

**Housing at Risk: An Investigation into the Toronto
Community Housing Corporation's Eviction of Seniors
on the Basis of Rent Arrears**

Report to Toronto City Council on TCHC's Implementation of the
Ombudsman's Recommendations

Fiona Crean
Ombudsman

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1.0 Background

1.1 Justice LeSage Report

1. In May 2009, 81 year-old Toronto Community Housing Corporation (TCHC) tenant Al Gosling was evicted for rent arrears. His debt arose after he lost his rental subsidy when he did not submit his annual review paperwork regarding his low-income status. After his eviction, he lived for approximately a week in his apartment building's stairwell, then in a shelter, and finally, in hospital, having contracted an infection. In October, five months after his eviction, he died in hospital.
2. TCHC appointed the Honourable Justice Patrick LeSage to conduct an inquiry into Mr. Gosling's eviction, and more broadly, TCHC's practices regarding eviction on the basis of arrears as they relate to vulnerable tenants. The report, released in May 2010, found a lack of personal contact with tenants facing eviction, and that TCHC either did not apply its eviction prevention policies, or did so inconsistently.
3. Justice LeSage made 81 recommendations, which were accepted by the Board of Directors. On its direction, TCHC put an implementation plan into place.

1.2 Ombudsman Investigation Report: Housing at Risk¹

4. In October 2012, I issued a notice of intent to investigate TCHC's practices regarding eviction for arrears. The investigation examined whether eviction prevention policies were being applied consistently and whether the process was in keeping with the recommendations made by Justice LeSage two years earlier.
5. We examined the annual review process for rent-geared-to-income (RGI) tenants, and the loss of subsidy which occurs when a tenant fails to successfully meet the documentation requirements of the annual review. Our investigation focused on seniors. We reviewed 79 cases, all individuals that had been evicted in the previous two years.
6. Following the death of Mr. Gosling, TCHC largely stopped evicting tenants for arrears. By failing to address arrears promptly, some tenants' debts accumulated significantly, leaving those tenants with thousands of dollars of arrears owing to TCHC.

¹ An Investigation into the Toronto Community Housing Corporation's Eviction of Seniors on the Basis of Rent Arrears.

7. I found that TCHC's policies, guidelines and practices to prevent eviction, were not being followed consistently. While policy dictates that eviction was to be a last resort, that was sometimes not the case. Early intervention was not occurring sufficiently, and TCHC relied on a high volume of dense and sometimes threatening correspondence, rather than in-person contact.
8. Many seniors fell into arrears after failing to submit their annual documentation. When this happened, their rent would increase to market value, and arrears would then accumulate. I found this to be particularly problematic when tenants turned 65 and changed income source from provincial assistance to federal benefits. Seniors might be late in starting the application process, make errors in the process and/or face bureaucratic delay in the transition.
9. Once tenants fell into arrears, repayment options offered by TCHC were inconsistent. Some tenants were given more modest repayment plans of a longer duration, while others were told they had to pay off their arrears within the year, or less. We found cases in which TCHC had fixed-income seniors sign agreements that were an additional 65% of their rent amount.
10. At times, the process for eviction was used improperly. For example, where tenants had behavioural issues, such as being noisy, messy or involved in crime, the eviction policy for arrears would be invoked instead of the process for eviction for cause.
11. Such tenants were evicted for small amounts of arrears, as with Mr. D, who was taken to the Landlord and Tenant Board (LTB) with under \$400 in arrears, after missing one month's rent, and in spite of the fact that he was making payments towards those arrears. Yet, other tenants were thousands of dollars in arrears and were not evicted.
12. I made 30 recommendations with timelines attached to each one. TCHC agreed to implement all of them.

1.3 Toronto City Council Requests

13. At its June 2013 session, City Council adopted all my recommendations. Council also requested that:
 - ... the President and Chief Executive Officer, Toronto Community Housing Corporation to advise the Ombudsman until March 2014 when senior tenants are facing eviction as a result of rent arrears prior to eviction so that the Ombudsman may continue to monitor the process.

... the Ombudsman to submit a follow-up report to City Council in March 2014 on the status of TCHC's implementation of her recommendations and monitoring of senior tenants facing the eviction.

2.0 TCHC's Communication with the Ombudsman's Office

14. Following the June 12, 2013 session of Council, and a meeting with the TCHC Board on June 19, TCHC and Ombudsman staff met monthly to discuss implementation, including but not limited to a review by my office of any seniors in jeopardy of eviction.
15. TCHC staff presented drafts of policies and other documents to my office for feedback, which was regularly provided, along with advice and suggestions for improvement.
16. TCHC submitted eight files of seniors facing eviction, for the Ombudsman's review.

