



Tenant Human Rights Policy

Item 9

July 30, 2024

Board of Directors

Report: TCHC:2024-58

To: Board of Directors (the “Board”)

From: President & Chief Executive Officer and
General Counsel & Corporate Secretary

Date: June 25, 2024

Reason for Confidential Information: This report deals with legal advice subject to solicitor-client privilege including communications necessary for that purpose.

PURPOSE:

To obtain approval from the Board on the draft Tenant Human Rights Policy.

RECOMMENDATIONS:

It is recommended that the Board approve the draft Human Rights Policy included as Attachment 1 to this report (TCHC:2024-58).

REASONS FOR RECOMMENDATIONS:

Background

In October 2022, TCHC’s Executive Leadership Team approved a project charter titled Improving Tenant Human Rights Response at Toronto Community Housing Corporation (the “**Project**”). 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. The Project is necessary to address systemic

issues in how tenant human rights issues at TCHC are received, investigated and resolved.

In June 2023, the Ombudsman Toronto published an investigation report titled *An Investigation into Toronto Community Housing Corporation's Tenant Human Rights Complaints Process* (the "**Ombudsman Report**"). The Ombudsman Report made 14 recommendations for TCHC to improve its tenant human rights complaint process and its human rights system more broadly.

Operations and Legal Services staff have been progressing on the Project as well as the recommendations in the Ombudsman's report since 2022 and 2023, respectively. To date, TCHC has met 6 of the 14 recommendations in the Ombudsman Report, including implementing a tenant human rights complaint procedure in January 2024. We anticipate work will be complete on the Ombudsman's recommendations at the end of 2024.

TCHC held two rounds of tenant consultations in June 2023 and February to April, 2024 as well as consultations with its R-Path and Tenant Advisory Committees, organizations providing legal and advocacy services to TCHC tenants and the Housing Stability Services division of the City of Toronto. These consultations have informed TCHC's implementation of the Ombudsman's recommendations as well as the other Project work.

TCHC delivered training on the new tenant human rights complaint procedure to staff who directly engage with tenants on a regular basis from December 2023 to January 2024.

TCHC's current Human Rights, Harassment and Fair Access Policy was approved in 2003. Pursuant to the Project charter and the recommendations in the Ombudsman's Report, we have drafted new policies and procedures to overhaul TCHC's human rights system. Attachment 2 is a PowerPoint presentation describing the new policies and procedures we are proposing to update the human rights system, the anticipated benefits of the new policies and procedures and an implementation plan. The presentation also speaks to how the new policies and procedures meet the recommendations in the Ombudsman's report.

At its June 24, meeting, ELT recommended this policy come forward to the Board of Directors for approval. The draft procedures, except for the Transfer Policy and Transfer Procedure were approved by the Executive Leadership Team at its June 24, 2024 meeting. A brief presentation on the policy framework is included as Attachment 2 to this report. A longer presentation

discussing the policy and procedure changes and their relationship to the Ombudsman's recommendations is included as Attachment 3 to this report.

Management anticipates the transfer policy coming forward for Board approval in October 2024 after it is presented to the Tenant Services Committee at its September 27, 2024 meeting. This policy will come forward with a tenant-facing procedure for background information as well as an overview of the proposed changes to the corporate approach to handle transfer requests, and the structure of the program. The policy and program changes for tenant transfers are built upon the feedback received to date from tenants, staff, stakeholders and Board members, including through the tenant consultations described above. The revised Tenant Transfer Policy, Tenant Transfer Procedure and the transfer program itself, aims to achieve a more balanced assessment of priority transfer requests by considering a diverse range of evidence, enabling a thorough and fair review of each unique situation.

IMPLICATIONS AND RISKS:

The 2018 Ombudsman report, *An Investigation into Toronto Community Housing Corporation's Medical and Safety at Risk Priority Transfer Process For Tenants*, criticized how TCHC prioritized tenants for transfer and the length of time it took to effect a transfer once a tenant was approved. Implementing the Ombudsman's recommendations to enhance human rights supports for tenants may increase the number of tenants approved for a transfer, thereby increasing the wait time for each household to actually transfer to a different unit.

