



Ombudsman
Toronto

June 9, 2023

Ombudsman Toronto Investigation Report

An Investigation into Toronto Community
Housing Corporation's Tenant Human
Rights Complaints Process



Land Acknowledgment

Ombudsman Toronto acknowledges that we are on the traditional territory of many nations, including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples, and that this land is now home to many diverse First Nations, Inuit, and Métis peoples. We also acknowledge that Toronto is covered by Treaty 13 signed with the Mississaugas of the Credit, and the Williams Treaties signed with multiple Mississaugas and Chippewa bands.

We are here because this land has been colonized, and we recognize the ongoing harm done to Indigenous communities by this colonial system, including the effects of broken treaty covenants. At Ombudsman Toronto, we know we have a responsibility to uphold and ensure fairness in the city's local government. We understand that this must be done with a respectful and culturally responsive approach, and we commit to ongoing learning, engagement, and relationship-building in order to do so.





Ombudsman

Kwame Addo

Deputy Ombudsman

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Ombudsman's Note: This investigation involved efforts by staff in all parts of our office, including Investigators, Complaints Analysts, Investigations Counsel, as well as research, communications, and operations staff, and was led by Lead Investigator, Anna Gatova.



Ombudsman
Toronto

Listening. Investigating. Improving City Services.

OMBUDSMAN TORONTO REPORT

AN INVESTIGATION INTO TORONTO COMMUNITY HOUSING CORPORATION'S TENANT HUMAN RIGHTS COMPLAINTS PROCESS

June 9, 2023

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Executive Summary

Overview

Toronto Community Housing Corporation (TCHC) is Toronto's publicly-owned social housing provider and the largest social housing provider in Canada. The City of Toronto is its sole shareholder.

Over the last two years, we heard from several TCHC tenants who had complaints that involved their human rights. Based on these complaints, we were concerned that TCHC did not have a system in place to carefully assess and respond to the human rights needs of its tenants and that TCHC staff were potentially overlooking issues that involved the legal rights of tenants – human rights are fundamental rights, and TCHC has legal obligations under the Ontario *Human Rights Code* to respect them.

What We Did

On July 26, 2022, my office launched an investigation into TCHC's tenant human rights complaints process. We focused on the following issues:

- Does TCHC have current, clear, and easily accessible policies and procedures for addressing tenants' human rights complaints?
- Does TCHC apply these policies and procedures fairly and consistently?
- Do TCHC staff responsible for addressing human rights complaints from tenants have the necessary tools, training, and expertise to do so effectively and fairly?

As part of this investigation, Ombudsman Toronto investigators conducted 20 interviews with TCHC staff, external experts in human rights complaint handling, and other social housing providers. We also reviewed documents provided by TCHC or available on its website.

What We Found

Our investigation found unfairness in how TCHC communicated about its human rights complaint handling process, updated and applied its related policies and procedures, and trained and resourced staff responsible for addressing human rights complaints.

We found that TCHC shared incorrect, misleading, and inaccessible information about its human rights complaint handling process on its website and in its communications to tenants. Notably, at the time of our investigation, TCHC's website listed its human

rights office as the place to take complaints, even though the office had not been active for several years. Further, its Human Rights Policy and Human Rights Complaint Procedure were wildly out of date and did not take into account major changes to the Ontario human rights system that went into effect in 2008. As a result, both TCHC tenants and staff did not know where they should raise concerns about tenant human rights.

We also found fairness issues with the complaints process itself. TCHC does not provide tenants with a clear opportunity to ask for an appeal or review of its decision about their human rights complaints, and TCHC staff do not have the proper expertise, resources, or training to effectively and proactively address human rights concerns.

The cumulative impact of our findings demonstrated that tenants' human rights and dignity have not been priority for TCHC. This is unacceptable.

Our Recommendations

I have made 14 recommendations in this report to ensure that, moving forward, TCHC maintains a housing environment where tenants' human rights are respected and protected, including that TCHC should:

- Ensure that all information on its website related to its human rights complaints process is up to date and accurate, and update its Human Rights Policy and Human Rights Complaint Procedure without delay.
- Provide opportunities for tenants to request reconsideration or appeal of TCHC decisions about their human rights complaints, and hold informed and meaningful consultations about its human rights complaints process with tenants, staff, outside experts, and people who interact with TCHC.
- Develop mandatory human rights training for staff to ensure they have the tools and expertise needed to identify and resolve human rights complaints.
- Establish an effective and consistent system for documenting and tracking human rights complaints and report annually to the public on human rights complaint data and trends.

The City's Response and Ombudsman Toronto Follow Up

In response to our report, TCHC says that it supports and accepts our recommendations and will undertake to implement all of them. TCHC will update our office on the status of its implementation of our recommendations by September 2023 and then quarterly thereafter. Ombudsman Toronto will follow up until we are satisfied that TCHC has implemented our recommendations.

Introduction and Brief Overview of Toronto Community Housing Corporation

1. This investigation looked at how Toronto Community Housing Corporation ("TCHC") deals with tenant human rights complaints. Based on complaints we were receiving, we were concerned that TCHC did not have a system in place to carefully assess and respond to the human rights needs of its tenants. Human rights are fundamental rights, and TCHC has legal obligations under the Ontario *Human Rights Code* (the "Code") to respect them.
2. TCHC is not only Toronto's publicly-owned social housing provider, it is the largest social housing provider in Canada, providing housing to Torontonians with low and moderate incomes.¹ The City of Toronto is its sole shareholder. TCHC provides homes to about 89,000 tenants.²
3. In 2019, TCHC restructured its operations. Prior to restructuring, TCHC's housing was organized geographically into multiple operating units, each managed by an operating unit manager. If tenants had concerns (whether related to human rights or not), they could complain to the operating unit manager or to staff in the local property management office. They could also call the Client Care Centre, which operates 24 hours a day, seven days a week. The Client Care Centre is a customer service call centre that tenants can access by phone or email.
4. As part of its 2019 restructuring, TCHC re-organized its housing portfolio into three regions: West, East, and Central Region. Each region has a general manager who manages a team responsible for tenant services within that region.
5. TCHC also introduced Tenant Service Hubs – local offices with onsite staff like a superintendent, maintenance and cleaning staff, and community service coordinators that support tenants in their community. These are "one-stop-shops" where tenants can get help, connect to services, and get to know local staff. Tenants can also go to their local Hub to report a complaint.

¹ The Toronto Seniors Housing Corporation was created in 2021 and began operations in June 2022. It provides subsidized housing to low and moderate-income seniors (59 years and older) in 83 seniors-designated buildings in the City of Toronto. The corporation has its own policies and procedures, which are not part of this investigation. For more information: <https://www.torontoseniorshousing.ca/about/about-us/>. Accessed May 10, 2023.

² For more information: <https://www.torontohousing.ca/prospective-tenants>. Accessed June 1, 2023.

6. According to TCHC’s website, tenants can still contact the Client Care Centre for routine maintenance requests or questions about their tenancy. They can also complain to the Client Care Centre when they have an issue or concern.
7. If local staff or the Client Care Centre cannot resolve the tenant’s issue, or if tenants are not satisfied with a response or service they received, they can contact TCHC’s centralized complaints team, called Solutions. TCHC introduced the Solutions team as part of the 2019 restructuring to resolve escalated tenant complaints about unsatisfactory service or responses from the Client Care Centre or frontline staff. In addition to resolving complaints, the Solutions team collects data about the number and type of complaints it receives.
8. In December 2021, TCHC launched the Centre for Advancing the Interests of Black People (the "Centre") to address issues related to anti-Black racism in the organization’s policies, programs, and services and to respond to individual incidents of anti-Black racism.

Ombudsman Toronto Investigation

Why We Got Involved

9. Over the last two years, we heard from several TCHC tenants who had complaints that involved their human rights. We had concerns that TCHC may not have dealt with these complaints appropriately.