3.0 June 2013 – March 2014 Files Reviewed by the Ombudsman

17. On September 16, 2013, my office was contacted by a legal clinic about a senior facing eviction at the end of that month. I had not been advised of the file, so I contacted the President and CEO, who agreed that I was to be informed before such action was taken.
18. TCHC staff followed up with my office on September 18, explaining that there had been confusion over when files were to be sent to my office.
19. I clarified that my review should happen early in the process, not for example, when the Sherriff is notified following an eviction order. TCHC agreed to send files before they went to the LTB. Staff acknowledged that there were approximately 30 files that would be sent to my office.
20. At their October 25, 2013 meeting with TCHC, my staff were told that a number of files would be sent for review early the following week.
21. On November 13, 2013, five months after City Council's direction, I wrote to the CEO to ask about the apparent delay after a single incomplete file was sent to me on November 12, 2013. In this case, an order had been issued by the LTB on May 15, 2013, permitting TCHC to evict the tenant on or after May 27, with the order expiring on November 27.
22. The order was to expire two weeks from the date the file was delivered to my office. TCHC staff advised my office that they required one week to notify the Sherriff of a request to change the locks and complete the eviction. This left

my office with one week to review the file, contact the tenant and respond, all despite the fact that this matter had been at play for almost six months.

23. We requested the rest of the tenant's file. I then clarified that going forward, files must be sent to my office before an application to evict was submitted to the LTB, and that the entire file was to be given to my office.
24. I also required that any older files already submitted to the LTB, should be provided to my office immediately. The CEO agreed to have his staff do so.
25. We responded to the first senior's pending eviction by acknowledging it was a difficult case. The senior had refused to submit his annual review and rent monies due to what he alleged were air-quality issues in his unit. TCHC had attended on site and found no problems. The tenant was not responding to attempts at contact by TCHC.
26. I found problems with TCHC's records and a failure to refer this senior to the appropriate support agencies. Following this feedback from my office, TCHC staff advised that they may issue an order for the Sherriff to evict, and place it on hold for up to a year, while they attempted to work with the tenant.
27. We then received seven files on December 9, 2013, which we reviewed and I provided a written response to the CEO on January 3, 2014. All of these tenants were facing LTB eviction hearings in January.
28. I acknowledge the efforts TCHC staff have made to save the tenancies of these seniors, particularly in recent months. In most cases, negotiations of mediated agreements and repayment plans were ongoing and a number of the tenancies were to be resolved before the hearing, or in a mediated settlement at the hearing.
29. Other than one case, I believed that the tenancies could be resolved. I noted that there was an absence or insufficient attempts at making personal contact with the tenants. I also noted a failure of staff to provide tenants' legal representatives with information promptly.
30. The most frequently noted issue was one of record keeping: key information was not included in the file, and subsequently discovered by my staff in speaking with TCHC staff or the tenant herself.
31. In the case of Tenant Z, his rent was paid automatically through deposit from his social assistance cheque. This automatic process then stopped. Tenant Z and a legal clinic had worked with TCHC for the small debt (\$566) to be cleared by the social assistance agency. That failed. While this remained unresolved, his rent was raised to market rate, and he missed one month's payment (\$113) bringing his arrears to \$679.

32. Eviction proceedings began, and paperwork was filed, without TCHC staff making any attempts to see the tenant in person. No efforts were made to contact his counsel or the social assistance agency.
33. Tenant Z told my staff that TCHC had never explained the reason for his arrears. He said no one had come to see him or tried to contact him. He receives a high volume of mail from TCHC which he feels is "unnecessary," and difficult to understand.
34. In the case of Tenant M, I identified problems with how TCHC staff define "personal contact." The staff had noted that three attempts at personal contact were fulfilled by sending two letters and knocking at the tenant's door once, with no answer. That is unacceptable and when drawn to the CEO's attention, he concurred.
35. In the case of Tenant S, we received a document from a senior showing his lawyer wrote to him advising that TCHC had agreed to accept \$150 each month towards his arrears. There was no such notation in TCHC's file.
36. With Tenant X, I did not believe the tenancy could be saved. He had only paid rent once, and then never again. His was one of the difficult cases in which staff attempts to work with him, including in-person meetings were unsuccessful, although numerous attempts had been made. Tenant X refused to pay, and accepted that he would be evicted. My only observation was that the personal contact should have happened earlier in the process, but otherwise TCHC staff did what they could.

