

GOVERNMENT OF YUKON
GENERAL ADMINISTRATION MANUAL
VOLUME 3: HUMAN RESOURCE POLICIES
TITLE: EMPLOYEE HOUSING
EFFECTIVE: May 28, 2019

Policy 3.30

1 **SCOPE**

1.1 **Authority**

1.1.1 This policy is issued under authority of Cabinet Minute No. 94-40, dated October 27, 1994, and amended by the Deputy Ministers' Review Committee on July 30, 2013, and May 28, 2019.

1.2 **Application**

1.2.1 This policy applies to all Yukon government departments and all Yukon government employees hired under the *Public Service Act* and *Education Act*, in relation to housing administered by Yukon Housing Corporation (YHC) for the benefit of Yukon government employees and departments.

1.2.2 YHC and employees receiving housing under this policy are subject to the *Residential Landlord and Tenant Act* as well as any applicable legislation administered by the Canada Revenue Agency (CRA).

1.3 **Purposes**

1.3.1 The purposes of this policy are to:

- a) provide guidance on the provision of housing to employees in Yukon communities, other than Whitehorse; and
- b) facilitate the provision of housing to employees in a consistent, fair, and transparent manner.

1.4 **Definitions**

department means a department of Yukon government as set out in Policy 3.1 of the General Administration Manual.

employee means an employee of Yukon government, and includes a contract employee and a casual employee.

housing means any form of housing provided to an employee under this policy including, but not limited to a house, duplex, apartment, suite, condominium unit, or mobile home.

employer means Government of Yukon.

market-based

rent means the rent established by YHC for a housing unit taking into consideration the local or territorial market.

premises refers to the housing unit occupied by a tenant under a tenancy agreement.

spouse refers to a person to whom the employee is legally married, or with whom the employee has cohabited as a couple throughout the previous twelve months.

tenancy means a tenant's right to possession of a rental unit under a tenancy agreement.

tenancy

agreement means an agreement between a tenant and YHC respecting possession of a rental unit.

tenant means an employee who has entered into a tenancy agreement with YHC.

housing

benefit means a good or service given, or arranged for a third party to give, to an employee in relation to employee housing administered by YHC under this policy. This includes, but is not limited to, an allowance or a reimbursement of an employee's personal expenses in relation to their housing.

1.5 Principles

1.5.1 Access to employee housing is not an entitlement of, or benefit owing to employees.

1.5.2 Employees are normally expected to provide for their own housing.

1.5.3 The availability, affordability, suitability and quality of housing in Yukon communities is integral to the delivery of Yukon government programs and services.

1.5.4 The employer's role in providing housing for employees, is to help address a lack of affordable housing options resulting from market and infrastructure gaps that may exist in Yukon communities, and that may hinder the recruitment and retention of employees.

1.5.5 The employer's approach to housing for employees should, where feasible, facilitate economic growth opportunities in affected Yukon communities.

1.6 Eligibility

1.6.1 An employee is eligible for housing under this policy if:

- a) the employee is hired from outside of their community of employment; and
 - b) the employee is hired into a position considered critical (as set out in Annex 1 to this policy) to the delivery of a Yukon government program in a Yukon community other than Whitehorse; and
 - c) 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
 - d) the employee has no tenant arrears with YHC or evictions by YHC within the three years preceding the date of the application to YHC for housing for the employee.
- 1.6.2 An employee who is a tenant on May 28, 2019 may, despite non-compliance with section 1.6.1, continue to occupy their premises subject to the terms of their tenancy agreement, for a period not to exceed the three-year tenancy duration limit set out in section 6.
- 1.6.3 Despite section 1.6.1, and on recommendation from the deputy head of the employee, the Public Service Commissioner (Commissioner) may deem an employee eligible for housing based on special circumstances.
- 1.6.4 In exercising the authority provided under section 1.6.3, the Commissioner's decision will be guided by the principles set out in section 1.5 and the best interests of the Yukon public service as determined by the Commissioner.
- 1.6.5 The Commissioner's decision under section 1.6.3, including reasons, to approve or deny a request for eligibility will be provided to the employee's deputy head.
- 1.6.6 The decision of the Commissioner under section 1.6.3 is final and binding.

