

## REPORT FOR ACTION

### Review and Consideration for a Housing Commissioner Role or Function at Ombudsman Toronto

**Date:** January 30, 2023  
**To:** Council  
**From:** Ombudsman  
**Wards:** All

#### SUMMARY

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On July 19, 2022, Toronto City Council approved *EX34.7 – Review and Considerations for a Housing Commissioner Role or Function*. Following its approval, Council requested that Ombudsman Toronto consider the May 2022 Maytree Consultant Report ("Crean and Maytree Report"), as well as the June 2022 City Manager's Report and Recommendations to Council ("City Manager's Report"), and provide Council with recommendations related to the resources and structure required for the office to focus on investigations and reports related to systemic housing discrimination and systemic hurdles in the City of Toronto's housing planning and service delivery roles, including the consideration of a dedicated Deputy Ombudsman, Housing.

This report will outline the structure and identify the resources required to take on the proposed role, should Council provide its approval.

Our review, requested by City Council, included an examination of Council's July 19, 2022 decision, the HousingTO 2020-2030 Action Plan, the Housing Charter, the Crean and Maytree Report, and the City Manager's Report.

The Crean and Maytree Report notes that "a single action, individual or office may not be an effective way to advance Toronto's objectives outlined in the Housing Charter."<sup>1</sup> This was also the conclusion reached by the City Manager, who wrote in his June report that "a suite of actions delivered in concert with each other is more likely to achieve Council's goals." Providing Ombudsman Toronto with the resources to conduct systemic investigations and reports that focus on housing would be one of several activities the City has proposed to achieve its housing goals.

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<sup>1</sup> Review and Considerations for a Housing Commissioner Role or Function, June 27, 2022. City of Toronto. Accessed at: <https://www.toronto.ca/legdoc/mmis/2022/ex/bgrd/backgroundfile-228257.pdf>.

## **Legislative Authority**

The Ombudsman is an independent Officer of Toronto City Council, who impartially investigates City decisions, acts, and omissions from an administrative fairness perspective. The Ombudsman's jurisdiction and mandate come from the *City of Toronto Act, 2006* and the *Toronto Municipal Code*, Chapter 3. Within the City and among the public, the Ombudsman is a trusted and respected voice for fairness.

The legislation provides Ombudsman Toronto with investigative powers and protections that allow the office to carry out its mandate independently. As such, any new role for the office concerning the Housing Commissioner must comply with the Ombudsman's existing legislative authority.

Further clarification is needed regarding the relationship between Ombudsman Toronto and the proposed establishment of a new advisory committee to provide advice to Council from those with lived experience of housing instability.

## **Independence of Ombudsman Toronto and its Operational Structure**

The *Toronto Municipal Code*, Chapter 3, provides that the Ombudsman can determine procedures related to the function of his office. The Code also provides that an Accountability Officer may authorize the creation of positions and compensation levels in their office.

## **RECOMMENDATIONS**

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The Ombudsman recommends that:

1. City Council authorizes Ombudsman Toronto to establish a dedicated unit within the office that will focus on investigations and reports related to systemic housing discrimination and systemic hurdles in the City of Toronto's housing planning and service delivery roles.

The unit will report to the Ombudsman and be led by a Deputy Ombudsman, Housing, with appropriate staff. Ombudsman Toronto will report to Council on investigations undertaken by the unit and will make public related findings and recommendations. In addition, Ombudsman Toronto will report back to Council on all housing-related complaints handled by the unit, as part of its annual reporting to Council.

## FINANCIAL IMPACT

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The Crean and Maytree Report issued several recommendations on how the City could meet its commitments on housing. One of them was to provide increased dedicated funding to the Ombudsman's office to support systemic investigations of housing issues. Housing is an issue that impacts many of the City's divisions, such as Shelter Support and Housing Administration, Toronto Employment and Social Services, and the Toronto Community Housing Corporation.

