

## Delegation of Authorities to Administer Housing and Homelessness Services

**Date:** February 1, 2022

**To:** Planning and Housing Committee

**From:** Executive Director, Housing Secretariat; General Manager, Shelter, Support and Housing Administration; and Executive Director, Social Development, Finance and Administration

**Wards:** All

### SUMMARY

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As part of its commitment in the [HousingTO 2020-2030 Action Plan](#) to enhance service delivery for residents, the City is re-organizing the way it plans and delivers housing and homelessness services. This includes consolidating authorities, responsibilities and oversight for all housing services and functions under the Housing Secretariat. The Shelter, Support and Housing Administration division ("SSHA") will maintain its authorities and responsibilities for homelessness services.

To support this administrative change, City Council authority is required to transfer part of the service manager authorities and responsibilities under the Housing Services Act, 2011, specific to social and affordable housing, from the General Manager, Shelter, Support and Housing Administration to the Executive Director, Housing Secretariat. City Council authority is also required for the Executive Director, Housing Secretariat to receive funding and enter into funding agreements with other levels of government for housing programs, and to spend that funding in accordance with the agreements and program guidelines. Accordingly, authorities and responsibilities under the Housing Services Act, 2011, specific to homelessness services remain with the General Manager, Shelter, Support and Housing Administration.

As such, this report seeks to authorize the Executive Director, Housing Secretariat to enter into agreements with other levels of government for the purposes of receiving funding for housing programs in Toronto; and to enter into agreements with community agencies, in accordance with federal and provincial program requirements. It also seeks to delegate certain authority to the Executive Director, Housing Secretariat to grant consents under section 453.1(6) of the City of Toronto Act, 2006. Further, it recommends Council approval to update the authority of the General Manager, Shelter, Support and Housing Administration, under Article 6 of the City of Toronto Municipal Code Chapter 169, Officials, City.

Finally, this report seeks Council authority to transfer authorities and responsibilities related to the Tower Renewal Program, including the High-rise Retrofit Improvement Support Program and the Taking Action on Tower Renewal Program, from the Social Development, Finance and Administration division to the Housing Secretariat.

## **RECOMMENDATIONS**

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The Executive Director, Housing Secretariat, the General Manager, Shelter, Support and Housing Administration, and the Executive Director, Social Development, Finance and Administration recommend that:

### *Housing Services*

1. City Council, in accordance with section 17 of the Housing Services Act, 2011 (the "Act"), delegate to the Executive Director, Housing Secretariat (the "Executive Director") and such person's delegates, the authority to perform all of the duties and exercise all of the powers of the City as service manager under the Act with respect to designated housing projects and transferred housing programs in a manner consistent with and subject to the following conditions and restrictions:

- a) such limitations, conditions and restrictions as may be prescribed from time to time by regulation under the Act;
- b) policies and directives issued by the Minister of Municipal Affairs and Housing in writing to service managers in respect of consents given by service managers under the Act;
- c) all service manager consents to develop or redevelop a Toronto Community Housing Corporation housing project or the lands where it is located shall be authorized or given by Council; and
- d) recommendations that have been or may hereafter be adopted by City Council from time to time.

2. City Council authorize the Executive Director, Housing Secretariat and such person's delegates to enter into:

- a) agreements in a form satisfactory to the City Solicitor with each City-funded housing provider operating a Designated Housing Project (as defined in the Act) with respect to rent geared-to-income (eligibility and income testing) program administration functions sub-delegated to the provider;
- b) all agreements in a form satisfactory to the City Solicitor necessary to carry out the authority to perform all of the duties and exercise all of the powers of the City as service manager under the Act;

- c) exit agreements whereby a housing project ceases to be a designated housing project subject to the Act in a form satisfactory to the City Solicitor;
- d) service agreements whereby a housing project may become a PartVII.1 housing project subject to the Act in a form satisfactory to the City Solicitor;
- e) exit agreements whereby a housing project ceases to be a PartVII.1 housing project subject to the Act in a form satisfactory to the City Solicitor;

