

## Overview of the Office of the Commissioner of Housing Equity and Review of Functions and Roles

The need for a Commissioner of Housing Equity was first identified in Justice LeSage's 2010 "Report on the Eviction of Al Gosling and the Eviction Prevention Policy of Toronto Community Housing Corporation" further reinforced by the City of Toronto Ombudsman's 2013 Report "Housing at Risk: An Investigation into the Toronto Community Housing Corporation's Eviction of Seniors on the Basis of Rent Arrears."

The Toronto Community Housing Corporation Board of Directors approved the creation of the OCHE on December 11, 2013. It was fully staffed and operational as of April 1, 2014.

According to its Terms of Reference, the OCHE serves three primary roles:

1. **Review:** To provide assurances to the TCHC Board of Directors that TCHC has complied with all TCHC Policies, applicable legislation and City of Toronto/Service Manager rules; that loss of subsidies for senior and vulnerable tenants are procedurally sound; and matters are referred for eviction proceedings at the Landlord and Tenant Board (LTB) as a last resort.
2. **Resolve:** To assist senior and vulnerable tenants in achieving healthy and successful tenancies through the resolution of rental arrears and loss of subsidies, and in doing so, reduce the number of referrals to the LTB; and
3. **Recommend:** To provide guidance to TCHC Staff, Senior Management and the TCHC Board of Directors on TCHC compliance and make recommendations for improvements to TCHC's eviction prevention and loss of subsidy policies and procedures.

The OCHE has seen great success in the delivery of the Review and Resolve role. Using the ten-pronged "OCHE Approach" to working with tenants, the OCHE identifies underlying issues that contribute to the inability to pay rent, involves families for assistance, and uses creative and flexible repayment plans. This approach has brought about successful outcomes: in 2019, the OCHE resolved 87% of household arrears cases within 45 business days, resulting in the avoidance of the eviction of 387 Toronto households.

Despite these successes there remains a lack of clarity among TCHC staff regarding which tenants should be referred to the OCHE. While senior tenants are easily identified through birthdate, the OCHE has not received as many referrals for vulnerable non-senior tenants, likely resulting in some vulnerable non-senior tenants not benefitting from this specialized service. For example in 2019 only 22% of the referrals to the OCHE were identified as vulnerable, when it is reasonable to assume that there is a higher incidence of vulnerability at TCHC. Additionally, limiting the OCHE's mandate to evictions for arrears only has likely excluded many seniors and vulnerable tenants, who could have likely benefitted from the OCHE audit and approach.

## ATTACHMENT 5

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There have also been challenges associated with the Recommendations role of the OCHE. Upon completion of working with a household, the Commissioner issues a Recommendations and Audit Report to TCHC and the household which includes case-specific and systematic recommendations to ensure sustainable tenancies. In a 2019 report to the Board of Directors, the OCHE stated that while the Commissioner had issued 8,606 recommendations to TCHC since April 2014, compliance by TCHC had been low.<sup>1</sup> It was revealed that TCHC had not developed a method to track where or not these recommendations had been implemented and what, if any, policy or procedural changes had been made as a result of these recommendations. As a result of these finding in late 2019 the Commissioner and TCHC senior management began to work closely on the creation of new tenant-facing policies and procedures, including a new Arrears Collection Process based on the OCHE Approach. Work also continues on a new process to identify vulnerable tenants.

Once the City moves into Phase One of the creation of a new seniors housing corporation, it is important that the key roles of OCHE continue to be available to all senior and vulnerable tenants of the two City Corporations. While the planning for this change in governance continues, the role of the OCHE must be further reviewed in order to avoid a disruption in services provided to senior and vulnerable tenants

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<sup>1</sup> OCHE Recommendations to TCHC: From April 1, 2014 to July 12, 2019