Example 1: Tenant A had an ongoing complaint about noise coming from the upstairs unit. Tenant A told us they had a medical condition and needed a quiet environment where they could rest. They told us the situation with their upstairs neighbour was exacerbating their disability and living in their unit was becoming increasingly challenging. Tenant A gave TCHC medical information about their needs and how the situation with their neighbour was affecting their health and well-being. Tenant A sent us a copy of the TCHC’s Human Rights, Harassment and Fair Access Policy, asking why “[t]here was no accommodation to help a disabled person?” While TCHC initially approached this complaint as a simple noise complaint, it was only after we got involved that TCHC came up with a plan to see how they could accommodate Tenant A. By that time, Tenant A was so frustrated with the process that they decided not to accept TCHC’s plan. Tenant A told us that it was not that they did not want TCHC’s help, but “it [was] a little too late” and they did not trust TCHC to do the right thing.

Example 2: Tenant B was concerned that their neighbour was yelling for prolonged periods at a time, and that some of the things the neighbour was yelling were about Tenant B's ethnic origin and sexual orientation. TCHC treated this case as a noise complaint instead of viewing it as a human rights issue. TCHC brought the neighbour to the Landlord and Tenant Board but provided Tenant B with very little information or ongoing support. As a result of our intervention, TCHC committed to monitoring the situation and to check in with Tenant B regularly to make sure they had the required supports in place to alleviate the impact of the situation with their neighbour.

Example 3: Tenant C told us they had ongoing concerns about their neighbour. According to Tenant C, their neighbour was harassing them and their family, including by making racial slurs. They asked to transfer to another building but TCHC denied their request, saying they did not meet the criteria for a transfer. Tenant C told us they tried to complain to TCHC's "human rights department," but no one responded. TCHC told us that the Tenancy Management team was handling this situation. TCHC suggested mediation to try and resolve this conflict, but Tenant C declined. Later, Tenant C told TCHC they had reconciled with their neighbour and said they no longer needed intervention; however, Tenant C told us they remained worried about their safety should the neighbour resume their harassment.

Example 4: Like Tenant A, Tenant D had a medical condition which was made worse by the noise in the TCHC building where they lived. They provided TCHC with medical information and asked to transfer to another unit or building, but TCHC told them this was not possible. Tenant D complained to us because they felt that the regional team was not handling this appropriately and that they were "stuck in the middle" of TCHC's process. We escalated Tenant D's concerns to a senior leader at TCHC who committed to accommodating Tenant D by transferring them to another building.

10. We were concerned that TCHC's process for reviewing and responding to tenant complaints may be missing aspects of complaints that touch on human rights.
11. A human rights complaint is different from a non-human rights complaint (about maintenance, for example) in that a human rights complaint involves special legal protections under the Code. For example, a complaint about racist or homophobic comments (as in Example 2) requires a more sensitive and nuanced approach than a complaint about rude or offensive behaviour that does not involve prejudicial or discriminatory comments about someone's race, disability, or sexual orientation, for example. Or (as in Example 1) noise may impact someone with a disability more severely than someone without a medical condition, and so TCHC has a legal obligation to deal with this type of complaint in a more nuanced way.

12. Human rights complaints may also involve competing rights. For example, one tenant could have a medical condition requiring that they use an assistive device that makes noise, and the noise aggravates the medical condition of another tenant living next door. TCHC is required to support the rights of both tenants under the Code.
13. Based on our review of the complaints above, it did not appear as though TCHC viewed these concerns through a human rights lens and was not proactively addressing these issues. We were concerned that, without a human rights lens, TCHC staff were potentially overlooking issues that involved the legal rights of tenants. Proactively identifying and addressing human rights concerns can also help create and foster a positive and inclusive environment that ensures the individual dignity of TCHC tenants.
14. We wanted to understand how TCHC addressed human rights complaints coming from tenants and what policies or procedures guided TCHC's approach, to make sure it can meet its obligations under the Code and treat all its tenants fairly.

Preliminary Information Gathering

15. In the lead up to our investigation, TCHC's website³ had information about its Human Rights, Harassment and Fair Access Policy ("Human Rights Policy"), which was established in 2016, as well as its Tenant Complaint Procedure related to Human Rights ("Human Rights Complaint Procedure"), which is from 2003. The website said the Human Rights Complaint Procedure is under review but gave no information about the scope or status of the review. The Human Rights Policy listed its next scheduled review date as September 2018.⁴ TCHC didn't update this information until very recently, on May 11, 2023, the same day that we sent TCHC our preliminary investigation report.
16. The Human Rights Policy referred to an Office of Diversity, Fairness and Human Rights that was available to address tenant complaints, provide support to staff, and facilitate accommodation requests, among other responsibilities. The Human Rights Complaint Procedure referred to a Human Rights and Equity Unit,

³ For more information:
<https://web.archive.org/web/20230208164808/https://www.torontohousing.ca/about/policies-programs/policies/human-rights/Pages/default.aspx>. Accessed June 1, 2023.

⁴ For more information:
<https://web.archive.org/web/20230325103113/https://www.torontohousing.ca/about/policies-programs/policies/human-rights/Pages/Human-Rights-Harassment-and-Fair-Access-Policy.aspx>. Accessed June 1, 2023.

intended to assist unit managers on matters of human rights but which would not necessarily be involved in the resolution of every complaint under the policy.

17. When we asked TCHC staff to tell us about TCHC's process for addressing tenant human rights complaints, we received ambiguous, circular, and at times inconsistent responses. We also received ambiguous and inconsistent information about the existence and role of the Office of Diversity, Fairness and Human Rights and/or the Human Rights and Equity Unit. In the end, we determined that this Office/Unit no longer exists.
18. A senior TCHC manager told us that human rights complaints were handled by the regional general managers and that general managers could go to the Human Rights and Equity "team" for help. The same senior manager told us that the Human Rights and Equity team was part of the legal department, but they were not sure whether tenants could access it directly. Another TCHC manager told us they were not aware of a human rights team. A member of TCHC's legal team told us that TCHC's legal department provides advice to the organization regarding the impact of human rights legislation, but human rights complaints are handled through the Solutions team. When we tried to clarify the role of the Solutions team, the Solutions manager told us they receive online human rights complaint forms and forward them to the general managers for handling.
19. One senior manager told us they thought the Human Rights Office was a good resource when it existed, because the senior manager did not have any expertise in human rights. The senior manager explained that they handled human rights complaints as simply a tenancy management issue.
20. We also spoke with a community legal clinic whose clients had engaged with TCHC's human rights process. They told us that based on their experience with TCHC staff, they felt there was a general lack of training in how to address human rights complaints and that some staff discouraged complaints, rather than supporting tenants and helping them with the human rights process.
21. Human rights issues are often nuanced and complex and tenants may not always realize an issue is a human rights complaint.
22. TCHC supports many vulnerable tenants from diverse communities. If tenants experience discrimination or harassment, they cannot always simply move to another area or home. The ambiguity around TCHC's process for addressing tenant human rights complaints raises serious fairness concerns.

The Investigation

23. On July 26, 2022, I notified TCHC of my intention to conduct a formal investigation into TCHC's tenant human rights complaints process.

24. The investigation focused on the following issues:
- Does TCHC have current, clear, and easily accessible policies and procedures for addressing tenants' human rights complaints?
 - Does TCHC apply these policies and procedures fairly and consistently?
 - Do TCHC staff responsible for addressing human rights complaints from tenants have the necessary tools, training, and expertise to do so effectively and fairly?
25. We did not review TCHC's decisions related to specific human rights complaints. We also did not review TCHC's process for addressing human rights complaints from staff.
26. As part of this investigation, Ombudsman Toronto investigators conducted 20 interviews and reviewed documents provided by TCHC or available on TCHC's website. In addition to speaking with TCHC's staff, we also interviewed people outside TCHC who have expertise in handling human rights complaints, and spoke to other social housing providers about their processes for handling human rights complaints from tenants.

