



**Quarterly Performance Report
Q4 2017
(October 1, 2017 – December 31, 2017)**

The OCHE oversees compliance with TCHC policies, procedures, applicable legislation and guidelines relating to evictions for arrears and loss of subsidy for seniors and other vulnerable residents to support eviction prevention and ensure fair and equitable treatment.

INTEGRITY. IMPARTIALITY. INDEPENDENCE

Contents

Executive Summary	3
Overview	5
Part 1. Referrals to the OCHE in Q4 2017.....	6
Part 2: EROs Engagement and Resolution Activities	7
Part 3: OCHE’s Audit Activities.....	13
Part 4: Selected Case Studies.....	20
Additional Information: Main Steps in TCHC’s Arrears Collection Process	25
Additional Information: Underlying Issues - Definitions	26
Additional Information: Actions Taken to Support Tenancies -Definitions	27

Executive Summary

This has been a very productive quarter for the OCHE, with a number of projects underway that will help the OCHE in supporting TCHC and our tenants. One of the highlights of Q4 2017, is that work has begun on the OCHE's new website. This project would not be possible without the support of the Board, TCHC Information and Technology Services ("ITS"), and various stakeholders. In particular, the VP of ITS, has provided the OCHE with the full support of his team. We have also received support from a group of thirteen external stakeholders, as well as a group of seven tenants, who took the time to review the OCHE's current website and provided their insights to help guide the project. The OCHE will continue to involve tenants as the project continues, with a group of six tenants already confirmed for testing of the website wireframes in January 2018, and an even larger group will be involved at the user acceptance testing at the final stage of the project. This inclusive approach will ensure the OCHE is better able to meet the needs and expectations of our tenants and stakeholders. The website is projected to be completed by June 2018.

The OCHE attended and presented at two conferences during this quarter, including the 2017 ONPHA Conference in November 2017. The OCHE's presentation "Preventing Eviction through Collaboration" centred on explaining the underlying issues that can lead to arrears and evictions, and taught participants "The OCHE Approach", our framework for working with tenants to resolve their arrears.

The OCHE also attended and presented at the TCHC Tenant Conference in December 2017. This Tenant Conference was organized by TCHC Resident and Community Services ("RCS"). The OCHE participated in the Market Place throughout the day, providing a chance to speak with tenant leaders and increase awareness about the OCHE's mandate and services. The OCHE also co-presented at two afternoon workshops with TCHC.

As part of the OCHE's continued efforts to improve our communication and engagement with tenants and stakeholders, we redeveloped and updated our brochure. The new brochure clearly articulates the mandate of the OCHE and how the OCHE works with TCHC. The OCHE has also translated this brochure into the top six household languages at TCHC, allowing the OCHE to expand its messaging to tenants.

During this quarter the OCHE became understaffed due to two ERO vacancies, which were the result of a temporary leave and a staff departure. This reduction in staffing capacity has put pressure on the two remaining ERO's, who have only been employed with the OCHE for four months. As a result, the OCHE needed to suspend its acceptance of arrears referrals effective November 20, 2017. At this time the OCHE is looking to fill the two ERO vacancies and the recruitment process is anticipated to be completed in February 2018. Furthermore, the OCHE completed the Referral Pilot and as a result has seen an increase in arrears referrals, which have doubled between January and October 2017. At the RSC meeting of November 13, 2017, the Commissioner was asked to prepare a Business Case to address the long-term staffing needs resulting from the high referral levels to the OCHE. The Commissioner has completed this Business Case and it will be considered at the January 29, 2018 RSC meeting.

Reflecting back on 2017, and in particular this quarter, it has been a highly productive period of time for the OCHE. The OCHE has improved our internal procedures and reports, provided training to 217 TCHC front-line staff and managers, began work on the new OCHE website, and increased external stakeholder engagement with Toronto Employment and Social Services and Ontario Disability Support Program Offices, all while maintaining engagement rates with tenants of over ninety percent and avoiding the need to refer tenants to the Landlord and Tenant Board for over eighty percent.

Sincerely,

Cynthia L. Summers
Commissioner of Housing Equity

Overview

The OCHE's core mandate is eviction prevention for senior and vulnerable tenants who have lost their Rent-Geared-to-Income ("RGI") subsidy or are facing the risk of eviction due to arrears of rent. The OCHE executes this mandate through a combination of compliance auditing and direct resolution work with tenants.

When a senior or vulnerable tenant is facing the risk of eviction due to arrears, they are referred to the OCHE by TCHC before an application to evict can be filed at the Landlord and Tenant Board. Each tenant is assigned an Early Resolution Officer ("ERO") who completes an audit of TCHC staff's compliance with the Arrears Collection Process. The EROs also perform a case management role, where they engage with the tenants to build trust to identify the underlying issues causing or contributing to the tenants' arrears, and arrive at solutions for the arrears including matching them to external services and supports. The Commissioner delivers a report on the outcomes of the compliance audit and resolution activities to TCHC and the tenants.

When a senior or vulnerable tenant has lost their RGI subsidy, the tenant is identified to the OCHE in the first month the loss takes effect. The OCHE then audits the work of TCHC's staff to monitor compliance with the Loss of Subsidy Process, and reports back to TCHC with recommendations to ensure compliance and support the resolution of the Loss of Subsidy.

This Quarterly Report reflects the OCHE's work with tenants and the audit findings from Q4 2017. The report is divided into the following 4 parts:

Part 1 – An overview of the referrals made to the OCHE in Q4 2017

Part 2 - The EROs engagement and resolution activities when working with tenants to avoid evictions and maintain healthy tenancies.

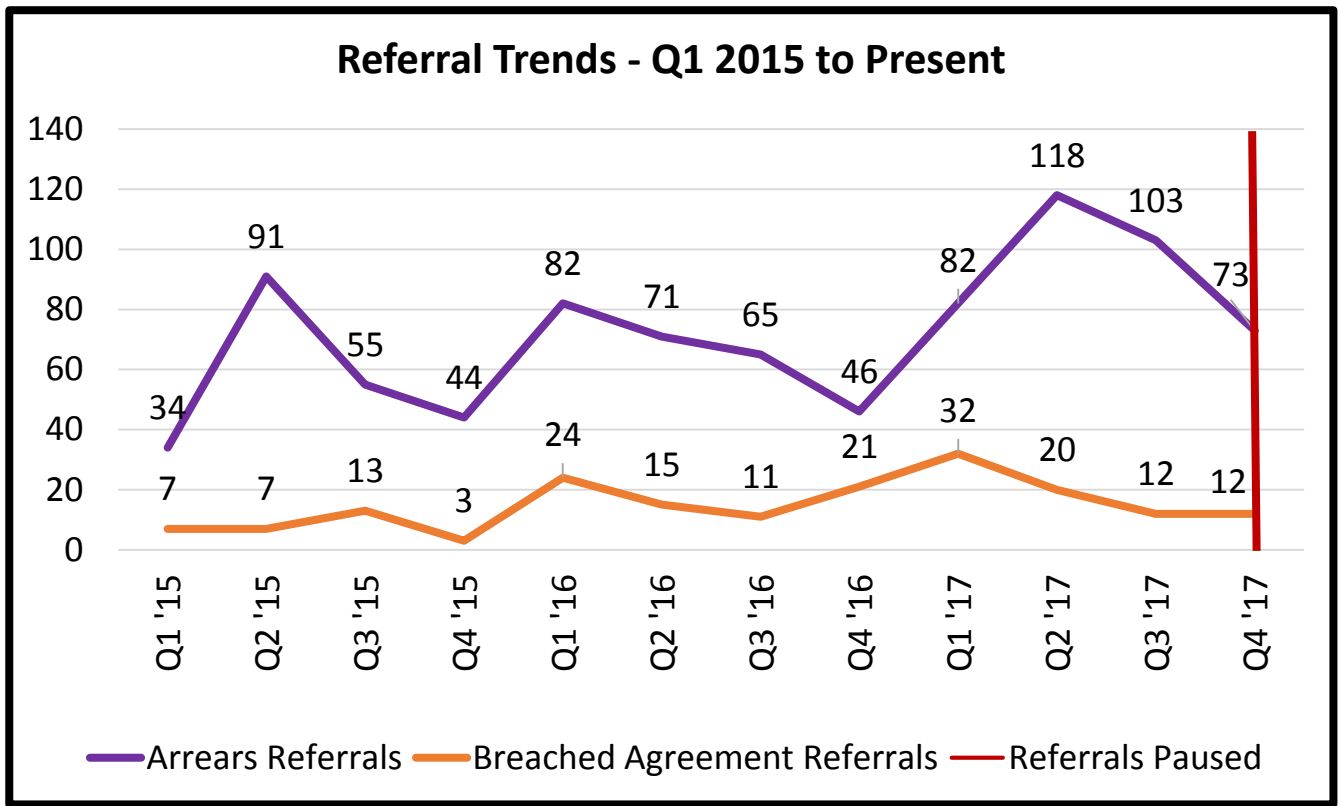
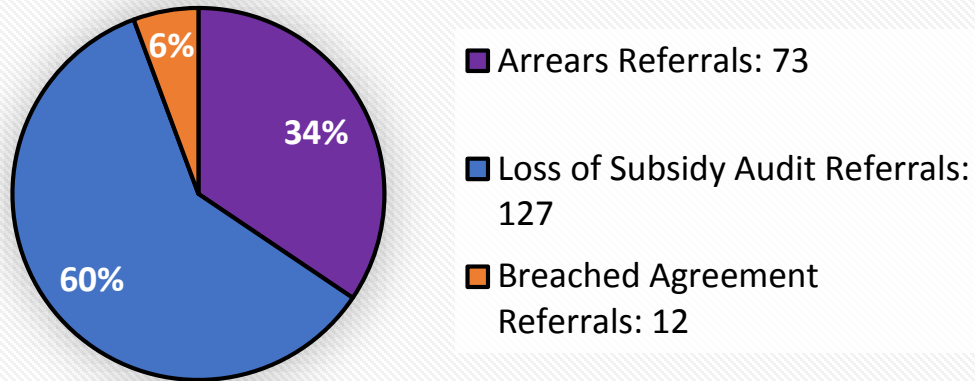
Part 3 - The OCHE's audit activities, including:

