

REPORT FOR ACTION

Review and Consideration for a Deputy Ombudsman, Housing by Ombudsman Toronto

Date: March 15, 2023
To: Council
From: Ombudsman
Wards: All

SUMMARY

In 2019, the City of Toronto reaffirmed its commitment to the progressive realization of the right to adequate housing through the *Housing Charter* and its HousingTO 2020-2030 Action Plan (HousingTO Plan). In July 2022, City Council considered the City Manager's report (EX34.7) on considerations for a Housing Commissioner role or function, along with an external consultants' report on the subject. At that meeting, the City Manager was directed by City Council to report back on several items, and City Council also asked the Ombudsman to report on "the resources and structure required ... 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 consideration of a dedicated Deputy Ombudsman, Housing."

I considered this request and reported to City Council on February 7, 2023, (item [CC3.1](#)), City Council deferred consideration of my report with a request that I report to the March 29, 2023, Council meeting with: *additional details about the Deputy Ombudsman, Housing function within the Ombudsman's office, the roles and responsibilities of the proposed new unit, and the relationship of the work of this new unit to the other actions being undertaken by the City that Council adopted in July 2022 to further the City's commitment to the progressive realization of the right to housing, including training, a Council Advisory Body, and an independent review of the HousingTO 2020 - 2030 Action Plan.*

This report responds to that Council direction and includes information about:

- The role and function of a Deputy Ombudsman, Housing and a Housing Unit including to:
 - conduct systemic investigations and systemic reviews;
 - conduct advocacy and engagement;
 - do outreach;
 - relate to Council's Housing Rights Advisory Committee; and
 - provide advice, prevention, and independent input.
- The resources required for a Deputy Ombudsman, Housing and dedicated Housing unit at Ombudsman Toronto that were included in the City's 2023 operating budget.
- How the Unit will relate to other City actions that address Council's commitment to the progressive realization of the right to housing.

RECOMMENDATIONS

The Ombudsman recommends that:

- City Council receive this report for information.

FINANCIAL IMPACT

With the caveat that the Deputy Ombudsman will determine their own office set up and systems subject to the approval of the Ombudsman, the following is the rationale for the resources included in the City's 2023 operating budget for Ombudsman Toronto related to a dedicated Housing Unit and Deputy Ombudsman, Housing.

When a systemic investigation is conducted in this office the team is made up of a number of skills and resources:

- Director (now Deputy Ombudsman) who manages the overall investigation, overseeing its strategy, gathering of evidence, establishing approach, relevance, and all aspects of the file.
- Two (2) investigators who develop the investigation plan, gather the evidence, interview witnesses, review documents, conduct data analysis, report writing etc.
- One (1) legal counsel to provide guidance, interpret legislation, case law, and related information. (The unique nature of the legislative framework that governs housing will be critical as privacy, administrative, human rights and municipal laws are considered).

- One (1) researcher/policy staff to support the investigation by conducting inter-jurisdictional research, finding ‘best practices’ to inform recommendations and understanding policy frameworks.
- One (1) outreach and communications coordinator to build relationships and engage with the many stakeholders involved in this area.
- One (1) administrator.

There are eight (8) positions delineated in the report provided by Ombudsman Toronto to City Council on January 30, 2023. The Deputy Ombudsman, three (3) investigators, one (1) legal counsel and one (1) research & policy analyst will perform the above functions as described. This report updates that information to provide for four (4) investigators rather than three (eliminating the complaint analyst) as outlined in the previous report. This rationale is easily understood in the context of a systemic investigation and a systems review running concurrently where two investigators would need to be assigned to each file.

In addition, the description of an outreach and communications coordinator is included. This is a critical position for developing and maintaining relationships with the various external constituencies, including engagement strategies with housing communities and people with lived experience. With respect to the housing mandate, these positions will require in-depth knowledge of administrative principles of fairness, considerable knowledge of and experience in housing with specific emphasis on an economic and social human rights framework and a proven understanding of housing as a human right.