3. City Council delegate authority to the Executive Director, Housing Secretariat, in accordance with a City Council approved housing plan, to:

- a) submit applications, including all documents required for processing the application, to any government or agency for funding related to housing services;
- b) enter into contribution agreements, transfer payment agreements, or related agreements, with the federal or provincial governments, or a related federal or provincial agency or corporation for the receipt and expenditure of funds for the provision of housing services in Toronto on such terms and conditions as are satisfactory to the Executive Director, Housing Secretariat, and in a form approved by the City Solicitor; and
- c) enter into agreements or arrangements with other City divisions, federal or provincial agencies, community organizations, private entities, or individuals, to allocate and deliver the funding set out in Part 3 b) above, provided that the funding is within the approved City Council budget and is allocated and delivered in accordance with the provisions of the contribution agreement, transfer payment agreement, or related agreement, and any applicable program guidelines and directives.

4. City Council delegate the authority to the Executive Director, Housing Secretariat, to provide written consent on behalf of the City, where required under Section 453.1(6) of the City of Toronto Act, 2006, in respect of any unit of housing accommodation that is part of a social housing program, to:

- a) convey the unit, by way of deed or transfer, or grant, assign or exercise a power of appointment with respect to the unit;
- b) mortgage or charge the unit or enter into an agreement of purchase and sale respecting the unit; or
- c) enter into an agreement that has the effect of granting the use of or right in the unit directly or by entitlement to renewal for a period of 21 years or more;

provided that the Executive Director, Housing Secretariat, is satisfied that the unit will continue to be operated by a non-profit housing co-operative as defined in the Co-operative Corporations Act or a non-profit corporation as defined in the National Housing Act (Canada) in accordance with the agreement respecting the provision of

housing accommodation that is part of a social housing program registered against the land on which the unit is located.

5. City Council authorize the Executive Director, Housing Secretariat, to execute and deliver such agreements, notices and consents required to accomplish the provisions of Part 4 above, on terms and conditions satisfactory to the Executive Director, Housing Secretariat and in a form satisfactory to the City Solicitor.

### *Homelessness Services*

6. City Council delegate to the General Manager, Shelter, Support and Housing Administration the authority and responsibility of the Service Manager under the Housing Services Act, 2011 to implement homelessness services consistent with the Service Manager's Housing and Homelessness Plan, Ontario's provincial interests, other plans prescribed by regulation and Ministerial policy statements, all as required under the Housing Services Act, 2011.

7. City Council amend the City of Toronto Municipal Code Chapter 169, Officials, City, by removing reference to housing services from §169-6.1 so that it reads as follows:

In accordance with a City Council approved Shelter, Support and Housing Administration Service Plan, the General Manager, Shelter, Support and Housing Administration, or the Acting General Manager, Shelter, Support and Housing Administration, as the case may be, is delegated authority to:

- A. submit applications, including all documents required for processing the application, to any government or agency, for funding related to any homelessness services;
- B. enter into contribution agreements, transfer payment agreements, or related agreements, including any amending agreements, with the federal or provincial governments, or a related federal or provincial agency or corporation, for the receipt and expenditure of funds for provision of homelessness services in Toronto, on such terms and conditions as are satisfactory to the General Manager, and in a form approved by the City Solicitor; and
- C. enter into agreements or arrangements with other City divisions, federal or provincial agencies, community organizations, private entities, or individuals to allocate and deliver the funding set out in Section 169-6.1(B), provided that the funding is within the approved City Council budget and is allocated and delivered in accordance with the provisions of the contribution agreement, transfer payment agreement, or related agreement, and any applicable program guidelines and directives.