1. The results of the ERO's audits of TCHC staff's compliance with the Arrears Collection Process; and
2. The results of the OCHE's audits of TCHC staff's compliance with the Loss of Subsidy Process.

Part 4 – A selection of Case Studies highlighting the work of the EROs.

Part 1. Referrals to the OCHE in Q4 2017

OCHE by the Numbers October to December, 2017



- In Q4 2017, 59 arrears referrals were for seniors and 15 were for vulnerable tenants.

Note: The OCHE had to stop receiving referrals as of November 20, 2017, as a result of the OCHE being down to 2 Early Resolution Officers.

Part 2: EROs Engagement and Resolution Activities

2.1 Reports and Recommendations

The OCHE reported on 104 arrears files during Q4.

Quarter	Seniors	Vulnerable	Vulnerable Referral Source	Number of Referrals
Q4 2017 (104)	84	20	RCS File Management System ("FMS")	6
Q3 2017 (72)	59	13	TCHC Interim Criteria for Identifying Vulnerable Tenants	10
Q2 2017 (129)	107	22	External Agencies or TCHC Staff outside above processes	4
Q1 2017 (54)	43	11		
Q4 2016 (66)	53	12		
Q3 2016 (65)	51	14		

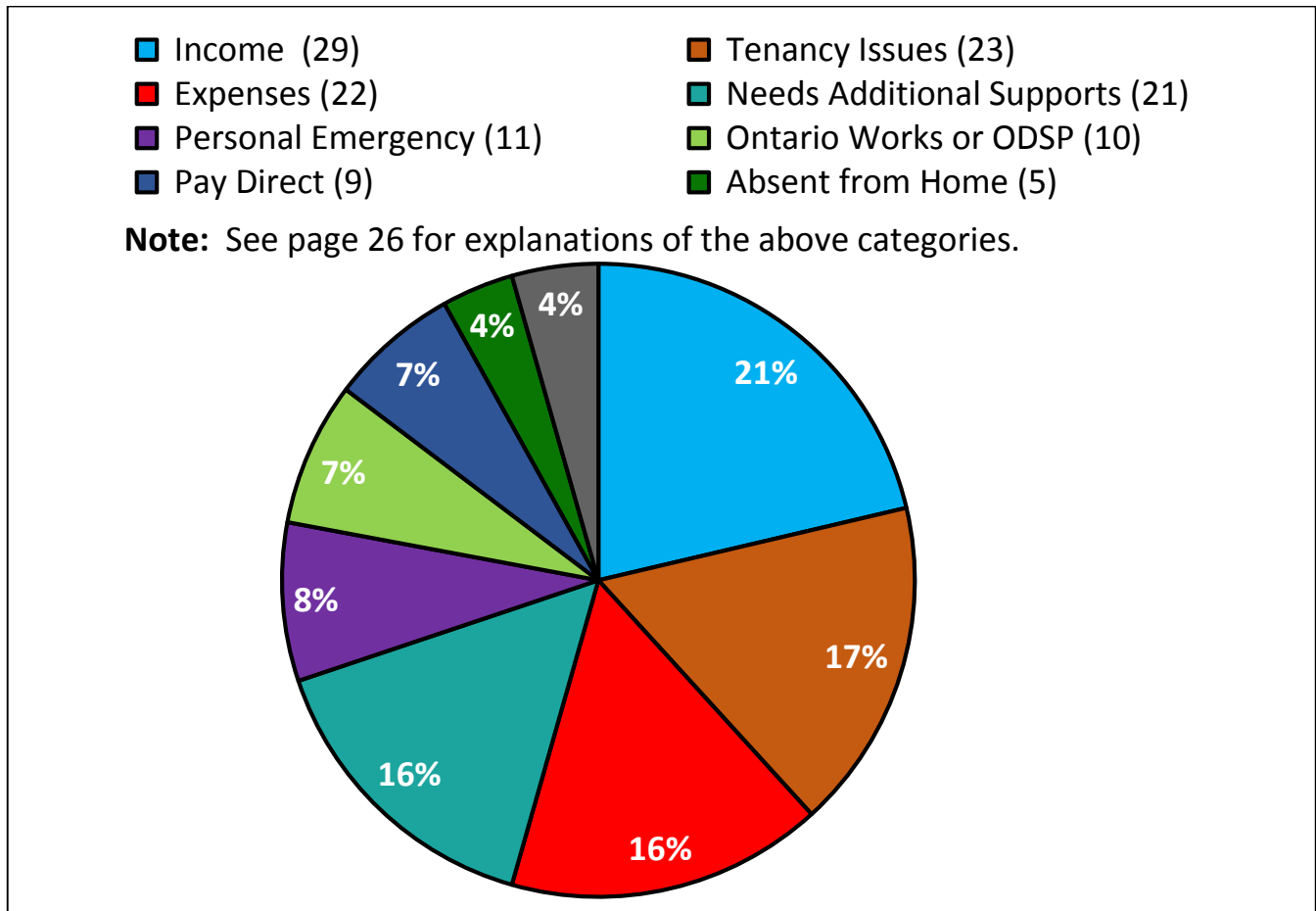
2.2 Engagement Levels

The OCHE has developed a specific engagement model "the OCHE Approach" to build trust and work with tenants in arrears. The EROs were able to successfully engage with **95% (96/101¹)** of tenants in Q4 2017.

¹ Three households were identified as having abandoned their units and were excluded from the calculation of this statistic.