4.0 Conclusions

37. Of my 30 recommendations, TCHC has completed 10. Seventeen are in progress and insufficient work has been undertaken with two of them. One recommendation is not yet due.
38. The two recommendations (#5 and #22) that have not progressed, I find worrisome, not so much because they are outstanding, but because TCHC's responses are vague and each time clarification was sought, different responses were provided. Either little has been done, the executive lead tasked with implementation is unclear or something else is going on.
39. Whatever the reason, the CEO has given me a clear commitment that a protocol with the Ontario Public Guardian & Trustee (#20) will be developed, that a relationship and training with CAMH (#22) will occur and that my recommendation concerning integration of the Seniors' Framework (#5) will be fulfilled.

40. It is evident that senior staff have worked hard to address and complete the recommendations flowing from this investigation.
41. We have established good working relationships on this matter.
42. Despite senior TCHC staff having reassured my office, I see no documented evidence of these recommendations being implemented in the larger context of a change management strategy embedded in TCHC's strategic plan. Oral assurances are insufficient.
43. My recommendations are about systemic change. The degree to which they are implemented within a change management strategy, is the degree to which they will succeed.
44. Fourteen of TCHC's response to my 30 recommendations include staff training. While critical to TCHC's success, training is not a panacea. How will the training outcomes be measured?
45. I understand that TCHC has established new and clearer accountabilities for staff and that these will be performance managed, along with a compliance audit to be performed.
46. This is necessary. Employees must be held to account following the completion of training on new policies, protocols and processes.
47. The majority of my recommendations have not yet been completed (Appendix A). That said I am alive to the challenges of implementing some of the systemic fixes required.
48. I acknowledge the challenge is a difficult one.
49. The timeframes established and agreed to by TCHC, were overly optimistic. As a result, my staff and TCHC have agreed to continue monitoring implementation which TCHC now estimates will be completed by December 2014.
50. With respect to the seniors' files reviewed by my office, I acknowledge the efforts being made by TCHC senior staff in their efforts to save tenancies and implement reasonable repayment plans.
51. Although I was disappointed by the delay in receiving tenants' files, and have raised concerns with some cases, I am satisfied overall that TCHC staff are actively working to prevent eviction in a more systematic manner.
52. I will remain seized of the implementation of my recommendations, until their completion and will continue to monitor this matter.

53. With the establishment of the new office of the Commissioner of Housing Equity, I expect the Commissioner's office will assume responsibility for reviewing all seniors' files where TCHC is considering eviction.

5.0 Recommendations

54. Taking into account all the information gathered, I make the following recommendations:
 1. That City Council request TCHC implement the balance of my recommendations in the context of its strategic plan and demonstrate how it is doing so.
 2. That City Council adopt my report and in so doing, request that TCHC implement all of the recommendations.

(Original signed)

Fiona Crean
Ombudsman
March 25, 2014

Appendix A: Implementation of Ombudsman Recommendations

Status of recommendations

IP – In Progress

✓ Completed

X – Insufficient Progress

#	Status	Recommendation	Implementation and Ombudsman Assessment
1	IP	<p>TCH evaluate its current annual rent review practice, specifically:</p> <p>a) So that rent reviews and income verification for those tenants who meet the requirements of the Housing Services Act for rent reviews less often than annually, are not required to do so more frequently than every two years; and that</p> <p>b) If such a recommendation cannot be fulfilled, a clear rationale is provided in writing to the Ombudsman's office with alternative ways to better support seniors in meeting the reporting requirements and that those ways are documented and disseminated broadly to ensure adherence by staff.</p>	<p>Implementation:</p> <p>This is in progress. TCHC has arranged to review the results of Ottawa Community Housing's trial of a biennial rent review. TCHC is also implementing its own pilot project in ten seniors' buildings across Toronto in the summer of 2014. After evaluating both trials, TCHC will determine whether it will change its practice to a biennial review for eligible tenants, and advise the Ombudsman of its decision, with reasons.</p> <p>Ombudsman assessment:</p> <p>The recommendation is in progress. A plan is in place to complete the work and project leads are identified. Due to the nature of the pilot project on biennial reviews, TCHC's own pilot will not be completed until the project has run at least two years.</p>
2	✓	<p>That the practice of returning the annual review package to a tenant when there is missing information cease immediately. The tenant should instead be advised what information is missing and asked to furnish it.</p>	<p>Implementation:</p> <p>TCHC has implemented this recommendation.</p> <p>Ombudsman assessment:</p> <p>The recommendation is complete. In addition to the work set out in the recommendation, TCHC has developed a new business process to deal with incomplete review packages, and provide a receipt for documents submitted. The Corporation will continue to review its new process and train its staff on the provisions.</p>

