were the original founding organization involved in developing the social housing project. Some of these sponsoring organizations provided equity (ie. land, cash, sweat equity) towards the development of the project.

The Ministry, in providing program funding to these organizations, clearly indicated that the housing programs were "generic." The groups were advised that the programs were intended to provide equal access to all those in need of rent-geared-to-income housing. For this reason, the Ministry did not recognize ethnic or religious housing provider mandates. All provider mandates must comply with the Ontario Human Rights Code. The housing providers acknowledged the program rules and agreed to abide by the program requirements prior to receiving Ministry approvals and funding. We are aware that some providers quietly manipulated their wait list to cater to their own. When confronted by the Province, the groups would return to compliance or face the loss of the project.

To limit provider wait list manipulation and in an effort to facilitate universal access to rent-geared-to-income units by applicants, the Ministry, through the legislation, requires service managers to maintain a single community list for rent-geared-to-income housing. The Province standardized the eligibility criteria and views artificial barriers placed by providers that prevent or intentionally delay needy households from accessing these units as unacceptable.

The Ministry would require Housing Services to take appropriate action since the non-compliance is not related to a target plan or mandate error.

#### **Option 4      Extended Flexibility**

**The City of Greater Sudbury recognizes that some target plans and mandates assigned by the Ministry of Municipal Affairs and Housing at the point of transfer do not reflect those originally set by the Ministry at the time of project commitment. The City also acknowledges that project and community housing needs may vary over time. As a result, the City through Housing Services, working in co-operation with housing providers, will agree to: 1. restore target plans and mandates to their original commitment settings; 2. approve temporary changes in target plans and; 3. approve temporary changes to mandates including mandates not previously recognized by the Ministry but which comply with the Ontario Human Rights Code. All approvals would be subject to the submission of an acceptable business case by the affected housing provider.**

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This option gives Housing Services the full flexibility to work with affected housing providers to address any concerns they may have over their target plan and/or mandate.

In reviewing any request for temporary changes to mandates or target plans, Housing Services would review the impact of the change on the City's Service Level Standard. Discussions with the Ministry would take place to ensure that the City would not be deemed to be in non-compliance.

The issue of project mandates other than those recognized by the Ministry has been studied by the Province prior to the transfer of social housing to the municipal sector and by many service managers since. When endorsing mandates outside those recognized by the Ministry, service managers must be very mindful of the requirement to comply with the Ontario Human Rights Code.

The Code prohibits discrimination in housing on a number of grounds including age, ethnic origin, ancestry and religion. The adoption of any housing criteria based on age or on ethnic origin, place of origin, ancestry or religion is subject to a potential complaint of discrimination unless one of the exceptions in the Code applies. Sections 14 and 18 of the Code permit exceptions for special programs to alleviate hardship and disadvantage. Religious or ethnic communities which provide housing accommodation as part of their services may be able to restrict that accommodation to persons who are similarly identified; however, all specified code criteria would have to be met. Moreover, the Ontario Human Rights Commission advises that the provision of accommodation alone is not sufficient. Some other "service or facility" must be provided and such service or facility must be substantial.

The Commission advises that it would be prudent for service managers to take steps to ensure that mandates are not contrary to the Code before entering into a relationship with or funding a housing provider through the program. As stated earlier, the Commission has stated that housing limited to persons belonging to a certain community group is permissible if the requirements of section 14 or 18 of the Code are met. However, in the long run, they have stated that it would be preferable to have universal housing that is inclusive enough to meet everyone's needs. The municipality should ensure that an appropriate balance of social housing stock within their jurisdiction exists to ensure that persons on a centralized waiting list do not wait longer for housing based on their ethnic origin, ancestry, place of origin or religion.

If a complaint is made against a municipal service manager where the next available housing unit was denied to an applicant because the applicant did not meet the requirements of a housing provider, it will be necessary to show that the municipal service manager's overall social housing program is consistent with the Code. Factors that would likely be relevant would include whether eligibility criteria for social housing are discriminatory and whether the distribution of social housing stock is sufficiently balanced to both take into account the diversity of needs within the community but also ensure that no one is adversely impacted by non-membership in an ethnic or religious group.