2.3 Identification of Underlying Issues

The OCHE EROs use the “OCHE Approach” when working with tenants to build a trusting relationship, encouraging the tenants to disclose the underlying issues causing or contributing to their arrears. Once the underlying issues are identified, the EROs collaborate with tenants to arrive at a holistic response to the arrears with the goal of returning tenants to TCHC with the supports in place to ensure long-term successful tenancies. In Q4 2017, the EROs identified the following underlying issues, as indicated below:



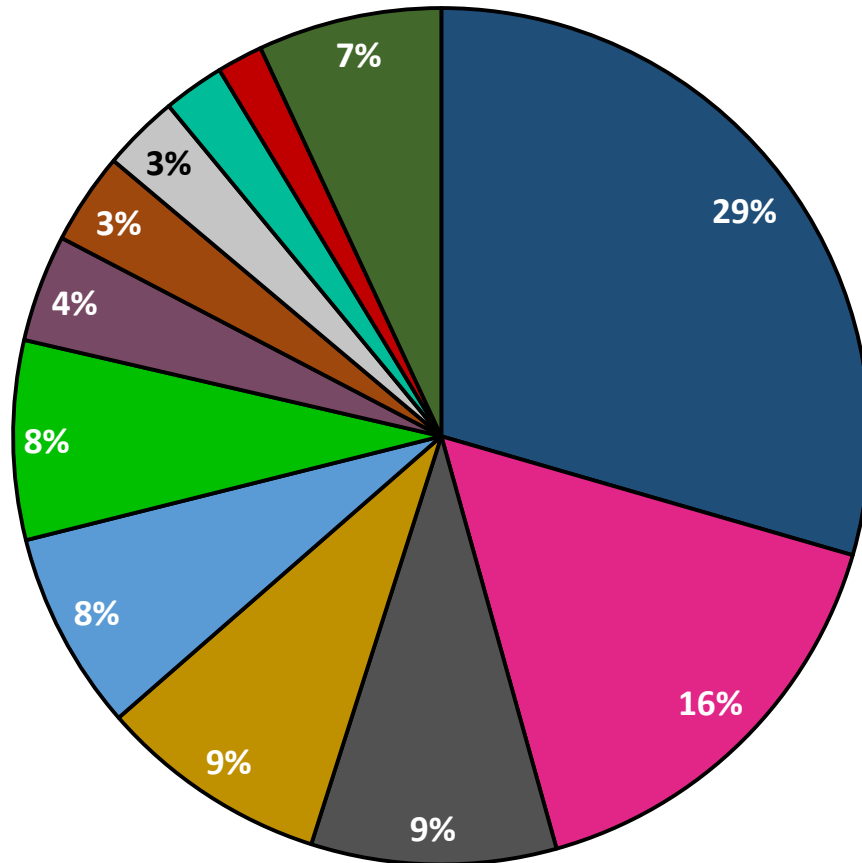
As a result of the OCHE Referral Pilot, TCHC’s Asset Management has advised the OCHE that the collection and reporting of this information strengthens their understanding of the different challenges tenants face, providing them with additional information to develop tools and training to better meet tenants’ needs. This information will also be reviewed as part of the ongoing evaluation of the Resident and Community Services File Management System.

2.4 Actions Taken to Support Successful Tenancies

After identifying the underlying issues, the EROs work with or refer tenants to a variety of agencies, supports and services to resolve the arrears and assist tenants in maintaining healthy long-term successful tenancies. In Q4 2017, the EROs made the following resolutions, or assisted tenants with connections to supports and services, as indicated below:

- | | |
|----------------------------------|--------------------------------------|
| ■ OCHE Repayment Agreements (51) | ■ TCHC Supports (28) |
| ■ Verify Income (16) | ■ Arrears paid by Tenant/Family (15) |
| ■ Recurring Payments (13) | ■ Housing Stabilization Fund (13) |
| ■ Support Service (7) | ■ Loss of Subsidy Resolved (6) |
| ■ Voluntary Trustee (5) | ■ Social Assistance Application (4) |
| ■ Legal Clinic (3) | ■ Other (12) |

Note: See page 27 for explanations of the above categories.



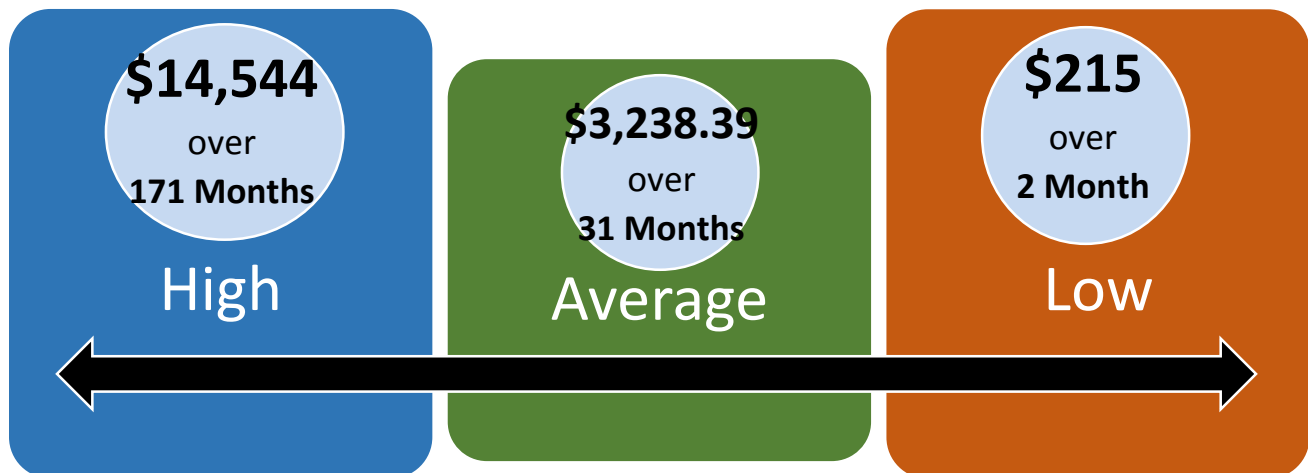
2.5 Direct Payments

When working with tenants, the EROs were able to secure direct payment to TCHC for arrears (lump sums paid directly by the tenant/family or via the City’s Housing Stabilization Fund, etc.) in 34% (28/83) of resolved cases, totalling \$28,706.84.

Direct Payment Source	Payment Amounts
Tenant/Family	\$15,467.00
Housing Stabilization Fund	\$11,470.84
COTA	\$1,176.00
OW/ODSP	\$593.00

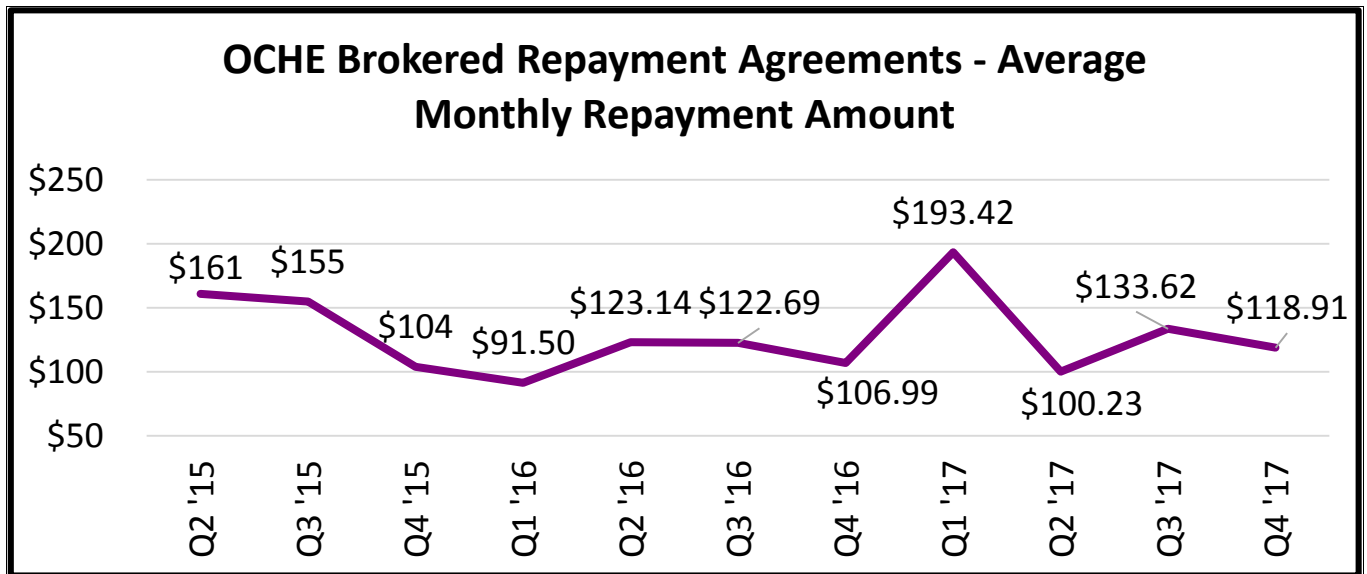
2.6 OCHE Brokered Repayment Agreements

The OCHE brokered 51 Repayment Agreements in Q4. The details of the OCHE brokered Repayment Agreements are as follows:



- The OCHE brokered Repayment Agreements covering \$165,157.68 in total arrears.
- The average monthly repayment amount was \$118.91

Note: See the following page for a chart detailing the trends for average monthly repayment amounts in OCHE Brokered Repayment Agreements.