TCHC staff will meet with the Ombudsman, engaging City staff with that process, as part its ongoing communication with their office on its current investigation report to raise their concerns about how the recommendations in the two investigation reports interact with each other. Staff will continue to engage Paliare Roland for advice in managing our relationship with the Ombudsman.

SIGNATURES:

"Sean Baird"

Sean Baird
President & CEO

and

“Darragh Meagher”

Darragh Meagher
General Counsel & Corporate Secretary

ATTACHMENTS:

1. Draft Tenant Human Rights Policy
2. Board Presentation: Tenant Human Rights Policy Framework
3. Presentation: Tenant Human Rights Policy and Procedure Changes

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Tenant Human Rights Policy

Procedure Owner: Legal Services
Approval: Board of Directors
First Approved: [Month/Year]
Effective Date: [Month/Day/Year]

Policy Statement

This policy describes TCHC’s commitment to meeting Tenants’ human rights needs in its role as a housing and service provider under the Human Rights Code. TCHC Tenants come from diverse backgrounds and many identify as a member of a group protected under the Human Rights Code. TCHC recognizes the historic and systemic discrimination faced by members of these groups in society and is committed to providing a housing environment free from harassment and discrimination. TCHC is committed to meeting Tenants’ human rights needs in a manner that is equitable, transparent and Tenant-centred and recognizes Tenants’ inherent dignity.

This policy describes how TCHC will meet its commitment to protecting Tenant’s human rights. It provides Tenants and staff with information about how to address Tenant human rights issues at TCHC and what to do when a Tenant feels TCHC has not met its obligations under the Human Rights Code.

Scope

The policy applies to all TCHC Tenants and staff. It does not apply to TCHC’s relationship with its employees.



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Definitions

1. “**Human Rights Code**” means the Ontario *Human Rights Code*, RSO 1990 c. H.19.
2. “**TCHC**” means Toronto Community Housing Corporation.
3. “**Tenant**” means a person who has signed the lease for a given unit with TCHC, an authorized occupant of a unit or a person who is in the process of becoming a TCHC tenant. Tenant does not include individuals who are present in a unit as guests of a Tenant.

TCHC’s Obligations Under the Human Rights Code

The Human Rights Code protects people in Ontario who identify as members of protected groups from harassment and discrimination. The relevant protected grounds under the Human Rights Code are:

- citizenship
- race
- place of origin
- ethnic origin
- colour
- ancestry
- disability
- age
- creed
- sex (including pregnancy)
- family status
- marital status
- sexual orientation
- gender identity
- gender expression
- receipt of public assistance



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As a housing provider, TCHC must treat Tenants who are members of a protected group without discrimination. TCHC must also provide Tenants with needs that differ from other Tenants because of their membership in a Human Rights Code-protected group with reasonable accommodations to the point of undue hardship. TCHC also cannot punish or treat a tenant differently because they have tried to assert their human rights.

For more information about the way in which the Human Rights Code applies to their TCHC tenancy, Tenants are encouraged to visit the Ontario Human Rights Commission website at [OHRC.on.ca](https://www.ohrc.on.ca).

How TCHC will meet its obligations

TCHC will take all reasonable steps to ensure that it does not, by policy or by its actions, discriminate against or harass tenants, and to provide reasonable accommodations to Tenants based on their membership in a protected group.

To meet these obligations, TCHC will put into place the following measures:

- Providing TCHC staff with access to subject matter expertise on tenant human rights issues.
- Making educational materials available to tenants and staff to help them understand TCHC's obligations under the Human Rights Code and TCHC's human rights policies and procedures.
- Providing comprehensive and ongoing staff training on human rights.
- Writing and revising policies in a manner that complies with TCHC's obligations under the Human Rights Code.
- Accepting, analyzing and resolving all requests for accommodation in accordance with the Tenant Resolution Request Procedure.
- Receiving, investigating and resolving tenant human rights complaints according to the Tenant Human Rights Complaint Procedure.
- Tracking human rights complaints and outcome data to determine the effectiveness of TCHC's human rights policies and procedures.



