

Ombudsman Toronto

Housing Unit

Implementing the Right to Housing through Ombudsman
Recommendations

Presentation to the Housing Rights Advisory Committee – September 16, 2025

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Presentation Overview

- Ombudsman Toronto (OT) Housing Unit Overview
- OT Recommendations – Purpose and Mandate
- OT Investigation into the City's Response to a Vital Services Outage in a Multi-Tenant Home*
 - Housing Charter Implementation Step 2
 - Recommendations 4 and 21

*Link to report: <https://www.ombudsmantoronto.ca/investigative-report/an-investigation-into-the-citys-response-to-a-vital-services-outage-in-a-multi-tenant-home/>



Ombudsman Toronto Housing Unit Overview

- The Ombudsman is an independent statutory authority who conducts investigations into the administration of City services
- The Deputy Ombudsman, Housing, leads a specialized Housing Unit within the Ombudsman's office that holds the City to account on its commitments made under the Housing Charter
- Our work includes
 - Conducting systemic investigations into the City's delivery of housing services
 - Conducting systems reviews
 - Consulting proactively with City staff
 - Engaging with community



Purpose of Recommendations

- Ombudsman Toronto focuses on finding solutions to broad, systemic issues at the City by recommending clear and practical ways it can improve its service
- The key to our value as an accountability body is ensuring our recommendations are welcomed and understood by the City, easily actioned and effectively implemented.
- Through this work, the problems identified in our investigations are prevented from happening again
- While not legally binding, our recommendations emphasize administrative fairness, the right to adequate housing, and accountability

Legal Mandate to Make Recommendations

City of Toronto Act, 2006

- The function of the Ombudsman is to investigate in an independent manner any decision or recommendation made or any act done or omitted in the course of the administration of the City, its local boards (restricted definition) and such city-controlled corporations as city council may specify and affecting any person or body of persons in his, her or its personal capacity (s. 171(1).)

Toronto Municipal Code, Chapter 3

- § 3-6.10. Procedures after an investigation.
- Upon completion of an investigation the Ombudsman shall:
 - A. Inform the complainant in writing of the results of the investigation.
 - B. Inform the other affected parties in writing of the results of the investigation.
 - B.1. Inform the board of a City-controlled corporation or local board (restricted definition) of the results of the investigation prior to reporting to City Council. [Added 2023-12-15 by By-law 1249-2023]
- C. Recommend any measures the Ombudsman deems necessary to rectify the matter.



Monitoring Recommendation Implementation

- Before finalizing our investigation report, the Ombudsman contacts the City to review draft recommendations to ensure they're achievable and in-line with their Council-directed mandates
- After the investigation report has been finalized, the Ombudsman contacts the City to discuss an agreed-upon reporting timetable to monitor the recommendation implementation
- We devote significant resources to monitor recommendation implementation
- Once the Ombudsman is satisfied that all of the recommendations have been fully implemented, we communicate to the City that our role is complete



OT's Investigation into the City's Response to a Vital Services Outage in a Multi-Tenant Home

What happened

- After a fire broke out in a multi-tenant home in September 2023, utility providers shut off natural gas and some of the electricity to the building. None of the tenants had heat or hot water, and tenants on one floor had no power. After living without vital services for one week, the tenants called the City for help to get their heat, water and electricity restored.
- The City of Toronto has a bylaw requiring landlords to provide vital services such as gas, electricity and hot and cold water to tenants. The City's Municipal Licensing & Standards Division ("MLS") had the power to push the landlord to restore the vital services. But MLS decided not to enforce the bylaw.
- Unable to tolerate their living conditions, 10 of the 11 tenants moved out. The experience had affected their physical and mental health and resulted in a loss of dignity. Some of them moved into homes with higher rents and less security. One of the tenants remained in the building through the winter, without heat or running water. The vital services outage lasted for six months.

OT's Investigation into the City's Response to a Vital Services Outage in a Multi-Tenant Home (cont.)

What we did

- As a result of a tenants' union bringing this issue to the attention of Ombudsman Toronto, we launched an investigation on June 5, 2024, to look into the City's response to the tenants' requests that the City help restore the heat, water and electricity in their building.

What we considered

- The adequacy of MLS' investigation into the loss of vital services
- Whether MLS' response was consistent with its bylaws, policies and procedures
- MLS' communication with affected tenants and their representatives
- Whether MLS' response was consistent with the Toronto Housing Charter and a human rights-based approach to housing
- Whether EPIC's decision not to help the tenants was fair
- Whether EPIC's decision was consistent with the Toronto Housing Charter and a human rights-based approach to housing



OT's Investigation into the City's Response to a Vital Services Outage in a Multi-Tenant Home (cont.)