2 ASSIGNMENT OF EMPLOYEE HOUSING

- 2.1 YHC is responsible for the assignment to employees of employee housing units from within YHC's available housing.
- 2.2 Except as provided by section 5.3, the assignment of employee housing will be determined based on the prioritization of positions considered critical to the delivery of program services in Yukon communities and where employee residency in the community is essential to effect program delivery, as set out in Annex 1 to this policy.
- 2.3 YHC will determine the availability of housing units, and define the purpose for which the units may be utilized (e.g., short-term, family, single, shared). This may include setting aside specific housing units in a community for a specific need (e.g., employees undertaking temporary, relief or seasonal work, or where a unit has been modified for a specific program delivery purpose).

- 2.4 Shared housing may only be provided to an employee who consents, in writing to YHC, to sharing the premises with one or more employees.
- 2.5 Employees eligible for housing will be prioritized for the next available, suitably-sized, vacant housing unit in accordance with the process set out in Annex 1 to this policy.
- 2.6 Subject to section 2.7, YHC may allocate housing to eligible employees that exceeds the type and size of housing that would typically be provided based on employee family size and other factors, as determined by YHC.
- 2.7 Employees shall first be given the option to accept or decline a YHC offer of housing that exceeds the type and size of housing that would typically be provided based on employee family size and other factors, as determined by YHC. Such offers shall include notice of the provision of section 2.10.
- 2.8 Subject to all other eligibility requirements, an employee who declines an offer of housing that exceeds the type and size of housing that would typically be provided based on employee family size and other factors, as determined by YHC, remains eligible to later receive from YHC an offer of suitably-sized housing.
- 2.9 YHC may, at its discretion, relocate over-housed employees upon suitably-sized housing becoming available.
- 2.10 Tenants are responsible for their own relocation costs, whether relocation occurs at their own request, or is required by YHC.
- 2.11 An employee who chooses not to accept an offer of suitably-sized housing will no longer be eligible for employee housing for the position they currently occupy.
- 2.12 A tenant will not be required to vacate their premises for the sole purpose of providing housing to another employee in need of housing whose position is categorized in Annex 1 as having a higher priority housing rating.

3 ESTABLISHMENT AND IMPLEMENTATION OF RENTAL RATES

- 3.1 YHC will establish and charge market-based rents for all housing in Yukon communities.
- 3.2 Rents will be reviewed annually by YHC, and may be adjusted.
- 3.3 Utilities are charged separately from rent and are the responsibility of the tenant.
- 3.4 As of May 28, 2019, rental rates will be implemented as follows:
 - a) new tenants – will pay market-based rent;

- b) existing YTA/YEU member/tenants – rent will be increased by the maximum rate permitted annually under the applicable collective agreement until it reaches the market-based rent for the unit occupied; and
- c) existing tenants who are not YTA or YEU members – rent increases will follow those applicable to YEU member/tenants.

4 **HOUSING BENEFITS**

4.1 It is recognized that departments may need the flexibility to provide housing benefits to attract and retain employees in certain communities.

4.2 A housing benefit provided to an employee is a form of compensation that must be reported as taxable and pensionable income to the employee and which is subject to applicable deductions.

4.3 When considering whether to provide a housing benefit to an employee, a department should consider:

- a) the principles set out in section 1.5;
- b) the impact of the benefit on other employees within the department and the community, and across Yukon government, including employees not in receipt of employee housing;
- c) the precedent established by providing the benefit;
- d) whether the benefit will result in a taxable housing benefit to the employee; and
- e) the annual cost of providing the benefit.

4.4 For information on the administration of taxable housing benefits, contact your department finance officer or your human resource advisor.

5 **TENANCY AGREEMENTS**

5.1 Prior to occupying housing, an employee and YHC must enter into a written tenancy agreement that complies with the requirements of the *Residential Landlord and Tenant Act* and that contains all of the terms and conditions of the tenancy.