### *Tower Renewal*

8. City Council transfer to the Executive Director, Housing Secretariat, all authority related to the management and administration of the High-rise Retrofit Support

Program, the Taking Action on Tower Renewal Program and Tower Renewal initiatives, including any authority to enter into agreements, previously granted to the Executive Director, Social Development, Finance and Administration.

9. City Council authorize the City Solicitor to introduce the necessary bills to implement the above noted amendments to the City of Toronto Municipal Code and to amend existing by-laws which require amendment to give effect to City Council's decision.

## **FINANCIAL IMPACT**

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There are no financial implications arising from this report.

The Housing Secretariat and Shelter, Support and Housing Administration divisions will report on federal and provincial funding allocations for housing and homelessness programs, respectively, through the annual budget process, individual reports, and in-year variance reporting.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## **EQUITY IMPACT STATEMENT**

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The HousingTO 2020-2030 Action Plan envisions a city in which all residents have equal opportunity to develop to their full potential, and is centred on a human rights-based approach to housing. This human rights-based approach recognizes that housing is essential to the inherent dignity and well-being of a person and to building inclusive, healthy, sustainable and liveable communities.

Housing and homelessness services support people who are experiencing or at risk of homelessness, housed in social and affordable housing and in low end of market private accommodation. These services benefit equity-deserving groups including Indigenous peoples, Black and other racialized people, seniors, women, gender diverse people, 2SLGBTQ+ people and youth.

Access to safe, adequate, housing-focused emergency shelter services and permanent affordable housing is an important determinant of health and also improves the socio-economic status of individuals and families.

Good quality, affordable housing is also the cornerstone of vibrant, healthy neighbourhoods and supports the environmental, social and economic health of the city, region and country as a whole.

## DECISION HISTORY

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The City of Toronto provides support to the public benefit sector through funding programs under the general authority for making municipal grants provided in Section 83 of the City of Toronto Act, 2006 (S.O. 2006, c.11).

The Act can be accessed at the following link:

[City of Toronto Act, 2006, S.O. 2006, c. 11, Sched. A \(ontario.ca\)](#)

At its meeting of November 9, 10, and 12, 2021, City Council adopted EC25.5, "Results of the 2021 Street Needs Assessment and Shelter, Support and Housing Administration's Homelessness Solutions Service Plan". The City Council decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EC25.5>

At its meeting held on July 14, 2021, City Council approved adding the Taking Action on Tower Renewal as a second program under the Multi-Residential Stream of the Residential Energy Retrofit Programs. This report also authorized the extension of the High-rise Retrofit Improvement Support Program.

The staff report and decision document can be accessed at the following link:

[Agenda Item History - 2021.IE23.3 \(toronto.ca\)](#)

At its meeting held on December 16, 17, and 18, 2020, City Council adopted Item No. PH19.11, "Emergency Housing Action" which included a number of actions and investments to increase the supply of new affordable and supportive housing opportunities for people experiencing homelessness while maintaining a responsive and housing-focused emergency shelter system.

The staff report and decision document can be accessed at the following link:

[Agenda Item History - 2020.PH19.11 \(toronto.ca\)](#)

At its meeting held on April 30, 2020, City Council authorized the General Manager, SSHA to receive and allocate federal and provincial funding for the delivery of housing and homelessness services.

The staff report and decision document can be accessed at the following link:

[Agenda Item History - 2020.EC12.2 \(toronto.ca\)](#)

At its meeting held on December 17 and 18, 2019, City Council adopted the HousingTO 2020-2030 Action Plan and its recommended actions as the strategic framework to guide the City's programs, policies and investments on housing and homelessness needs over the next ten years. This also included actions to streamline how housing and homelessness services are planned and delivered.

The staff report and decision document can be accessed at the following link:

[Agenda Item History - 2019.PH11.5 \(toronto.ca\)](#)

At its meeting held on March 27 and 28, 2019, City Council approved the receipt of Reaching Home funding and authorized the General Manager, SSHA to enter into a contribution agreement with Employment and Social Development Canada and enter into agreements with community agencies to allocate and deliver Reaching Home funding in accordance with the federal program guidelines.

