

## Housing In Peel

---

### Subject: Conflict of Interest

Date: October 1, 2013  
Replaces: N/A

---

**Applicable to** The policy and procedures contained in this document apply to:

Municipal & Private Non-Profit       Federal Non-Profit

Co-operatives       Rent Supplement\*  
\*incl. former OCHAP/CSHP

Peel Access to Housing (PATH)

---

**Content** This document contains the following information:

<a href="#">Purpose</a>
<a href="#">Background</a>
<a href="#">Terminology</a>
<a href="#">Peel's Policy</a>
<a href="#">Exceptional Circumstances</a>
<a href="#">Reporting Timelines</a>
<a href="#">Policy Rationale</a>
<a href="#">Optional Declarations</a>
<a href="#">Legislation</a>
<a href="#">Additional Information</a>
<a href="#">Questions</a>

---

**Purpose** The purpose of this document is to provide housing providers with Peel's Conflict of Interest policy under the *Housing Services Act, 2011*.

---

**Background** ***Social Housing Reform Act, 2000 (SHRA)***

Under the SHRA, Conflict of Interest (COI) provisions were prescribed, but with an option for housing providers to replace the regulated provisions with their own COI provisions provided the Service Manager was in agreement (O. Reg 339/01 s. 4 and 5).

***Housing Services Act, 2011 (HSA)***

Under the HSA COI requirements are not prescribed and the Service Manager has discretion to implement a local rule.

### Peel's Intent

Based on stakeholder feedback and industry best practices Peel is implementing a COI policy under the HSA.

---

**Terminology** For the purpose of this policy...

- a Conflict of Interest (COI) is considered to exist if:
  - a director, employee or agent of a housing provider (or any person related to a director, employee or agent) has personal or business interests that are in conflict (or are likely to be perceived as being in conflict) with any interests, contracts or transactions of the housing provider, or
  - a decision made by the housing provider results in a direct or indirect personal gain, benefit, advantage or privilege for a director, employee or agent of the housing provider (or any person related to a director, employee or agent).
- a relative is considered to be:
  - Parent
  - Spouse
  - Child
  - Sibling
  - a person with whom the director, officer, agent or employee has a business relationship (e.g. an affiliate or associate)
  - Aunt, uncle, niece, nephew
  - grandparent
  - In-law (parent or sibling)
  - Household Member

Note: *parent*, *child* and *spouse* are further defined in [O. Reg. 339/01 s. 4\(9\)](#).

---

**Peel's Policy** Under the *Housing Services Act, 2011* (HSA), Peel has adopted the requirements prescribed under the *Social Housing Reform Act, 2000* (SHRA) - [O. Reg. 339/01 s. 4](#), with **one exception** and **two additions** (identified below).

#### **Exception:**

Housing providers **are not** required to report to the Service Manager each time a conflict incident occurs. Instead, the Service Manager will monitor a housing provider's COI compliance as a part of the regular operational review process.

#### **Additions:**

In addition to COI requirements adopted from O. Reg. 339.01 s. 4:

- A *Conflict of Interest Declaration* must be signed by each Board member, Staff and Agent of the housing provider.
- Housing providers are to keep clear and complete records including meeting minutes ensuring any COI is well documented (i.e. nature of the conflict and actions to address it are recorded).

Reminders:

- Housing providers should also be aware of any COI requirements under other legislative frameworks the provider is subject to (e.g. the *Not-for-Profit Corporations Act, 2010* - set to come into force in 2014; the *Co-operative Corporations Act, 1990*).
- Housing providers no longer need to report every COI incident that occurs, but, housing providers should still be informing the Service Manager when the Board is knowingly entering a situation, arrangement or agreement that result, or may result in a COI (refer to the Exceptional Circumstances section below for more information).

**Exceptional Circumstances**

Generally, directors, employees and agents of housing providers in Peel should never enter into situations, arrangements or agreements that result in a COI.

There may however be occasions where a situation, arrangement or agreement does create a COI (or potential COI) as per the COI definition, but the Board is of the opinion that it is

- the best decision and/or of equal or greater benefit to the project than to the individual, or
- the only viable option at the time

Example: The Board selects one of the Director's relatives for a contract from a series of vendors because the relative had the best reviews and most competitive rates compared to the other vendors.

Boards that are faced with an "exceptional circumstance" should seek advice from their Housing Administrator and/or their sector organization before proceeding. This practice is encouraged as it mitigates for risk and ensures the Board has done its due diligence in making objective and sound decisions for the project.

**Reporting Timelines**

Directors, employees and agents of housing providers are required to inform the Board of every potential or actual COI the individual is subject to no later than at the first meeting of the board after the individual becomes aware that he or she has entered into a situation, arrangement or agreement that results (or may result) in a COI.

(Or, in the case of a newly delegated director, employee or agent, once the delegate realizes that the Board is already involved in a situation arrangement or agreement that results/may result in a COI).

The Board should consider, document and respond to a COI disclosure no later than the second meeting of the board after the disclosure is made.

---

**Policy  
Rationale**

During Peel’s facilitated HSA Local Rules consultation sessions housing providers and stakeholders offered feedback suggesting:

- a COI policy was important to help Boards maintain accountability and integrity, but that
- reporting to the Service Manager each time a COI occurs is arduous and not value-added.

The Service Manager agrees with the feedback provided and therefore has retained COI requirements per the SHRA with the exception of reporting each COI to the Service Manager upon occurrence.

In Peel, housing providers resolve COIs effectively in house and therefore an update “per-occurrence” is not necessary. However, if a housing provider is of the opinion a COI warrants Service Manager intervention, the housing provider still has the option to report the COI immediately.

---

**Optional  
Declarations**

Each Board can determine whether any vendors or contractors are required to sign COI declarations.

---

**Legislation**

[Housing Services Act, 2011](#), s. 75(2)  
[O. Reg. 367/11](#) s.100

For Reference: Social Housing Reform Act - [O. Reg. 339/01 s. 4](#)

---

**Additional  
Information**

[Ontario Non-Profit Housing Association](#)  
[Co-operative Housing Federation of Canada](#)

---

**Questions**

If you have questions about this document please contact your Housing Administrator at the Region of Peel.

---