

Nunavut Housing Corporation Collection Policy





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PREAMBLE

To maximize its limited resources, maintain the quality of its programs and services, and adhere to territorial legislation, the Nunavut Housing Corporation (NHC) must collect rental and mortgage arrears in a timely and consistent manner. The NHC Collection Policy and accompanying Collection Procedure Manual set out the available options for the collection of arrears from current and past Public Housing tenants and Homeownership Program clients to ensure consistency across all divisions and districts.

POLICY STATEMENT

Clients of NHC homeownership programs and social housing tenants are contractually obligated to fulfill their payment obligations. In pursuing the collection of arrears owed to the corporation, NHC will make every attempt to work with clients and tenants to find payment means that are affordable, and reasonably adjusted to each individual's specific circumstances before taking action on collection.

After attempts at reasonable repayment plans have been exhausted, NHC must, in accordance with the GN Financial Administration Manual, **vigorously and actively pursue** the collection of any and all amounts owing to the Corporation.

As such, the NHC will perform its due diligence by enforcing payment requirements as per signed rental and homeownership agreements. There are several possible courses of action for collections; the appropriate action will differ, depending on the circumstances of each case.

APPLICATION

This policy and its accompanying procedures manual applies to any and all action taken by NHC and LHOs related to debt collection for:

- All current and former tenants of NHC Public Housing
- All current and former clients of NHC Homeownership Programs

PRINCIPLES

- All client and tenant information will be protected and all privacy legislation will be followed.
- All clients and tenants will be treated professionally, fairly, and respectfully.
- Clients and tenants are assessed on their ability and active willingness to pay. Action to enforce agreements will be focused against clients and tenants who have not demonstrated a willingness to maintain their obligations.
- In the implementation of this policy, NHC is committed to Inuit Qaujimajatuqangit concepts of Inuuqatigiitsiarniq (Respecting others, relationships, and caring for people), Pijitsirniq (Serving and providing for family and/or community), and Ikajuqtiigiinniq (Working together for a Common Cause).



Local Housing Organization (LHO): Local delivery agents of NHC housing programs. LHOs operate under a management agreement with NHC.

Payment Agreement/Repayment Plan: A written negotiated plan to pay outstanding arrears.

Public Housing Applicant: Any individual that has filled out an application for a Public Housing Unit in Nunavut, but has not yet been allocated a unit.

Public Housing Tenant: Any individual living in a public housing unit, whose name is listed on the unit in LHO records.

Tenant Damages: In adherence to the *Residential Tenancies Act*, Tenant Damages are damages to GN assets that are beyond reasonable wear and tear, caused through willful conduct or negligence by the tenant, or persons allowed on the premises by the tenant. Ordinary wear and tear of rental premises does not constitute damage to the premises.

Termination of Tenancy: Where tenants are asked to vacate their residence.

PROVISIONS

Accountability and Adherence to FAM

Any collection action other than regular arrears follow-up will need approval from the Manager of Mortgages and Collections or his/her superiors up to and including the NHC Corporate Executive Committee. This includes the issuing of demand letters, the Rental Officer Process, court action, placing the arrears on the credit bureau, and eviction. To adhere with the principles set out in GN Financial Administration Manual (FAM) Directive 908, section 3.2.8, the approval of NHC President or his/her delegate is required before using collection agencies, taking legal action, or CRA off set. If necessary, NHC's legal services may also be consulted prior to taking legal action to pursue collection.

Governing Legislation

In the collection of arrears, NHC and LHO employees must, at all times, adhere to relevant legislation. The following Acts have particular relevance to collection activity, and must be referenced as necessary.

- *Financial Administration Act (R.S.N.W.T. 1988,c.F-4)*
- *Land Titles Act (R.S.N.W.T. 1988,c.8(Supp.))*
- *Limitation of Actions Act (R.S.N.W.T. 1988,c.L-8)*
- *Nunavut Housing Corporations Act (R.S.N.W.T. 1988,c.N-1)*
- *Residential Tenancies Act (R.S.N.W.T. 1988,c.R-5)*

Activity Related to Debt Collection

NHC employs a number of tools and actions in the collection of outstanding debt from current and former Public Housing tenants and Homeownership Program clients. The Collection Procedures Manual outlines the processes for potential collection activities, including, but not limited to:

- Small Claims Court



- Garnishment
- Canada Revenue Agency Off-Set
- Use of Credit Bureau
- Use of Collection Agencies
- Termination of Tenancy
- Eviction
- Quit- Claim

Activity Related to Accounts Receivable Adjustment

Some circumstances may require action to be taken to make adjustments to NHC's Accounts Receivable related to debt collection. The Procedures Manual also includes the processes related to the following situations:

- Write-off
- Bankruptcy
- Statute of limitations
- Death of a client or tenant

PREROGATIVE OF EXECUTIVE COUNCIL

Nothing in this Policy shall in any way be construed to limit the prerogative of Executive Council to make decisions or take action regarding arrears or debt collection, outside the provisions of this Policy.

SUNSET

This Policy will be effective from the date of approval until January 31, 2017.