An interim budget of \$0.882M has been allocated through the 2023 Budget Approval process to establish the unit, that this report requests Council to endorse. This enhancement represents the cost for eight (8) new permanent positions and related set-up and ongoing costs.

DECISION HISTORY

On July 19, 2022, Toronto City Council considered a report from the City Manager as item [EX34.7 – Review and Considerations for a Housing Commissioner Role or Function](#). Upon considering that report, City Council requested that Ombudsman Toronto consider the external consultant’s report that was provided to the City Manager in May 2022 (“Crean and Maytree Report”), as well as the June 2022 City Manager’s report with recommendations to City Council (“City Manager’s Report”), and provide City 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. <https://secure.toronto.ca/council/agenda-item.do?item=2022.EX34.7>

In February 2023, City Council deferred item [CC3.1](#) to the March 29, 2023, Council meeting with a request that the Toronto Ombudsman bring a report with *“additional details about the Deputy Ombudsman, Housing function within the Ombudsman’s office, the roles and responsibilities of the proposed new unit, and the relationship of the work of this new unit to the other actions being undertaken by the City that Council adopted in July 2022 to further the City’s commitment to the progressive realization of the right to housing, including training, a Council Advisory Body, and an independent review of the HousingTO 2020 - 2030 Action Plan.*

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC3.1>

COMMENTS

Summary to Date

In my report of January 30, 2023, to Council, I laid out the implications for creating a Deputy Ombudsman, Housing by describing the unit and enumerating anticipated resource and financial requirements.

The unit I described has eight positions including the Deputy Ombudsman, Housing. It includes three investigators, along with legal, policy and outreach and engagement capacity. It should, however, be noted that with the recruitment of the Deputy, that individual will be responsible for determining the unit’s needs and hire accordingly. For purposes of this report, City Council has requested a more detailed description and definition of how the Ombudsman can advance and support the progressive realization of the right to adequate housing.

Why the Ombudsman's Office?

In essence, City Council has requested assistance from the Ombudsman to advance and support the implementation of the HousingTO Plan and the principles of the Housing Charter. The Ombudsman has the tools embedded in legislation to do so. As an independent Officer of Council, the Unit will be authorized to conduct systemic investigations, systems reviews, monitoring capacity, public reporting, and independent evaluation. The unit will contribute to increased engagement both with community and housing entities in other jurisdictions and orders of government.

The Toronto Public Service is responsible for a number of Council's approved actions, such as the implementation of the HousingTO plan, staff training and development for human rights related to housing, and for monitoring progress through evidence-based metrics. The dedicated Housing Unit, under a Deputy Ombudsman, Housing, can support the successful implementation of these directives through a variety of measures, both informally through advice and collaboration, and formally through investigations and reviews. In fact, the need for a periodic external assessment of the City's progress approved by Council could be conducted by the Unit instead of consideration for an additional third-party contract, saving the City money.

The Role of the Deputy Ombudsman, Housing

Reporting to the Toronto Ombudsman, the Deputy Ombudsman, Housing (Appendix I) will provide strategic leadership and operational oversight of systemic investigations and systems reviews related to housing discrimination and structural hurdles in the City of Toronto's planning and service delivery of adequate housing as a human right. It will ensure substantive, procedural, and equitable fairness principles are applied.

The role will oversee and direct operations within the housing unit of Ombudsman Toronto, including investigations, systems reviews, budget, human resources, legal issues, policy, research and data, engagement, and dialogue.

The Ombudsman Housing Unit

The mandate for a new Housing Unit at Ombudsman Toronto, is to independently address substantive, procedural and equitable fairness issues as they pertain to access and treatment of people who are unhoused or living in housing precarity, along with the entire housing continuum from shelter access to affordable housing. This will include the degree to which the City is adhering to its policy commitment of pursuing the progressive realization of the right to adequate housing.

Not unlike the Ombudsman, the Deputy Ombudsman, Housing, and the Unit will touch many constituencies but the focus will be exclusively on housing (Appendix II).