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Getting Help with Human Rights at TCHC

1. Accommodation Requests

Tenants who require accommodation such as modifications in their unit or a transfer to another unit should make that request using the process in the Tenant Resolution Request Procedure. This procedure sets out how a Tenant should make an accommodation request and the steps TCHC will take to analyze and respond to those requests.

2. Complaints about TCHC's Actions

If a tenant has a complaint that TCHC has not met its obligations under this policy or the Human Rights Code, the Tenant can make a complaint under the Tenant Human Rights Complaint Procedure. This procedure sets out how a Tenant can make a complaint and the process TCHC will follow to investigate it.

Tenants should refer to the Tenant Human Rights Complaint Procedure and the associated Tenant Guide for the process they must follow to make a complaint.

Other Related Policies and Procedures

- Tenant Human Rights Complaint Procedure
- Tenant Resolution Request Procedure

Commencement and Review

Revision	Date	Description of changes	Approval
First approval:	[Month/year]	New	[highest level of approval]
[Revision #]		[List change as major or minor and describe nature of change]	



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Revision	Date	Description of changes	Approval
Last review:			

Use the table above to list ALL versions of the procedure, when the reviews were completed, what level of approval was sought, and the nature of the change. Add additional rows as needed. Consult the policy framework for details.

Next Scheduled Review Date is [Month/Year] – according to policy review schedule – minimum every two years.

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Attachment 2

Toronto
Community
Housing



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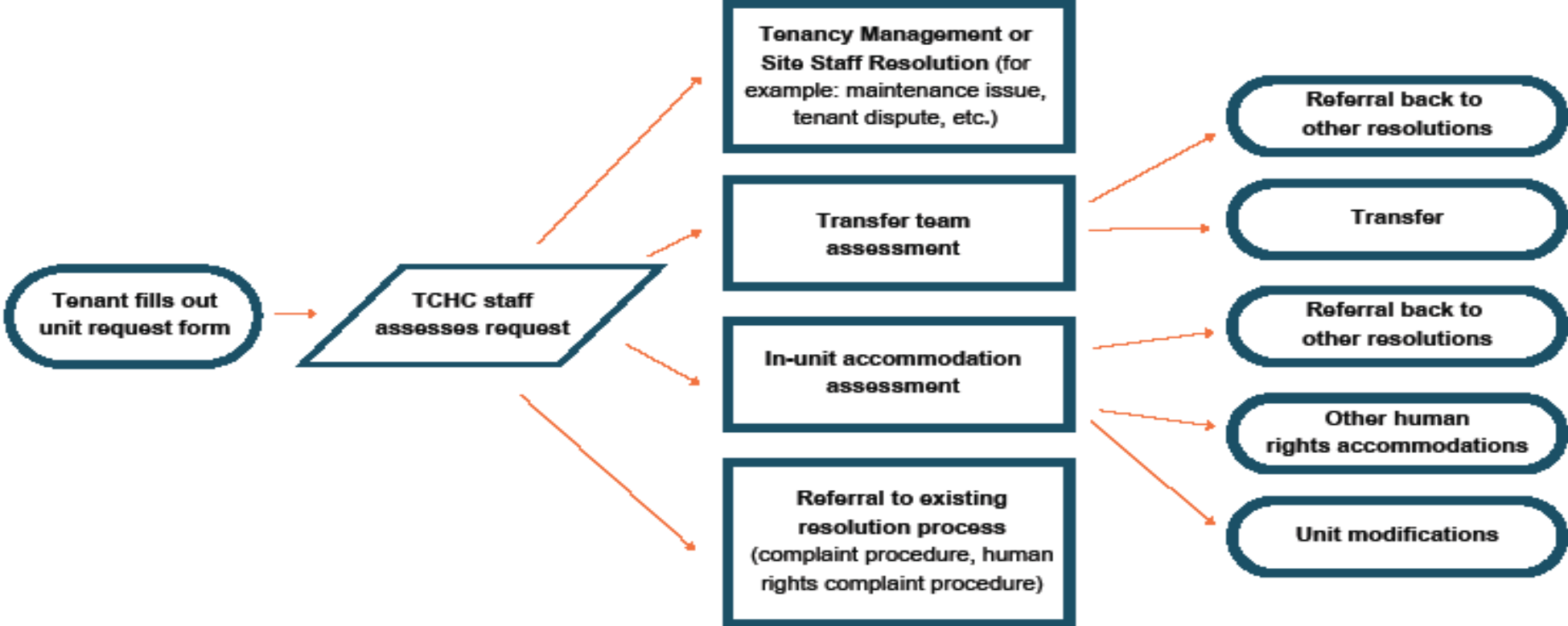
Human Rights Project: Tenant Human Rights Policy Framework

