

Response on the Role of Ombudsman Toronto in Fulfilling Functions from Council Decision 2019.PH11.5

Date: November 25, 2024

To: Economic and Community Development Committee

From: City Manager

Wards: All

SUMMARY

On July 24, 2024 ([2024.CC20.3](#)), City Council referred the Ombudsman Toronto Housing Unit Status Report 2024 to the Economic and Community Development Committee (ECDC) for consideration.

At its meeting on October 23, 2024 ([2024.EC16.7](#)), ECDC deferred consideration of the item to the November 26, 2024 ECDC meeting. This report responds to direction from [2024.EC16.7](#) that requested the City Manager, in consultation with the City Solicitor, to advise on the statutory powers, obligations, and any limitations related to the Office of the Ombudsman as an accountability officer that may exist in the fulfillment of the functions set out by City Council decision [2019.PH11.5](#).

In December 2019, City Council directed the City Manager to establish the role or function of a Housing Commissioner to perform the functions of independently assessing implementation of the revised Toronto Housing Charter and the HousingTO 2020-2030 Action Plan and ensuring that the City, within its legislative authorities, and through implementation of various programs and policies, is taking concrete actions to combat systematic housing discrimination and address systemic hurdles in the housing system.

In July 2022, City Council approved a number of actions to achieve Council's housing goals which included a request to the Toronto Ombudsman to consider the findings of the City Manager's report to Council ([2022.EX34.7](#)) and identify resources or structure required for their Office, including a potential role of Deputy Ombudsman, Housing, to focus specifically on housing by leveraging the role of the Office to undertake systemic reviews, investigations and provide independent advice to City Council.

In response, City Council adopted with amendments, the recommendations from Ombudsman Toronto on the "Review and Consideration for a Housing Commissioner

Role or Function at Ombudsman Toronto" on March 29, 2023 ([2023.DM5.2](#)), which established the role of Deputy Ombudsman, Housing and a dedicated unit 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.

As an independent officer of Toronto City Council, the role of the Ombudsman is to impartially investigate City decisions, acts and omissions from an administrative fairness perspective. The Ombudsman's jurisdiction and mandate come from the *City of Toronto Act, 2006* and the *Toronto Municipal Code, Chapter 3*. The legislation provides Ombudsman Toronto with investigative powers and protections that allow the office to carry out its mandate independently.

This report shares the City Manager's review of the statutory powers and obligations of Ombudsman Toronto which, in consultation with the City Solicitor, did not identify limitations that would impact the fulfillment of Ombudsman Toronto's mandate to undertake reviews, investigations and provide independent advice to City Council, as part of the actions approved by Council to achieve the City's housing goals.

RECOMMENDATIONS

The City Manager recommends that:

1. Economic and Community Development Committee receive this report for information.

FINANCIAL IMPACT

There are no financial implications to current or future budgets arising from this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

DECISION HISTORY

At its meeting on October 23, 2024, the Economic and Community Development Committee deferred the consideration of the Ombudsman Toronto Housing Unit Status Report 2024 (item [2024.CC20.3](#)) to the November 26, 2024 ECDC meeting and requested the City Manager in consultation with the City Solicitor to advise on the statutory powers, obligations, and any limitations related to the Office of the Ombudsman as an accountability officer that may exist in the fulfillment of the functions set out by City Council decision [2019.PH11.5](#).
[Agenda Item History- 2024. EC 16.7 \(toronto.ca\)](#)

At its meeting on July 24, 2024, City Council referred the Ombudsman Toronto Housing Unit Status Report 2024 to the Economic and Community Development Committee for consideration.

[Agenda Item History- 2024.CC20.3 \(toronto.ca\)](#)

At its meeting on March 29, 2023, City Council adopted with amendments the recommendations in the report from the Ombudsman on the review and consideration for a Housing Commissioner role or function at Ombudsman Toronto.

[Agenda Item History - 2023.DM5.2 \(toronto.ca\)](#)

At its meeting on July 19, 2022, City Council requested that the Toronto Ombudsman report back with recommendations on the resources and structure required for Ombudsman Toronto to focus on investigations and reports related to systemic housing and systemic hurdles in the City's housing planning and service delivery roles, including consideration of a dedicated Deputy Ombudsman, Housing.

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

At its meeting on December 17, 2019, City Council adopted the City's HousingTO 2020-2030 Action Plan. At that time, City Council requested the City Manager report back with options for the role or function of a Housing Commissioner and to consult with human rights experts and other groups and individuals with an interest in the establishment of the position.

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

COMMENTS

Background

On December 17, 2019 ([2019.PH11.5](#)), City Council adopted the City's HousingTO 2020-2030 Action Plan. At that time, City Council directed the City Manager to establish the role or function of a Housing Commissioner to perform the functions of:

- Independently assessing implementation of the revised Toronto Housing Charter and the HousingTO 2020-2030 Action Plan.
- Ensuring that the City, within its legislative authorities and through implementation of various programs and policies, is taking concrete actions to combat systematic housing discrimination and address systemic hurdles in the housing system.