The Unit will monitor the implementation of the City's housing policy, its progress against human rights outcomes in meeting the goals, timelines, and outcomes set out in its ten-year plan and related Charter, conducting research, engaging with affected groups, and assessing systemic and structural housing issues.

To do this work requires a multi-faceted approach on the part of the Unit and discipline about its focus also being clear about what it does not do (Appendix III).

Conducting Systemic Investigations and Systems Reviews

The Unit will conduct systemic investigations and systems reviews related to housing in the City of Toronto's planning and service delivery of adequate housing as a human right. It will not address individual housing complaints; those will be referred to the general Intake stream of the Ombudsman office.

Systemic investigations will provide the opportunity to examine and fix issues related to housing involving a practice, policy, procedure, rule, or law that appears neutral in its intent and fair in its application but has an adverse effect on particular segments of the population.

Systems reviews are like audits of functions or programs. They will assess and measure the degree to which housing policies and programs are meeting intended outcomes and serve two main purposes. First, these reviews will inform City Council's deliberations in their intergovernmental dialogues. The Unit may provide advice and make recommendations to Council about issues that extend beyond Toronto's jurisdiction and help to inform the City's dialogue and consultations with other orders of government. Second, systems reviews will inform both Council and the Toronto Public Service about actions required to dismantle barriers within their own jurisdiction.

Conducting Advocacy and Engagement

The Unit will advocate at a systems level for fairness and the progressive realization of the right to adequate housing. For example, it might examine the degree to which the Toronto Housing Charter's principles were applied in the delivery of a particular program. The Unit will not advocate for individuals.

The Unit will develop, engage, and sustain relationships with the broader community. It will build engagement strategies and dialogue to ensure appropriate housing focus. The Unit will also engage and consult with external housing bodies and all levels of government to support and advance the City's goals of inter-governmental cooperation to achieve the right to adequate housing. The Unit will undoubtedly learn from and collaborate with entities such as the Federal Housing Advocate and Housing Ombuds in other jurisdictions. Its learnings will be shared with Council, the Housing Rights Advisory Committee and divisions of the Public Service that deal with housing. From these engagements, staff in the Unit will both learn current best practices but also support the City's efforts.

Like the Ombudsman, the Unit will respect Council's authority and leadership role in governance, setting strategic directions and decision-making.

Doing Outreach

Part of every Ombuds function is to ensure the public is aware of their rights and responsibilities. This means public engagement through strategic means using a variety of communication tools. It will be essential to develop relationships and engage with civil society, people with lived experience and others in the housing field, both to learn from and inform. These sources will be as important as conducting academic research in establishing trends and identifying systemic issues.

Relating to the Housing Rights Advisory Committee

The Unit will liaise and reciprocate information, insights and 'best practices' with the Housing Rights Advisory Committee from the perspective of an independent officer of Council. It is anticipated that regular meetings will take place and that like broader community feedback, the Committee will be an important source of identifying and understanding trends and issues.

Providing Advice, Prevention and Independent Input

The Unit will build relationships across the City's housing system, including but not limited to establishing working relationships with areas responsible for housing and homelessness, committees of City Council, and other bodies.

It is anticipated the Unit will act as a sounding board and offer regular advice to entities such as the Housing Secretariat including insights into roadblocks and challenges.

Much of Ombuds work takes place behind the scenes in informal ways which do not fetter their discretion to conduct a systemic investigation or systems review if required. These are opportunities to recommend improvements.

The Unit will serve as a resource for City officials formulating policy or procedures, raising issues as a result of a gap between stated goals and current practice, particularly as they impact on administrative fairness and a human rights framework for housing.

Appendix III
Appendix II

Appendix I, Position Profile Deputy Ombudsman, Housing

ATTACHMENTS

Kwame Addo
Ombudsman



SIGNATURE

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CONTACT

APPENDIX I

POSITION PROFILE DEPUTY OMBUDSMAN, HOUSING

Position Purpose

Reporting to the Ombudsman, the Deputy Ombudsman, Housing will provide strategic leadership and operational oversight of systemic investigations and systems reviews related to housing discrimination and structural hurdles in the City of Toronto's planning and service delivery of adequate housing as a human right.