#	Status	Recommendation	Implementation and Ombudsman Assessment
3	✓	<p>That the outstanding Justice LeSage recommendations discussed in this report, and agreed to by TCHC, be implemented without further delay and no later than October 1, 2013 including but not limited to:</p> <ul style="list-style-type: none"> c) Addressing the excessive volume of correspondence to tenants by reviewing all legal requirements and looking at viable alternatives that are user friendly, appropriate and non-threatening in their content. i. That in this regard, the information be accurate and written in Easy English in a manner that is accessible, easily understood, inviting and equitable in its approach ii. That legally required correspondence be written in language that is matter of fact and non-threatening in tone iii. That correspondence be preceded and followed up with personal contact wherever possible iv. That Justice LeSage's recommendation of more direct contact be construed minimally as telephone contact but preferably as personal visits and that correspondence to the tenant not be understood to mean personal contact d) Providing tenants with a receipt for the documents they submit in the annual review process. e) Posting in each tenant building an up-to-date list of community agencies that are within close proximity of the building. The list should be regularly updated, no less than every six months. 	<p>Implementation:</p> <p>c) TCHC staff have changed the automatic correspondence generation process so that there will be reduced correspondence to tenants. They have provided the Ombudsman with a flowchart to demonstrate that correspondence will only be sent to tenants in limited circumstances. While the Ombudsman remains concerned that correspondence is still sent too frequently, TCHC staff have made concerted efforts to reduce the volume.</p> <p>i. and ii. Ombudsman staff have reviewed form letters to be sent to tenants and provided feedback to improve the readability and remove complex and intimidating language. Feedback has also been provided by the new Housing Commissioner and tenant committees.</p> <p>iii. TCHC has drafted an arrears process which requires follow-up by phone or in person after each of three key notification letters are sent, thereby addressing the latter part of Justice LeSage's recommendation. TCHC has indicated that further personal contact is not feasible, given resources.</p> <p>iv. After feedback from the Ombudsman, TCHC has revised its definition of personal contact to mean face-to-face or voice-to-voice to reflect the intentions of this recommendation and that of Justice LeSage.</p> <p>d) This recommendation is complete as noted under recommendation 1.</p> <p>e) This recommendation has been completed, and the Ombudsman provided feedback that the community agency list always include contact information for local legal aid clinics.</p> <p>Ombudsman assessment:</p> <p>The recommendation is complete. The Ombudsman has asked that in-person contact be required as a first effort for seniors and identified vulnerable tenants.</p>

#	Status	Recommendation	Implementation and Ombudsman Assessment
4	✓	That template letters and related correspondence used by private property companies be brought in line with those used by TCHC to ensure consistency and similar treatment of its tenants.	<p>Implementation:</p> <p>This has been substantially implemented. Contracted property companies were given instructions and templates for correspondence to tenants, although two templates are not possible for them to use based on the property companies' software. Modified versions were produced.</p> <p>TCHC has responded with a plan to move those companies to TCHC's internal IT system in 2014. TCHC will also be providing contract staff with training as well as its own staff in May 2014.</p> <p>Ombudsman assessment:</p> <p>The Ombudsman remains seized of this matter to ensure the following components are implemented: training and the introduction of a new IT system to the contract-managed buildings.</p>

#	Status	Recommendation	Implementation and Ombudsman Assessment
5	X	<p>That TCHC explicitly incorporate into its Seniors Framework an action plan for dealing with vulnerable seniors including but not limited to:</p> <ul style="list-style-type: none"> a) Express recognition and promotion of equitable service to the increased vulnerability that exists when factors such as immigration, language, disability, diminished capacity, mental health, and sexual orientation intersect with the challenges of aging. b) That consultation take place as appropriate with staff responsible for working with vulnerable tenants, including those who may have mental health challenges c) That the role of the Community Services Coordinators and other staff responsible for mental health concerns be clearly articulated and used strategically and collaboratively. d) That staff with responsibility for addressing mental health concerns be included in team conferencing when concerns of mental health or cognitive impairment are at issue. e) That guidelines be developed and shared with staff surrounding the role and value of the Community Services Coordinators and other staff responsible for mental health. 	<p>Implementation:</p> <p>TCHC staff have reported that they are working to incorporate the Ombudsman's recommendations into its seniors' framework. The Ombudsman has not seen this, and it is not complete.</p> <ul style="list-style-type: none"> a) TCHC notes that its Human Rights, Harassment and Fair Access Policy recognizes equitable service. This does not satisfy the recommendation. <p>TCHC has reported staff are reviewing and revising the 2009 draft Vulnerable Tenant Protocol. The Ombudsman has not seen a revised document, and it is not complete.</p> <p>TCHC states they are developing new business processes that will identify and document vulnerabilities. The Ombudsman has not seen this.</p> <ul style="list-style-type: none"> b) TCHC has developed integrated team conferencing in some operating units. This is not incorporated into the senior's framework, and the explicit inclusion of staff responsible for vulnerable tenants and mental health concerns have not been presented to the Ombudsman. c) TCHC reports the role of Community Services Coordinators was clarified in a July 2013 memo to Tenant Service Coordinators. While a positive step, this does not satisfy the recommendation. d) See b) above e) See c) above <p>Ombudsman assessment:</p> <p>The recommendation is far from complete. The plan is unclear. Reassurances are insufficient. The Ombudsman's office will follow up on this closely, requiring details including goals and objectives, program particulars, milestones, desired outcomes and integration into TCHC's strategic plan.</p>

