



**Nova Scotia Provincial
Housing Agency**

Appeal Policy and Procedures

December 1, 2022



1. Purpose

This document outlines policy and procedures that enable applicants and public housing tenants to appeal decisions made regarding their case.

The Nova Scotia Provincial Housing Agency's (the "Agency") appeals policies and procedures are intended to:

- Enable fairness, transparency and efficiency in delivery of public housing
- Provide a formal mechanism for applicants and tenants to challenge decisions
- Ensure adequate communication and explanation of decisions
- Identify areas for improvement to policies, communication and tenant engagement

2. Scope

This policy is applicable to applicants and current tenants of the Nova Scotia Public Housing Program.

Appeals may include the following:

- Application approval decisions - standard, non-standard, Priority Access
- Transfer decisions - initiated by tenant or Agency
- Rent calculation decisions
- Unit size decisions
- Tenant charges decisions

Appeals do not include the following:

- Changes to policy
- Initiation of lease termination process
- Matters involving criminal activity
- Situations where higher court is involved
- Decisions that do not relate directly to given individual or their household
- Applications cancelled due to:
 - Incomplete information
 - Inability to reach individual
 - Individual did not complete annual eligibility confirmation
 - Individual requested cancellation of application
- Matters that fall under the applicable Act
- Complaints about staff members
- Building and property maintenance

3. Policy Statements

- a. Applicants or current tenants of public housing (the "appellant") may request an appeal of decisions in scope for the Provincial Housing Appeal Committee (the "Committee").
- b. Appeals begin with a Decision Review. The District Director reviews the appeal request to determine if the initial decision made by the Applications / Client Services /

- Senior Client Services Supervisor and/or Client Services/Property Manager was appropriate.
- i. If the District Director agrees with the appellant, they will request staff to reverse the initial decision and send notice to the appellant.
 - ii. If the decision was appropriate and consistent with established policies and procedures, the District Director will uphold the decision and send notice to the appellant.
- c. Following a Decision Review where the initial decision was upheld, appellants may advance their appeal to the Committee if they still disagree.
- i. The Committee only hears appeals after the District Director has conducted a Decision Review.
- d. Appellants have a right to the following supports:
- i. Third party representation
 - ii. Interpretation and/or translation
 - iii. Support person(s) to attend meetings
 - iv. Support to access a Committee meeting from a District office or via teleconference
 - v. Support to complete required paperwork
- e. Committee decisions will consider the following:
- i. Oral and written submissions prepared by appellant and District Director or delegate
 - ii. Legislative requirements
 - iii. Applicable policy and procedure
 - iv. Precedent set by the Committee
- f. An appellant has the right to withdraw a request for a Decision Review or Appeal Hearing at any time.
- g. Committee results will be recorded to track precedent and documented in Biannual Reports prepared for the Agency's Chief Operating Officer.
- h. Decisions of the Committee are final.

4. Procedures

Decision Review

- a. An individual may initiate a Decision Review in person, over the phone with a staff member or by submitting a Decision Request Review Form electronically, by mail or in person to a District office.

Note: Staff members will support individuals to complete a Decision Review Request Form for submission if required.

- b. Upon receipt of a Decision Review Request Form, staff will scan a copy of the Form and send it to the District Director.
- c. Upon receipt of a Decision Review Request Form, the District Director or delegate is responsible for ensuring completion of the following tasks:
 - i. Logging receipt of Decision Review Request Form in the Decision Review Tracker.
 - ii. Determining if the decision is eligible for review by checking whether:

- The Decision Review Request was received within 10 business days of the initial decision, plus an additional two business days to allow for standard mail
 - Necessary information has been included in the Decision Review Request
- d. If the decision is not eligible for review, the District Director or delegate will update the Decision Review Tracker and ensure send standard response letter to appellant.
 - e. If the decision is eligible for review, the District Director completes the Decision Review and fills out the Decision Review Checklist, ensuring:
 - ii. Review of information provided by both appellant and staff
 - iii. Additional information is needed to substantiate and/or understand the challenge made against the original decision
 - iv. As needed, consults relevant acts, legislation, policies, procedures, guidelines
 - f. Upon completion of the Decision Review, the District Director or delegate ensures the appellant is notified in writing of the result and information on the appeals process and timelines as required.
 - g. District Director or delegate updates the Decision Review Tracker.
 - h. Result of the Decision Review may also be discussed with the appellant in person or over the phone upon request.