The mandate is to independently address substantive, procedural and equitable fairness issues as they pertain to access and treatment of people who are unhoused or living in housing precarity, along with the entire housing continuum from shelter access to affordable housing. The Deputy Ombudsman, Housing will monitor the implementation of the City's housing policy, its progress against human rights outcomes in meeting the goals, timelines, and outcomes as set out in its ten-year plan and related Charter, conducting research, engaging with affected groups, and assessing systemic and structural housing issues.

The role will oversee and direct all operations within the housing unit of Ombudsman Toronto including investigations, systems reviews, budget, human resources, legal issues, policy, research and data, engagement, and dialogue.

Major Responsibilities

- Determine and provide oversight of systemic investigations into the City's development and delivery of the housing continuum, ensuring its policies of working towards a progressive realization of human rights in housing are followed.
- Identify and oversee systems reviews in areas such the City's progress in providing access to shelters and supportive housing with a human rights lens.
- Examine and support senior public service in delivering policy from a human rights perspective in all housing and homelessness related areas such as multi-tenant housing.
- Review, analyze, and monitor baseline data against established metrics.
- Develop and maintain (using ombuds lens that integrates a human rights lens) community engagement strategies and dialogue to ensure appropriate housing focus.
- Build relationships across the City's housing system, including but not limited to establishing working relationships with areas responsible for housing and homelessness, committees of City Council and other bodies.
- Engage and consult with external housing bodies and all levels of government to support and advance the City's goals of inter-governmental cooperation to achieve the right to adequate housing.

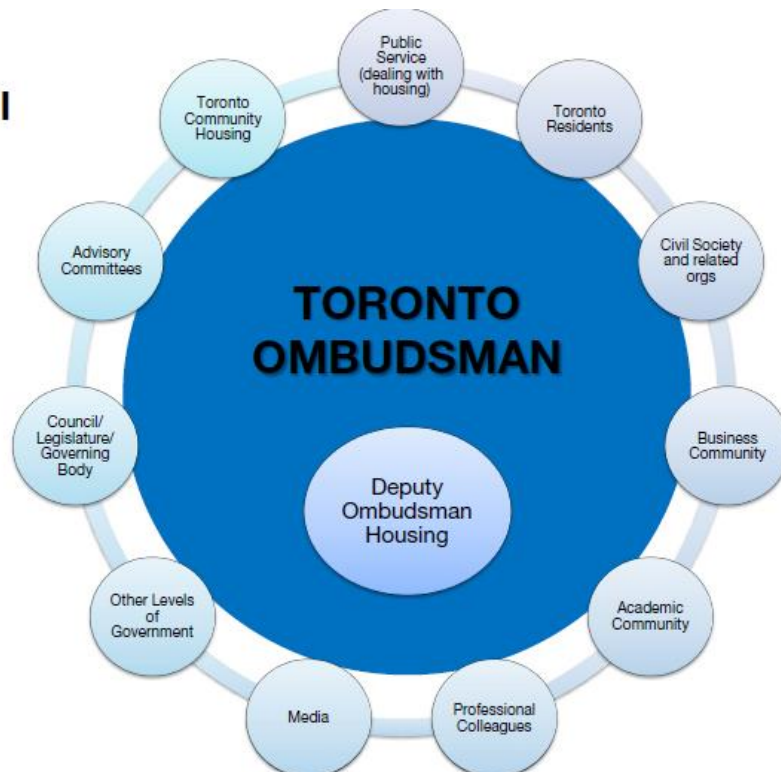
- Recommend policy and procedural improvements grounded in human rights principles and administrative fairness to align with legislation, regulations, policies and procedures.
- Provide economic and social rights, housing and related strategic advice to the Ombudsman.
- Serve as a resource for City officials formulating policy or procedures, raising issues as a result of a gap between stated goals and current practice, particularly as they impact on a human rights framework for housing.
- Provide oversight and guidance to the housing unit staff on the development and application of fairness and human rights standards and guidelines
- Ensure advice and programming are embedded in human rights principles and substantive, procedural and equitable fairness.
- Ensure that the unit's mandate and standards are followed and that the principles of natural justice, fairness and equitable service delivery are at the core of the work.
- Provide strategic advice to support the day-to-day operational activities in the housing unit.
- Manage goals and performance of staff within the unit.
- Model and contribute to an environment which supports and values equity, inclusion and organizational change.
- Foster and maintain cooperative working relationships with elected officials, public servants and broader community stakeholders including Ombuds colleagues and external organizations dealing with housing.

