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Toronto

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An Investigation into TCHC's Medical and Safety at Risk Priority Transfer Process For Tenants

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How the Issue Arose: 2 Complaints

Two complaints came to Ombudsman Toronto:

- The first was from a young mother who complained after TCHC denied her application for a Safety at Risk priority transfer. She had witnessed a violent crime outside her home, and had fled with her child to a shelter.
- Then someone broke into her home and left a gun in her child's drawer. She applied again. Again, TCHC denied her application. The reasons for denial were vague and contradicted TCHC policy.



- The second complaint to Ombudsman Toronto came from a family after TCHC denied their application for a Safety at Risk priority transfer. Someone had fired two shots into their living room from a car outside. Then two of their kids were assaulted on their way home from school.
- In denying the application, TCHC cited the absence of a police report, but the family had been unable to get one.
- They resubmitted their application with our help. Then TCHC lost the file for four months.

Ombudsman Toronto Investigation

- These two cases left us with serious questions about TCHC's process for Medical and Safety at Risk priority transfers.
- We decided to launch an Investigation.
- Our Investigation reviewed the procedural, substantive and equitable fairness of the entire process:
 - How applications are prepared and processed
 - How decisions are made
 - How decisions are communicated
 - How the waiting list is administered



What We Did

- We reviewed 606 applications and decisions.
- We interviewed more than 30 witnesses from TCHC – staff and tenants.
- We also spoke to leaders and other staff from the City’s Shelter Support and Housing Division (SSHA) and its Social Development, Finance & Administration Division (SDFA).
- We reviewed relevant legislation, policies and procedures.



Significant Findings: Applications and Decisions

- TCHC's current process for Medical and Safety at Risk priority transfers is procedurally and substantively unfair.
- Procedural unfairness:
 - Tenants receive very different amounts of help from staff in compiling and submitting applications.
 - The application requirements are unclear and unevenly applied.
- Substantive unfairness:
 - Decisions are inconsistent and contradictory.
 - Criteria are applied (or not applied) arbitrarily.
 - The reasons for decisions provided to tenants are inadequate or absent.



Significant Findings: Waiting List

- The current process is also equitably unfair. It does not meet the needs of tenants approved for Medical and Safety at Risk priority transfer in 3 key ways, all of which relate to the waiting list:
 1. The waiting list of approved households makes no distinction among them based on the severity of their medical or safety circumstances. The most serious cases and the least serious ones are treated the same way.
 2. In some cases, TCHC senior management approve discretionary transfers of households for medical or safety reasons, bypassing the process entirely.
 3. There are 1413 approved applications on the waiting list, awaiting transfer. More than 75% of those have been on the list for two years or more.