- The OCHE works to arrive at reasonable monthly repayment amounts based on the financial circumstances as determined by the EROs when completing the OCHE Budgeting Tool.

2.7 Breached OCHE Brokered Repayment Agreements

The EROs will work with tenants that have breached OCHE Brokered Repayment Agreements if the tenants demonstrate exceptional circumstances. An exceptional circumstance is defined by the OCHE as a rare and unforeseen hardship beyond a tenant’s control that had a significant impact on the tenant’s ability to meet the terms of the OCHE Brokered Repayment Agreement.

- The OCHE completed its review of 19 Breached OCHE Brokered Repayment Agreements in Q4 2017. The OCHE found exceptional circumstances for six tenants. Of these six tenants, the OCHE brokered a new Repayment Agreement for four, another tenant was able to pay off their arrears in full, and one tenant disengaged with OCHE before a resolution could be reached.

2.8 Report and Recommendations Timing

The OCHE saw a reduction from Q3 2017 in reporting on its outcomes for arrears files within its timeline of 45 business days.

Reporting Period	Within Timelines	Outside Timelines
Q4 2017	91 (87.5%)	13 (12.5%)
Q3 2017	67 (93%)	5 (7%)
Q2 2017	119 (93%)	9 (7%)
Q1 2017	41 (76%)	13 (24%)

2.9 Eviction Application Recommendations

The OCHE was able to stabilize housing and avoid evictions for 82% (83/101) of cases in Q4.

Reporting Period	Yes to LTB	No to LTB	LTB Not Required
Q4 2017 (104)	18	83	3
Q3 2017 (72)	19	50	3
Q2 2017 (129)	22	104	3
Q1 2017 (54)	7	47	0

At the time of the writing of this report, the status of the Commissioner's recommendations to proceed to the LTB were as follows:

Proceeded to the LTB	Numbers
YES	14/18
NO ²	4/18

Outcome at the LTB	Numbers
Withdrawn – Arrears Paid	0
Upcoming Hearing Dates	10
Mediated Agreements	1
Eviction Orders – Granted	3

² These 4 files have not yet proceeded to the LTB based on the recent delivery of these reports from the OCHE to TCHC.

Part 3: OCHE's Audit Activities

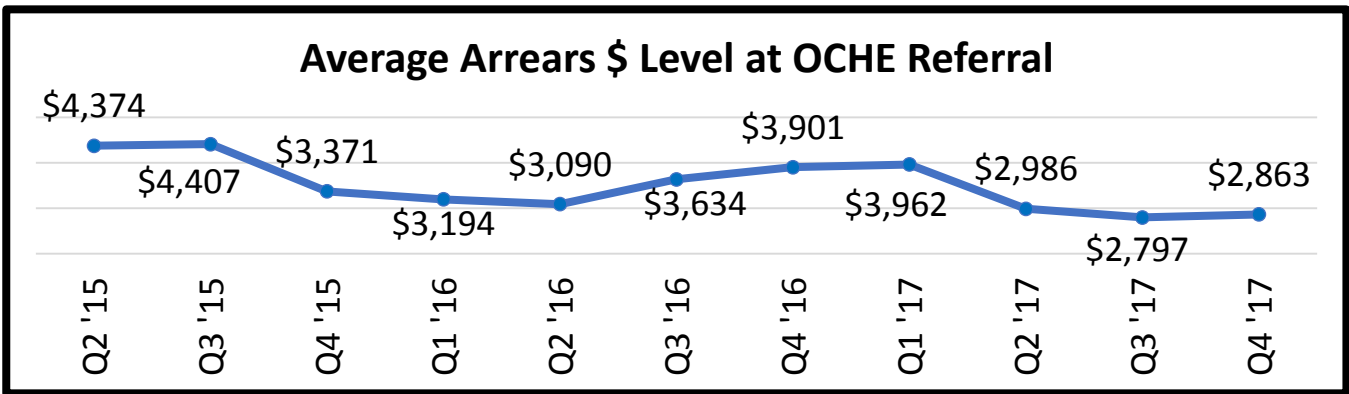
3.1 ERO's Arrears Collection Process Compliance Audits

For each tenant referred to the OCHE facing the risk of eviction for arrears, the OCHE EROs complete an audit of TCHC staff's compliance with the Arrears Collection Process.

The EROs identify any areas of non-compliance and the Commissioner makes recommendations back to TCHC to address the deficiencies with TCHC staff. Compliance with the Arrears Collection Process is important in ensuring that decisions regarding evictions for arrears are made fairly, arrears do not accumulate unnecessarily, and timely referrals are made to the OCHE. See **Appendix 1** for a chart outlining the Main Steps in TCHC's Arrears Collection Process.

3.1.1 Level of Arrears at Referral

The average level of arrears at time of referral in Q4 2017 was the 2nd lowest observed since the OCHE began reporting on this measurement.



3.1.2 Top 3 Arrears Collection Process Compliance Audit Findings

In total, the OCHE found that TCHC did not comply with the TCHC Arrears Collection Process (“ACP”) in **94%** (97/103³) of the arrears files completed during this quarter. The OCHE’s top 3 findings of non-compliance by TCHC staff with the ACP are as follows:

1. Delay in TCHC’s Service of N4s⁴ = 78% (80/103 files)

- When the ERO’s audit finds a delay in TCHC’s service of the N4, the Commissioner recommends to TCHC that they ensure staff serve the N4s in the first month of arrears, as required by the ACP. The Commissioner makes this recommendation because early service of the N4 can help to limit the accumulation of arrears. Early service also helps avoid unnecessary delay when TCHC makes the determination that an eviction application to the Landlord and Tenant Board is necessary.

2. Errors with Letters = 77% (79/103 files)

- The Arrears Collection Process requires specific letters be sent at defined points in the process. When the ERO’s audit finds letters were sent too late, too early, too many times, or should not have been sent at all, the Commissioner recommends the letters be served as required by the ACP. Errors in the delivery of these letters can cause confusion to the tenants, and impact the effectiveness of the Arrears Collection Process and staff’s ability to resolve the underlying issues.

3. Delay in Attempts at Speaking with Tenants Regarding their Arrears = 52.5% (54/103 files)

- When the ERO’s audit finds delays in TCHC’s attempts to speak with the tenant regarding their arrears, the Commissioner recommends to TCHC that they ensure staff are making direct personal attempts in the first month of arrears. The Commissioner makes this recommendation because direct personal contact is the first step to reaching resolutions regarding the arrears. Where arrears can be resolved early, it results in reduced workload for staff and increases the likelihood of success for tenants.