What we found

- Our investigation found that the City did not meet the standards owed to these tenants under the principles of administrative fairness or the Toronto Housing Charter
- Our main findings included
 - MLS acted arbitrarily and did not enforce its own bylaws
 - MLS staff were not properly trained on bylaws and procedures
 - EPIC lacked clear policies and procedures
 - City staff's actions were inconsistent with Toronto Housing Charter commitments

OT's Investigation into the City's Response to a Vital Services Outage in a Multi-Tenant Home (cont.)

What we recommended

- We made 27 recommendations, including
 - MLS should review how it enforces the standards for rental housing and develop a process for responding to the loss of heat, power and water
 - MLS should improve the training and supervision of bylaw officers
 - The Housing Secretariat should develop guidelines on exercising discretion in the delivery of emergency assistance through EPIC
 - Staff at EPIC and MLS engaged in housing should be trained on the requirements of the Toronto Housing Charter
- City Council adopted our recommendations at its meeting on May 21, 2025. We are working with City staff to ensure our recommendations are implemented.



Focus on Two Key Findings

EPIC lacked clear policies and procedures

- No written policy or process to guide EPIC's service delivery
- Delay in responding to MLS' request for help

- City staff's actions were inconsistent with Toronto Housing Charter commitments
 - Lack of bylaw enforcement impacted adequacy of housing



Housing Charter Implementation Step 2

- The City of Toronto recognizes that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities
- The Toronto Housing Charter adopts a human rights-based approach to housing, and moves deliberately to further the progressive realization of the right to adequate housing
- Housing Charter Implementation Step 2 states that the City of Toronto will
 - “Require that any future City decisions, policies, services and programs that impact housing are screened and assessed for impact on the Toronto Housing Charter and revise them, as appropriate, to ensure that the City’s Policy as stated in the Toronto Housing Charter is achieved and not negatively impacted.”



OT Recommendation 4

- In consultation with the Housing Secretariat, and as required by the Toronto Housing Charter, MLS should revise its SOPs relevant to rental housing standards enforcement to consider impacts on the right to adequate housing, including preserving affordable housing under the HousingTO Action Plan. This revision process should include the Bylaw Compliance & Enforcement Policy, General Investigations SOP, Priority Response SOP, Remedial Action SOP, and Vital Services SOP.

Recent Work to Support OT Recommendation 4

- At MLS' request, we held a workshop with staff to review the Priority Response SOP
- We helped MLS conduct their own screening of policies for alignment with Toronto Housing Charter through guided questions, including but not limited to
 - When an actual/potential bylaw violation involves a threat to housing adequacy, does anything in the SOP help staff understand that the THC applies to their handling of the file?
 - Does the SOP allow for the participation of residents in decisions that affect them? Does the SOP ensure that people have information about the decision-making process and its implications?
 - Does the SOP limit staff actions/omissions that could result in residents being made homeless, or subject to arbitrary eviction and other threats to human security and dignity?
 - When an actual/potential bylaw violation threatens the existence of affordable housing or when enforcement action itself could result in the loss of affordable housing, does the SOP help staff to identify this and take steps to preserve affordable housing?



Recent Work to Support OT Recommendation 4 (cont.)

1. The City will take an approach to housing that is rooted in **adequacy**

Sample guiding questions for a SOP review:

- a) When an actual/potential bylaw violation involves a threat to housing adequacy, does anything in the SOP help staff understand that the THC applies to their handling of the file?
- b) When an actual/potential bylaw violation involves a threat to housing adequacy, does the SOP help staff prioritize the file in a way that is proportional to the impact the issue is having on people?
- c) Does the SOP limit staff actions/omissions that could worsen a situation of inadequate housing? (ex. delay in responding)
- d) Do the instructions in the SOP help staff avoid creating new situations of inadequate housing where one didn't previously exist?



OT Recommendation 21

- The Housing Secretariat should consult with Ombudsman Toronto in its upcoming review and revision of EPIC's policy framework to ensure consistency with the principles of administrative fairness and the right to adequate housing

Recent Work to Support Implementation Step 21

- We outlined key fairness and right to housing concerns with EPIC's policy and operations
- Housing Secretariat is now using this document to inform its recent review of EPIC's policy framework
- Ombudsman Toronto is reviewing and providing advice on its revised policy drafts

Thank You / Questions

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