Human Rights Framework

The Ontario Human Rights Code

27. Ontario's *Human Rights Code* is a provincial law that sets out the right to equal treatment, which is free of discriminatory treatment, because of a person's disability, race, place of origin, and a number of other factors.⁵ The Code ensures protection against discrimination in five social areas, one of them being housing. The Code also states that individuals have the right to not be harassed because of any personal characteristics protected by the Code. This includes harassment by other occupants of the same building.
28. By law, landlords like TCHC "are responsible for making sure housing environments are free from discrimination and harassment," and "have a legal

⁵ Protected grounds include: Age; Ancestry, colour, race; Citizenship; Ethnic origin; Place of origin; Creed; Disability; Family status; Marital status (including single status); Gender identity, gender expression; Receipt of public assistance (in housing only); Record of offences (in employment only); Sex (including pregnancy and breastfeeding); Sexual orientation. <https://www.ohrc.on.ca/en/ontario-human-rights-code>. Accessed May 10, 2023.

duty to accommodate tenants when legitimate concerns arise based on Code grounds,”⁶ up to the point of undue hardship. TCHC must follow a fair process when individuals request accommodation, even if, in the end, TCHC decides that it cannot accommodate short of undue hardship.

Ontario’s Human Rights System

29. Ontario’s Human Rights system consists of the Human Rights Tribunal of Ontario (the “Tribunal”), the Ontario Human Rights Commission (the “Commission”), and the Human Rights Legal Support Centre (the “Legal Support Centre”).
30. The Tribunal is the quasi-judicial body that hears human rights complaints under the Code and decides whether someone’s human rights were violated. Among other things, it can order compensation. TCHC tenants have the option to apply directly to the Tribunal if they feel their human rights have been violated.
31. The Commission used to be a gatekeeper to the Tribunal. This meant that complainants had to submit a complaint to the Commission and the Commission would decide whether the complaint should be forwarded to the Tribunal for a hearing. In 2008, the human rights system in Ontario changed so that complaints can be made directly to the Tribunal. The Commission no longer has an adjudicative function and focuses on promoting human rights through research, education, and policy work, instead of focusing on individual complaints.⁷
32. Part of the 2008 changes to Ontario’s human rights legislation was the creation of the Legal Support Centre, which helps people navigate the human rights system by offering education, support, and legal advice.

The City of Toronto’s Shareholder Direction

33. The City of Toronto (the “City”) is the sole owner (shareholder) of TCHC. A Shareholder Direction from the City to TCHC sets out the accountability framework and relationship between the City and TCHC. This includes setting out TCHC’s mandate, responsibilities, reporting requirements, and governance structure. The Shareholder Direction requires TCHC to have an accessible and

⁶ Ontario Human Rights Commission, *Policy on human rights and rental housing*. July 21, 2009. <https://www.ohrc.on.ca/en/policy-human-rights-and-rental-housing>. Accessed May 10, 2023.

⁷ TCHC’s Human Rights Complaint Procedure (described in more detail below) included an outdated referral to the Commission which no longer reviews complaints. It also referred to The Ontario Rental Housing Tribunal, which was dissolved and replaced by the Landlord and Tenant Tribunal in January 2007.

transparent complaint process and to ensure that tenants are protected from harassment and that their human rights are respected and upheld.⁸

The City's Human Rights Office

34. The City has a Human Rights Office where individuals can go to raise a human rights concern. Staff in the Human Rights Office do not act on behalf of any party to the complaint. In other words, it is a neutral office that can independently investigate complaints.⁹ The City's Human Rights Office has no authority over the City's agencies or corporations, like TCHC. The City's agencies, however, are still legally required to uphold the protections of the Code.¹⁰
35. A senior member of the City's Human Rights Office told us that even though they cannot investigate complaints about the City's agencies or corporations, they can be a helpful resource for agencies and corporations that may be developing their own internal human rights process. They do not recall TCHC coming to them for advice or guidance.
36. The same senior staff member told us that the City's Human Rights Office hears from TCHC tenants "quite a bit," compared to other City agencies and corporations. They told us they try to refer tenants to TCHC's internal human rights office or process, relying on what they could find on TCHC's website. Throughout our investigation and up until May 11, 2023, TCHC's website still referred to its own Office of Diversity, Fairness and Human Rights/Human Rights and Equity Unit, even though it no longer exists.

⁸ City of Toronto to Toronto Community Housing. *Shareholder Direction*. Adopted June 2021. <https://www.toronto.ca/legdocs/mmis/2021/ex/bgrd/backgroundfile-168510.pdf>. Accessed May 31, 2023.

⁹ City of Toronto, *Human Rights & Harassment Resources*. <https://www.toronto.ca/city-government/accessibility-human-rights/human-rights-harassment-resources/>. Accessed May 10, 2023.

¹⁰ City of Toronto, *City of Toronto Human Rights and Anti-Harassment Policy*. <https://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13239.pdf>. Accessed May 10, 2023.

The Past: Evolution of TCHC's Tenant Human Rights Complaints Process

TCHC's Human Rights Office

37. TCHC used to have a human rights office, called the Office of Diversity, Fairness, and Human Rights.¹¹ A former member of this human rights office told us that, historically, the human rights office reported directly to TCHC's Board of Directors, but, the reporting relationship changed over time. A former senior leader at TCHC informed us that, up until 2014, the human rights office reported to Human Resources. In 2014, the reporting structure changed, and the human rights office began reporting to TCHC's legal department. A former member of the human rights office told us that this team was the main point of contact within the organization for matters related to human rights, fairness, equity, and diversity. It helped tenants resolve human rights issues, investigated human rights and harassment complaints, and supported staff by offering guidance, advice, and training in their human rights related work. The team helped staff spot issues, explained the Code and Human Rights Policy and Human Rights Complaint Procedure, and helped staff apply the Human Rights Policy fairly. TCHC staff told us that this team was an important resource for TCHC staff, particularly when dealing with unique, complex, or challenging cases.
38. A former member of the human rights office told us that trust was an important factor for tenants and that tenants relied on this "neutral body" to review and address their concerns. Former human rights office staff told us that they still sometimes get calls from TCHC tenants who need help with their human rights related issues.
39. A former member of the human rights office told us that, in addition to helping TCHC resolve tenants' complaints about human rights, the human rights office also tracked human rights complaints based on the type, protected ground, and geographic area, and reported on complaint trends. This provided a "snapshot" of how the organization was dealing with complaints and helped identify systemic issues or training gaps.
40. It appears that TCHC's human rights office became inactive sometime after 2016. TCHC staff we interviewed did not know what happened to the human rights office and where TCHC staff could turn to if they had questions about responding to a tenant's human rights complaint. One TCHC manager told us

¹¹ The Human Rights Complaint Procedure referred to the office as a Human Rights and Equity Unit.

when the human rights office wrapped up its operations, there was no communication about what the plan was going forward – it was more like, “What happened? Where did they go?”

41. One TCHC manager we interviewed who plays a role in TCHC’s tenant complaint process and who has been with TCHC for more than a decade, was under the impression the human rights office was still around and still had a role in addressing human rights complaints from tenants. A former senior leader at TCHC told us that the human rights office was never officially disbanded. Instead, positions designated for the human rights office were kept vacant and the funding for those positions was moved elsewhere in the organization.
42. Several TCHC staff members told us they would like to see the return of the human rights office. They acknowledged that human rights cases are complex and felt they would benefit from the expertise of a dedicated human rights team. Several senior managers we interviewed told us that when TCHC had a human rights office, the tenant human rights process was more defined and there was more clarity for staff. If regional staff were having issues, they could ask the human rights office to guide them through the process. As one senior manager put it, now, the process is not well defined: “[the complaint] just shows up in [their] inbox” and they have to “go from there.” A senior leader we interviewed acknowledged that TCHC has not replaced the expertise of the human rights office. They said there are a lot of staff with general knowledge but not enough specialists or experts guiding the process.
43. Human rights experts we interviewed as part of this investigation felt an organization like TCHC would benefit from having a dedicated human rights team to address tenants’ human rights concerns and to guide staff in their work on human rights. They said this would show the organization is taking these concerns seriously. As one of the human rights experts explained:

It is unrealistic to expect a manager or a supervisor or superintendent to deal with, objectively or without bias or perception of bias, these kinds of issues. They are complex ... There are a lot of nuances, and if you are dealing with vulnerable people who have a wide range of experiences or disabilities how are you factoring that into your processes? Do you understand accommodation, do you understand trauma informed investigation? You can do it, but are you doing it well? Are you doing it in a way that may be more harmful?