Appeal Hearing

- a. Following a Decision Review, an individual may seek to appeal the decision with the Committee.
- b. Individuals must send their requests for appeal to the Committee Secretariat (the “Secretariat”) within 10 business days following receipt of a Decision Review result letter, plus 2 business days for standard mail delivery.
- c. Upon receipt of an Appeal request, the Secretariat will complete the following:
 - i. Log receipt of Appeal Request in Appeals Tracker
 - ii. Determine next available date for Committee to Review
Note: Agendas will be set a minimum of 10 business days plus two days to account for standard mail delivery to ensure sufficient notice for individuals to attend
 - iii. Send Appeal Committee Hearing Notice letter to individual to acknowledge receipt of Appeal Request and inform of date and time of appeal. Update Appeals Tracker.
 - iv. Send an email to staff involved in initial decision review to inform of date and time of the Appeal Committee review. Update Appeals Tracker.
 - v. Work with District staff to determine if alternates are needed for the appeal hearing based on a conflict of interest
 - vi. Send agenda and supporting information to Committee members 5 days in advance of hearing
- d. Committee hearings occur on a monthly basis. Additional meetings may be added at the discretion of the Chair, per the Terms of Reference.
- e. Committee hearings will consist of the following:
 - a. Individual and/or representative to make verbal case
 - b. District Director involved in the Decision Review (or delegate) to make case
 - c. Individual and/or representative and staff may respond to comments made by the other

- d. Opportunity for Committee members to ask questions of clarification
- e. Twenty-five (25) minutes allotted for each case
- f. Committee decisions will be made in camera
- f. Upon decision from the Committee, the Secretariat will send case decision made on the appeal to the appellant in writing with notification that the appeal is final, update staff involved for further action as needed and close file in the Appeals Tracker.

Supports Available, Withdrawal

- g. Upon request, staff will provide appellants with access to supports as needed.
- h. An appellant may withdraw a request for a decision review or Committee hearing at any time by notifying a staff member or the Secretariat. If the request is made to staff, they will notify their District Director and the Secretariat of the decision to withdraw.
- i. Upon notice of a withdrawal, the Secretariat will send a standard communication to the individual to acknowledge their withdrawal and update the Appeals Tracker.

Monitoring and Reporting

- j. The Chair is responsible for ensuring biannual reporting to the CEO.
- k. An accountability framework with associated key performance indicators (KPIs) will be established by the Committee and approved by the CEO.

5. Roles and Responsibilities

Staff

- Ensure applicants and current tenants of public housing are aware of their right to appeal a decision and provide information on how to request an appeal and associated timelines, including the option for 3rd party representation and available supports.
- Support applicants and tenants with the following as needed:
 - Submission of a Decision Review Request Form (for Decision Review and/or Committee Hearing)
 - Attendance at a Committee hearing (via telephone or virtual connection) at a District office, in a private room

District Directors

District Directors are responsible for ensuring the following activities are completed. District Directors may delegate to members of their staff as appropriate.

- Review information submitted by applicant or current tenant of Public Housing upon request for Decision Review; follow up with individual as needed to collect additional information
- Where indicated, complete or delegate responsibility to complete a Decision Review including:
 - Review of relevant legislation, policy, procedure and guidelines
 - Interview staff as appropriate to understand how legislation, policy, procedure and guidelines were implemented
- Make determination to uphold or overturn initial decision; send written letter to individual with result

- Participate in appeal committee as required
- Support development of Biannual Reports on all case decision-making in scope of appeal to the Committee Chair

Chair, Provincial Housing Appeal Committee

- Support the Secretariat with coordination of Committee meetings
- Lead Committee meetings; ensure protocols for appeals are followed
- Sign-off on final decisions, recommendations and or advice of the Committee
- Support development of, review and approve Biannual Reporting for the CEO

Provincial Housing Appeal Committee Members

- Review submissions to Committee in advance
- Attend and participate in all meetings – in extenuating circumstances, ensure attendance of alternate
- Declare any conflicts of interest in advance; recuse from deliberations in case of a conflict of interest

Secretariat

- Coordinate and schedule Appeal Hearings
- Support Committee agenda and record meeting minutes
- Record decisions
- Develop and issue case decisions on appeals in writing to appellants
- Draft Biannual Report to CEO for Committee and Chair approval
- Support evaluation and monitoring of appeals policies and processes
- Track precedent

The Corporate Policy & Strategy Unit is responsible for developing, monitoring, maintaining, and tracking implementation of the Agency's appeals policy and procedure.

6. Effective Date

Appeals policy and procedures are effective as of December 1, 2022.

7. References

Canadian Council of Parliamentary Ombudsman. *Fairness By Design: An Administrative Fairness Assessment Guide*, 2022.

https://ombudsman.novascotia.ca/sites/default/files/Fairness_by_Design-June17-900_2022.pdf.

Department of Community Services, Government of Nova Scotia. "Decision Reviews and Appeals." Government of Nova Scotia, Canada, December 9, 2008.

<https://novascotia.ca/coms/disabilities/documents/HowtoAppeal.html>.

Housing Department, Government of Northwest Territories. Housing Appeal Committee.

Government of the Northwest Territories. Accessed November 21, 2022.

<https://www.nwthc.gov.nt.ca/en/housing-appeal-committee#:~:text=NWT%20residents%20wishing%20to%20appeal,or%20District%20Office%20is%20issued.>

Nova Scotia Accessibility Directorate, Department of Justice. Guide to Planning Accessible Online Meetings and Events, 2021. <https://novascotia.ca/accessibility/docs/online-Accessible-Events-Guide.pdf>.