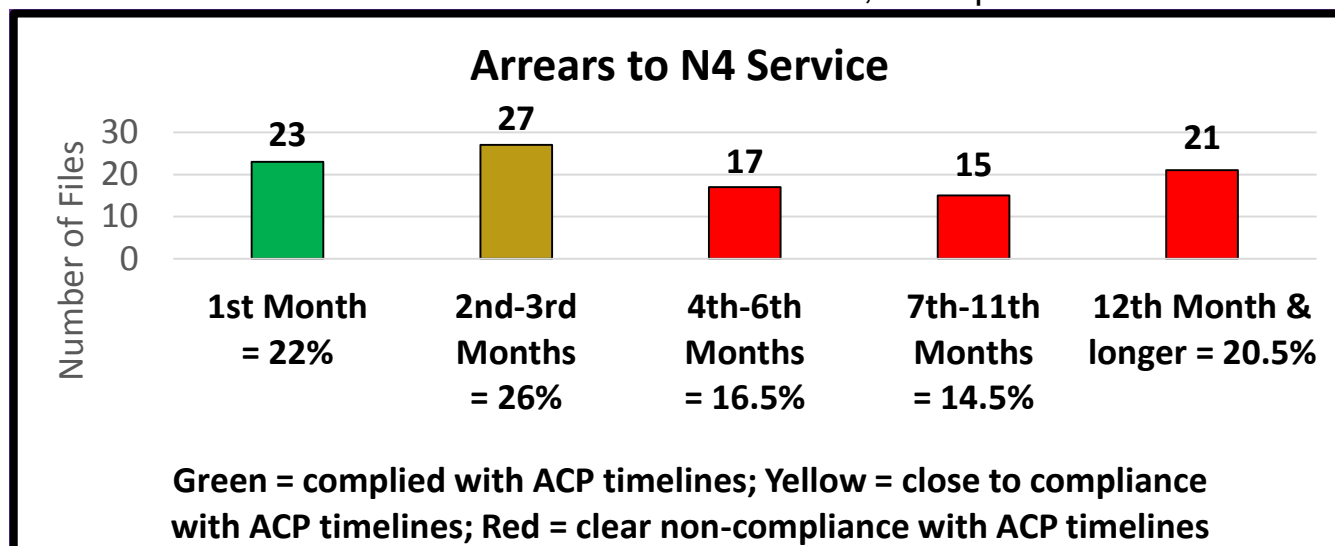
Note: TCHC Management’s response is included as Attachment 2.

³ 1 report was removed from these calculations as it had been previously audited by the OCHE.

⁴ N4 is the legal notice required by the LTB before an Eviction for Arrears Application can be made.

3.1.3 Arrears Collection Process Compliance Audit Finding: N4 Timelines

The Arrears Collection Process requires that N4s be served in the 1st month of arrears⁵. The Early Resolution Officers' compliance audits indicates 78% of the N4s referred to the OCHE did not meet this timeline, an improvement from Q3.



Historical Comparison:

Quarter	1 st Month	2 nd -3 rd Months	4 th -6 th Months	7 th -11 th Months	12 th Month & Longer
Q4 2017 (103 ⁶)	23 (22%)	27 (26%)	17 (16.5%)	15 (14.5%)	21 (20.5%)
Q3 2017 (72)	12 (16.75%)	22 (30.5%)	13 (18%)	8 (11%)	17 (23.75%)
Q2 2017 (129)	23 (17.75%)	38 (29.5%)	20 (15.5%)	19 (14.75%)	29 (22.5%)
Q1 2017 (52)	11 (21%)	16 (31%)	7 (13.5%)	6 (11.5%)	12 (23%)
Q4 2016 (56)	16 (28.5%)	16 (28.5%)	7 (12.5%)	4 (7%)	13 (23.5%)
Q3 2016 (59)	12 (20.5%)	19 (32%)	8 (13.5%)	6 (10%)	14 (24%)

- 31/103 (30%) of the files had multiple N4s⁷ served on the tenant.

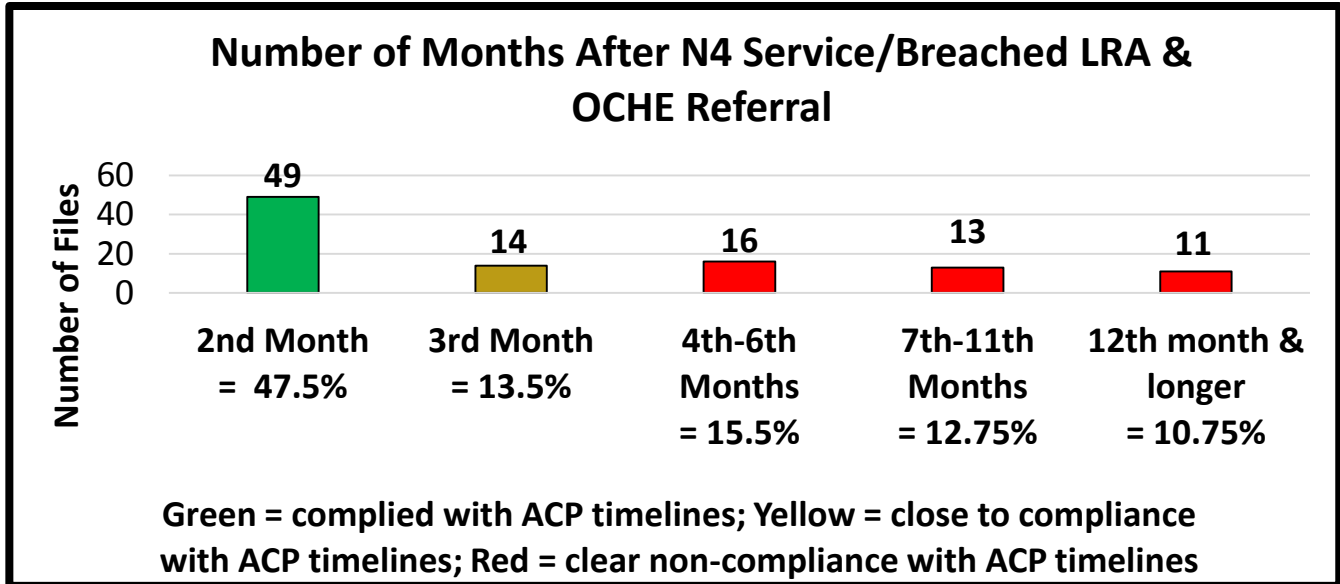
⁵ Where a LRA is entered before an N4 is served, the OCHE has used the entering of the LRA as the trigger for this measurement.

⁶ 1 report was removed from these calculations as it had been previously audited by the OCHE.

⁷ Where multiple N4s were served on a tenant, the most recent N4 is used for the calculation in this chart.

3.1.4 Arrears Collection Process Compliance Audit Finding: OCHE Referral Timelines

Referrals to the OCHE should be received in the 2nd month after the N4 is served. Q4 saw a modest decline in these results when compared to Q3.



Historical Comparison:

Quarter	2nd Month	3 rd Month	4 th -6 th Months	7 th -11 th Months	12 th Month & Longer
Q4 2017 (103 ⁸)	49 (47.5%)	14 (13.5%)	16 (15.5%)	13 (12.75%)	11 (10.75%)
Q3 2017 (72)	38 (52.75%)	7 (9.75%)	9 (12.5%)	10 (14%)	8 (11%)
Q2 2017 (129)	55 (42.5%)	11 (8.5%)	26 (20.25%)	16 (12.5%)	21 (16.25%)
Q1 2017 (52)	24 (46%)	8 (15.5%)	10 (19%)	7 (13.5%)	3 (6%)
Q4 2016 (56)	19 (34%)	13 (23%)	13 (23%)	6 (11%)	5 (9%)
Q3 2016 (59)	33 (56%)	12 (20.5%)	11 (19%)	2 (3%)	1 (1.5%)

Overall ACP Compliance (N4 and OCHE Referral Timing):

- Only 14.5% (15/103) of files met both the N4 service timeline and the OCHE referral timeline.

⁸ 1 report was removed from these calculations as it had been previously audited by the OCHE.

3.2 The OCHE’s Loss of Subsidy Compliance Audits

The OCHE audits all instances where senior or vulnerable tenants living in TCHC have had their Rent-Geared-to-Income (“RGI”) subsidy revoked. Each month TCHC provides a list of all such tenants to the OCHE. The OCHE conducts an audit on TCHC’s computer systems to review compliance with the applicable Legislation⁹, City Guidelines¹⁰ and TCHC Policies.

Within 30 calendar days of referral, the OCHE completes its audit and delivers the results to TCHC. This includes the audit data, a report outlining TCHC’s performance for the month with statistical comparison to past results, and specific and general recommendations to address any deficiencies or errors uncovered during the audit.

100% of the OCHE’s Reports on Loss of Subsidy have been delivered to TCHC Asset Management within the 30 calendar day timeline.