5.2 Leases that may exist between the YHC and a department will be phased out within 12 months following the approval of the policy revisions made May 28, 2019.

5.3 Despite section 5.2, YHC may establish, in consultation with any such affected departments, special arrangements to govern irregular tenancy situations, as defined by YHC, and to which the housing allocation process established by Annex 1 shall not apply.

6 **DURATION OF EMPLOYEE HOUSING**

- 6.1 As of May 28, 2019, housing may be provided to eligible employees for a maximum of three consecutive years, subject to section 6.2.
- 6.2 Where special circumstances exist, a deputy head may request an extension of a tenancy duration limit for an employee in their department or corporation. The request must:
- a) be provided, in writing, to the Commissioner, not later than ninety days prior to the date upon which the employee's tenancy will end; and
 - b) provide a detailed description of the special circumstances for requesting the extension.
- 6.3 The Commissioner may authorize an extension to a tenancy duration limit.
- 6.4 In determining whether an extension is warranted, the Commissioner will be guided by the principles set out in section 1.5 and the best interests of the Yukon public service as determined by the Commissioner. The Commissioner may, in addition to the reasons put forward under section 6.2, consider any other information the Commissioner determines is appropriate in the circumstances.
- 6.5 The Commissioner's decision under section 6.3 to approve or deny the deputy head's request, including reasons, will be provided to the deputy head.
- 6.6 The decision of the Commissioner under section 6.3 is final and binding.

7 **TENANCY DURING PERIODS OF LEAVE**

- 7.1 Tenants are responsible for their premises, including rent, utilities and any other applicable fees or expenses, as set out in their tenancy agreements, during a period of leave, regardless of the length or nature of the leave or whether they are absent from their premises during the leave period.

8 **TRANSFERS**

8.1 Voluntary Transfers

- 8.1.1 If a tenant voluntarily leaves their premises to move to different premises, the tenant will be required to pay the market-based rent for their new premises from the date of occupancy of the new premises, in addition to all related removal and relocation costs.

8.2 Employer or YHC Requested Transfers

- 8.2.1 If a tenant is transferred to other premises, within the same community or in a different community, the tenant will be required to pay, subject to any limitations set out in a

collective agreement applicable to the tenant, the market-based rent for the new premises.

9 ***ROLES AND RESPONSIBILITIES***

9.1 Public Service Commission (PSC)

9.1.1 The PSC is responsible for:

- a. the development, maintenance, and interpretation of this policy and the Annex; and
- b. assisting departments and YHC with the interpretation and application of this policy and the Annex.

9.2 YHC

9.2.1 YHC is responsible for:

- a. establishing, and charging market-based rents for all housing in Yukon communities;
- b. reviewing and updating rents on an annual basis;
- c. administering tenancy agreements;
- d. managing, maintaining, and administering the process of providing housing, in accordance with this policy, on behalf of Yukon government;
- e. providing the Commissioner with any housing or market related information that the Commissioner may require to inform a decision on a request for extension of a tenancy duration limit;
- f. dealing with tenants on issues relating to their tenancy agreements or occupancy of the tenant's premises;
- g. communicating YHC housing policies or directives to tenants; and
- h. determining what constitutes 'suitably-sized' housing for an employee, for housing allocation purposes.

9.3 Departments

9.3.1 Departments are responsible for:

- a. making application to YHC for employee housing in compliance with this policy and in the manner prescribed by YHC;
- b. communicating in a timely manner with YHC on their housing needs;
- c. advising YHC, in a timely way, of proposed new, reduced or expanded programs in a community that may impact current or future housing needs or availability in the community;

- d. determining the nature and extent to which an employee may be provided with housing benefits, bearing in mind subsection 1.5 and section 4;
- e. advising employees of the amount and nature of any housing benefits provided to them; and
- f. ensuring that any taxable housing benefit provided to an employee pursuant to this policy, is reported to the Department of Finance as income to the employee.

9.4 Tenants

9.4.1 Tenants are responsible for:

- a. upholding and fulfilling their obligations as set out in their tenancy agreements, and any other directive or policy of YHC or Yukon government that is relevant to the provision of housing to the employee.