#	Status	Recommendation	Implementation and Ombudsman Assessment
6	IP	That TCHC address the issue of tenants' income changing when they become 65 through a public education program or some other mechanism, so that affected tenants are aware of the impact this may have on their RGI rent.	<p>Implementation:</p> <p>TCHC has developed a business process for contacting individual tenants by letter and phone before their 65th birthday.</p> <p>This project is being piloted in the two seniors' operating units in the first quarter of 2014 and will be evaluated and rolled out by the end of the third quarter of 2014.</p> <p>In addition, TCHC has developed a staff training and tenant outreach plan that includes workshops and print information on the transition to federal income assistance.</p> <p>Ombudsman assessment:</p> <p>The recommendation is incomplete but a plan is in place to finish the work, along with specific timelines and project leads identified.</p>
7	IP	That staff visit the tenants and provide them with a copy of the Old Age Security application and information about community agencies that could assist them in completing the form if required.	<p>Implementation:</p> <p>TCHC has determined that the notification and outreach process described in recommendation 6, which includes a letter and a phone call from a Tenant Services Coordinator (TSC), will address this recommendation. If TSCs are unable to reach a tenant, they will visit in person. After evaluating this process, TCHC states they may additionally require personal visits to all residents turning 65.</p> <p>This process has not been implemented.</p> <p>Ombudsman assessment:</p> <p>The recommendation is incomplete but a plan is in place, along with timelines and project leads identified.</p>

#	Status	Recommendation	Implementation and Ombudsman Assessment
8	IP	That TCHC determine whether, in the case of retroactive arrears, it will enforce the practice of collecting a maximum of 10% of the tenant's RGI, each month, and that this be clearly spelled out in the Eviction Prevention Policy.	<p>Implementation:</p> <p>TCHC has reported to my office that most tenants pay more than 10% of their RGI on retroactive arrears, and do so successfully. The Ombudsman agrees that if tenants are able to and prefer to pay more than 10% of their RGI on retroactive arrears, they should be free to do so.</p> <p>TCHC has decided that the 10% limit be applied for tenants who report an income change within 30 days of that change. Retroactive arrears that result from delay in applying or waiting for payment and documentation from the government, will be limited to 10% unless the tenant wishes to pay at a faster rate.</p> <p>Ombudsman assessment:</p> <p>TCHC has conducted an evaluation of the issue. It is documented in the Arrears Collection: Repayment Procedures document, and should be added to the Eviction Prevention Policy.</p> <p>The procedures will be implemented in May 2014 following training, and therefore the Ombudsman will remain seized.</p>
9	IP	That amounts of arrears be properly calculated with plain language explanations of the figures and communicated to the tenant.	<p>Implementation:</p> <p>TCHC has experienced some difficulty in addressing this recommendation, due to the limitations of its current IT system. Until that system is updated at the end of 2015, they have developed an interim measure: a cover sheet that explains the complicated print-out of figures that is sent to tenants when TCHC is pursuing recovery of arrears.</p> <p>The original cover sheet was too complex, but has been revised to be more user-friendly.</p> <p>Ombudsman assessment:</p> <p>Interim measures have been taken and a plan is in place to complete the work, along with a project lead identified.</p> <p>The recommendation remains incomplete.</p>