3.2.1 Loss of Subsidy Referrals

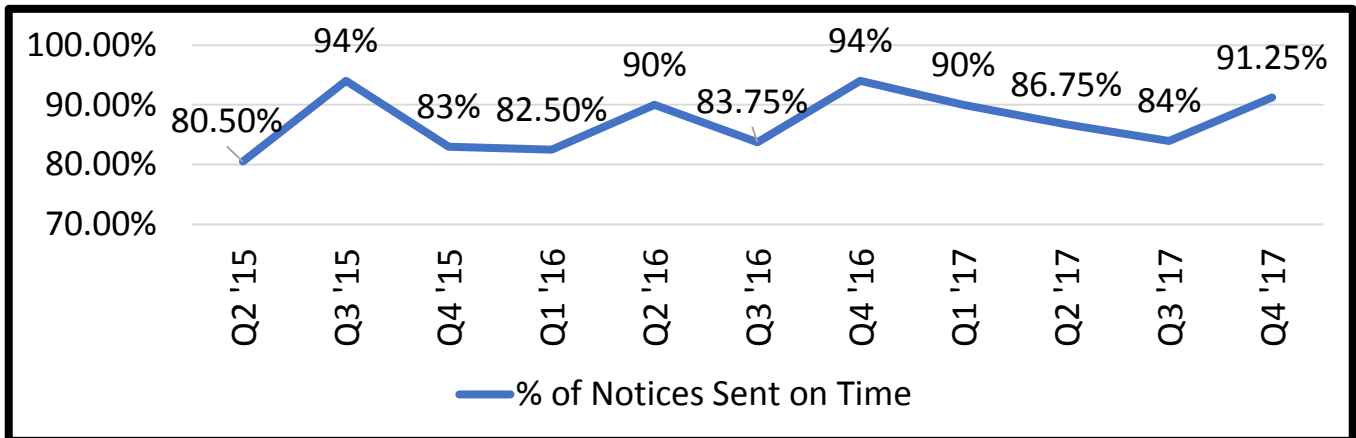
Reporting Period	Senior Referrals	Vulnerable Referrals
Q4 2017 (127)	115	12
Q3 2017 (106)	89	17
Q2 2017 (109)	105	4
Q1 2017 (101)	92	9
Q4 2016 (101)	93	8
Q3 2016 (129)	120	9

⁹ The *Residential Tenancies Act, 2006*; and the *Housing Services Act, 2011*

¹⁰ The City of Toronto’s *Rent-Geared-to-Income (RGI) Administration Manual*

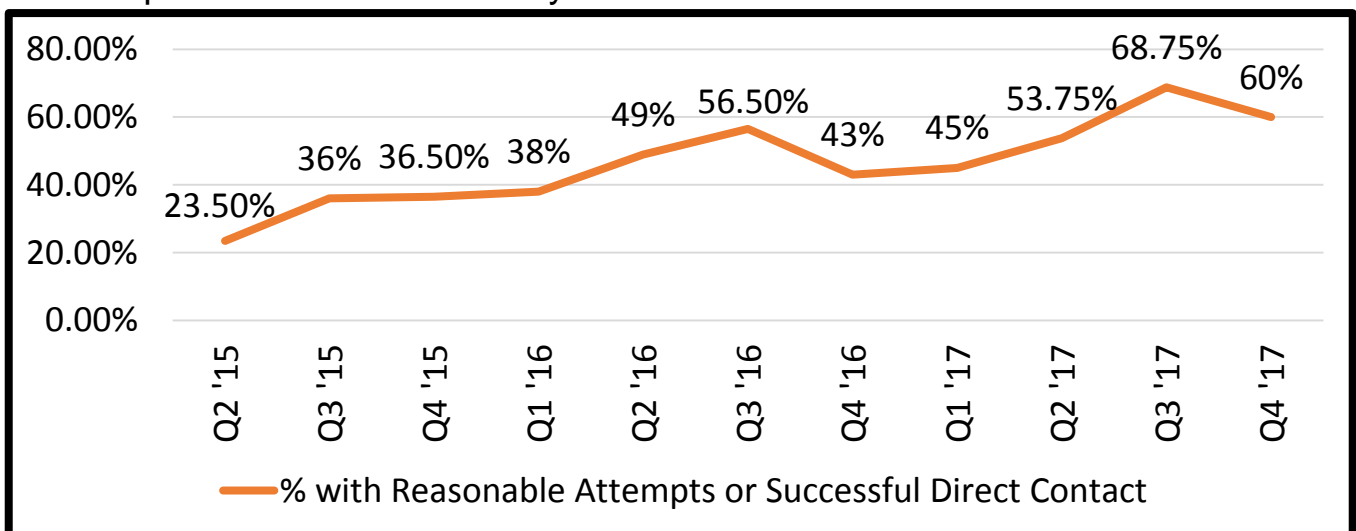
3.2.2 Loss of Subsidy Compliance Audit Finding: Delivery of Loss of Subsidy Notice of Decision on Time

Delivery of a Notice of Decision (“NoD”) provides legal notice to a tenant that their RGI Subsidy will be revoked. When a NoD is not sent within the time required, the subsequent removal of the RGI subsidy is invalid. If the Loss of Subsidy remains unresolved, the OCHE recommends to TCHC that the process be restarted and the NoD re-served. Q4 saw an improvement from Q3, representing the second highest results observed by the OCHE.



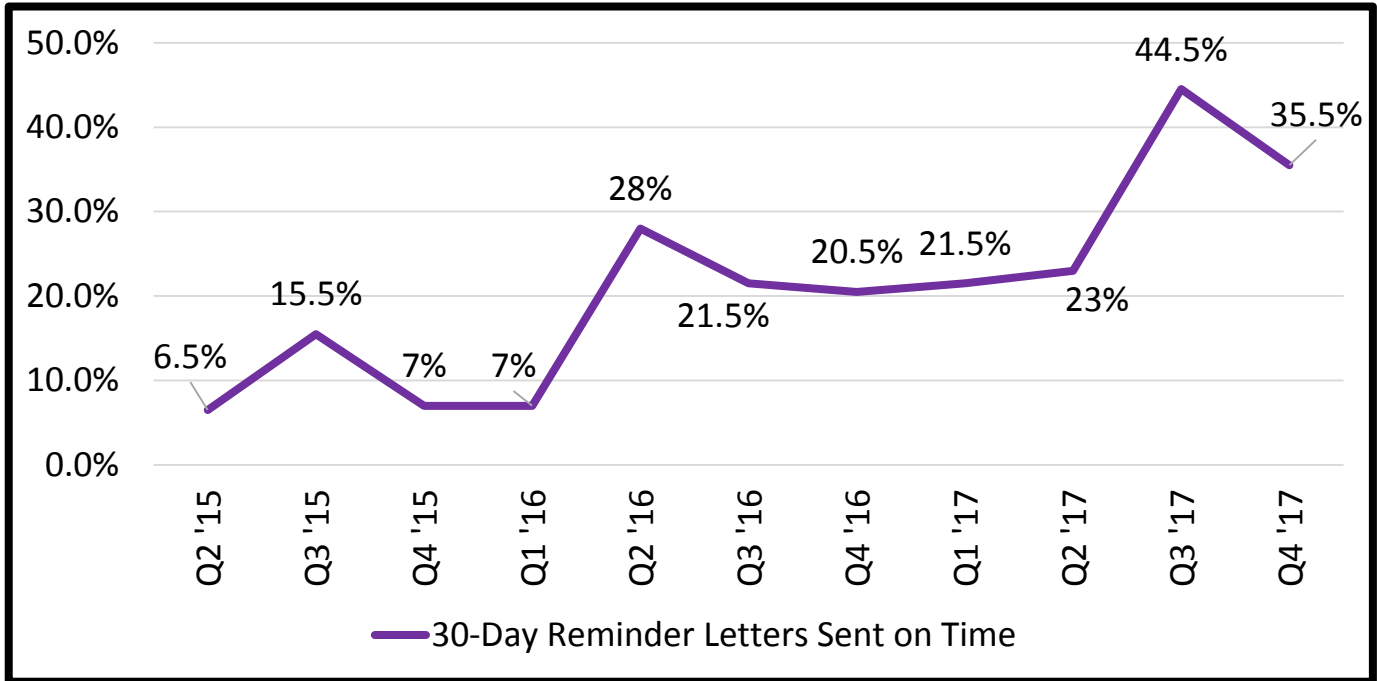
3.2.3 Loss of Subsidy Audit Finding: Direct Personal Contact Attempts before Loss of Subsidy Notice is Delivered

TCHC staff are required to make reasonable attempts at direct personal contact before sending a Notice of Decision. Q4 saw a decline from Q3, but remains the 2nd best performance observed by the OCHE to date.



