

PROCESS FOR SEEKING AN EXTENSION TO TENANCY DURATION LIMIT UNDER THE EMPLOYEE HOUSING POLICY (GAM 3.30)

A. Introduction

Under Government of Yukon's Employee Housing Policy GAM 3.30 (the policy), employees may access housing for a maximum of 36 consecutive months and are expected to find their own private market accommodations before the end of the 36-month period.

Where special circumstances have prevented an employee from securing private market accommodations before the end of the 36-month period, the policy provides that a deputy head may apply to the Public Service Commissioner (the Commissioner) for an extension of the tenancy duration limit for an employee in their department or corporation.

B. Purpose

This document sets out a process for requesting an extension to the 36-month tenancy duration limit in situations where the employee, who through no fault of their own and despite best efforts to find alternative housing, is unable to secure private market housing in their community of employment.

C. Administration of Tenancy Duration Limit

- Yukon Housing Corporation (YHC) will calculate the 36-month period beginning on the first day of tenancy.
- If an employee accepts a new position and moves to a new community, the 36-month period will start again. If an employee is transferred to a new community by their department, the 36-month period will start again.
- YHC will manage the timelines for applying for a tenancy duration extension and will communicate in writing with the employee one year before the employee's lease end date, notifying the employee that their lease is expiring and informing them of the expectation that they find private market accommodations and of the process and requirements for seeking a tenancy duration extension.
- YHC will send a follow-up letter approximately 6 months before the lease end date, notifying the employee that their lease is expiring and informing them of the process and requirements for seeking a tenancy duration extension.
- If approved, tenancy extensions will be granted for a duration of 12 months. An extension duration of longer than 12 months may be considered in exceptional circumstances, including where private market availability is non-existent in the employee's community at the time a decision is rendered.

- An employee may apply for more than one tenancy duration extension.
- If an employee is granted an extension to the tenancy duration limit, the employee will enter into a new lease at market-based rent for the duration of the extension. The percentage increase in rent will not exceed 50% in a calendar year.
 - This provision does not apply for an employee's first extension granted on or before June 30, 2022, in which case rental rates will be increased by the maximum rate permitted annually under the applicable collective agreement and applicable legislation.
 - Changes to the *Residential Landlord and Tenant Act* or to regulations made under the Act may necessitate amendments to this process.
- Market-based rents are established by YHC according to the rent methodology designed by YHC in collaboration with the Yukon Bureau of Statistics. These rates take into consideration Yukon's market and non-market rental data gathered through the Yukon Rent Survey.
- A Yukon Teachers' Association bargaining unit employee whose lease end date occurs during the school year will be granted an automatic tenancy duration extension until the last day of June of the current school year. If the employee seeks a further extension as set out in this process, the extended lease end date will be used for the purposes of calculating timelines.

D. Eligibility for Extension

To be eligible for a tenancy duration extension:

- The employee's employment status must be indeterminate or term.
- The following criteria must be met:
 - the employee is in a position considered critical (as set out in Annex 1 to the policy) to the delivery of a Yukon government program in a Yukon community other than Whitehorse;
 - the employee, either by themselves or with their spouse or others, does not have a legal interest in a residential dwelling in the community in which the housing is being sought or provided; and
 - the employee has no tenant arrears with YHC or evictions by YHC within the three years preceding the date of the application for a tenancy duration extension.

E. Process for Seeking Extension

1. Department

- 1.1. The eligible employee must submit their request to apply for a tenancy duration extension to their supervisor no sooner than 6 months before the lease end date and no later than 90 days before the lease end date. In their request, the employee must provide:
 - a summary of their efforts toward securing private market accommodations, including detailed information on the measures the employee has taken to move to a home in the private market, whether it was to purchase or rent accommodations;
 - a description of the circumstances relating to the request; and
 - any other relevant information or considerations.
- 1.2. The supervisor must route the extension request through the next levels of authority up to the deputy head. Individuals at each subsequent level of authority may contribute information relevant to the request for consideration by the deputy head.
 - 1.2.1. If the employee requesting an extension is a member of the Yukon Teachers' Association, the request will be routed from the principal through the Superintendent to the deputy head.
 - 1.2.2. The deputy head must receive the request for extension no more than 10 business days after the employee originally submitted the request.
- 1.3. The deputy head will consider the matter and determine whether to support or not support the request.
- 1.4. If the request is not supported, the deputy head must inform the employee in writing, including the reasons for the decision within 10 business days of receiving the request.
- 1.5. If the deputy head supports the request, they must submit the Deputy Head Request for Extension of Tenancy Duration Limit form to the Public Service Commission within 10 days of receiving the extension request.
- 1.6. In the request, the deputy head must provide a detailed description of the special circumstances for requesting the extension. The request must also include the following supporting information:
 - confirmation that an employee requires housing to meet operational requirements;
 - the employment status of the tenant (i.e. term, indeterminate);
 - summary of the efforts the department has made to assist the employee to secure private market accommodations; and

- information provided by the employee as per section 1.1.

2. Yukon Housing Corporation

2.1. Upon receipt of the request, the Public Service Commission will request the following reports from YHC:

- Tenant Report on employees' compliance with their lease agreement;
- Information Report on the employee's community; and
- Availability Report of YHC units in the employee's community.

2.2. YHC will confirm receipt of the request, and provide the reports to the Public Service Commission within 10 business days of receiving the request.

3. Public Service Commission

3.1. Upon receipt of the Deputy Head Request for Extension of Tenancy Duration Limit and the Tenant Report, Information Report and Availability Report from YHC, the Public Service Commission will review the request and reports to ensure that all necessary documentation has been provided. The Public Service Commission may request additional information from the deputy head or YHC before proceeding with the evaluation.

3.2. When the request, reports and any other requested information have been received in full, the Public Service Commission will inform the deputy head and YHC that the request is under review.

3.3. The Commissioner must consider the matter and render a decision. In making this decision, the Commissioner must consider:

- 3.3.1. the employee's efforts to secure private market housing;
- 3.3.2. the department's efforts to assist the employee to secure private market housing;
- 3.3.3. availability of private market options in the employee's community;
- 3.3.4. existence and length of waitlist for staff housing in the employee's community;
- 3.3.5. the priority level of the position the employee occupies, as set out in Annex 1 of the policy;
- 3.3.6. circumstances relating to the extension request; and
- 3.3.7. any other relevant information and considerations.

3.4. The Commissioner will be guided by the principles set out in section 1.5 of the policy and the best interests of the Yukon public service as determined by the Commissioner. The Commissioner may authorize an extension to the tenancy duration limit if the extension

would be in the public interest and if the public interest in extension clearly outweighs any other implications of the extension.

- 3.5. The Commissioner must render a decision within 10 business days after the requested material has been received in full and not later than one full month before the employee's lease end date.
- 3.6. The Commissioner must without delay communicate the decision to grant or deny the extension request in writing to the deputy head, YHC, and the employee. If the extension request is denied, the Commissioner will provide reasons for the decision.
- 3.7. The Commissioner's ruling is final and binding.