#	Status	Recommendation	Implementation and Ombudsman Assessment
10	IP	That when tenant arrears first occur, early interventions are made by staff with personal visits wherever possible.	<p>Implementation:</p> <p>TCHC has made attempts to integrate this principle throughout its policy, protocol and processes. In earlier drafts, there were inconsistent definitions of personal contact, and personal visits by staff were not the first option. More accurate definitions of personal and direct contact have now been drafted.</p> <p>Ombudsman assessment:</p> <p>This is in progress. Training on the new arrears collection process starts in May 2014. Telephone contact over in-person contact is not optimal. TCHC states that if this is not successful, an in-person visit will be made.</p> <p>The Ombudsman has asked that in-person contact be required as a first and primary effort for seniors and tenants identified as vulnerable.</p>
11	IP	That staff ensure TCHC policies are in fact implemented in practice.	<p>Implementation:</p> <p>TCHC has addressed this recommendation by developing a function to review staff compliance with policies, through a process audit, and new performance management appraisals that reflect compliance with the eviction prevention policies and practices.</p> <p>Training will be provided to staff, and improvements in documentation standards will assist management reviews. The Commissioner of Housing Equity will act as an additional level of scrutiny for the Corporation to ensure that eviction prevention policies are followed.</p> <p>Ombudsman assessment:</p> <p>The recommendation is in progress. Training has begun and will continue throughout 2014. The audit function has not yet been carried out.</p>

#	Status	Recommendation	Implementation and Ombudsman Assessment
12	✓	That TCHC develop an arrears collection process that includes repayment plan guidelines and provide a draft to the Ombudsman's office for review and comment by October 1, 2013.	<p>Implementation:</p> <p>The Ombudsman's intention was to ensure consistency and fairness in repayment agreements.</p> <p>TCHC has developed an arrears collection process and a separate document called Arrears Collection: Repayment Procedures.</p> <p>The lack of an explicit requirement for personal, face-to-face contact remains a concern for the Ombudsman.</p> <p>Repayment plans with a duration of greater than two years are permitted, at the discretion of the operating unit manager. The criteria for this discretion are not laid out.</p> <p>Ombudsman assessment:</p> <p>The process has been developed but the Ombudsman's concerns about personal contact remain outstanding and the criteria for the above noted discretionary power require development and documentation.</p>

#	Status	Recommendation	Implementation and Ombudsman Assessment
13	IP	That eviction be a last resort and not a first resort.	<p>Implementation:</p> <p>Although this recommendation would need to be evaluated based on a review of TCHC practice, it has attempted to address this by incorporating proactive steps in the arrears collection process. This includes earlier contact with tenants, an emphasis on personal contact and regular team meetings with senior management to review pending evictions, to ensure the eviction prevention process has been followed.</p> <p>The Commissioner of Housing Equity will also serve as a safeguard in eviction procedures involving seniors.</p> <p>Ombudsman assessment:</p> <p>This recommendation is in progress. The changes required to implement the new arrears collection process are ongoing. A plan is in place to complete the work, along with specific timelines and project leads identified.</p>
14	IP	That the eviction processes for arrears are not used improperly for another purpose.	<p>Implementation:</p> <p>The Ombudsman's intention in making this recommendation was to address situations in which tenants were sometimes evicted based on small or manageable arrears, when TCHC staff actually had issues with the tenant's behaviour but had not gone through the process of proving there should be eviction for cause.</p> <p>TCHC has attempted to address this through the compliance monitoring system which, they state would catch any misuse of the eviction policies, as all attempts would have to be made to save the tenancy.</p> <p>Ombudsman assessment:</p> <p>The documentation and TCHC's stated intent regarding the fulfillment of this recommendation is complete. The Ombudsman remains seized and will review how the safeguard works in practice.</p>

#	Status	Recommendation	Implementation and Ombudsman Assessment
15	✓	That a guideline be developed to instruct staff and set standards for the type of information to be included in tenant files.	<p>Implementation:</p> <p>Following feedback from the Ombudsman, TCHC has revised its guide to documentation, record-keeping and standards. Training will be provided in 2014 to staff that deal directly with tenants.</p> <p>Ombudsman assessment:</p> <p>This recommendation is fulfilled, as the guideline has been developed. However, training and implementation of the guideline has not been completed.</p> <p>A plan is in place to complete the work, along with specific timelines and project leads identified.</p>
16	IP	That all information in tenant files be entered objectively and without personal comment.	<p>Implementation:</p> <p>TCHC has addressed this recommendation by including specific language in its documentation standards. Staff will be trained on the new standards.</p> <p>Ombudsman assessment:</p> <p>The recommendation is in progress. The draft recommendation guide is not finalized and training has not been completed with staff.</p> <p>A plan is in place to complete the work, along with specific timelines and project leads identified.</p>
17	Not Due	That training be required in standards and content for documentation and record-keeping by May 30, 2014.	<p>Implementation:</p> <p>TCHC has developed a new documentation guide and training materials on these. Training has not yet been delivered.</p> <p>Ombudsman assessment:</p> <p>The recommendation is not yet due, and TCHC has scheduled training sessions in May and June 2014.</p>