3.2.4 Loss of Subsidy Compliance Audit Finding: Delivery of Reminder Letters in Accordance with TCHC Policy

For most Loss of Subsidies, TCHC’s process requires staff to send a reminder letter 30 days before the Loss of Subsidy becomes effective. Q4 saw a decline from Q3, but remains the 2nd best performance observed by the OCHE to date.



Part 4: Selected Case Studies

Case Study 1

A vulnerable RGI household, which includes a Mother and her two children aged 16 and 17, were referred to the Office of the Commissioner of Housing Equity (“OCHE”) by TCHC in January 2017. The Mother was unwilling to work with the OCHE and therefore the OCHE was unable to support the Tenant in avoiding eviction. The Commissioner recommended that Toronto Community Housing Corporation (“TCHC”) proceed with filing an application to evict at the Landlord and Tenant Board as the Tenants were not willing to work with the OCHE.

In April 2017, TCHC filed an L1 Application at the LTB and a Hearing was held on June 5, 2017. The Tenants failed to attend the LTB Hearing and an Order to Evict was issued by the LTB. As a result, TCHC evicted the Tenants on August 31, 2017 with an arrears balance of \$6,027.00.

Immediately following the eviction, the Mother reached out to a Voluntary Trustee (“VT”) in the community with whom she had been working. The VT contacted the OCHE, TCHC’s Chief Executive Officer (“CEO”) and City Councillor advising that the Mother and her children were sleeping in a van in the parking lot of his office. The VT further advised that the Mother was eligible for funding through the City of Toronto Eviction Prevention in the Community (“EPIC”) program which would cover half of the arrears owing and that the Mother was willing to address the remaining arrears through a repayment agreement. The VT advised that he had contacted TCHC to propose this agreement to allow the Tenants back into the unit, however the proposition was denied by TCHC.

Upon receiving the e-mail, the TCHC CEO contacted the Commissioner and determined that the OCHE Senior Advisor (“SA”) and the Vice-President of Asset Management (“VP-AM”) would work with the Tenants and VT to see if rehousing the Tenants would be a viable option.

In September 2017, the SA met with the Mother and VT. At the meeting the Mother disclosed that she had gotten behind on the rent due to a gambling addiction. The Mother further advised that she had not filed her 2016 income taxes which resulted in her Child Tax Benefit (“CTB”) being suspended and the Canada Revenue Agency (“CRA”) opening up an investigation. The Mother explained that CRA owed her a lump sum for the CTB and her intention was to pay back the arrears in full, but because the CRA opened an investigation there was a delay and she was evicted prior to receiving the lump sum. The SA contacted the CRA with the Mother and confirmed that she was owed \$10,000.00

in back payments from CTB, however they required additional information from the Mother to release the funds.

The SA contacted the VP-AM and explained that she was working with the Mother to get the funds from EPIC and CRA to pay the arrears and provided confirmation that the Tenants rent would be paid directly to TCHC by the VT moving forward.

The VP-AM agreed to allow the Tenants back into their unit and they were rehoused. Upon being rehoused the Mother contacted the SA and advised that her hydro had been cut off prior to the eviction as she also had hydro arrears of \$3,072.00. The SA worked with the Mother and assisted to address the arrears by:

- Contacting and submitting the documentation required to reinstate the CTB and release the \$10,000.00 retroactive payment. This included the SA speaking to a CRA supervisor to have the case expedited as a result of the eviction.
- Connecting the Mother to the Centre for Addiction and Mental Health (“CAMH”) for assistance with managing her gambling addiction.
- Connecting the Mother to the Low-Income Energy Assistance Program (“LEAP”) and Emergency Energy Fund (“EEF”) to have \$1,500.00 paid towards the hydro arrears.
- Contacting Toronto Hydro to have the Tenants hydro reinstated.
- Meeting with the Mother and the EPIC worker to complete the application to have \$2,500.00 paid towards the arrears by the City of Toronto.
- Working with the VT to set up having the Mother’s income from employment directed to the VT so the monthly rent could be paid on her behalf moving forward.

On November 20, 2017 the Mother’s retroactive payment from the CRA was released and the Mother dropped off a payment to TCHC for \$3677.00 for the arrears. In addition, the EPIC program paid TCHC \$2,500.00 resulting in the arrears owing to TCHC having been paid in full. Furthermore, the Mother paid Toronto Hydro \$1,572.00 and LEAP and EEF paid \$1,500.00 reducing the hydro arrears to zero.

This case highlights the importance of earning the trust of tenants early in the process. The OCHE had an opportunity to work with the Mother before the eviction and was unable to engage with her. By the time the Mother returned to the OCHE, she had changed her mind and was willing to work with the OCHE.

The positive outcome of this situation is that TCHC demonstrated that TCHC was committed to sustainable housing and helping vulnerable tenants, and this family was rehoused. Senior Management went beyond the legislative requirement, and worked collaboratively with multiple stakeholders to develop the flexible and creative solutions that allowed this case to have a positive outcome. Further, the OCHE was able to work with the Mother and refer her to community agencies to address her underlying issues. The Mother advised the Commissioner that she appreciates the supports that she has been given by the OCHE and TCHC.

Case Study 2

TCHC referred a Tenant to the OCHE after Duty Counsel at the Landlord and Tenant Board (“LTB”) identified them as vulnerable. At the time of TCHC’s referral to OCHE, the Tenant’s arrears totaled \$25,603.00. The Tenant’s rent was being paid directly by ODSP when they lost their RGI subsidy in Spring 2015 for non-return of their Annual Review. The Tenant’s rent then increased from \$236.00 to the market rate of \$1,303.00 and the arrears began to accumulate as ODSP continued to pay the RGI rate.

The Tenant was served a *Notice to End Tenancy Early for Non-Payment of Rent* (“N4”) in October 2015, and over a year later, an eviction application was filed at the LTB. The Tenant did not attend the hearing and the LTB ordered that the Tenant pay the arrears in full by May 2017. When this did not occur, the LTB issued an eviction order.

The Tenant met with Duty Counsel at the LTB after TCHC requested the Sheriff’s office enforce the eviction order. Duty Counsel advised TCHC that the Tenant was vulnerable and the Tenant was referred to the OCHE by TCHC in September 2017.

When the ERO met with the Tenant, the Tenant reported an underlying head injury which impacted their ability to collect the paperwork needed to reinstate their RGI subsidy. The ERO reviewed the Tenant’s file and identified several errors with the loss of subsidy Notice of Decision letter which made it invalid. The ERO contacted the Director, Community Housing East and Central, who agreed that the LOS was invalid. The Tenant’s RGI subsidy was reinstated and the arrears owing were reduced by \$30,455, resulting in a credit of \$1,935.00 on the account. The ERO also submitted the paperwork necessary to complete the Tenant’s Annual Review, stabilizing their RGI subsidy for another year.

This case highlights the importance of ensuring that staff are trained on how to serve loss of RGI subsidy notices correctly and not creating situations where tenants are at risk of eviction for false arrears.

Case Study 3

A vulnerable RGI Tenant was referred to the Office of the Commissioner of Housing Equity (“OCHE”) after Toronto Community Housing Corporation (“TCHC”) evicted them on August 31, 2017. That night they stayed in a City of Toronto shelter.

Immediately following the eviction, the Tenant reached out to Neighborhood Legal Services (“NLS”) for assistance. The Legal Counsel (“LC”) from NLS sent an email to the Commissioner of Housing Equity requesting her assistance. In the email, the LC described the Tenant as “extremely vulnerable... suffers from depression, including suicidal ideations, and addiction issues.”

Upon receipt of the email, the Commissioner contacted the Operating Unit Manager (“OUM”) and then the Vice-President of Asset Management (“VP-AM”) who agreed that the Tenant should have been referred to the OCHE prior to the application to the Landlord and Tenant Board (LTB). He also stated that they would allow the Tenant back into the unit, and within two hours the VP-AM facilitated the Tenant’s return home.