The City of Toronto is the first to have formalized a policy and process outlining how they will deal with such provider requests. In attempting to satisfy the issues raised by the Commission, the City of Toronto requires that any housing provider seeking a mandate outside those recognized by the Ministry must provide a legal opinion which addresses the issues raised in section 14 or section 18 of the Ontario Human Rights Code. The opinion must clearly conclude that the housing provider falls under the exemptions contained in either section 14 or section 18 of the Code.

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The City of Toronto has asked those interested providers to supply the following two items: 1. a satisfactory legal opinion from the housing provider's legal counsel that selection of tenants in accordance with the criteria of such mandate does not violate the Code and; 2. a satisfactory indemnity in favour of the City with respect to the cost of any litigation arising out of an alleged failure to comply with the Code. Should Council adopt Option 4, it is strongly recommended that the City also require supporting documentation, similar to that requested by the City of Toronto, as part of the housing provider's submission.

Since adoption of this policy last November, housing staff at the City of Toronto have indicated that no housing providers have come forward with a request. The City of Toronto is currently working on determining what would serve as acceptable indemnification for the City should a Code challenge result in litigation and damages to be paid. Since the major source of project funding is from the municipality, Toronto does not want to ultimately be responsible for paying for the indemnification or the damages. They are looking at a special insurance coverage which would be paid for by the providers from funds outside their housing budget. The existence of such insurance and its costs has yet to be determined.

In considering Option 4 in the Greater Sudbury context, Council should note that our portfolio of seniors only units which must fully comply with the SHRA is small (464 units). Limiting some of these units to specific ethnic or religious groups would impact seniors on the wait list. Seniors belonging to the ethnic or religious group could continue to apply to all units while those who did not meet the ethnic or religious criteria would be restricted to those projects who maintained a more generic mandate. This could mean longer waits for some seniors and queue jumping by others.

The annual subsidies provided to local housing providers come from all local taxpayers, regardless of ethnic background or religion. Some taxpayers may object to being denied access to units since their tax dollars fund the operation of the project.

The City of Greater Sudbury prides itself as a multi-cultural centre. The City has always encouraged the celebration of its diversity and the sharing of cultural experiences among all its citizens. The establishment of criteria which may appear to impede or prevent access to municipally funded services while enhancing access for a select few may be seen negatively by the community. A system which appears to promote the polarization of cultures may not ultimately meet the needs of the community as a whole.

Another issue to be addressed is how the City and the provider would confirm eligibility in the case of an ethnic or religious mandate. What evidence does one ask for to prove that they are an Irish or Spanish Canadian? Is one considered part of a group by birth or marriage? What if one member of a household meets the definition and the other does not. Is that household excluded? Must the individual be a first generation or does one look at the full family tree? These issues are very complex and given that the City is responsible for determining eligibility, the City would have to deem the household eligible. Some have suggested that proof could be through the payment of membership to a particular group. This fee; however, would be set by an outside organization and could pose a financial hardship on needy seniors or other applicants. Prior to agreeing to this kind of mandate, the City would have to further refine the limiting criteria ensuring that it does not contravene the Code. Testing for ethnicity or religious orientation may appear intimidating and intrusive to applicants and discourage them for accessing needed housing. As a result, the social housing units may be incorrectly allocated.

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Ethnic and religious sponsors wishing to maintain their "unique" flavour to a project can achieve this goal without obtaining a distinct mandate. This can be accomplished simply through the marketing of the project within its own community. The project's wait list would by default, be populated by a greater number of people from that particular ethnic or religious community. Although "others" may also ultimately become first on the list, their numbers are not likely to overwhelm or affect the general characteristic of the project. In the case of seniors, historically they have tended to gravitate where they feel more at home. This practice is not likely to change dramatically meaning that ethnic or religiously sponsored projects will continue to primarily attract those from the originating community.

It is important to note that the granting of an ethnic or religious mandate does not transfer responsibility of maintaining the RGI wait list from the City to the provider. Those providers seeking an ethnic or religious mandate in order to retain their wait list will not be able to do so under the current legislative rules. Fragmenting the RGI list beyond the parameters in the SHRA may put the City at risk of non-compliance with the legislation since the City is required to maintain one community RGI list.

Those required providers refusing to comply with the registry would be in breach of the law. The Ministry would require Housing Services to take appropriate action since the non-compliance is not related to a target plan or mandate error.