#	Status	Recommendation	Implementation and Ombudsman Assessment
18	✓	That emergency contacts for tenants be kept on file and up to date, wherever possible and to the best of TCHC's ability.	<p>Implementation:</p> <p>TCHC is working to update tenants' emergency contact information in a variety of ways. For example, staff will be prompted to fill out missing emergency contact information when opening a client file in the system.</p> <p>Ombudsman assessment:</p> <p>The recommendation has been completed.</p>
19	IP IP Not Due Not Due X*	<p>That training with respect to vulnerable seniors be implemented by:</p> <p>a) Developing a guideline to identify indicators of distress, diminished capacity or cognitive impairment to assist staff in assessing the need for intervention with vulnerable seniors.</p> <p>b) Training staff by June 30, 2014 to recognize signs of distress and engage in appropriate responses and interventions.</p> <p>c) That a training program be put in place to ensure employees are skilled and able to meet the needs of vulnerable seniors, and that such training be completed by June 30, 2014 for all staff serving vulnerable seniors.</p> <p>d) Requiring TCHC employees to participate in the City of Toronto's e-learning tutorial on "A Guide to Good Practice: Providing Equitable Service to Individuals of all Abilities".</p>	<p>Implementation:</p> <p>TCHC is working on fulfilling this recommendation, although much remains to be done.</p> <p>a) TCHC has not yet developed this guideline. Staff advise that it will be completed in April 2014, as part of the materials created for staff training to be delivered in June, along with the Vulnerable Tenants Protocol.</p> <p>b) This recommendation is not yet due, and is currently incomplete.</p> <p>c) This recommendation is not yet due, and is currently incomplete.</p> <p>d) Staff have not yet participated in this, because the City of Toronto Human Rights, Equity and Diversity Office has not completed the tutorial. TCHC continues to follow-up with the City to arrange for program delivery as soon as possible.</p> <p>Ombudsman assessment:</p> <p>The recommendation is in progress: a) is late, but is in development to be completed in April; b) and c) are not yet due, and d) is delayed as a result of external factors.</p>

* The delay on recommendation d) is beyond TCHC's control.

#	Status	Recommendation	Implementation and Ombudsman Assessment
20	IP	That a protocol be explored with the Ontario Public Guardian and Trustee in cases where its intervention may be useful and required.	<p>Implementation:</p> <p>The CEO and the Ombudsman met with the Deputy Public Guardian and Trustee and the Director of Client Services in December 2013. A protocol was not discussed at that meeting but a subsequent meeting took place between a TCHC Director and the Director of Client Services, OPGT. A further meeting is set for April 8, 2014.</p> <p>TCHC staff reported reluctance on the part of OPGT, although no evidence of that was proffered. The CEO informed the Ombudsman that a protocol will be developed.</p> <p>Ombudsman assessment:</p> <p>The recommendation is in progress. TCHC reports it will be implemented by the end of the third quarter of 2014. The Ombudsman will be kept apprised and continues to monitor this matter.</p>
21	✓	That TCHC pursue initiatives, similar to the LOFT Pathways pilot project, to advocate for funding to provide additional supports to tenants.	<p>Implementation:</p> <p>TCHC has reported work on continuing to establish partnerships and fostering new ones. The Ombudsman asked for more details on these partnerships and their level of development. TCHC has provided this to the satisfaction of the Ombudsman.</p> <p>Ombudsman assessment:</p> <p>The recommendation is complete. TCHC has provided a list of new and ongoing partnerships.</p>

#	Status	Recommendation	Implementation and Ombudsman Assessment
22	X	That a consulting relationship be established with the Centre for Addiction and Mental Health, or a comparable organization, to enable the sharing of best practices and professional advice for staff of TCHC.	<p>Implementation:</p> <p>TCHC staff have met with CAMH staff. In January, 2014, CAMH provided a proposal to TCHC for partnership / training. The Ombudsman has not seen the proposal. There has been no progress from TCHC on this matter, which is reportedly due in part to TCHC staffing changes. Two meetings have been cancelled by TCHC.</p> <p>The Ombudsman is very concerned with the lack of details provided on this initiative. When requested, other planned initiatives were described that do not address this recommendation. The CEO agreed that information about a research undertaking had nothing to do with this recommendation.</p> <p>The Ombudsman asked that the mental health consulting and training be tied to a change management strategy in line with the TCHC strategic plan.</p> <p>Ombudsman assessment:</p> <p>This recommendation is unfulfilled.</p>
23	IP	That staff responsible for implementing and managing the Eviction Prevention Policy, the Arrears Collection Process and the Eviction Prevention Checklist be held accountable for their actions.	<p>Implementation:</p> <p>TCHC has described measures it will take to ensure compliance with its policy framework and to hold staff accountable for performance standards.</p> <p>It includes a performance management program and an audit of these functions. At this point, most of the plan is proposed and not completed. TCHC plans to provide training in 2014.</p> <p>Ombudsman assessment:</p> <p>The recommendation is in progress but not fulfilled.</p>

