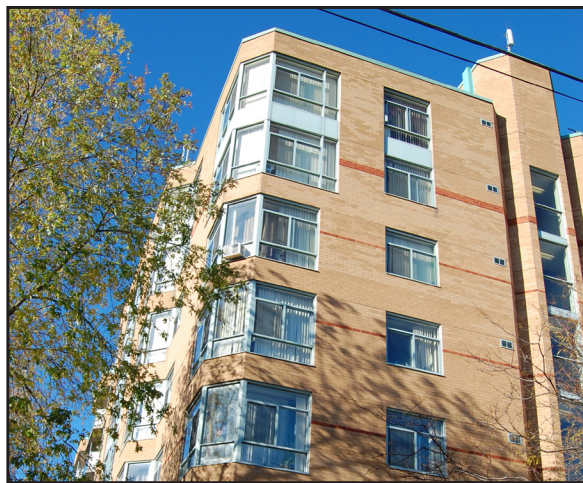


Administrative Policy Handbook



ONPHA

Ontario
Non-Profit Housing
Association



Revised 2011

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Introduction

More and more demands are being put on organizations for transparency and accountability. This makes it more important than ever that non-profits demonstrate their commitment to due diligence in the development of policies and procedures.

Policies tell people "what to do." They are written statements that:

- provide defined responsibilities, limitations and accountability,
- act as a framework for making decisions and guiding actions,
- demonstrate that the organization is active in a risk management program,
- reduce disruptions in service when staff or board members change or leave the organization,
- provide invaluable information for training or orientation purposes for volunteers, staff or board members, and
- demonstrate the credibility of the organization to tenants and the public.

ONPHA has tried to make the process of policy development less onerous by providing a collection of information, policy templates and sample forms that are easily customized to the unique nature of the operations of the building(s). They fall into two areas—the people and the building. In all cases, they are policies and procedures that have a direct impact on tenants.

Resource materials from a number of sources were reviewed. Some best practices were selected in their entirety. More often the materials within a topic are from a number of sources. Further, materials included are general and could apply under any of the various government funding agreements. Items that are program-specific are best left to program administration manuals and have not been repeated here.

Most sections begin with some comment about the topic and detail some issues associated with their implementation. The preface is then followed by the sample policies and relevant resources such as forms and checklists.

There are other ONPHA resources that complement this publication. Human resources, finance, service and maintenance planning are covered in separate publications. References to specific forms in this publication are enclosed within italics and provided as appendices with the sample policy.

HOW TO USE THIS HANDBOOK

The policies within this handbook are provided as a guide. They are consistent with the *Residential Tenancies Act, 2006* and the *Social Housing Reform Act, 2000* and associated regulations*. The *Social Housing Reform Act, 2000* provides for municipal service managers to establish local rules in a number of areas. It is important to understand the rules that will be applied in each service area. You will also need to check locally regarding items that may be affected by municipal by-laws; for example, noise and garbage.

Information contained herein is made available to ONPHA members and other non-profit housing providers for use as an example of content information and may not reflect the realities of the operations of the non-profit. These templates are meant to be used as a starting point for staff and board members of the non-profit in their policy development. A new policy document can be easily created and modified to meet the specific needs of the organization. Certain sections of these policies can also be incorporated into existing policies.

Some policies are linked and refer to one another. When one is adopted, it may make sense to link the policy to others in the policy manual.

The enclosed CD contains sample documents and templates in Microsoft Word. External documents (e.g. a letter to a tenant) have been formatted in a sans-serif font for accessibility. Each sample document should be customized to your non-profit. Prompts for customization are indicated in bold in square “[]” brackets. If you have any questions about how to use these documents, please contact ONPHA.

Pam Page
June 2011

*Any references to the Social Housing Reform Act, 2000 or its regulations are expected to change with the proclamation of the Housing Services Act, 2011.

Disclaimer

ONPHA assumes no legal liability or responsibility for the accuracy or completeness of any information disclosed in these examples and encourages each non-profit to seek its own legal advice when drafting policies and procedures.

ACKNOWLEDGEMENTS

This handbook was a collaborative effort and ONPHA is grateful to the following individuals and organizations for their generosity and knowledge:

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Landlord Solutions

Mainstay Housing

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Nepean Housing Corporation

Ottawa Community Housing Corp.