10 ***IMPLEMENTATION AND AMENDMENT***

10.1 Supplementary Policy and Procedures

10.1.1 This policy includes an Annex to address the administrative process for the assignment of employee housing.

10.1.2 The Annex may be approved and amended, as required, by the PSC and YHC.

References

Residential and Landlord and Tenant Act

Housing Corporation Act

Public Service Act

Education Act

Collective Agreement – Government of Yukon and the Public Service Alliance of Canada

Collective Agreement – Government of Yukon and the Yukon Teachers' Association

Annex 1
Administrative Procedures for the Assignment of Housing
Last updated: December 2020

A. Prioritization of Critical Positions

1. The assignment of housing will be based on the prioritization of positions considered critical by the PSC in consultation with YHC and departments, to the delivery of program services in Yukon communities and where residency in the community is determined to be essential to effect program delivery.

B. Application Process

1. Departments are responsible for making application for housing to YHC.
2. Except as set out in paragraph 3, applications for housing will only be accepted from departments on behalf of an existing employee, which includes an employee who has accepted an offer of employment but has not yet commenced work.
3. When an employee occupying a Priority 1 position retires, resigns or otherwise terminates their tenancy agreement, YHC may, at the request of the employee's hiring department, hold the premises for the tenant's successor for a reasonable period of time, normally not exceeding three months.
4. Applications for employee housing must be in the manner set out and directed by the YHC.

C. Allocation Process

1. YHC will assign suitably-sized employee housing on a first come, first served basis, to eligible employees, subject to paragraph D3, and in accordance with the following priorities:

Priority 1 (no specific order)

- Teacher
- Nurse
- Regional Social Worker
- Community Counsellor
- Community Addictions Worker
- Paramedic
- Probation Officer
- Victim Services Worker

Priority 2 (no specific order)

Health and Social Services

- Healthy Families Worker

Energy Mines and Resources

- Natural Resource Officer
- Senior Natural Resource Officer
- Mining Recorder
- Mining Administration Officer
- Mining Lands Officer
- District Client Services Representative

Environment

- Conservation Officer
- Biologist
- Fish & Wildlife Technician

Community Services

- Community Operations Plant Operator
- Water and Waste Water Supervisor

Highway and Public Works

Airport maintenance:

- Heavy Equipment Operator I & II
- Airport Supervisor
- Regional Manager, Observer Communicators

Weigh scales

- Carrier Compliance Officer
- Assistant Manager, Carrier Compliance

Facilities management

- Carpenter
- Electrician
- Plumber
- Area Superintendent
- Building Maintenance Worker

Road maintenance

- Heavy Equipment Operator I & II
- Heavy Equipment Mechanic
- Heavy Equipment Mechanic Foreperson
- Lead hand/HEO II
- Foreperson
- Superintendent

Water and Education Services

- Operator, Supervisor, Water and Education Services

2. Only when there is no demand for employee housing from an employee in a Priority 1 position will an employee in a Priority 2 position be considered.

D. Waitlists

1. There will be two waitlists – one for employees occupying Priority 1 positions and one for employees occupying Priority 2 positions.

2. If housing is not available at the time an application for housing is made, YHC will place the employee on the appropriate waitlist in accordance with the time and date their application was received (i.e., the first application received is first on the applicable waitlist).
3. Where a request for housing is received in respect of two or more employees occupying positions with the same priority level and within the same department, the department may direct that housing be offered to their employee who is lower on the waitlist. In this circumstance the higher-ranked employee will exchange places on the waitlist with the lower-ranked employee who will then be offered housing. There should be no adverse impact to the overall ranking of employees in other departments who are on the waitlist.
4. At the end of 12 months on a waitlist, an employee will be removed from the waitlist unless their department reapplies for housing for the employee at least 30 days prior to the end of the 12-month period and the employee continues to meet the eligibility criteria for housing at that time.

E. Conflict Resolution

1. In the event of a disagreement between a department and YHC with respect to the application of this Annex, the Public Service Commissioner will decide the matter.
2. The decision of the Public Service Commissioner is final and binding.