Post-project Human Rights System



Human Rights Policy	New
Human Rights Complaint Procedure	New
Tenant Resolution Request Procedure	New
Medical Questionnaire	Revised
Tenant Transfer Policy	Revised
Tenant Transfer Procedure	New
Relocation Policy	Revised
Relocation Accommodation Procedure	New

Proposed accommodation request process



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Attachment 3

Toronto
Community
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Human Rights Project: Policy and Procedure Changes

Pre-project Human Rights System



- **Human Rights, Harassment and Fair Access Policy**
 - Tenant Complaint Procedure
- **Tenant Transfer Policy**
 - Rules of Procedure
- **Other policies that engage human rights**
 - Eviction policies
 - Relocation Policy

Post-project Human Rights System



Human Rights Policy	New
Human Rights Complaint Procedure	New
Tenant Resolution Request Procedure	New
Medical Questionnaire	Revised
Tenant Transfer Policy	Revised
Tenant Transfer Procedure	New
Relocation Policy	Revised
Relocation Accommodation Procedure	New

Policy & Procedure Change: Human Rights Policy



- Purpose of Changes

- Implement formal complaint procedure
- Centralize intake and resolution of tenant accommodation and transfer requests
- Increase access to SMEs for staff
- Gather more useful medical information from tenants, particularly regarding mental health disabilities

Policy & Procedure Change: Transfer Policy



- New policies and procedures:
 - Transfer Policy
 - Transfer Procedure
- Purpose of Changes
 - Simplify access point for tenants – put the onus on TCHC to identify the correct ‘stream’ for the request
 - Increase consistency and fairness of rule application
 - Address barriers faced by tenants in securing appropriate corroborating documentation
 - Re-orient tenant requests towards ‘request for resolution to a unit issue’, as opposed to only a request for a transfer
 - Increase access to SMEs for staff deciding transfer requests