Port Elgin Rotary Non-Profit

Staanworth Non-Profit Housing Corp.

Stoney Creek Community Homes Inc.

Terra Bella Non-Profit Housing Corporation of Ontario

Toronto Community Housing

The Building

Managing the building and dealing with tenants can be challenging. By having clear policy directions, tenants will know what is expected of them when it comes to renting the party room or making maintenance requests. Communicating the non-profit's policies up front with tenants will reduce the likelihood of conflict in the future.

The following section provides administrative policies and procedures to help housing providers run the building effectively and efficiently while meeting the needs of tenants. The following are the areas to be covered in this section:

1. Unit Interior Maintenance Policy
2. Common Area Maintenance Policy
3. Security Policy
4. Key Control Policy
5. Video Surveillance Policy
6. Fire Safety Policy
7. Emergency Plan
 - o Operations Continuity
 - o Pandemic Planning
8. Common Facilities Policy
9. Parking Policy
10. Pet Policy
11. Home-Based Business Policy

If there are policies that you have developed that you would like to share with other providers or policies that you would like to see developed, please contact ONPHA's Management Help Team at 1-800-297-6660 or management.help@onpha.org.

The People

The administration of non-profit housing is about more than the bricks and mortar: it is about providing the best possible service and assistance to the individuals and families that we house.

The following section includes policies and procedures that housing providers need to operate their housing in a fair and equitable way that also complies with related legislation. There is a great deal of legislation that informs how housing providers should provide service to, and work with, the households that they house. This legislation includes:

- *Social Housing Reform Act, 2000,*
- *Residential Tenancies Act, 2006,*
- *Human Rights Code, 1990,*
- *Accessibility for Ontarians with Disabilities Act, 2005, and*
- *Personal Information Protection and Electronic Documents Act, 2000.*

In many cases, the non-profit's obligations under the *Human Rights Code, 1990* ("the Code") supersede the direction and requirements present in other legislation and policies. The preeminence of the Code is reflected in the requirement, on the part of the organization, to, where possible, modify its operations, policies and procedures, and/or its expectations of households who may be Code-protected. The process of "accommodating", or working with households to help them to have a successful tenancy, means that staff will need to demonstrate flexibility, good judgment, and receptiveness to working collaboratively and transparently with the individuals and families that they house. This may mean adjusting the policies and procedures that the non-profit uses to operate, extending timelines, working more closely with the household, or helping them to access community-based supports.

As with the preceding section the following sample policies and procedures are templates only; they will require customization in order to meet the unique programs, services, resources, and other constraints that you face in your day-to-day operations.

3.2 ACCOMMODATION POLICY

Accommodation under the *Ontario Human Rights Code* (“the Code”) can be one of the most challenging parts of administering non-profit housing. It is, necessarily, a unique dialogue and process each time an accommodation is requested and, as a result, can seem burdensome and overwhelming to staff. The following sample policy outlines a step-by-step process for thinking through accommodations that are requested by tenants or applicants to your housing.

Individuals who are protected by the Code are able to request accommodation so that they are able to participate in, or access the services of, an organization or business independently and with dignity. It is expected, under the Code, that the individual will identify that they require accommodation on a Code-protected ground; however, staff also have a responsibility to inquire, and offer accommodation, if they have reason to believe that one may be appropriate.

The Code requires all organizations to accommodate the needs of individuals who are utilizing, or seeking to utilize, their services. It is expected that the organization will alter not only its physical environment, but also its policies, procedures, and expectations, to help to ensure dignified participation by the individual requesting the accommodation.

There are three principles which must underlie the accommodation process. The process must:

- be done with dignity and with tenant involvement;
- be an individualized solution based on the unique needs of the individual, not a “one size fits all” solution; and,
- be a collaborative and co-operative effort, bringing together all stakeholders. All stakeholders, including the non-profit and the individual making the request, are expected to participate fully in the process and in good faith.

Good to know!

*One of the most important habits non-profit housing staff can adopt is to **document, document, document**. This is particularly important in cases of accommodation, where staff may need to demonstrate to the Human Rights Tribunal of Ontario that they have attempted to accommodate the needs of an individual.*

Notes from conversations, proposed solutions and ideas, and reasons why things were or were not attempted can all help staff to prove that they have met their obligations under the Code.

