



Toronto Community Housing Corporation
931 Yonge Street
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Briefing Note: For Information

To: Tenant Services Committee ("TSC")

From: Nadia Gouveia, Acting Chief Operating Officer

Date: November 9, 2023

Re: In-Camera Action Item – Board of Directors Meeting of June 27, 2023

At the June 27, 2023 Board of Directors meeting, the Board asked that the Tenant Services Committee review the Tenant Transfer Policy to better understand the categories in place and to identify any issues with how it operates in practice. The purpose of this briefing note is to provide the TSC with background and challenges regarding the internal transfer program, and to further provide the Committee with information as it relates to Toronto Community Housing Corporation's ("TCHC") review of its internal transfer policies and procedures in 2023.

BACKGROUND

In some instances, households residing in TCHC units face challenges that cannot be addressed within their current living arrangement. These challenges may arise from changes in household composition, or accessibility or accommodation needs protected by the Ontario *Human Rights Code*.

The Tenant Transfer Policy outlines the criteria for residential tenants to transfer from one TCHC unit to another, while continuing to comply with legislative responsibilities set out in the *Housing Services Act*, *Residential Tenancies Act*, the Ontario *Human Rights Code*, and applicable City of Toronto local rules, by-laws, and property standards.

Toronto Community Housing is committed to applying clear transfer eligibility criteria to facilitate fair, consistent, and timely transfers.

Table 1: Number of Transfer Applications and Outcomes

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Received	161	122	146	120	133	134	142	135	85
Approved	48	51	50	35	24	45	52	26	26
Denied	77	76	71	57	61	54	55	56	42
Abandoned/ Withdrawn	29	24	17	22	27	19	21	23	21
Referred/On -hold	8	6	7	6	3	2	4	4	6

TENANT TRANSFER POLICY AND PROCEDURES OVERVIEW

The Tenant Transfer Policy applies to tenants interested in moving from one TCHC unit to another within the TCHC portfolio. Crisis transfers are not available to market rent tenants and those in affordable housing units, however they do qualify for accommodation transfers. Tenants who wish to move outside of the Toronto Community Housing portfolio must apply through Access to Housing TO for rent-geared-to-income (“RGI”) housing in the City of Toronto or waiting lists in other jurisdictions.

Standards Applied to All Transfer Requests (excluding Special Priority Program)

Households are informed of the approval or decline of their transfer application within the defined service levels (48 hours of receipt of application), provided their application is complete. Eligible households seeking a transfer are offered a unit appropriate to the size of their household in accordance with the City of Toronto’s RGI Occupancy Standards (unless no units of this size are available).

Transfers are made under the following conditions:

- a) The household to not have any outstanding arrears to Toronto Community Housing Corporation (“TCHC”) for rent, overpaid subsidy, or damages to the unit; or
- b) If the household owes money to TCHC for any reason listed above, they must have entered a repayment agreement with Toronto

Community Housing for the money owed and have not defaulted on this agreement;

- c) The tenancy cannot be the subject of an eviction order; and
- d) If there is any active termination of tenancy proceedings against the household, the household must consent to those proceedings continuing against the tenancy at the new address.

In certain cases, Toronto Community Housing may choose to transfer a household despite the household not meeting the above criteria because of our obligations under the *Human Rights Code* and/or other considerations such as tenant safety.

Under the Transfer Policy, offers are made to households in order of defined priorities, and then in chronological order of approval within each respective category. The priority order of transfer requests are as follows:

- 1) Special Priority Policy (“SPP”)
- 2) Crisis Priority
- 3) Accessibility/Accommodation
- 4) Over-housed
- 5) Under-housed

Special Priority Program: This category is mandated by the *Housing Services Act, 2011* for survivors of domestic abuse or human trafficking. The household must apply directly to Access to Housing (managed by The City of Toronto), who will then review the application and determine eligibility for the program.

Crisis Priority Transfer: A transfer made when the household’s presence in the current unit poses a direct, immediate, elevated, and acute risk to an authorized household member’s safety or health that can only be alleviated by moving them to a different unit. Crisis is limited to situations where an authorized household member is a victim or witness suffering intimidation as defined by the procedures, or an authorized household member is the victim or witness of a traumatic incident as defined by the procedures.

Accessibility/Accommodation Transfer: A transfer made based on Ontario *Human Rights Code* grounds where an authorized household member cannot reasonably be accommodated in their current unit and can be reasonably accommodated in another available Toronto Community Housing unit.

Over-housed: A transfer where a household is living in a subsidized unit with more bedrooms than allowed for the number of authorized household members, necessitating a transfer in compliance with the *Housing Services Act* and City of Toronto local rules.

Under-housed: A transfer when a household is living in a subsidized unit with fewer bedrooms than required for the number of authorized household members.

Transfers for Human-Rights Grounds

All transfer requests are subject to the requirements of the Ontario *Human Rights Code*. While tenants may specifically identify they require accommodation as part of the application process for an Accommodation/Accessibility Transfer, staff consider if there are unidentified accommodation needs when deciding on all transfer applications in compliance with the *Human Rights Code*.

UNIT OFFER PROCESS FOR CRISIS PRIORITY TRANSFERS

In most cases, eligible households are offered up to three units from available housing stock. Tenants are not given the choice of which unit(s) they are offered, though Toronto Community Housing will try to find a unit that meets their preferences when possible. Declining the housing offer(s) will lead Toronto Community Housing to close the transfer application and another transfer application cannot be initiated by the tenant unless there is a material change in circumstances.

Tenants can request a procedural review if they believe there was an error in handling their application (e.g. that there was bias, or that important documents or information were ignored in the decision-making process).

NEXT STEPS

Based on ongoing feedback from tenants, staff, the Board of Directors, and external stakeholders, TCHC is in the process of revising the Transfer Policy to:

- Streamline the process to make it more tenant-friendly and accessible;
- Incorporate recommendations from the Ombudsman's office related to human rights-based transfers;

- Clarify procedural components to support staff in interpreting the policy;
- Consider the impact of including some element of tenant choice in location within the transfer procedure; and
- Increase opportunities for collaboration with front-line teams in the regions to address transfer-related issues and determine the most appropriate action.

Tenant and stakeholder consultations on the policy revisions will be held in 2024, and will include consultation with the Tenant Advisory Committee, the City as Service Manager, and Ombudsman Toronto.

SIGNATURE:

“Nadia Gouveia”

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