#	Status	Recommendation	Implementation and Ombudsman Assessment
24	IP	That senior management ensures documented expectations articulated through policies, procedures and guidelines are implemented in practice and routinely followed.	<p>Implementation:</p> <p>As in recommendation 23, most of TCHC's work on this recommendation will occur in 2014. They are currently drafting an implementation plan to revise operating practices so they are in line with the Ombudsman's report.</p> <p>The Director of Asset Management has a team of senior staff that meet weekly to ensure policies and guidelines are being followed in eviction proceedings. Improvements have been made such as creating new Key Performance Indicators (KPI) for performance appraisals, that reflect the goals of preventing eviction and increasing the ratio of managed arrears (repayment plans in place) to un-managed arrears.</p> <p>The plan is to provide the results of these reviews quarterly to the COO and to have the Commissioner of Housing Equity's input. It should be noted that the position of COO is vacant and there are currently no plans to fill it.</p> <p>Ombudsman assessment:</p> <p>The recommendation is in progress. The Ombudsman remains seized and will receive updates.</p>
25	IP	That meaningful consequence for failure to comply by staff is enforced through responsible management.	<p>Implementation:</p> <p>TCHC will be training supervisory staff to enforce compliance with policies and procedures. Performance management plans will be amended to include reference to ensuring compliance with policy.</p> <p>TCHC reports that, following training and process auditing, the Operating Unit Managers will be provided with audit reports to help them note non-compliance within the case management system.</p> <p>Ombudsman assessment:</p> <p>The recommendation is in progress.</p>

#	Status	Recommendation	Implementation and Ombudsman Assessment
26	IP	That any review conducted by staff that may precipitate penalties for the tenant up to and including eviction must be done thoroughly and objectively, without bias.	<p>Implementation:</p> <p>TCHC has reported plans to complete this recommendation in 2014. This will be done in part by a review of all tenant files where seniors are facing eviction.</p> <p>Senior staff will meet weekly to review all proposed evictions in order to guarantee policies have been followed. The Commissioner of Housing Equity will be a final check that penalties have been fairly administered.</p> <p>The Ombudsman also notes that staff training is to include education on removing bias and opinion from their assessment of tenants' situations.</p> <p>Ombudsman assessment:</p> <p>The recommendation is in progress.</p>
27	✓	That systems access to federal Notices of Assessment from the Canadian Revenue Agency be explored.	<p>Implementation:</p> <p>With leadership from the City of Toronto's Shelter Support Housing and Administration Division, TCHC has taken steps towards providing the Corporation with direct access to federal tax documents for consenting tenants. This will reduce their annual income reporting burden.</p> <p>TCHC is also working with the City of Toronto's Employment and Social Services Division on a similar agreement to share information about consenting tenants who receive Ontario Works benefits.</p> <p>Ombudsman assessment:</p> <p>This recommendation has been fulfilled.</p>

#	Status	Recommendation	Implementation and Ombudsman Assessment
28	IP	That unless otherwise specified, all recommendations be implemented no later than December 31, 2013.	<p>Implementation:</p> <p>On a number of recommendations, TCHC has not met the original deadlines. The Corporation has asked for and received extensions in some instances. In other cases, detailed plans with specific timelines and executive leads responsible have been established.</p> <p>Ombudsman assessment:</p> <p>Because many of the recommendations remain in progress, the Ombudsman will remain seized until they are completed.</p>
29	✓	That all written undertakings flowing from these recommendations be provided to my office in draft prior to TCHC staff dissemination.	<p>Implementation:</p> <p>TCHC has met with Ombudsman staff on a monthly basis to provide drafts of various documents. Feedback has been given, along with guidance and suggestions for improvements.</p> <p>TCHC staff tasked with the implementation of the Ombudsman's report have diligently and collaboratively worked with Ombudsman staff to improve practices and to meet the intent of the recommendations.</p> <p>Ombudsman assessment:</p> <p>This recommendation has been completed.</p>
30	✓	That quarterly updates be provided to my office by way of a face-to face meeting on the status of implementation.	<p>Implementation:</p> <p>TCHC has exceeded this goal, by providing monthly updates.</p> <p>Ombudsman assessment:</p> <p>The recommendation has been met.</p>