The Code requires that an organization work to accommodate the requirements of an individual up to the point of “undue hardship.” “Undue hardship” is a difficult test for an organization to meet. To claim undue hardship means that the organization has exhausted all potential options and that the accommodation(s) necessary for an individual would:

- be of such a cost that it would substantively alter the nature of the business or would substantially affect its viability;
- be possible only with external sources of funding, which are unavailable; or,
- breach bona fide health and safety requirements which cannot be waived or modified.

The Human Rights Tribunal of Ontario expects that organizations will thoroughly review all possible forms of accommodation prior to claiming to have met the undue hardship test. This includes phasing in the modifications over time (and several budgets) and approaching funders, such as service managers or provincial ministries, for financial and/or human resources assistance.

Keep in mind, however, that accommodation is a two-way street. The individual requesting accommodation cannot simply require a specific modification or accommodation - they are expected to participate in a dialogue with staff about their accommodation needs and to work with staff to identify solutions. If, through dialogue and research, a more cost-effective and equally beneficial accommodation or modification is identified then that modification or accommodation should be made and not the more costly option(s) which may have been proposed by the individual.

It is understandable that the potential costs of accommodation cause anxiety to many non-profit housing staff. However, in many cases it is possible to accommodate an

Good to know!

During the accommodation process, staff may require consent from an individual in order to share personal information with medical professionals or support agencies.

This consent (see sample Consent to Disclosure of Personal Information) is time-limited. The date that the consent will expire will depend on the individual circumstances. If the consent is only required to make a direct referral to a support agency, the consent would expire once the referral has been made. If the consent is required for a longer period of time, for example, collaborating with a support agency to avoid eviction, it should be revisited on a regular basis e.g., every 3 months.

The individual providing the consent must also be made aware that they can refuse to sign or withdraw their consent at any time.

individual's needs by modifying existing organizational and service manager policies, procedures, or requirements. Policies and procedures that are essential to the proper operation and administration of housing must not limit the rights laid out in the Code. If a Code-protected individual could be negatively impacted by a policy or requirement, flexibility and creativity (e.g. extending a deadline, setting aside a policy, or working with the tenant to secure the supports that they need to live independently) can often lead to successful and low-cost accommodation. Just be certain to document the reason(s) that flexibility has been granted and notify your service manager or ministry, if necessary.

Accommodation is also important for proceedings which may take place later at the Landlord and Tenant Board. The Code is quasi-constitutional, meaning that it takes precedence over all other laws in the Province of Ontario. Adjudicators at the LTB are required to assess whether or not a case before them has Code-related implications. If so, adjudicators must consider whether Code-related rights have been violated as well as review the information as it relates to the *Residential Tenancies Act*.

SAMPLE POLICY

POLICY NAME	Accommodation Policy
POLICY NUMBER	[identifying number]
DATE	[date developed]
DATE REVIEWED OR REVISED	[most current date revised or reviewed]
REFERENCES	<i>Human Rights Code, 1990</i> <i>Accessibility for Ontarians with Disabilities Act, 2005</i> <i>Guidelines on Developing Human Rights Policies and Procedures (OHRC)</i> <i>Accommodation Letter</i> <i>Consent to Disclosure of Personal Information</i> [identify any documents that have been referenced] [existing non-profit or service manager policies or guidelines, legislation, or standard]
SEE ALSO	<i>Human Rights Policy</i> <i>Eviction Prevention Policy</i> <i>Unit Interior Maintenance Policy</i> [identify intersecting policies]

POLICY STATEMENT

[Non-profit] acknowledges its responsibility under the *Ontario Human Rights Code* and other legislation to accommodate the needs of applicants and tenants and to actively remove barriers, physical or otherwise, which may prevent those individuals from

SAMPLE POLICY

participating fully in the activities of the non-profit and from having a successful tenancy.

Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion. [Non-profit] will work co-operatively, and in a spirit of respect, with all partners in the accommodation process.

PURPOSE AND SCOPE

PURPOSE:

The purpose of this policy is to provide guidance on the accommodation processes that all staff may take to support, as much as possible, the full and equitable participation of applicants and tenants who are Code-protected in the activities of the non-profit and to support successful tenancies.