TCHC Human Rights Policy and Procedures

44. A former member of TCHC’s human rights office told us that their office developed TCHC’s Human Rights, Harassment and Fair Access Policy in 2016, after consulting with tenants.

45. TCHC tenants were expected to follow this policy, in addition to TCHC's employees and vendors. This means, among other things, refraining from harassment, discrimination, or engaging in hate activity against other TCHC tenants. Tenants were responsible for making sure that their guests or visitors also follow this policy while on TCHC's property. The policy included TCHC's commitment to develop and maintain procedures and guidelines for addressing any complaints that arose under the policy, educating staff, making sure tenants knew about their rights and responsibilities, and promptly responding to complaints.
46. TCHC's Human Rights Complaint Procedure has not been updated since 2003,¹² and TCHC only very recently removed it from its website on May 11, 2023. Before it was removed from its website, the Human Rights Complaint Procedure applied to all TCHC staff, managers, contractors, agents, TCHC board directors, volunteers, and committee members. It also applied to tenants, which meant tenants could use it to complain about human rights issues involving the actions of another tenant. The Human Rights Complaint Procedure explained how tenants could complain about a human rights issue and what TCHC would do to resolve it, including mediation or, or in some cases, investigation.
47. TCHC provided us with its Tenant Complaint Process (2002) , which is different from the Human Rights Complaint Procedure. It speaks to TCHC's approach to tenant complaints and sets out several objectives for resolving tenant complaints, including complaints related to human rights and harassment. These objectives include that TCHC should have a simple and accessible complaint process and a mechanism for review of management decisions that tenants do not feel are reasonable, ensure that all complaints are resolved in a timely fashion, and track and resolve complaints.

¹² According to the archived version of TCHC website, the Human Rights Complaint Procedure has been under review since some time in 2014. Internet Archive. Toronto Community Housing, *Policies and Procedures (under review)*. Website cached January 11, 2015. <https://web.archive.org/web/20150111072756/http://www.torontohousing.ca/policy>. Accessed May 10, 2023.

The Present: How TCHC's Human Rights Complaints Process Works in Practice

The Lack of a Publicly Accessible Process for Tenants' Human Rights Complaints

48. Until May 11, 2023, a “Your rights” page on TCHC’s website told tenants how to make a complaint if they felt they had been harassed and/or discriminated against under the Human Rights Policy.¹³ It told tenants to complain to the operating unit office, property management office, or the Office of Diversity, Fairness and Human Rights. These offices and units no longer exist under TCHC’s current structure.
49. TCHC’s website does not include any information that outlines or explains the current human rights complaints process. Also until May 11, 2023, the site included a link to an online human rights complaint form, which we learned was one of several ways tenants could complain about a human rights issue.¹⁴ The website also mentioned a human rights email address (humanrights@torontohousing.ca) that tenants could use to submit questions about human rights at TCHC or ask to read the Human Rights Policy (although this policy was available online).¹⁵ Although the website did not say this explicitly, tenants could also use the humanrights@torontohousing.ca email to submit a human rights complaint.¹⁶

Pathways for Making a Human Rights Complaint

50. Our investigation found that in practice, there are many entry points into the tenant human rights complaint process. If a tenant has a human rights issue, they can try and have it addressed with local staff within their region. While there is no

¹³ <https://web.archive.org/web/20221209221022/https://www.torontohousing.ca/residents/your-tenancy/Pages/Your-rights.aspx>. Accessed June 1, 2023.

¹⁴ <https://web.archive.org/web/20230509114644/https://www.torontohousing.ca/residents/your-tenancy/Pages/Complaints.aspx>. Accessed June 1, 2023.

¹⁵ *Your rights*, as above at footnote 13.

¹⁶ As of May 31, 2023, the only reference we could find to the humanrights@torontohousing.ca address is in the Tenant Guide. https://www.torontohousing.ca/sites/default/files/2023-03/english--tenant_guide.pdf, page 11. Accessed June 1, 2023.

dedicated staff that TCHC tenants can go to for help with their human rights issues, staff who deal directly with tenants (e.g., superintendents, tenant services coordinators, community services coordinators) are more likely to be the first to hear or identify a human rights complaint. Some TCHC staff members we interviewed acknowledged that more needs to be done to communicate the process to tenants as they may not always know where to go for help.

51. TCHC has a guidance document, called a “Hub Playbook,” to help local onsite staff (e.g., a superintendent, maintenance and cleaning staff, community service coordinators) understand TCHC’s processes and respond to common tenant requests. It is an internal document and not available to the public. The Hub Playbook lists more than a dozen roles within the organization that are responsible for dealing with human rights complaints from tenants, depending on whether the complaint is about another tenant, a TCHC employee, a vendor, or the organization’s overall policies and procedures.
52. Tenants can also call the Client Care Centre to submit a human rights complaint. Until recently, on May 11, 2023, tenants could have also submitted an online human rights complaint form on TCHC’s website.¹⁷ A TCHC manager who is familiar with the Client Care Centre process told us that if the Client Care Centre receives a human rights complaint, they would forward it to a general manager or assistant general manager to ensure that it is handled with a sense of urgency.
53. Staff told us that the Solutions team receives and triages emails to humanrights@torontohousing.ca and the online human rights complaint forms that have been submitted.¹⁸ After the Solutions team triages these online/email submissions, they forward them to the general manager to address.
54. Ultimately, if a tenant isn’t satisfied with TCHC’s response, they have the option to escalate to the general manager. If tenants have concerns about the general manager’s response, they can complain to TCHC’s Chief Operations Officer or Chief Executive Officer. However, a senior TCHC manager told us that TCHC does not do a good job of telling tenants how they can escalate their human rights complaints.
55. If tenants are concerned about anti-Black racism, they used to be able to complain to the Centre for Advancing the Interests of Black People. We interviewed staff from the Centre as part of this investigation to learn about their

¹⁷ <https://web.archive.org/web/20230329134552/https://www.torontohousing.ca/contact/Pages/human-rights-complaint.aspx>. Accessed June 1, 2023.

¹⁸ TCHC very recently removed this specific human rights complaints form from its website. TCHC also very recently updated its general feedback form to refer to the ability to submit a human rights complaint: <https://www.torontohousing.ca/contact-us/feedback-compliments-and-complaints>. Accessed May 31, 2023.

role within TCHC's process for handling human rights complaints from tenants. These staff told us that they play a supportive function. They can provide support and guidance to tenants, but decisions are made by the regional Tenancy Management team. While the Centre directly investigated some complaints in the past, staff told us that the Centre is no longer accepting new complaints as it works through a backlog.

How Staff Approach Tenant Human Rights Complaints

56. Several senior managers acknowledged there is a lack of consistency in how staff approach tenant human rights complaints. As one senior manager put it, everyone handles it "as best as they see fit." Several managers told us they use a "common sense" approach. One manager explained that they look at what the tenant is complaining about in terms of discrimination, and also considers their own feelings about the complaint. A lot of times, they said, tenants complain about things that the manager feels are not truly valid.
57. One senior manager told us that staff approach human rights complaints as a tenancy management issue, although a member of a tenancy management team contradicted this, saying they treat human rights complaints differently than tenancy management complaints.
58. According to the Hub Playbook, tenancy management involves arrears management and rent-geared-to-income administration. While this includes working with tenants to resolve issues which may put their tenancy at risk and connecting tenants to supports to help them maintain their tenancy, this is not the same as responding to tenants' concerns through a human rights lens.
59. Another senior manager felt that there is a "gap" at the frontline in terms of identifying human rights complaints. The same senior manager told us there is also staff turnover and new staff may not appreciate TCHC's obligation to address tenants' human rights issues and so the issues may not be flagged to the general manager until it is too late.
60. A staff member of the Centre told us they are concerned that frontline staff are overworked and, without effective tools and support to address tenants' human rights complaints, they may simply walk away from an issue. One tenancy manager told us staff on their team do not have the necessary tools to respond to human rights complaints, but even with better tools, the team does not have the time to handle human rights complaints proficiently.
61. Several staff members told us they would seek help from the legal department if a tenant had a human rights issue. Others told us they would go to the Solutions team for help. There seems to be little guidance as to whom they should contact

and in what circumstances. Several staff members we spoke with who have been with TCHC for several years identified one or two people they would typically go to for help with human rights related questions. A TCHC supervisor acknowledged that newer staff to the organization would not necessarily know where to go for help.