Policy & Procedure Change: Relocation Policy

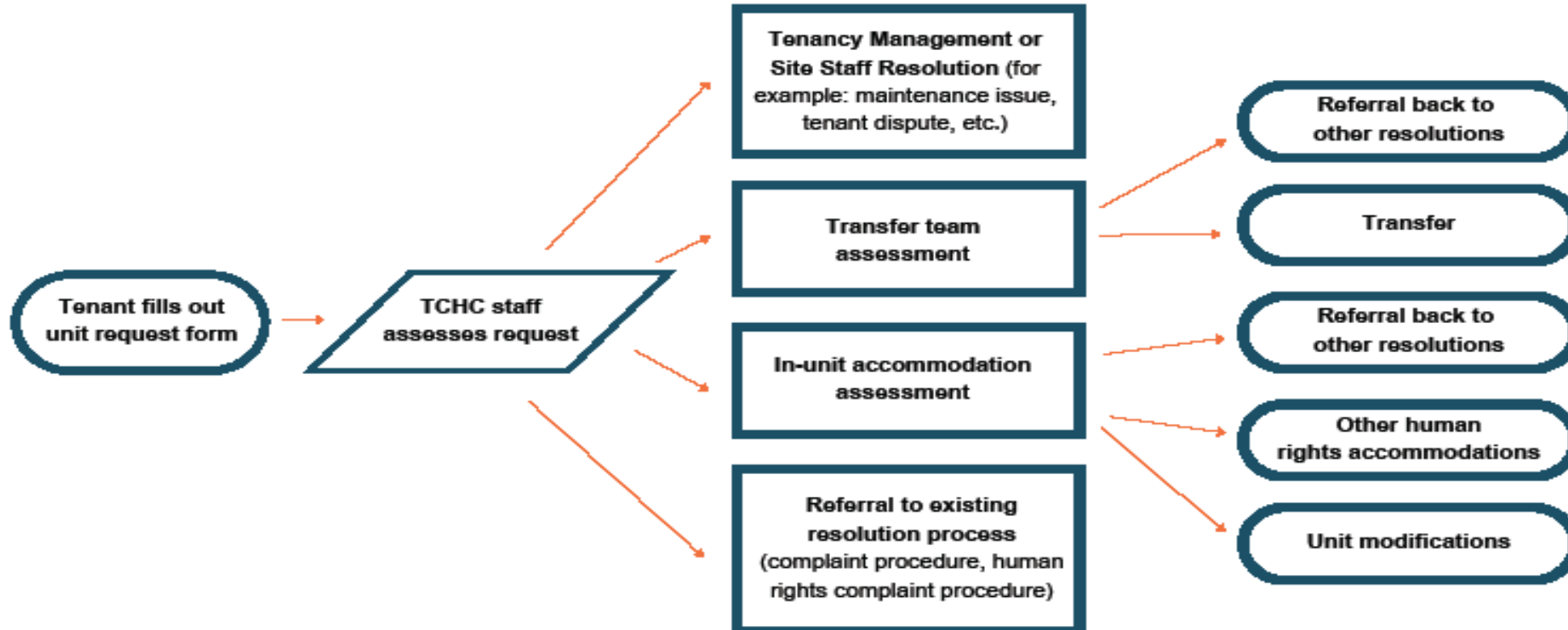


- New accommodation procedure in the context of tenant relocations for revitalization or repair
- Purpose of Changes
 - Streamline and increase transparency of accommodation procedures for staff and tenants
 - Increase access to SMEs for staff