SCOPE:

This policy applies to all staff, board members, volunteers, tenants, and guests, who all have a role to play in accommodating the needs of other tenants and applicants.

This policy also applies to all non-profit policies and procedures. Where there is a conflict between existing policies, procedures, regulations, and/or legislation, the person identifying the conflict will consult with [**designated staff**], the service manager, and other stakeholders as required to identify solutions and opportunities to accommodate the needs of staff, board members, volunteers, tenants and applicants.

DEFINITIONS AND CLARIFICATION

TERMS:

Applicants

An individual or household who is applying for tenancy at the non-profit.

Barriers

A barrier may be a part of the physical or built environment which limits or prevents the accessibility of a space. A barrier may also be a policy, procedure, or requirement that excludes individuals or groups from fairly and equally accessing a good, service, or resource. Finally, methods of communication may create barriers; for example, sending a notice written in English to an individual with limited ability to read English would create a barrier for that individual.

Code-Protected Grounds

Grounds upon which the discrimination of individuals or groups is prohibited under the *Human Rights Code, 1990*. Prohibited grounds for discrimination include an individual or group's race, skin colour, ancestry, creed (religion), place of origin, ethnic origin, citizenship, sex (including pregnancy and gender identity), sexual orientation, age, marital status (including same-sex partnerships), family status, disability, and receipt of public assistance.

Designated Staff

The staff person(s) or department who has been designated to complete a particular action or requirement.

Discrimination

Discrimination in housing based on a protected Code ground may be described as any distinction, conduct or action, whether intentional or not, but based on a Code ground, that has the effect of either imposing burdens on an individual or group that are not imposed upon others, or withholding or limiting access to opportunity, benefits, and advantages available to other members of society.¹

The Non-Profit

Refers to the organization whose board of directors has approved this policy.

Tenant

A person who has signed a lease and who enjoys all of the rights and responsibilities of tenancy.

¹ Taken from Ontario Human Rights Commission (2009) *Policy on Human Rights and Rental Housing*. Downloaded: July 31, 2010 from <http://www.ohrc.on.ca/en/resources/Policies/housing/pdf>

Undue Hardship

The point at which an organization reaches “undue hardship” is dependent on the unique circumstances of the accommodations being explored. Sections 11 and 17 of the Code outline the three criteria that must be considered in order to determine whether the necessary accommodation(s) would pose an undue hardship to an organization.

Those criteria are:

- the cost;
- the presence of outside sources of funding, if any; and,
- health and safety requirements for other tenants and staff, if any.

Only when those three criteria are met can an individual or group decline the accommodation of another individual or group.

PROCEDURE

1.0 COMMUNICATION

- All parties within the organization, including applicants, tenants, volunteers, board members, and staff will be made aware of their rights and responsibilities under this policy through on-going, active communication on the part of the non-profit.
- Materials will be developed and distributed to all applicants and incoming and existing tenants, which identify the intent and contents of this policy and the protected grounds upon which accommodation may be sought. A statement about the non-profit’s commitment to following the Code will be put in the tenant handbook.

2.0 DOCUMENTATION

- Staff will keep detailed notes regarding their interactions with the individual requesting accommodation, including:
 - the accommodation(s) requested;

SAMPLE POLICY

- notes on the discussions that staff have with all stakeholders in the request;
- copies of all supporting documentation from experts, as well as research undertaken by staff.

3.0 IDENTIFICATION OF REQUIRED ACCOMMODATION

- All representatives of the non-profit have a responsibility to help reduce barriers to participation and to promote inclusion. Therefore, where a non-profit representative believes that an accommodation may be of benefit to a tenant or applicant, they will confer with [**designated staff**] to determine the most effective and appropriate method to address the need and provide assistance to the individual (refer to *Sample Accommodation Letter*).
- Clear and detailed documentation must be compiled, including how the need for accommodation was discovered, actions of the non-profit, interactions with the Code-protected individual and any other supporting documentation and discussions with stakeholders. All supporting documentation (e.g. letters, conversation notes) will also be dated and filed.

