

Policy

Subject: Chargeback Policy

Policy Number: 2021-24R

Effective Date: January 31, 2024

Approved by: NCHC Board of Directors

Reviewed by: NCHC General Manager

Purpose/Overview

To ensure the ongoing preservation and upkeep of all Northumberland County Housing Corporation (“NCHC”) owned property and to establish requirements for repayment for willful damage and neglect by tenants, former tenants and/or their guests as well as loss of NCHC staff time and non-emergency usage of the after-hours emergency line.

In the event that willful damage, neglect, loss of NCHC staff time, non-emergency usage of the after-hours emergency line is identified, appropriate action will be taken to recover these costs or in some instances move ahead with eviction as per the *Residential Tenancies Act, 2006*. NCHC will adhere to NCHC Policy 2021-24 Rent Arrears Policy for Current Tenants and 2021-25 Rent Arrears Policy for Past Tenants.

Policy

It is the responsibility and expectation that all tenants keep their units clean and safe, and to appropriately report any and all maintenance issues to NCHC as they are identified. Tenants are responsible for their guests and will be held accountable for any willful damage, neglect, loss of NCHC staff time, or non-emergency usage of the after-hours emergency line caused by their guests to the rental unit or complex.

Upon moving out, the tenant is expected to turn the unit over in the same condition it was found in at the time of moving in.

The process of assessing a charge requires NCHC to identify the required repairs and to determine if it is due to normal wear and tear, or if it is due to tenant misuse or negligence. Normal wear and tear is the deterioration that occurs over time with the use of the premises, even though the premises receive reasonable care and maintenance.

Northumberland County staff, under the direction of the General Manager, will apply discretion in determining the extent to which damages are a result of negligence. Facilities Services staff completing the repairs will document and submit the full cost of repairs to Housing Services for review. Housing Services staff will apply discretion following the review of the full cost of damages to determine the final chargeback to the tenant as a result of damages. When applying discretion, Northumberland County staff will consider areas such as:

- grounds under the *Human Rights Code*;
- labour costs during business hours compared with after-hours emergency repairs;
- extenuating circumstances on a case-by-case basis; and
- frequency of damages/chargebacks being requested.

If it is determined that repairs are due to negligence, Northumberland County staff will confirm the cause of the damage, advise the Tenant that a charge is pending and appropriately document the damage to be retained in the tenant's file.

Charges for damages can occur during tenancy based on a report of required maintenance, observation by Northumberland County staff or after a tenant moves out.

In extreme cases where it is determined that the damage has been made willfully, NCHC will consider proceeding with legal options through the Landlord Tenant Board.

Repealed Policy

Charge Back Policy #2008-05PM

2021-24 Charge Back Policy

Legislative Authority

Residential Tenancies Act, 2006