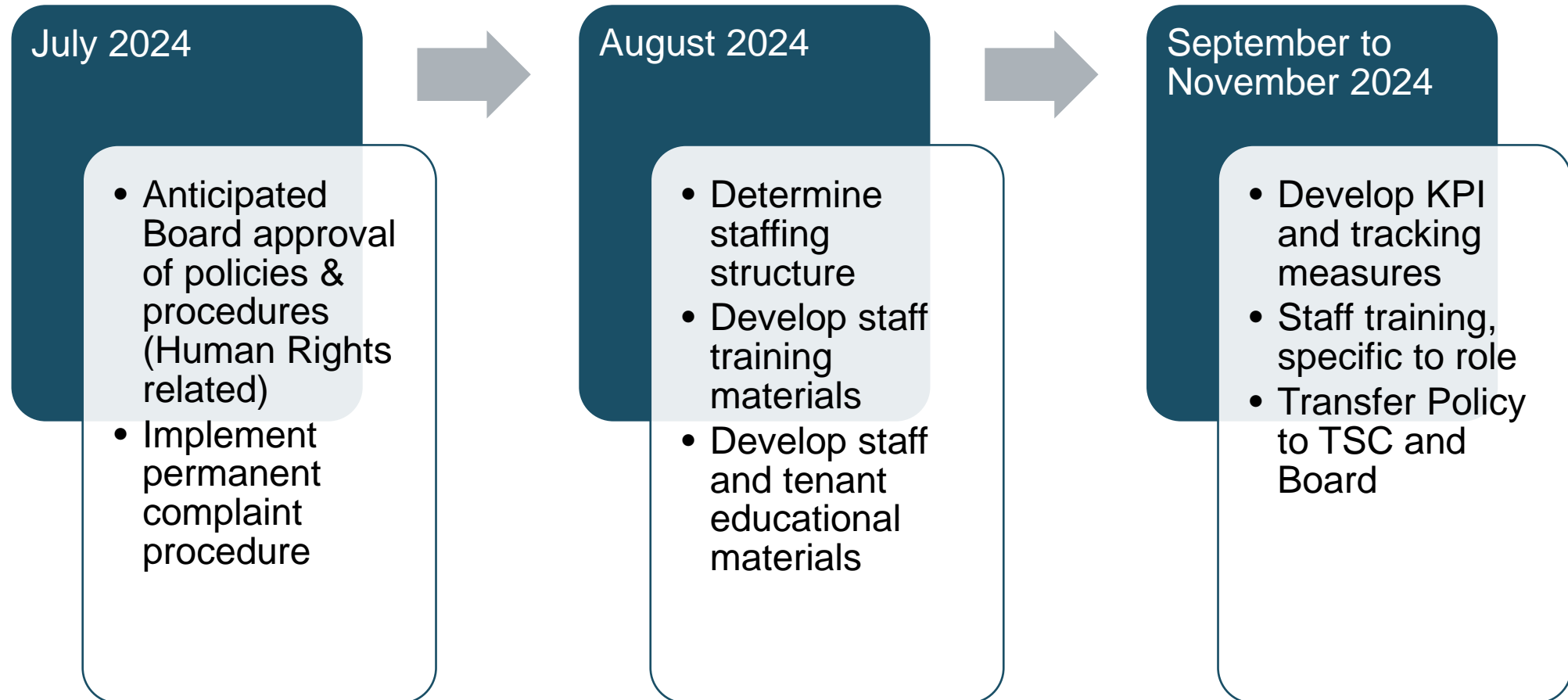


- The Ombudsman made [14 recommendations](#) for TCHC to improve its tenant human rights system, including:
 - Revising policies and procedures to create a clear and consistent complaints process and accountability mechanisms.
 - Better communicating about policies and procedures to tenants.
 - Strengthening how complaints are documented
 - Better tracking of complaint data
 - An appeal mechanism for human rights complaints
 - Staff training