The staff report and decision document can be accessed at the following link:

[Agenda Item History - 2019.EC2.10 \(toronto.ca\)](#)

At its meeting held on October 2, 2017, City Council authorized the General Manager, SSHA to enter into a Transfer Payment Agreement with the Ministry of Housing for the receipt of Home for Good funding and enter into agreement with community agencies to allocate and deliver the Home for Good funding in accordance with the provincial program guidelines.

The staff report and decision document can be accessed at the following link:

[Agenda Item History - 2017.EX27.17 \(toronto.ca\)](#)

At its meeting held on October 30, 31 and November 1, 2012, City Council approved the receipt of Community Homelessness Prevention Initiative funding and authorized the General Manager, SSHA to enter into an agreement with the Ministry of Municipal Affairs and Housing and enter into agreements with respect to the program.

The staff report and decision document can be accessed at the following link:

[Agenda Item History - 2012.EX23.15 \(toronto.ca\)](#)

At its meeting held on June 29, 2020 City Council authorized the General Manager, Shelter, Support and Housing Administration, to sub-delegate to any person or class of persons employed by the City of Toronto, the General Manager's delegated authority to exercise the Service Manager's powers and duties with respect to the collection, use, disclosure, and safeguarding of privacy of personal information and for a person's access to their personal information for the purpose of determining eligibility for rent-geared-to-income, housing allowance benefits, or alternate forms of assistance authorized under the Housing Services Act, 2011 and eligibility for housing benefits under any other housing program administered by the General Manager for, or on behalf of, the City.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EC12.3>

At its meeting held on April 3, 2013, City Council, acting as the sole shareholder of Toronto Community Housing Corporation (TCHC) and as Service Manager under the Housing Services Act, 2011 (HSA), adopted without amendment the recommended approvals authorizing the General Manager, Shelter, Support and Housing Administration to grant future Service Manager consents under subsections 161 (2) and (6) and subsection 162 (2) of the Housing Services Act to mortgage, encumber, social housing properties.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.CD19.4>

At its meeting held on July 22, 2003, City Council adopted Community Services Committee, Report No. 6 clause 12 Appointment of An Administrator for the Purposes under the Social Housing Reform Act, 2000 (SHRA), which authorized the appointment of an Administrator to perform all duties and exercise some powers as Service Manager under the SHRA. Through this report, City Council delegated the Commissioner of Community and Neighbourhood Services as Administrator, and the General Manager of SSHA as Deputy Administrator. When the position of Commissioner was eliminated, the authority became vested in the General Manager of SSHA. The delegated powers and

duties under the SHRA continue under the Housing Services Act, 2011. The staff report can be accessed at the following link:

<https://www.toronto.ca/legdocs/2003/agendas/committees/cms/cms030703/it021.pdf>

By its adoption of Clause No. 2 of Report No. 4 of the Community Services Committee (the "Report"), without amendment, at its meeting held on May 30, 31, and June 1, 2001, Council approved the Social Housing Business Transfer Plan (the "Transfer Plan") and authorized the Commissioner of Community and Neighbourhood Services to make decisions of an administrative nature that were required under the Social Housing Reform Act, 2000 ("SHRA") and its associated regulations.

<https://www.toronto.ca/legdocs/2001/agendas/council/cc010530/cms4rpt/cl002.pdf>

## **COMMENTS**

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### **Housing Services Act**

Under the Housing Services Act (the "Act"), subject to prescribed limitations, a service manager may, in writing, delegate all or some of its powers and duties under the Act with respect to all or part of its service area and may impose conditions or restrictions relating to the exercise or performance of delegated powers and duties. A service manager shall impose such conditions or restrictions as may be prescribed by regulation.

A service manager remains responsible for the exercise or performance of any delegated powers or duties.