62. The Hub Playbook has a paragraph on how to manage tenants' human rights complaints. It says complaints can be made formally, through TCHC's website, or informally by verbally raising concerns about an incident or micro-aggression. The Hub Playbook does not define or give examples of micro-aggressions.¹⁹ The Hub Playbook says all TCHC staff are responsible for ensuring policies and procedures are being followed and that they must take complaints seriously and respond promptly. However, it has little guidance on what this looks like in practice. If Hub staff become aware of a potential human rights issue, they are directed to bring this to the attention of the general manager.
63. Several staff members that we spoke with mentioned that the Centre is a helpful resource, but acknowledged its limited role, since its mandate is focused on confronting anti-Black racism, rather than the overall human rights complaints process.

How TCHC Communicates its Decisions to Tenants

64. When it comes to formal human rights complaints, the Human Rights Complaint Procedure, which TCHC removed from its website on May 11, 2023, said the investigator would provide a written report to the manager of human rights and equity as well as the operating unit manager, and that the operating unit manager would communicate the decision to the parties. These roles no longer exist, and it is not clear who is now responsible for communicating decisions to tenants.
65. A TCHC manager familiar with the Solutions process told us that if a tenant's complaint is escalated to Solutions, Solutions would usually ask the regional tenancy management staff to communicate the decision directly to the tenant. Solutions would then communicate with the tenant about their understanding of the decision and close the complaint off on their end.
66. A community legal clinic that supports TCHC tenants told us that in their experience, TCHC uses a lot of templates to communicate with tenants and this

¹⁹ For a definition of a micro-aggression, refer to the City of Toronto's toolkit. The toolkit defines microaggressions as, "the subtle and often unconscious expression of prejudice or bias made through either a comment or action directed at someone of a marginalized group." City of Toronto, *TYES Frontline Workers' Toolkit*. <https://www.toronto.ca/wp-content/uploads/2020/09/90b6-CABR-Exploring-Expectations-and-Location-Sept-2020.pdf>. Accessed May 10, 2023

makes it seem like they are not looking at the individual tenant and the facts of their specific situation.

Reconsideration

67. Human rights experts we interviewed told us that a clearly laid out internal appeal or review option is a hallmark of a good human rights complaint system.
68. There does not seem to be a way for tenants to ask TCHC to reconsider its decisions when it comes to their human rights complaints. The Human Rights Complaint Procedure said TCHC's decisions are final and no appeal is possible, but that parties may pursue external recourse.
69. Tenants have the option to complain to the Human Rights Tribunal of Ontario, but as one TCHC manager explained, if tenants are not happy with how TCHC handled their complaint (and are then forced to go to the Tribunal), they can end up having less trust in TCHC.

Overall Accountability for Addressing Tenant Human Rights Complaints

70. Overall, there seems to be no clear ownership of tenant human rights complaints. General managers in each of the three regions are ultimately responsible for addressing tenants' human rights complaints in their region, but there does not appear to be an accountability mechanism to ensure that tenant human rights complaints are identified and managed consistently and appropriately. As one staff member put it, "It's pretty obvious that we've not been accountable to how things get resolved."

The Future: Updating TCHC's Tenant Human Rights Response

TCHC's Plan to Update the Human Rights Policy and Procedure

71. TCHC has been planning for several years to update its process for handling tenant human rights complaints.²⁰ At the beginning of this investigation, TCHC told us it was planning to update its Human Rights Policy and Complaint Procedure, but it was not until October 21, 2022, when we were well into the evidence-gathering stage of this investigation, that we finally learned how and when TCHC intended to do this. Most TCHC staff and managers we interviewed told us they were not aware of the project or knew very little of what this work would involve.
72. On October 18, 2022, TCHC's senior leadership approved a plan to update its Human Rights Policy and Complaint Procedure and to improve TCHC's response to tenant human rights complaints. The project charter that will guide this work says the project:

...is necessary to address systemic issues in how tenant human rights issues at TCHC are received, investigated and resolved. The purpose of the project is to move TCHC away from an inconsistent staff and region-dependent response to tenant human rights issues towards centralized, proactive, equity-focused response.
73. In its project charter (a document that will guide this work), TCHC has acknowledged that human rights issues are inherently complex, that frontline staff do not reliably identify human rights issues, and that frontline staff require significant support and training.
74. As part of this project, TCHC intends to create a "human rights questions email" so that staff can get advice on human rights issues. There does not appear to be a similar resource for tenants, although TCHC plans to create information sheets for both staff and tenants that would list all relevant policies, procedures, and processes for human rights complaints and accommodation requests. The

²⁰ For example: Smith, Brian and Marshman, Kevin, "Toronto Community Housing Corporation's 2018 Annual Report." Letter dated April 30, 2019. <https://www.toronto.ca/legdocs/mmis/2019/ex/bgrd/backgroundfile-134829.pdf>. Accessed May 31, 2023.

Murphy, Timothy and Penny, Sheila, "Toronto Community Housing Corporation's 2020 Annual Report." Letter dated April 30, 2021. <https://www.toronto.ca/legdocs/mmis/2021/ex/bgrd/backgroundfile-168506.pdf>. Accessed May 31, 2023.

information will also include the contact information of relevant staff members. The idea is that these information sheets will help guide tenants in accessing TCHC's human rights process and will help staff in responding to human rights issues. TCHC plans to roll out the human rights email and information sheets by the end of 2023.

75. A member of TCHC's legal department will lead the policy and procedure update, oversee staff training, and monitor the human rights email. The overall responsibility for handling tenants' human rights complaints will remain with the operations team. The project charter emphasises that the legal department will provide guidance only.
76. According to the project charter, TCHC will update its human rights policies and procedures in consultation with the Centre for Advancing the Interests of Black People. The project charter also mentions it will conduct staff and tenant consultations in the first quarter of 2023. However, we did not see anything describing how this would be done. The project charter mentions tenants, TCHC staff, and the City as stakeholders. However, it is not clear whether that means TCHC will consult with the City's Human Rights Office or any other external organizations that have expertise in human rights complaint-handling or that support tenants.

Human Rights Training

77. Having a good policy and procedure only goes so far if people do not apply it fairly and consistently. All the human rights experts we spoke with identified specialized human rights training as key to an effective tenant human rights complaint-handling process. One human rights expert we interviewed said that "you can put whatever you want in a policy and procedure. But you also have to do it. There has to be a commitment to training."
78. According to the Ontario Human Rights Commission, human rights training is essential for a good human rights complaints process:

Without an understanding of human rights issues, and support for a human rights culture, human rights policies and procedures are unlikely to succeed. Everyone in the organization should know the standards, rights, and responsibilities under the human rights policies and procedures and where to get help with human rights issues. The Commission recommends that organizations educate new staff on these policies and procedures and ensure everyone in the organization receive regular training to refresh their knowledge. Those who are responsible for developing and implementing human rights policies and procedures need more extensive training. This includes managers

and supervisors, as well as staff who may receive, investigate, mediate or decide on complaints or accommodation requests.²¹