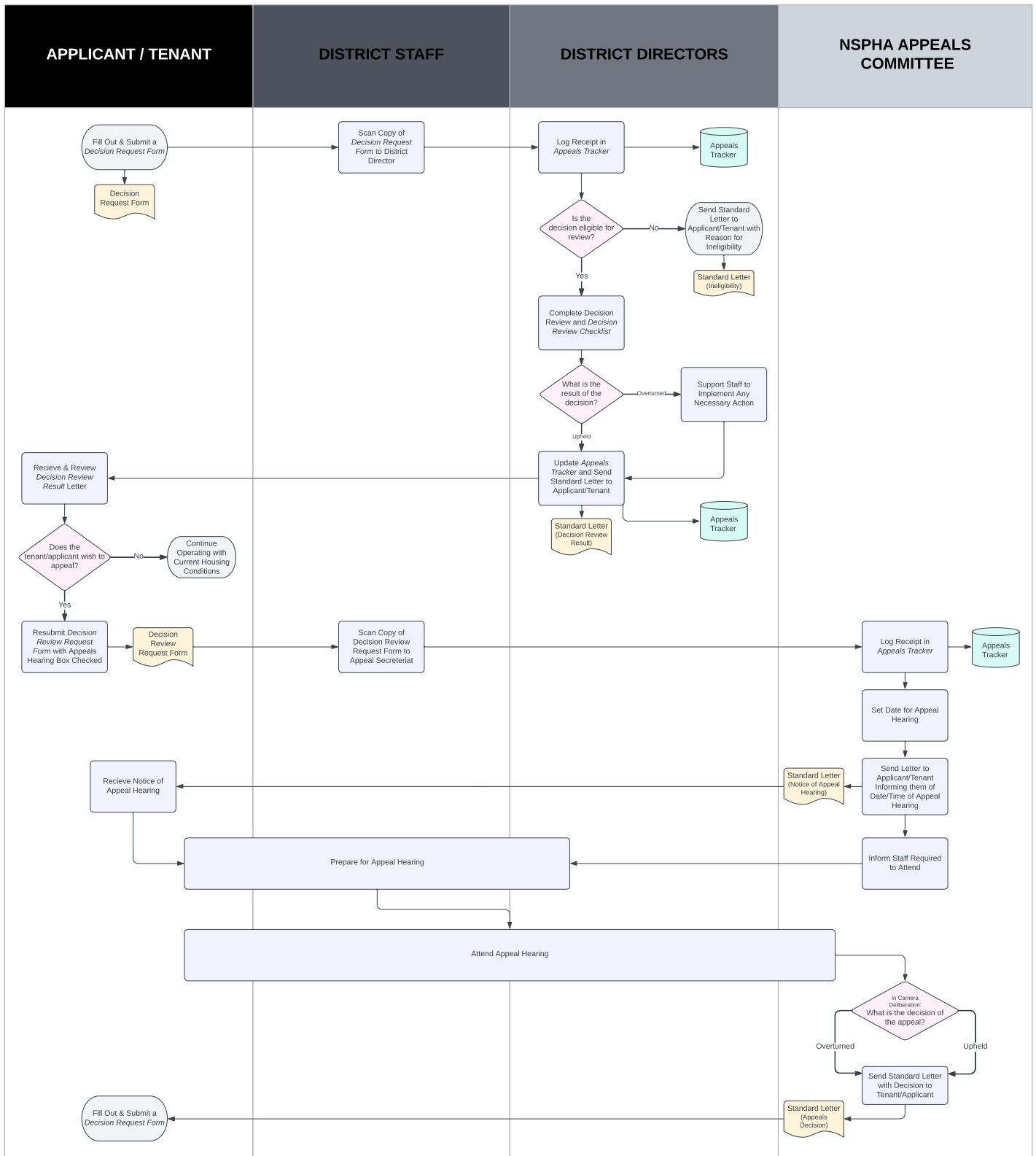
8. Enquiries

Any enquiries about this Policy and/or Procedure can be directed to the Director, Public Housing Policy.

9. Procedure History

Version	Revisions Date	Description of Revision
1.0	December 2022	New Policy and Procedure

Appendix A: Process Map



Appendix B: Supporting Tools

Applicant / Tenant Communications	<ul style="list-style-type: none"> • When you Disagree: Nova Scotia Provincial Housing Agency Appeal Process • Decision Review Request Form • Letter - Decision Review Result • Letter – Decision Ineligible for Review • Letter – Appeal Committee Hearing Notice • Letter – Appeal Committee Result
Resources for Staff	<ul style="list-style-type: none"> • Policy Bulletin • Staff FAQ • Decision Review Checklist • Decision Review Tracker
Appeal Committee	<ul style="list-style-type: none"> • Terms of Reference: Provincial Housing Appeals Committee • Appeals Tracker

Contact

Jordan Penney

Jordan.Penney@novascotia.ca

NSPhA