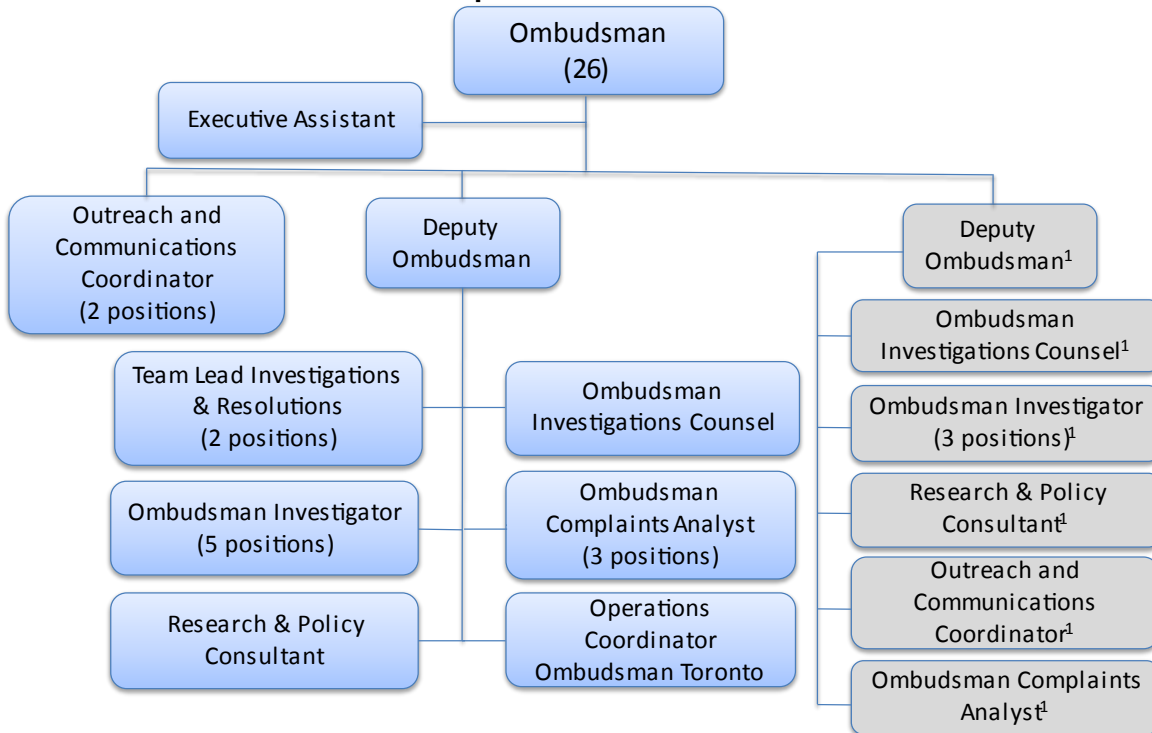
The City faces a housing and homelessness crisis. Housing, and more specifically, affordable housing is in high demand. Ombudsman Toronto already has the jurisdiction to review and investigate a wide range of issues relating to the provision of housing and housing services by the City of Toronto. Last year alone, the office handled nearly 1,400 housing-related cases. It should be noted, however, that under its current legislative provisions, Ombudsman Toronto does not have jurisdiction over private property, the provision of housing by private owners, or landlord and tenant issues about housing under private agreements and/or leases.

In 2022, the Ombudsman's office handled **3,587 cases**, an increase of **28%** from 2021. This represents **the largest number of complaints** handled by the Ombudsman since the office was established in 2009. This continues a trend the office has seen over the last five years, with the number of cases handled by the office increasing by 69% during that time. Given the extent of the proposed role and the critical state of housing in the city, we expect a significant increase in our workload should Council adopt our recommendation. The role proposed by Council must not take away from the core functions and the services the office currently provides to the people of Toronto.

On the advice of the City Clerk's office, our 2023 Budget submission included a request for funding to allow the office to successfully take on the proposed role, should Council agree. The office took this step with the understanding that should Council adopt the report's recommendation without attached funding for 2023, there would be no opportunity to begin work in this important area until 2024.

The budget request is based on careful consideration of Ombudsman Toronto's existing workload, structure/staffing levels, and the infrastructure and staffing needs for the new function. An interim request of \$0.882M to fund the role is included in Ombudsman Toronto's 2023 budget. This enhancement represents the cost for eight (8) new permanent positions and related set-up and ongoing costs, including the creation of a dedicated Deputy Ombudsman, Housing, to head up the new unit (Figure 1).

**OMBUDSMAN TORONTO  
ORGANIZATION CHART – Proposed 2023**



*Note 1: Eight new permanent positions requested to support City Council direction related to EX34.7 Review and Considerations for a Housing Commissioner Role or Function in its July 19, 2022 meeting.*

There is no question that the City is facing significant financial pressures. However, the cost would likely be higher if Council were to create a new independent office to carry out this role. The City Manager’s report notes that, “[g]iven the Ombudsman’s existing capacity to conduct systemic [housing] investigations and provide reports directly to Council, this [proposed role] ensures the City’s existing accountability framework is enhanced without adding duplication or confusion.”

Ombudsman Toronto has the physical space, a case management system, and established processes in place, and is well-positioned to take on the proposed role provided it is adequately resourced.

**DECISION HISTORY**

On July 19, 2022, with the passing of *EX34.7 – Review and Considerations for a Housing Commissioner Role or Function*, City Council directed the Ombudsman to consider the Crean and Maytree Report and the City Manager’s Report to determine the resources required to focus on investigations and reports related to housing.

The recommendations in this report respond to that direction.

[Agenda Item History - 2022.EX34.7 \(toronto.ca\)](#)

## **COMMENTS**

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When it approved its HousingTO 2020-2030 Action Plan in 2019, the City committed to further the progressive realization of the right to adequate housing and to work towards a human rights-based approach to housing.

With the right resources and appropriate infrastructure in place, Ombudsman Toronto is well positioned to take on the role proposed by Council, in order to combat systemic housing discrimination and address systemic hurdles in the City's housing planning and service delivery roles.

## **CONTACT**

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## **SIGNATURE**

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*"Original Signed"*

Kwame Addo  
Ombudsman

## **ATTACHMENTS**

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