The Minister may issue policies and directives in writing to service managers in respect of consents given by service managers under the Act. A service manager shall ensure that such policy or directive is followed.

Certain provisions of the Act apply in respect of designated housing projects. Amendments to the Act that have yet to be proclaimed provide an explicit process under the Act for a housing project to cease to be a designated housing project. These provide that a housing project ceases to be a designated housing project if the housing provider and service manager have entered into an exit agreement and certain other criteria are met, or if the designated housing project becomes a Part VII.1 housing project under new Part VII.1 of the Act.

New Part VII.1 sets out rules for a housing project to become a Part VII.1 housing project, including that the housing provider and service manager have entered into a service agreement. Rules are set out for how a service agreement can be amended, replaced or terminated.

The Minister may issue directives with respect to the administration of Part VII.1 housing projects by service managers, the operation of such housing projects by



housing providers and the governance of housing providers that operate such housing projects.

A service manager must maintain a list of the Part VII.1 housing projects in its area. The Minister must maintain a list of all Part VII.1 housing projects.

Rules are set out for how a housing project ceases to be a Part VII.1 housing project, including that the housing provider and service manager have entered into an exit agreement.

## **Municipal Code Chapter 169, Article 6**

In April 2020, through [Item EC12.2](#), City Council approved an amendment to Municipal Code Chapter 169, Article 6 (the Code chapter) to consolidate SSHA's authority to enter into agreements with other levels of government for the purposes of receiving funding for housing and homelessness programs in Toronto; and to enter into agreements with community agencies to spend federal and provincial grant funding, in accordance with the Council-approved SSHA Service Plan and federal and provincial programs requirements and guidelines.

This report recommends City Council approval to:

- Further amend the Code Chapter to update the authority of the General Manager, Shelter, Support and Housing Administration to enter into agreements with other levels of government for the purposes of receiving funding for *homelessness* programs in Toronto; and to enter into agreements with community agencies to spend federal and provincial grant funding, in accordance with the Council-approved SSHA Service Plan and federal and provincial programs requirements and guidelines; and
- authorize the Executive Director, Housing Secretariat to enter into agreements with other levels of government for the purposes of receiving funding for *housing* programs in Toronto and to enter into agreements with community agencies, in accordance with a Council-approved housing plan and federal and provincial program requirements and guidelines; and

## City of Toronto Act

Under section 453.1 of the City of Toronto Act, 2006 and the former provisions of The City of Toronto Act, 1975 (No. 2) and the City of Toronto Act, 1988 (No. 2) the City was authorized to enter into agreements requiring developers to provide housing accommodation for the purpose of an assisted or social housing program. These agreements and the provisions of the City of Toronto Act, 2006 restrict the ability of the owner to deal with the housing accommodation without the prior consent of the City. The City of Toronto Act, 2006 permits the City to delegate its powers to a person; and also permits the City Clerk to provide a certificate, in registerable form evidencing such consent, pursuant to subsection 453.1(9) of the City of Toronto Act, 2006

## **HousingTO 2020-2030 Action Plan**

In December 2019, City Council adopted the HousingTO 2020-2030 Action Plan ("HousingTO Plan") which proposes a number of actions to address critical needs across the full housing continuum - from homelessness to rental and ownership housing - to long-term care for seniors. Major targets and objectives under HousingTO include approving 40,000 new affordable rental homes, including 18,000 supportive housing units; enhancing eviction prevention measures; protecting the existing supply of affordable housing; and improving housing affordability for residents.

The HousingTO Plan also recognizes that housing-focused shelter services are critical to supporting people experiencing homelessness. As such, it outlines a number of actions and measures focused on enhancing the homelessness service delivery system through an integrated and person-centred approach. These actions and measures are intended to ensure that the experience of homelessness is rare, brief, and non-recurring experience - with the ultimate goal to end chronic homelessness.