City Council also requested the City Manager report back to Council with options for the role or function of a Housing Commissioner and when doing so, to consult with human rights experts and other groups and individuals with an interest in the establishment of the position.

In response to Council's direction, the City Manager engaged external expert consultants (Fiona Crean, the City's former Ombudsman, and Maytree Foundation) to undertake an independent review of governance and policy considerations for establishing the role or function of a Housing Commissioner. In considering Toronto's options, Crean and Maytree consulted a number of stakeholders and persons with lived experience on homelessness and housing instability. Crean and Maytree also reviewed

Toronto's Accountability Framework, including existing legislative powers and accountability functions provided to Accountability Officers through the *Toronto Municipal Code* and *City of Toronto Act*.

The review informed a report that was brought to City Council in July 2022 ([2022.EX.34.7](#)), where City Council approved a number of actions to achieve Council's housing goals, including:

- Establishment of a new Council advisory committee (Housing Rights Advisory Committee) to provide advice from those with lived experience of housing instability and those with expertise in a human rights-based approach to housing.
- Enhanced training for staff involved in housing policy development in relevant City divisions, agencies and corporations on a human rights-based approach to housing, applying a human rights lens to housing policy development and developing a greater understanding of the progressive realization of the right to adequate housing.
- Collaboration with and a request to the Federal Housing Advocate to focus on systemic housing issues in Toronto.
- A request to the Toronto Ombudsman to consider the findings of the City Manager's report, and identify resources or structure required for their Office, including a potential role of Deputy Ombudsman, Housing, to focus specifically on housing by leveraging the role of the Office to undertake systemic reviews, investigations and provide independent advice to City Council.

On March 29, 2023 ([2023.DM5.2](#)), City Council adopted with amendments the recommendations in the Ombudsman's report on the review and consideration for a Housing Commissioner role or function at Ombudsman Toronto, which established the role of Deputy Ombudsman, Housing and a dedicated unit 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.

The City Manager's Office has consulted with the City Solicitor on the powers, obligations and limitations of Ombudsman Toronto to undertake reviews, investigations and provide independent advice to City Council, as part of the suite of actions approved by Council to achieve the City's housing goals. A summary of the review is outlined below.

Office of the Ombudsman: Powers, Obligations and Limitations

The City of Toronto has four Accountability Officers (AOs) that help ensure the City government remains open and transparent. As an AO, Toronto's Ombudsman has legislatively enshrined oversight for investigating issues of fairness, including issues with respect to housing.

Statutory Role of the Ombudsman

The Ombudsman is an independent officer of Toronto City Council, who impartially investigates City decisions, acts and omissions from an administrative fairness perspective. The Ombudsman's jurisdiction and mandate come from the *City of Toronto Act, 2006* and the *Toronto Municipal Code, Chapter 3*. The legislation provides

Ombudsman Toronto with investigative powers and protections that allow the office to carry out its mandate independently.

The Ombudsman's responsibilities under Chapter 3 of the Municipal Code specifically include investigating public complaints about decisions, actions or recommendations made or omitted in the course of implementing City policies and administering City services, as well as other duties respecting the Ombudsman's function as assigned by Council.

The Ombudsman may investigate, on their initiative or at the request of Council, any matter where the Ombudsman believes on reasonable grounds that a person or body of persons has been adversely affected in their personal capacity by a decision, recommendation, act or omission made in the course of implementing City policies and administering City services by a:

- (1) City division
- (2) contracted service provider
- (3) local board (restricted definition)
- (4) City-controlled corporation

Prior to the establishment of the dedicated Housing Unit and Deputy Ombudsman, Housing role, Ombudsman Toronto already had the jurisdiction to review and investigate a wide range of issues relating to the provision of housing and housing services by the City of Toronto.

Role of the Deputy Ombudsman, Housing and Housing Unit

The Deputy Ombudsman, Housing reports to the Ombudsman. The Ombudsman's March 15, 2023 supplementary report to Council ([2023.DM5.2](#)) outlined the role and function of the Deputy Ombudsman, Housing and the Housing Unit as follows:

- Conducting systemic investigations and systems reviews related to housing in the City of Toronto's planning and service delivery roles
- Advocating at a systems level for fairness and the progressive realization of the right to adequate housing;
- Outreach to ensure the public is aware of their rights and responsibilities;
- Liaising and reciprocating information, insights and best practices with the Housing Rights Advisory Committee from the perspective of an independent officer of Council; and
- Providing advice, prevention, and independent input, including serving as a resource for City officials formulating policy or procedures and acting as a sounding board

At the March 2023 meeting, City Council directed that the Ombudsman ensure the work of the Deputy Ombudsman, Housing, has a strong focus on systemic reviews as well as systemic investigations.

Review of Statutory Powers and Obligations

The City Manager's review of the statutory powers and obligations of Ombudsman Toronto, in consultation with the City Solicitor, did not identify limitations that would impact the fulfillment of Ombudsman Toronto's mandate to undertake reviews,

investigations and provide independent advice to City Council, as part of the suite of actions approved by Council to achieve the City's housing goals.

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ATTACHMENTS