Qualifications

- Completion of post-secondary/university education and/or equivalent experience.
- Progressive experience, usually demonstrated through senior roles in the field of Ombuds, human rights or administrative law.
- Considerable knowledge of and experience in housing with specific emphasis on an economic and social human rights framework
- Proven understanding of housing as a human right.
- Proven experience in conducting administrative investigations and systems reviews and demonstrated experience in managing same.
- Experienced manager who knows how to lead, motivate, and coach with compassion, drive, and results.
- Demonstrated experience in thinking strategically and acting pragmatically to deliver results.
- Proven political acuity and demonstrated ability to be a trusted advisor and give sound advice to senior public servants in advancing the progressive realization of human rights in housing.
- Excellent negotiating skills with sound judgement and excellent decision-making abilities.
- Acts with integrity and maintains high ethical standards.
- Excellent interpersonal and management skills including ability to lead staff.
- Demonstrated knowledge of and experience in applying substantive, procedural and equitable fairness principles.

- Exceptional communication skills with demonstrable experience in investigative report writing and decision documents.
- Proven experience and skill in influencing others and being diplomatic with excellent skills of persuasion.
- Highly developed problem solving and analytical skills.
- Highly developed and demonstrable skills in conflict resolution.
- Ability to work and make decisions independently.
- Ability to work with sensitive information with complete confidentiality.

APPENDIX II



APPENDIX III

What the Unit <u>will do</u>	What the Unit <u>will not do</u>
Accountable for the Unit’s jurisdiction and work in housing.	The Unit is not accountable for setting up or delivering programs and services (e.g., human rights training for staff).
Conduct systemic investigations as determined by the Unit.	Individual complaint handling.
Conduct systems reviews as determined by the Unit.	Generalized or non-housing systems reviews.
Advocate for fairness and the progressive realization of the right to adequate housing.	Advocacy for individuals.
Provide advice and “preventative ombudsmanship” to Council, the public service, and others on all matters pertaining to housing from Ombuds mandate perspective.	Supplant the public service’s responsibilities and authorities.
Liaise , share information, best practices and cooperate with the Housing Rights Advisory Committee	The Unit is not responsible for this Committee in any way.
Independently provide advice & recommendations to the Housing Secretariat about its progress and other areas dealing with housing.	Implement the Housing Plan.
Develop relationships and engage with civil society, people with lived experience and others in the housing field both to inform and learn from.	The Unit will not advocate to these groups other than to champion fairness, equity and human rights as fundamental rights.
Evaluate progress in meeting the goal of developing & enhancing the public service’s human rights skills through training.	Develop the program or conduct training.
Evaluate progress of meeting performance metrics objectives against the impacts of policies and programs.	Set up or conduct the program of evidence-based data.
Provide an equity, fairness, and human rights lens to all housing matters.	Develop or implement programs with a human rights, equity, or fairness lens.
Engage and consult with all levels of government and civil society providing expertise and insights and learning best practices.	Lead inter-governmental relations/ negotiations for the City.
Encourage an “ all government ” approach with a fairness and human rights perspective.	The Unit is not responsible for creating or implementing this approach.