## **New Delivery Framework to Oversee the Implementation of the HousingTO Plan**

In 2021, the City's Senior Leadership Team confirmed the Housing Secretariat as the City's housing lead, and also re-affirmed the Housing Secretariat's primary mandate of overseeing and supporting the delivery of the HousingTO Plan. As part of this change, all resources and accountabilities related to social housing, affordable rental housing, supportive housing, market rental housing, and affordable home ownership will be consolidated under the Housing Secretariat. The Housing Secretariat's enhanced mandate also includes Tower Renewal initiatives and system-level policy and program development for the full housing continuum.

The consolidation of housing functions is a strategic shift in the way the City of Toronto plans and delivers housing and homelessness services. The decision to streamline and consolidate housing functions was based on direction from Council through adoption of the HousingTO Plan in December 2019. This direction was also investigated and validated through a comprehensive review of the City's internal housing system.

This strategic shift was further strengthened by City Council's direction in December 2020 in Item [PH19.11](#) for the City to maintain a robust housing-focused emergency shelter system while pivoting to more sustainable long-term solutions to homelessness through the provision of permanent affordable and supportive housing.

## **Housing and Homelessness Funding**

The City of Toronto is the Consolidated Municipal Service Manager and Community Entity for housing and homelessness services in Toronto, as designated by the provincial and federal governments. The Housing Secretariat's enhanced housing mandate and SSHA current homelessness service delivery mandate includes various revenue sources to administer these services, including but not limited:

- Reaching Home (federal);

- Community Homelessness Prevention Initiative (provincial);
- Home for Good (provincial);
- Ontario Priorities Housing Initiative (federal/provincial);
- Canada-Ontario Social Housing Agreement (federal/provincial);
- Canada-Ontario Housing Benefit (federal/provincial);
- Strong Communities Rent Supplement (provincial); and
- Services Manager Federal Funding for Social Housing programs (provincial).

Of the above, the City provides over \$120 million of grant funding to over 200 non-profit community agencies that provide a range of housing and homelessness services (including emergency shelter and respite services).

Grant funding priorities and decisions are aligned with the Housing TO 2020-2030 Action Plan and SSHA's Service Plan: "Homelessness Solutions – October 2021" as well as provincial and federal program requirements and guidelines.

The Housing Secretariat and SSHA will report on federal and provincial funding allocations through the annual budget process and in-year variance reporting.

Additionally, housing and homelessness support grant project funding will be reported annually through Open Data.

## **Tower Renewal Programs**

The City's Tower Renewal Program focuses on implementing multi-faceted improvements at aging apartment towers and surrounding neighbourhoods through the delivery of site-specific guidance and implementation supports. This includes the High-rise Retrofit Improvement Support Program and the Taking Action on Tower Renewal Program which provide low-interest financing and grants to improve aging towers across the city. These programs support delivery of the HousingTO 2020-2030 Action Plan and help advance many City priorities including supporting climate change and resilience, improving rental housing quality and maintaining the affordable rental housing stock.

As part of the City's ongoing efforts to consolidate and streamline delivery of housing services, the Tower Renewal function and programs, which are currently within Social Development, Finance and Administration division, will be moved to the Housing Secretariat.

## **Conclusion**

While the need to address the housing and homeless situation in the city was urgent prior to the onset of the ongoing COVID-19 pandemic, it has become even more critical due to the socio-economic impacts of the pandemic. Such impacts have disproportionately impacted marginalized and vulnerable residents, including people experiencing or at risk of homelessness. This further amplifies the need to deliver the HousingTO Plan to improve housing, health and socio-economic outcomes Toronto residents.

Approval of the recommendations in this report, along with financial approvals through the 2022 budget process, will support the City's ongoing efforts to streamline housing and homelessness services. More specifically, these changes will better position the Housing Secretariat, SSHA and SDFA to deliver on their core mandates and ultimately, support delivery of the HousingTO Plan.

## **CONTACT**

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## **SIGNATURE**

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