79. While one senior manager we interviewed felt they had the required skills to identify and address tenant human rights concerns, several of their colleagues we interviewed did not recall receiving human rights training and felt that more training was necessary. One manager we interviewed who has worked with TCHC for more than a decade felt they are still “flying by the seat of [their] pants” when it comes to human rights complaints.
80. Another senior manager told us the approach to training is reactive as TCHC does not proactively identify training needs at the frontline until a problem happens – although there are some active and engaged staff who will flag issues when they come up.
81. The same individual was concerned that frontline staff are not able to identify human rights issues early enough and that TCHC should address how to help frontline staff identify human rights issues earlier. Staff we interviewed at the Centre for Advancing the Interests of Black People also felt that TCHC staff do not have enough training to understand when something is a human rights issue.
82. Former TCHC human rights office staff told us that when TCHC had a human rights office, the office trained staff to spot human rights issues because a lot of complaints would come in “under the radar.” For example, a noise complaint could have a human rights element – like when the noise is aggravating a person’s disability – but staff don’t identify that properly. One TCHC manager we interviewed acknowledged they would be hard pressed to explain the difference between human rights complaints versus general tenant complaints. A senior leader told us that TCHC has not replaced the expertise of the human rights team.
83. On April 21, 2021, TCHC’s then Acting Chief Operating Officer identified a lack of human rights training as an issue in their report to the TCHC’s Tenant Services Committee. They wrote:

[I]t has been identified that not all staff possess the experience and expertise to appropriately manage Human Rights complaints due to the lack of specialized training. To ensure the appropriate oversight and management of Human Rights complaints, an inter-disciplinary group will be established to triage and review Human Rights complaints ... and will provide a forum to review Human Rights complaints to ensure they are managed in a fair manner...

²¹ Ontario Human Rights Commission, *A policy primer: Guide to developing human rights policies and procedures*. Revised December 2013. <https://www.ohrc.on.ca/en/policy-primer-guide-developing-human-rights-policies-and-procedures>. Accessed May 10, 2023.

84. We heard that this work is currently on hold as TCHC's focus is on updating its Human Rights Policy and Human Rights Complaint Procedure.
85. A senior TCHC leader we interviewed told us that the Centre recently delivered human rights training for the executive leadership and that TCHC intends to roll out this training to the rest of the organization. Senior staff at the Centre told us this training is ongoing and that it focuses on anti-Black racism, as opposed to broader human rights. They provided us with a copy of this training. To date, TCHC has not provided us with any other documents on staff training related to human rights, despite our repeated requests to do so.
86. TCHC's project to improve its response to human rights complaints from tenants envisions training for all staff, with more detailed training for "subject matter experts." It plans to deliver this training by the third quarter of 2023.

Human Rights Complaints Documentation and Tracking

87. TCHC has previously identified the importance of using complaints data for performance and quality improvement. We asked TCHC for the number of tenant human rights complaints that TCHC received and investigated since January 1, 2020. In response, TCHC provided us with all the Board and Committee reports regarding its tenant complaint process for this period. These documents included information on the top complaint areas TCHC received, such as "anti-social behaviour," inadequate building service, or building staff, but had no data on human rights complaints. In fact, none of the documentation TCHC provided as part of this investigation identified the number of human rights complaints it received and investigated.
88. A senior leader we interviewed acknowledged that, now that the human rights office is gone, there is no centralized team to track and report on human rights complaints. The Solutions team collects and reports on the complaints they receive, but it is not aware of human rights complaints received by other sections of the organization and so this information is not included in Solutions' data.
89. A senior manager told us that the regional teams do not track human rights complaints, even though they are expected to play a central role in addressing tenant human rights complaints.
90. A member of the legal department that we interviewed told us that their department collects information about the number of Tribunal applications TCHC receives. This information is included in TCHC's annual reports.
91. As one of the human rights experts we interviewed explained, knowing how many tenants apply to the Tribunal is an issue indicator on what TCHC has not been able to resolve internally. A former member of the human rights office told

us that collecting human rights complaints data can help TCHC address trends, identify systemic issues, and help identify training gaps.

92. In its 2021 "Additional Information Reported Annually to Shareholder" (a supplement to its Annual Report),²² TCHC reported to the City, apparently for the first time, that it had received 100 human rights complaints that year. It is not clear if this number includes only complaints it received to its dedicated human rights inbox, or if it also includes human rights complaints that came in through other avenues, like those reported directly to staff.

Analysis, Findings, and Recommendations

Clearly Communicating the Current Human Rights Complaints Process

93. TCHC had a human rights office, which has not been active for several years. Until very recently, information on TCHC's website suggested that the human rights office still exists. TCHC removed this information on its website on May 11, 2023, the same day that we sent TCHC our preliminary investigation report. TCHC did not notify us of this change, neither prior to nor after it made these changes. To have had such outdated information on TCHC's website – and for such a long time – was misleading.
94. When there are changes to the organizational structures or processes which impact tenants and/or staff, fairness requires clear communication about the changes. TCHC staff we interviewed could not tell us what happened to the TCHC's human rights office and why it no longer operates. This suggests that TCHC was not clear or transparent about the changes to its human rights complaint handling process.
95. Some staff we interviewed referred to the human rights office as if it still existed. This is not surprising given that the policy and procedure on TCHC's website, still referred to it as an important part of TCHC's process for responding to human rights complaints from tenants. This is confusing to tenants, staff, and people

²² Murphy, Timothy and Sharma, Jag, "Toronto Community Housing Corporation's 2021 Annual Report." Letter dated April 30, 2022. <https://www.toronto.ca/legdocs/mmis/2022/ex/bgrd/backgroundfile-228284.pdf>. Accessed May 11, 2023.

outside the organization who are trying to understand and navigate TCHC's human rights complaint process.

96. It is wrong for TCHC to refer to units that don't exist. This was confusing and risked frustrating people who were trying to address their human rights issues. Until May 11, 2023, and well into our investigation, TCHC could not be bothered to take the time to remove information from its website that it knew was inaccurate. It is reasonable to conclude by this inaction that TCHC was not taking tenants' human rights complaints seriously, despite its obligation to do so.
97. TCHC needs to update its website. It needs to make sure tenants know that it's updating its Human Rights Policy and Human Rights Complaint Procedure and that they know how to take part in this project. It also needs to make sure tenants know how to make human rights complaints in the meantime.

Recommendation 1

TCHC should ensure that all information on its website related to its human rights complaints process is up to date and accurate, and that it continues to update its website as this process evolves.

Recommendation 2

As part of this update, TCHC should immediately post online information about the project to update its Human Rights Policy and Human Rights Complaint Procedure. This should include information about the scope of the project, its impact on tenants, and where tenants can find out more information. It should also clearly communicate how tenants can participate in the re-design of the human rights complaints process.

Recommendation 3

TCHC should establish, and clearly communicate to staff and tenants, interim measures for addressing tenant human rights complaints, while it updates its human rights complaints process.

Updating Tenant Human Rights Complaints Policy and Procedures as a Priority

98. Until very recently, the 2016 Human Rights Policy was still the official guiding document for how TCHC uses a human rights lens to interact with tenants, and the 2003 Human Rights Complaint Procedure established how TCHC would address complaints that arose under the policy.

99. During our investigation and up until May 11, 2023, the Human Rights Policy and Human Rights Complaint Procedure were wildly out of date. Not only did they refer to a human rights office that has not been active for several years, but the Human Rights Complaint Procedure did not take into account major changes to the Ontario's human rights system that happened in 2008. The Human Rights Complaint Procedure said that tenants could complain to the Ontario Human Rights Commission or the Ontario Rental Housing Tribunal. The Commission no longer handles human rights applications, which now can be made directly to the Tribunal. The Ontario Rental Housing Tribunal was dissolved more than a decade ago and replaced by the Landlord and Tenant Tribunal in January 2007. The Human Rights Policy and Human Rights Complaint Procedure also pre-date TCHC's restructuring. The Human Rights Complaint Procedure referred to operating unit managers, even though this role no longer exists under the new structure.
100. TCHC is here to serve the needs of tenants, many of whom are vulnerable. Relying on an outdated Human Rights Policy and Human Rights Complaint Procedure sent a message that tenants' human rights and tenants' dignity were not a priority.
101. TCHC is finally moving forward with its plan to update its Human Rights Policy and Human Rights Complaint Procedure – something that TCHC has been considering for several years. The proof will be in the pudding, as they say. TCHC should have started this work years ago. This is important work and TCHC should prioritize it. TCHC should come up with specific timelines so that it completes the work without delay. We will be monitoring TCHC's implementation of the update very closely and will expect more details on the status of the project and its integration into TCHC's process.

