



**STAFF REPORT
ACTION REQUIRED**

**Update on Implementation of Housing at Risk
Ombudsman Recommendations for Toronto Community
Housing**

Date:	March 21, 2014
To:	City Council
From:	City Manager
Wards:	All
Reference Number:	

SUMMARY

At its meeting in June 2013, City Council adopted a series of recommendations contained in the Ombudsman's report entitled *Housing at Risk: An Investigation into the Toronto Community Housing Corporation's Eviction of Seniors on the Basis of Rental Arrears*. The 30 recommendations for Toronto Community Housing (TCH) ranged from staff training and performance management to properly implementing its policies and bringing its practices into line to ensure equitable, consistent, lawful and humane conduct towards its seniors population.

This report transmits the response from TCH to the Ombudsman's recommendations and provides an update on the status of the additional motions that were adopted by Council including the timing of future reporting by City staff to Committee and Council.

RECOMMENDATIONS

The City Manager recommends that:

1. City Council, in its role as Shareholder of Toronto Community Housing, receive for information Toronto Community Housing's response to the recommendations contained with the Ombudsman's Report entitled *Housing at Risk: An Investigation into the Toronto Community Housing Corporation's Eviction of Seniors on the Basis of Rent Arrears*; and

2. City Council direct Toronto Community Housing to include as part of its Annual Report to Executive Committee an update on the progress of implementation of the Ombudsman's *Housing at Risk* recommendations and on the recommendations contained in the *LeSage Review Report* until such time that the recommendations have been fully implemented.

Financial Impact

The recommendations in this report have no financial impact.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial implications.

Equity Impact

Over 26,000 seniors (age 59 or older) live in TCH and most (75%) live alone. The number of senior residents in TCH is projected to grow by 35% by 2020. The implementation of recommendations from the Ombudsman's *Housing at Risk* report will ensure equitable customer service to senior residents with complex needs and/or circumstances by improving TCH's internal processes and the skills of staff to serve vulnerable individuals including seniors.

DECISION HISTORY

In October 2012, the Ombudsman initiated an investigation on whether TCH's eviction prevention policies were applied consistently and in keeping with Justice LeSage's recommendations. On June 11, 12 and 13, 2013 City Council adopted the Ombudsman's recommendations from the report entitled *Housing at Risk: An Investigation into the Toronto Community Housing Corporation's Eviction of Seniors on the Basis of Rental Arrears (CC36.5)*.

<http://app.toronto.ca/tmmis/viewPublishedReport.do?function=getCouncilDecisionDocumentReport&meetingId=6810>

In 2009, the Ombudsman initiated an investigation and prepared a report dated January 2010 entitled *Housing Matters: Investigation into the Toronto Community Housing Corporation's Proposed Eviction of a Tenant*. The report made twelve recommendations to ensure that TCH acts fairly when dealing with complaints of serious misconduct against a tenant and in the eviction process.

<http://ombudstoronto.ca/sites/default/files/Housing%20Matters.pdf>

ISSUE BACKGROUND

On June 11, 12 and 13, 2013, City Council considered the report from the Ombudsman entitled *Housing at Risk: An Investigation into the Toronto Community Housing Corporation's Eviction of Seniors on the Basis of Rental Arrears*. Council adopted all 30

recommendations from the Ombudsman, which aim to ensure the equitable, consistent, lawful and humane conduct by TCH toward its seniors population.

Council also adopted a further 18 motions, which include additional TCH reporting requirements on the implementation of Ombudsman recommendations, practices to support and expand automatic rental payments of residents in receipt of social assistance, research into best practices for training and follow-up services to keep vulnerable tenants housed, and amendments to the City's TCH Shareholder Direction.

TCH agreed with all the recommendations and has committed to implementing the recommendations within the Ombudsman's proposed timelines.

COMMENTS

Outlined below are details on the status of TCH's of implementation of the Ombudsman's *Housing at Risk* recommendations and updates and timelines for City staff to report back on the additional motions adopted by Council.

1. Ombudsman Recommendations

Recommendation 1 of this report transmits to Council for information TCH's report on the status of implementation of the recommendations in the Ombudsman's *Housing at Risk* report. TCH's report entitled *Update on Implementation Progress – Housing at Risk: An Investigation into the Toronto Community Housing Corporation's Eviction of Seniors on the Basis of Rent Arrear* is included as Attachment 1.

TCH has been working collaboratively with the Ombudsman's Office and City divisions to respond to the recommendations. TCH's report contains details on their approach to follow-up, an update on status of implementation for each of the 30 recommendations, along with 2014 key milestones and next steps.