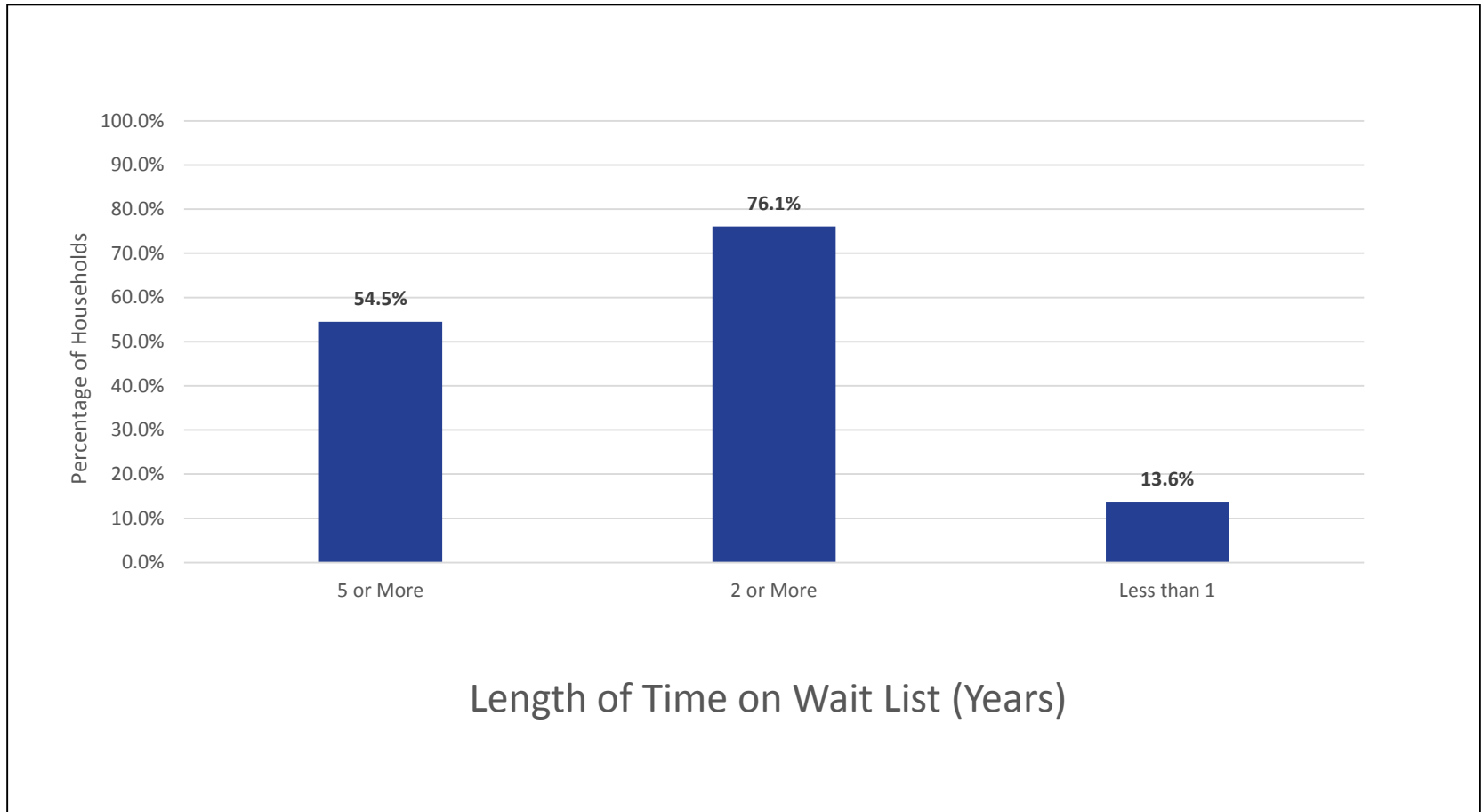


The Waiting List is Bloated and Stagnant

- Two priority transfer waiting lists rank above the Medical and Safety at Risk list:
 - **SPP**, a priority mandated by the Province for households where one member is the victim of abuse by another or is being sponsored as an immigrant by their abuser
 - **Overhoused**, a priority created by the City of Toronto as service manager under the *Housing Services Act* for households that are occupying a unit that is larger than they require
- The number of households on each list:
 - SPP 13**
 - Overhoused 1328**
 - Medical and Safety at Risk 1413**



Length of Time on the Medical and Safety at Risk Priority Transfer Waiting List



Recommendations

- We made 21 recommendations, to be implemented as soon as possible.
- Highlights:
 - The City should create a new priority transfer category for TCHC tenants, to rank above Overhoused, called Crisis.
 - The new Crisis category should have clear and narrow criteria to identify households whose units present a direct, immediate, elevated and acute risk to their health or safety that moving to a different unit would address.
 - TCHC should establish and clearly communicate a fair process for tenants to apply for the Crisis priority and for TCHC to evaluate applications.
 - TCHC should establish and clearly communicate a fair and effective way to serve the needs of Crisis priority tenants once identified.
 - TCHC should seek outside help to make the process fair and effective.
 - TCHC should stop taking applications for the current Medical and Safety at Risk priority, and decide what to do with the existing waiting list.



TCHC and City Response

- TCHC, through its CEO, responded as follows to the Investigation report:

We appreciate the value of your findings and associated recommendations to improve the internal priority transfer process for our tenants. We agree with and support each of the recommendations in your report, and will work diligently towards implementation in order to improve the integrity, fairness and communication of the new process.

- The City of Toronto also agrees with the findings and recommendations in the report. It stated:

City staff, including staff in SSHA and SDFA, will support and consult with staff in TCHC on implementing your recommendations and on the development of a new priority transfer category for TCHC called Crisis.

- TCHC has committed to having the new Crisis transfer category operational by June 30, 2018.



Acknowledgements

- TCHC, who:
 - provided excellent co-operation throughout the investigation
 - accept, support and are in the process of implementing all of our recommendations
- The City's SSHA and SDFA Divisions, who have committed to supporting TCHC as it implements our recommendations.
- The Ombudsman Toronto team, who did excellent work on the Investigation.



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