Recommendation 4

TCHC should assess what resources it needs to ensure that it completes, as a priority, the project to update its Human Rights Policy and Human Rights Complaint Procedure. TCHC should establish milestones and timelines to ensure that the update is completed without delay.

Clearly Defining and Communicating How Tenants Can Complain

102. Fairness requires that policies and procedures be easily accessible and understood by those whom they impact. Right now, there is no clear process for tenants to raise their human rights issues. There are currently many ways for tenants to raise a human rights issue (e.g., online feedback form, human rights email, frontline staff, call centre, Solutions), but TCHC does not clearly communicate this to tenants.

103. TCHC isn't meeting many of the commitments outlined in its general Tenant Complaint Process when it comes to human rights complaints. The process for addressing tenant human rights is neither simple nor easily accessible.
104. In addition, there is no clear opportunity for complaints to ask for an appeal or review of TCHC's decision about their human rights complaint. Human rights experts we interviewed stressed that an opportunity to appeal or ask for reconsideration of a decision is a hallmark of a good system for handling human rights complaints. The outdated Human Rights Complaint Procedure stated that TCHC's decisions are final, however, complainants "may decide to pursue external recourse" through other avenues, such as the Tribunal. It is best practice to allow complainants to be able to ask for reconsideration or to appeal a decision. TCHC needs to come up with a mechanism to review internal decisions.
105. While everyone in the organization is responsible for upholding the Human Rights Policy, having multiple staff involved in addressing tenant human rights complaints is confusing and difficult to navigate, especially if the process is not well explained or communicated to tenants. TCHC's project to update its human rights response is an opportunity to clearly define and communicate the tenant human rights complaint process, including information about where to go for help, which staff members are responsible to address the issue, and how to escalate the concern within TCHC.

Recommendation 5

TCHC should clearly define and communicate how individuals can make human rights complaints, including relevant contact information. TCHC should ensure that tenants are given correct information about its internal escalation process, as well as outside agencies and resources that they may wish to consult, including the Human Rights Tribunal of Ontario, the Human Rights Legal Support Centre, and community legal clinics.

Recommendation 6

TCHC should ensure there are opportunities for tenants to request reconsideration or appeal of TCHC decisions about their human rights complaints.

Developing a Clear and Consistent Approach for Staff to Address Tenant Human Rights Complaints

106. There is no consistency in how staff approach the human rights concerns of tenants. While some staff use a "common sense approach," others approach

tenants' human rights concerns through a tenancy management lens. Others fly "by the seat of [their] pants." This is unacceptable given that human rights issues are nuanced and require special consideration. There needs to be a clear and consistent process in place to address tenants' human rights complaints, particularly since many of the individuals living in TCHC are facing vulnerable circumstances.

107. Now that there is no human rights office at TCHC, there is also no point person or centralized team that staff can go to for help or subject matter expertise. Whether staff know where to get help depends on their knowledge of the subject matter and length of service with TCHC, rather than on any clear, documented process.
108. TCHC acknowledges there are systemic issues with its current process and says it needs to move "away from an inconsistent staff and region-dependent response to tenant human rights issues towards centralized, proactive, equity-focused response."
109. The Hub Playbook is supposed to help local hub staff respond to tenant human rights concerns, but it provides little guidance on how to spot or respond to human rights issues.
110. Finally, there is no clear process or direction for communicating decisions or outcomes to tenants about their human rights complaints.
111. This lack of consistency across TCHC is a problem. Tenants should expect that TCHC will handle their human rights complaint in a principled, consistent way, no matter what staff member is handling it.
112. We learned that TCHC's human rights office served several important functions, including:
 - Offering subject-matter expertise
 - Tracking complaints and analysing trends
 - Providing a neutral place that tenants trusted
113. It is up to TCHC to decide whether it should re-establish a dedicated human rights team to handle tenant human rights complaints. We heard from former staff of the human rights office that some tenants still reach out to them for help with their human rights concerns. TCHC managers we interviewed also told us the human rights office was a good resource and that they would like to have it return. Finally, the human rights experts we interviewed believed that an organization the size of TCHC should have a dedicated human rights team to help it address tenant human rights concerns.

114. It seems that without the expertise of a human rights office, staff faced with a tenant's human rights issues are often left to their own devices to navigate the process, with some support from the legal department.
115. Human rights issues are complex and require specialized skills that the majority of staff may not have and that is why they require support.
116. While TCHC has committed to updating its Human Rights Policy and Human Rights Complaint Procedure, without a dedicated human rights office, the overall responsibility for handling tenants' human rights complaints will remain with the operations team. This is not a significant departure from the current process, although having a specific human rights contact added to the legal department will hopefully help staff identify where to go for help with human rights related questions.
117. It will be important to consider whether continuing with the current process of having the regional team handle tenant human rights complaints serves tenants' needs. This project is an opportunity to consider alternatives, including bringing back a dedicated human rights team/unit.
118. According to the project charter for the human rights process update, TCHC plans to consult with the Centre for Advancing the Interests of Black People, as well as tenants and staff. It also mentions the City as a stakeholder. It is not clear whether TCHC intends to consult with other housing providers or external parties involved in the field of human rights, nor is there a detailed plan on what these consultations will look like. It would be useful to engage in dialogue about what a fair and effective complaints system looks like, to share lessons learned, and discuss best practices.

Recommendation 7

TCHC should develop a clear and detailed process for staff to document and respond to human rights complaints, including internal resources that will help staff navigate this process. It must ensure that its process dedicates and identifies qualified staff with subject-matter expertise.

Recommendation 8

TCHC should hold informed and meaningful consultations to receive feedback from tenants, staff, outside experts, and people who interact with TCHC to help establish a fair, trustworthy, accessible and effective process for handling human rights complaints.

Providing Effective Training to Staff

119. TCHC has not replaced the expertise of the former human rights office. Staff training in human rights is therefore important for a fair human rights complaints process.
120. Several staff members we interviewed reported that TCHC's approach to human rights training is reactive as TCHC is not proactively identifying its employees' training needs. TCHC should have a mechanism to proactively identify and address training gaps when it comes to addressing tenants' human rights concerns.
121. Frontline staff must be able to identify human rights issues that may start with other concerns, such as maintenance or noise. We learned that staff lack the expertise and tools to spot human rights issues. This is doubly concerning since tenants may not themselves identify their concern as having a human right aspect, as we observed in the cases that prompted this investigation. This remains a gap and is something the organization should address as soon as possible.
122. In the project charter, TCHC envisions a layered approach to training so that:
 - All staff are trained on the new policies and procedures
 - Staff who may have a direct role in interacting with tenants receive additional training on their obligations for human rights and their possible responses
 - Staff whom TCHC considers to be subject-matter expert receive even more detailed training.
123. The need for human rights training has been on TCHC's radar for some time. That said, this training needs to be treated as a priority, particularly for staff who are tasked with navigating and addressing tenants' human rights complaints. The project charter lacks details on what this training will include, who will participate in the training, and how it will be delivered. While TCHC plans to roll out the human rights training by the third quarter of 2023, it needs to come up with a detailed plan with specific timelines and milestones.

Recommendation 9

TCHC should develop a plan for delivering mandatory human rights training, including training on its updated/revised human rights policy and complaint process. This should be completed on a priority basis. The goal of this training must be for TCHC staff to have the tools and expertise to identify and resolve human rights complaints.

Recommendation 10

TCHC should periodically examine its training plan to make sure it is up to date with human rights developments.