4.0 RECEIPT OF REQUEST FOR ACCOMMODATION

- Written requests for accommodation are preferred. However, where this requirement may prevent an individual from securing an accommodation, assistance will be provided by staff or a referral will be made to a community-based resource.
- Once a request has been documented, within five (5) working days of receiving the request, staff will meet with the tenant/applicant to review the requested modifications and to review the roles of both parties in the accommodation process.
- When necessary, staff will request supporting documentation for the requested accommodation(s) and any alternative accommodations which would meet the same, or similar, objectives from the individual's medical doctor or other professional(s). Staff will also require the individual to sign a *Consent to Disclosure of Information* form.

5.0 INVESTIGATION OF PROPOSED ACCOMMODATION(S)

- Staff will investigate the requested accommodation(s) to determine the most cost-effective accommodation that also meets the requirements of the individual.

SAMPLE POLICY

Staff will secure appropriate expert opinion in addition to contacting the individual's professional supports. Where necessary and appropriate, staff will also conduct independent research.

- The accommodation process is a collaborative and co-operative process between the individual and the non-profit. As such, it is expected that both parties will be in regular and respectful contact to discuss possible accommodations and to answer outstanding or arising questions.
- Staff will document all interactions with all stakeholders in a clear concise manner and will file these notes, in addition to any supporting documentation, in the individual's file.

6.0 ACCOMMODATION(S) WITHOUT COST

- Depending on the nature of the accommodation(s) required, staff may or may not be permitted to exercise individual discretion:
 - In cases where the accommodation requires only flexibility in the non-profit's internal policies and procedures, [**designated staff**] will be permitted to exercise their discretion.
 - In cases where the accommodation required is contrary to legislation and/or service manager directives, staff will consult with senior staff.
- Staff and the individual will co-operatively and collaboratively identify mutually satisfactory accommodations.
 - Once an appropriate accommodation has been identified, [**designated staff**] will send a letter to the individual outlining the accommodation that have been agreed to and will also file a copy of that letter in the tenant file.
- If staff and the applicant / tenant are unable to co-operatively identify appropriate accommodations, the matter will be referred to [**designated staff**] for follow-up.

7.0 ACCOMMODATION(S) WITH COST

- Depending on the cost of the accommodation(s) required, staff are required to consult with [**designated staff**] and/or the board of directors:
 - In cases where the required accommodation will cost less than [**non-profit's discretionary spending amount**], [**designated staff**] will be permitted to exercise their discretion.

SAMPLE POLICY

- In cases where the required accommodation is anticipated to cost more than [**non-profit's discretionary spending amount**], [**designated staff**] are required to consult with, and gain approval from, the board of directors.
- Staff will research and, if possible, identify and apply for, potential external sources of funding which may reduce the financial burden placed on the non-profit.

8.0 UNDUE HARDSHIP

- If [**designated staff**] and the individual are unable to identify an accommodation(s) that meets the needs of the individual without affecting the on-going financial viability of the non-profit, [**designated staff**] and the board of directors will seek legal counsel.
- The non-profit may also elect to seek assistance and resources from the service manager or program funder(s) to meet the accommodation requirement(s) of the individual.

SAMPLE ACCOMMODATION LETTER

[Letterhead]

[Date]

[Name and Address of Tenant]

Dear [Tenant]:

We want to support you to continue to maintain your tenancy here at [non-profit]. Based on information we [have been given] or [have observed] we believe that you may need some help to continue to live here.

On [date], it was [reported to staff] or [staff inspected your unit and found] that: [give very specific examples of what you observed or were told, for example]

- your refrigerator was empty without any food visible
- there was a lot of clutter including one room that we could not enter
- a buildup of mail was visible, including bills that remain unopened
- generally dirty conditions in the living room and hallway
- you are unable to cook for yourself and have asked your neighbours to cook your meals

We have serious concerns about:

- your own health and safety
- the risk of bed bugs finding their way into your unit; a nearby unit is infested and the clutter in your unit is a prime environment for them
- your financial well being

We would like to set up a meeting with you so that we can help you to continue to live successfully at [non-profit]. Please call me at [telephone number] to set up an appointment to meet. Feel free to bring a friend, family member, or other support person with you to the appointment. I would like to work with you to figure out a plan that will allow us to resolve the problem in your unit and allow you to continue to live in your home.

Sincerely,

[name of signatory]
[title of signatory]