2. Additional Council Motions

Provided below are updates on the status of additional motions adopted by Council related to the Ombudsman's *Housing at Risk* report including timelines for reporting back to Committee and Council.

a) Reporting on Status of the Implementation

Recommendation 2 of this report directs TCH to include as part of its Annual Report to Executive Committee an update on the progress of implementation of the Ombudsman's *Housing at Risk* recommendations and on the recommendations contained in the *LeSage Review Report* until such time as the recommendations have been fully implemented.

b) Automatic Rent Payment Withdrawal for Social Assistance Recipients

As requested, City staff will bring forward a report to the June 25, 2014 meeting of the Community Development and Recreation Committee that responds to Council's recommendations related to automatic withdrawal of rental payments for TCH residents who are in receipt of Ontario Works.

The report will include details on the potential to expand the system for direct rental payments and the support provided by the Toronto Employment and Social Services Division to assist TCH residents maintain their rental payments in good standing.

c) TCH Commissioner of Housing Equity

In August 2013, TCH created an external advisory committee to make recommendations to the TCH Board of Directors for a Commissioner of Housing Equity to review cases where vulnerable residents face loss of subsidy or eviction for not paying rent.

On December 4, 2013 TCH announced Cynthia Summers as the first Commissioner of Housing Equity beginning her role on January 6, 2014.

The Commissioner of Housing Equity will oversee the Office of the Commissioner of Housing Equity, which will be independent and report directly to the TCH Board of Directors.

The Commissioner will be tasked with two major focus areas:

- i. Ensuring that TCH, its staff and contracted companies, conform to all TCH policies and procedures related to evictions and loss of subsidy for seniors and other vulnerable residents.
- ii. Ensuring that all avenues have been exhausted before a loss of subsidy for seniors and other vulnerable residents.

The Commissioner's responsibilities and duties include:

- Bringing about resolution of evictions for rent arrears through mediation and making best efforts to reduce matters referred to the Landlord and Tenant Board.
- Through this resolution process, linking residents with available community support agencies to receive assistance, as needed.
- Acting impartially and not as an advocate for individual residents or investigating individual complaints outside of their mandate.
- Working closely with the Office of Diversity Fairness and Human Rights, where matters raised involve an enumerated ground under the Ontario Human Rights Code.

- Referring matters to TCH's Chief Internal Auditor where issues raised may involve a potential fraud and or inappropriate ethical practices.
- Providing oversight and advice to the Board of Directors and the President and CEO.
- Applying comprehensive knowledge of relevant legislation, laws and legal processes such as Residential Tenancies Act, Ontario Human Rights Code, Housing Services Act and other related legislation

For further information on the Commissioner of Housing Equity, please refer to the following link: <http://www.torontohousing.ca/CHE>.

d) Best Practices for Training and Follow-up Services to Keep Vulnerable Tenants Housed

As requested, City staff will bring forward a report to the June 25, 2014 meeting of the Community Development and Recreation Committee on best practices from the City of Vancouver for training and follow-up services that help maintain housing for vulnerable residents.

The report will include details on the training and follow-up support services that Vancouver provides through private and contracted building managers in both private market and social housing.

e) Amendments to TCH Shareholder Direction

City Council requested that the City Manager ensure that amendments to the Shareholder Direction for TCH include a requirement for a whistleblower protection policy and a policy requiring that all communications to vulnerable tenants be made in a language of choice as well as in English.

The amended TCH Shareholder Direction, approved by Council at its meeting on November 13, 14, 15 and 18, 2013, included the following provisions that respond to Council's recommendations:

- 5.1 (o) ensuring that TCH has a whistleblower protection policy.
- 9.2 (e) TCH will ensure that all communications with Tenants will be undertaken in English and the language of the Tenant's choice.

To access the revised TCH Shareholder Direction, please refer to the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX35.5>.

Whistleblower Protection Policy

TCH's current Fraud Prevention Directive, dated August 2011, speaks to providing staff and the public with an anonymous reporting channel when fraud or corruption is suspected and includes the following Whistleblower Protection:

"No person covered by this directive shall:

- dismiss or threaten to dismiss an employee;
- discipline or suspend or threaten to discipline or suspend an employee;
- discriminate or harass an employee;
- impose any penalty or reprisal upon an employee; and
- intimidate or coerce an employee

because the employee has acted in accordance with the requirements of this directive".

A specific Whistleblower Protection Policy will go forward to the TCH Board of Directors for approval in the second quarter of 2014.

Communications with Tenants

TCH has a Translation Policy which will be reviewed in 2014. Currently, corporate communication products aimed at all residents are translated into 18 different languages. TCH also use icons and illustrations in information materials to improve communication with all language groups.

For in-person or over the phone customer service language interpretation, the Client Care Center and TCH's subsidiary, Housing Connections, rely on the Toronto 311 language line to support conversations and services.

TCH staff are developing a process to collect information from each household about the language of their choice. Once TCH staff know the language preference for each household, TCH staff will communicate with them in their preferred language, with the exclusion of legal documents that are required to be in English or French.

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SIGNATURE

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City Manager

ATTACHMENT

Attachment 1, Update on Implementation Progress – Housing at Risk: An Investigation into the Toronto Community Housing Corporations' Eviction of Seniors on the Basis of Rent Arrears.