Developing a System for Collecting and Tracking Human Rights Complaint Data

124. TCHC does not have a process or practice to allow it to track human rights complaints and analyse trends consistently.
125. TCHC reports to the City on the number of Human Rights Tribunal applications it receives but it is not clear how TCHC uses this information. TCHC has not provided us with any information about the number of human rights complaints it has received, even though it has identified the importance of using complaint data for process improvement. It was not until its 2021 Annual Report and supplemental information that TCHC began publicly reporting to the City on the number of human rights complaints it receives.
126. We have also not seen anything describing if and how TCHC plans to track and/or use human rights complaint data moving forward. This is a lost opportunity and something that TCHC should consider as part of this project.

Recommendation 11

As part of its human rights complaint process update, TCHC should ensure it has an effective and consistent system for documenting and tracking human rights complaints. This should include an annual summary of complaint types, geographic areas, number and ground of Tribunal applications, and complaint trends.

Recommendation 12

TCHC should report annually to the public on human rights complaint data and trends.

Developing Accountability for Addressing Tenant Human Rights Complaints

127. Finally, if there are no mechanisms in place to measure what success looks like, it is unrealistic to expect that a new complaint process will be effective. There are more than a dozen roles within TCHC that may be involved in addressing tenants' human rights complaints, but no clear locus of accountability. In fact,

many senior staff members we interviewed struggled to answer how TCHC ensures it addresses tenant human rights concerns appropriately.

Recommendation 13

As part of its human rights complaint process update, TCHC should establish key performance indicators that staff can be measured against to ensure tenant human rights complaints are addressed fairly and effectively.

Recommendation 14

TCHC should provide Ombudsman Toronto with an update on the status of the implementation of these recommendations by September 2023, and quarterly thereafter.

Conclusion

128. TCHC is a social housing provider, supporting Torontonians who have lower incomes and are from diverse communities, many of whom are facing vulnerable circumstances. TCHC must ensure that it maintains a housing environment where tenants' human rights are protected.
129. Human rights issues are nuanced and complex and require specialized knowledge. Because tenants may not understand that an issue is a human rights complaint, staff need to have the knowledge and tools to spot human rights issues, to direct tenants to the appropriate process or resources, and seek help, when necessary, to resolve complaints through a human rights lens.
130. TCHC does not have current, clear, and easily accessible policies and procedures for addressing human rights complaints from its tenants. Until very recently, on May 11, 2023, its Human Rights Policy and Human Rights Complaint Procedure were wildly out of date. While it has been planning for many years to update its process for addressing tenant human rights complaints, to have such outdated policies and processes for such a long time sends a message that tenants' human rights concerns are not a priority.
131. There is no consistency in how TCHC staff approach human rights complaints from tenants. There is also no robust accountability mechanism to ensure these complaints are addressed fairly and appropriately.
132. Staff tasked with addressing human rights complaints from tenants do not have the required tools, training, and expertise to do so effectively and fairly.

133. TCHC had a more consistent process and subject matter expertise when it had a human rights office. It also had a mechanism for tracking complaints and analysing trends.
134. TCHC recognizes that its current process for handling tenant human rights complaints is outdated, and that there are systemic problems in how it addresses these complaints.
135. However, the fact that TCHC has not taken action to update its Human Rights Policy and Human Rights Complaint Procedure until recently is a major failing on its part. Sadly, this inaction suggests that TCHC has not given tenants' human rights complaints the attention they deserve. This is not acceptable. It is also especially telling since many of their tenants living in TCHC are racialized or vulnerable.
136. TCHC needs to prioritize the updating of its process for handling human rights complaints from tenants. Tenants have waited long enough and cannot be expected to wait any longer. To this end, I have recommended that TCHC establish timelines and milestones to ensure that it finalizes and implements the updates without delay. TCHC should view its planned update as an opportunity to improve the lives of its tenants, and to model to other social housing providers how to effectively protect and respect tenants' human rights.

Recommendations

Recommendation 1

TCHC should ensure that all information on its website related to its human rights complaints process is up to date and accurate, and that it continues to update its website as this process evolves.

Recommendation 2

As part of this update, TCHC should immediately post online information about the project to update its Human Rights Policy and Human Rights Complaint Procedure. This should include information about the scope of the project, its impact on tenants, and where tenants can find out more information. It should also clearly communicate how tenants can participate in the re-design of the human rights complaints process.

Recommendation 3

TCHC should establish, and clearly communicate to staff and tenants, interim measures for addressing tenant human rights complaints, while it updates its human rights complaints process.

Recommendation 4

TCHC should assess what resources it needs to ensure that it completes, as a priority, the project to update its Human Rights Policy and Human Rights Complaint Procedure. TCHC should establish milestones and timelines to ensure that the update is completed without delay.

Recommendation 5

TCHC should clearly define and communicate how individuals can make human rights complaints, including relevant contact information. TCHC should ensure that tenants are given correct information about its internal escalation process, as well as outside agencies and resources that they may wish to consult, including the Human Rights Tribunal of Ontario, the Human Rights Legal Support Centre, and community legal clinics.

Recommendation 6

TCHC should ensure there are opportunities for tenants to request reconsideration or appeal of TCHC decisions about their human rights complaints.

Recommendation 7

TCHC should develop a clear and detailed process for staff to document and respond to human rights complaints, including internal resources that will help staff navigate this process. It must ensure that its process dedicates and identifies qualified staff with subject-matter expertise.

Recommendation 8

TCHC should hold informed and meaningful consultations to receive feedback from tenants, staff, outside experts, and people who interact with TCHC to help establish a fair, trustworthy, accessible and effective process for handling human rights complaints.

Recommendation 9

TCHC should develop a plan for delivering mandatory human rights training, including training on its updated/revised human rights policy and complaint process. This should be completed on a priority basis. The goal of this training must be for TCHC staff to have the tools and expertise to identify and resolve human rights complaints.

Recommendation 10

TCHC should periodically examine its training plan to make sure it is up to date with human rights developments.

Recommendation 11

As part of its human rights complaint process update, TCHC should ensure it has an effective and consistent system for documenting and tracking human rights complaints. This should include an annual summary of complaint types, geographic areas, number and ground of Tribunal applications, and complaint trends.

Recommendation 12

TCHC should report annually to the public on human rights complaint data and trends.

Recommendation 13

As part of its human rights complaint process update, TCHC should establish key performance indicators that staff can be measured against to ensure tenant human rights complaints are addressed fairly and effectively.

Recommendation 14

TCHC should provide Ombudsman Toronto with an update on the status of the implementation of these recommendations by September 2023, and quarterly thereafter.

TCHC's Response to Our Recommendations

137. As a matter of procedural fairness, we shared a draft of this report with TCHC leadership and their legal advisors. We also met with them to give them an opportunity to make representations on our findings and recommendations.

138. In response to our report, TCHC leadership says that it supports and accepts our recommendations and will undertake to implement all of them. TCHC will update our office on the status of its implementation of our recommendations by September 2023, and then quarterly thereafter.
139. A copy of TCHC's President and CEO's letter of June 5, 2023 is attached as Appendix A.

Ombudsman Toronto Follow-Up

Ombudsman Toronto will follow-up with TCHC quarterly until we are satisfied that the implementation of our recommendations is complete.

(Original Signed)

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Kwame Addo
Ombudsman

Appendix A

Toronto Community
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Toronto
Community
Housing

June 5, 2023

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VIA ELECTRONIC MAIL

Dear Mr. Addo:

Re: TCHC's Comments on the Ombudsman Toronto's Final Recommendations

I write in response to your letter of June 1, 2023 and to provide Toronto Community Housing Corporation's ("TCHC") feedback on the Ombudsman Toronto's final recommendations in its report, *An Investigation into Toronto Community Housing Corporation's Tenant Human Rights Complaints Process* (the "Report").

As I previously advised in my letter of May 30, TCHC welcomes and agrees with the conclusions that your office reached in the Report. TCHC is committed to meeting its duties to tenants under the Ontario *Human Rights Code* and implementing an effective tenant human rights complaint process. The organization has no further comments on the final recommendations enclosed in your June 1 letter and will work diligently to implement them.

Yours truly,

Jag Sharma (he/him)
President & Chief Executive Officer
Toronto Community Housing Corporation