

Security Deposits and Rent Payments For SAP and SAID

Security Deposits and Income Assistance

Rent amounts are based on family size and location. When a person rents accommodation, most landlords ask for a security deposit.

How does Social Services handle security deposits?

When an income assistance client arranges to rent accommodation, he or she must notify their Income Assistance Worker (IAW) or Assured Income Specialist (AIS) immediately.

Rather than paying when the client moves in, Social Services will “guarantee” the security deposit. The deposit guarantee will be confirmed with the landlord (includes landowner, third-party property manager, sub-letting tenant) as soon as possible.

The security deposit may be paid to the landlord when the client leaves the premises. The landlord has seven business days to make a claim on the security deposit, and the tenant may dispute the landlord’s claim. Both the landlord’s claim and the tenant’s dispute are made by notice to the **Office of Residential Tenancies (ORT)**. A landlord’s claim on the guarantee will be paid if:

- the tenant agrees to the claim in writing;
- if the landlord’s claim is not promptly disputed by the tenant; or
- if a hearing officer orders the tenant to pay the damages after a hearing.

What happens when the client is no longer eligible for assistance?

When eligibility ends, the guarantee will be ended.

The landlord may ask the tenant to pay the guarantee in cash, and may evict the tenant if the guarantee is not replaced with a cash deposit. The landlord has 125 days to make a claim on the guarantee, if the tenant does replace the guarantee with a cash deposit.

The security deposit will be paid to the landlord only if the landlord makes a claim. The landlord’s claim must be made on the proper form and delivered to the ORT.

Only the amount guaranteed by Social Services will be paid to the landlord. It may be assessed as an overpayment against the client.

When eligibility ends, clients may receive a social assistance payment for one-half the amount of the security deposit based on their monthly rent amount they received. It is the tenant’s responsibility to pay the remaining security deposit to the landlord.

How much can the landlord charge for a damage deposit?

The Residential Tenancies Act allows landlords to charge a security deposit equal to one month’s rent. For income assistance clients, this means one month’s rent up to the maximum allowed by Social Services.

What happens if the security deposit (and the rent) is higher than the amount the Ministry will pay?

Clients who rent accommodation where the rent is higher than allowed must pay the extra amount themselves. The client is also responsible to pay the amount of the security deposit above the amount guaranteed by Social Services.

Who is responsible for paying for damage to property and providing sufficient notice to move?

The tenant (client) is responsible for damages caused by the tenant, and to give proper notice to vacate.

If Social Services pays the security deposit to the landlord, the amount paid will usually be considered an overpayment which the client must repay.

When the renter is receiving income assistance who is the tenant?

The client – not the Ministry – is the tenant. Rental arrangements are made directly between the client and the landlord.

How is the rent allowance provided?

- **directly to the client**

Social Services may provide rent funds to the client. It is the client's responsibility to pay the landlord.

- **a joint payment rent cheque**

The rent cheque is made payable to both the client and the landlord. The cheque is sent to the client who signs it and passes it to the landlord. The cheque cannot be cashed until both parties have signed it.

- **directly from the Ministry or a trustee to the landlord**

Some clients may require the assistance of a trustee to help manage their money. The trustee may pay the rent or it may be paid directly to the landlord by the Saskatchewan Social Services.

What happens if the rent is not paid?

The landlord should first discuss the issue of unpaid rent with the tenant (client). If it remains unpaid, the landlord may contact the worker at Social Services. The worker can discuss the rent situation but cannot comment on the personal circumstances of a client.

What happens if the rent remains unpaid?

If the landlord and the tenant cannot come to an agreement, staff at the ORT can help. Call or email the ORT for information about your rights and responsibilities: **1-800-215-2222**, or send questions to **ORT@gov.sk.ca**.

What is an ORT hearing?

When a landlord and a tenant cannot agree, either one may apply to the ORT for a hearing. Both parties have the right to notice of the hearing so they may attend to tell their side of the story and produce evidence like photos or receipts. The hearing officer then makes his or her decision. The decision may be registered with the courts and enforced by the sheriffs of the court.

What happens if clients need help at the ORT hearing?

Upon request, Social Services may provide \$45 for clients to pay for an advocate (except for a spouse or dependant) to assist at the hearing. Payment may be made for one hearing on an application concerning a security deposit.

If parties cannot settle their differences, they may apply to the
Office of Residential Tenancies at:

1-800-215-2222 or ORT@gov.sk.ca