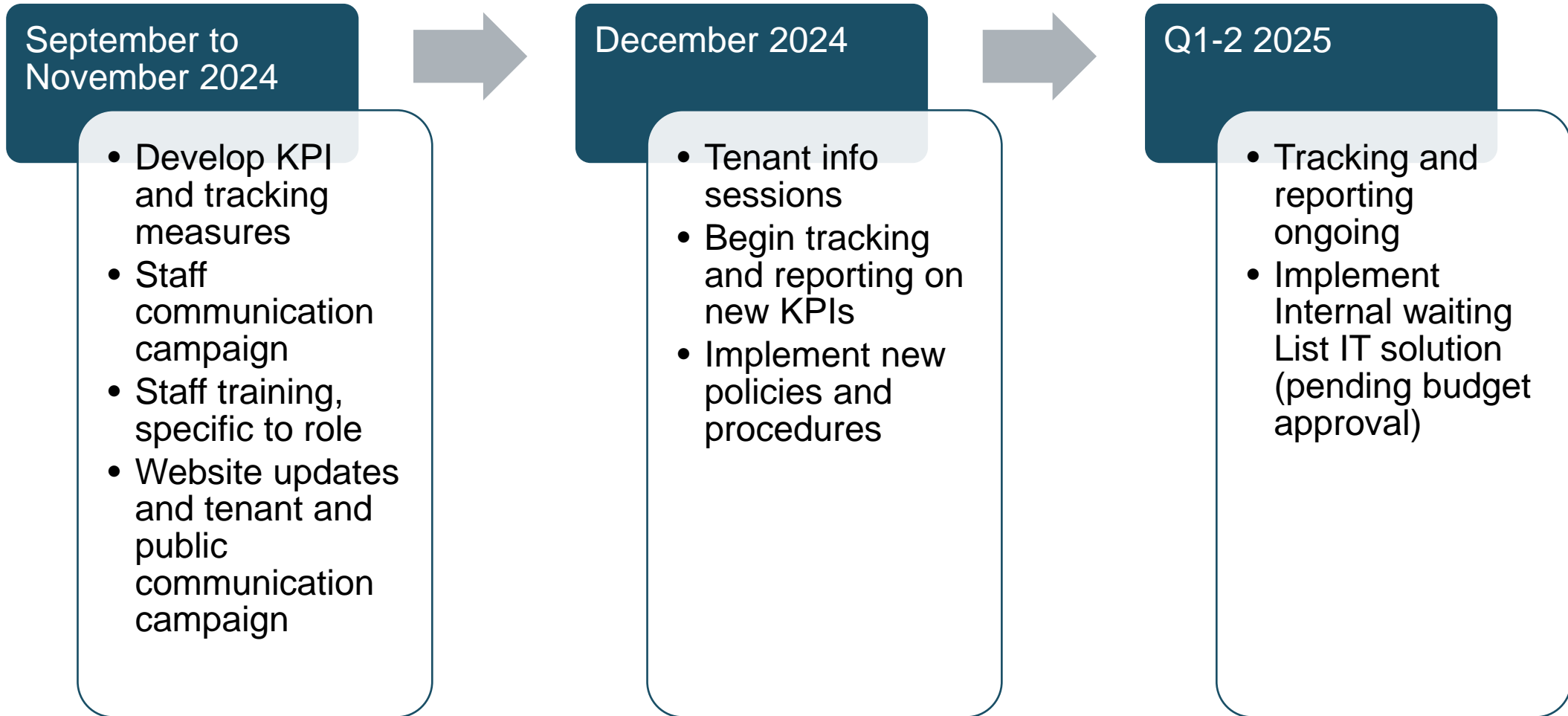
Proposed accommodation request process



Implementation Plan



Implementation Plan



Ombudsman Recommendations, cont'd



- The new human rights policy and procedures meet Ombudsman recommendations 3, 5-8, and 13
 - Developing an interim and now final complaint procedure
 - Providing a reconsideration mechanism
 - Developing KPIs
 - Communicating the procedure to staff and tenants
 - Developing a system to track human rights complaints

Status of Remaining Ombudsman Recommendations, cont'd



- Recommendations 1-2 are also complete
 - Updating TCHC website with current info about the human rights system and ongoing project
- Recommendations 10, 12 and 14 are ongoing obligations
 - Periodically examine our human rights training plan
 - Report to the public on human rights complaint data annually
 - Report to the Ombudsman quarterly on the complaint procedure

Status of Remaining Ombudsman Recommendations, cont'd



- Recommendation 9 is partially complete
 - Develop a comprehensive training plan for staff to identify and resolve human rights complaints
 - Staff have completed training on the interim complaint procedure
 - **Outstanding:** training on new human rights policies, procedures and resources
- Recommendation 11 is partially complete
 - Develop a system to track and report annually on complaints
 - **Outstanding:** developing an annual report format

Status of Remaining Ombudsman Recommendations, cont'd



- Recommendation 4 is outstanding
 - Consider what resources are necessary to meet the goals of the project to update the human rights policy and implement the complaint procedure
 - **Outstanding:** permanent resources to receive, triage and resolve human rights complaints and tenant resolution requests, including accommodation requests.