On September 6, 2017, TCHC referred the Tenant to the OCHE. The Early Resolution Officer (“ERO”) met with the Tenant and the LC to discuss the Tenant’s arrears of \$4,101.00. During this meeting, the ERO identified that the Tenant’s ODSP benefits were suspended and that they have mental health challenges.

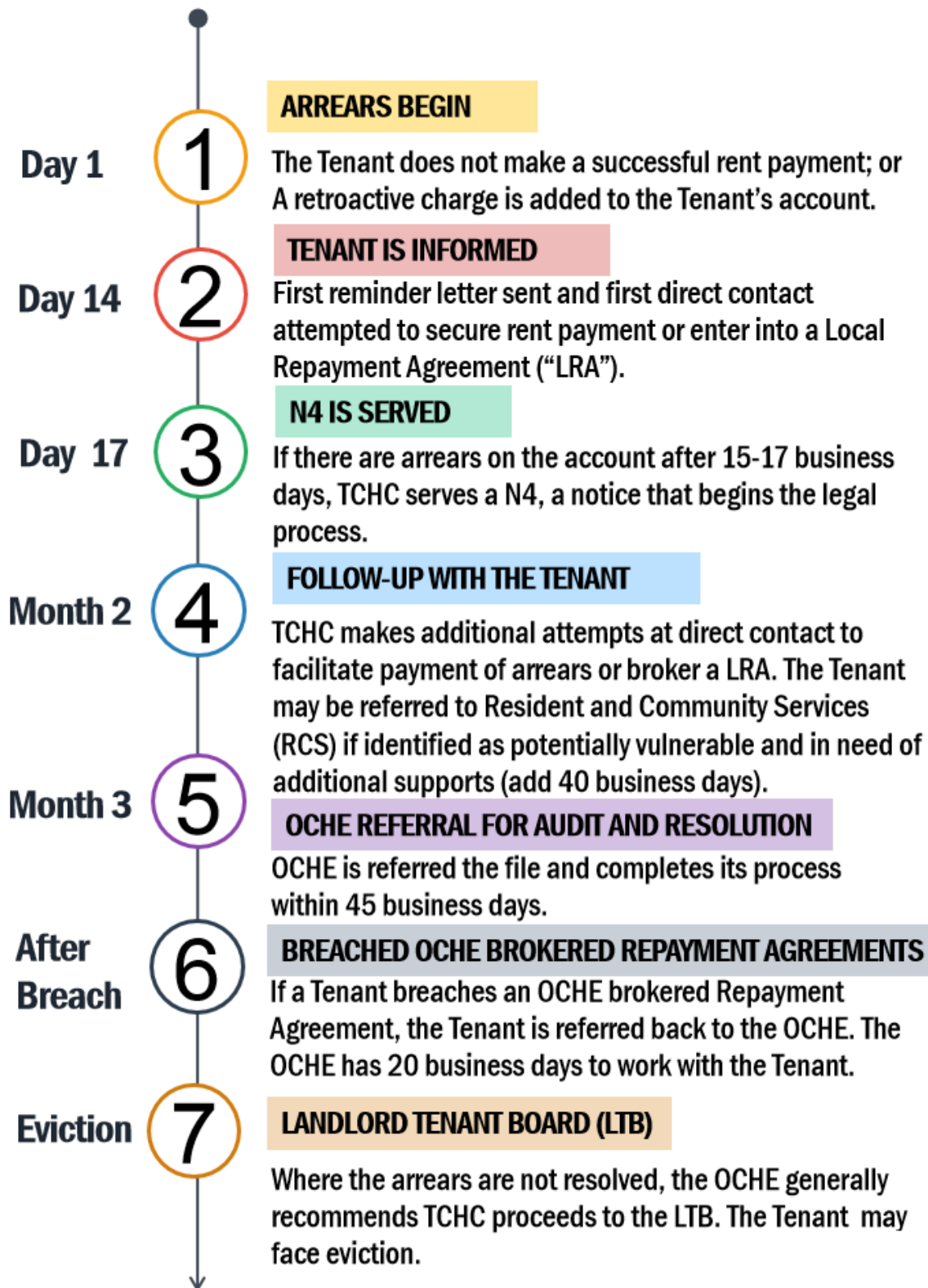
The ERO contacted ODSP and clarified the process to have the benefits reinstated, collected the required documentation for ODSP, and submitted a Housing Stabilization Fund (“HSF”) application to request assistance in the paying off of the arrears. The ERO also referred the Tenant to the Voluntary Trusteeship (“VT”) program, and assisted in the brokering of a Mediated Agreement (“MA”) between the Tenant and TCHC at the LTB.

During the time the Tenant was working with the OCHE on the arrears, TCHC sent the Tenant letters raising new allegations that the Tenant had engaged in anti-social behavior, allowed an illegal occupancy, and that TCHC was considering pursuing an eviction for cause as a result. The LC expressed concerns that the Tenant was being sent such letters while working with the OCHE. The Commissioner communicated this concern to the VP-AM, who

agreed that TCHC would not issue any further letters relating to a potential for cause eviction while the OCHE was working with the Tenant. The ERO worked with the LC to address the alleged anti-social behaviour and TCHC confirmed that they would no longer be pursuing the for cause eviction at that time.

While it is noted that TCHC is working on a revised method of identifying vulnerable tenants, this case highlights the urgency of these files being referred to the OCHE. This case also highlights the need for a more established business process for those situations where TCHC identifies potential for cause eviction issues while the Tenant is already working with the OCHE regarding the arrears. Fortunately in this instance, and as a result of TCHC and the OCHE's collaboration, the Tenant is back in their unit with the supports in place to continue to pay their rent and sustain their tenancy. The OCHE and Asset Management will work together to develop a process for when TCHC is pursuing evictions for cause and evictions for arrears at the same time, to leverage the OCHE's engagement to simultaneously attempt to resolve both.

Additional Information: Main Steps in TCHC's Arrears Collection Process



Additional Information: Underlying Issues - Definitions

Expenses: Includes external debt, medical expenses, hydro costs and remittance of money overseas.

Income: Includes changes of income, fluctuating income, late payments and limited income. For example, not receiving complete pensions.

Needs Additional Supports: Includes language barriers, mental health and challenges completing Annual Rent Reviews.

Tenancy Issues: Includes maintenance/repair complaints and real or perceived errors in rent calculation or payment.

Ontario Works or ODSP: Includes where benefits have stopped or been suspended and need to be reinstated.

Absent from Home: Includes hospitalization, out of country travel, family emergencies and incarceration.

Pay Direct: Includes where pay direct has stopped or Pre-Authorized payment is being returned as no funds in bank account to pay the rent.

Family Composition Changes: Includes changes that have not been reported to TCHC, leading to back charges or incorrect rent being charged.

Personal Emergency: Includes recent theft, fraud, and death or sudden illness of family member or friend.

Additional Information: Actions Taken to Support Tenancies - Definitions

Local Repayment Agreement: The OCHE brokers a repayment agreement between the tenant and TCHC.

TCHC Supports: OCHE works with TCHC to resolve the tenant's underlying issues, from working with the Community Service Coordinators to clean the tenant's unit to verifying rent charges with the Tenant Service Coordinators, to applying for transfers.

Loss of Subsidy Resolved: Solving the tenant's Loss of Subsidy by collecting income documents and supporting the tenant to complete the Annual Review.

Recurring Payments: Organizing recurring payments with the tenant's Bank or income provider on behalf of the tenant.

Arrears paid by Tenant/Family: Informing and supporting the tenant on how to pay the arrears and having the tenant or tenant's family successfully pay part or all of the arrears immediately.

Verify Income: Working with the tenant to identify income sources and gain the income documents that the tenant needs to re-calculate rent payments.

Housing Stabilization Fund: Applying to the Housing Stabilization Fund to access payments toward the arrears.

Legal Clinic/Tax Clinic: Referring the tenant to free services in order to complete their tax information or gain the legal assistance they require.

Discounted Services: Referring the tenant to programs that provide financial assistance with expenses unrelated to the tenant's arrears. These programs include LEAP (hydro arrears), the Good Food Box and Roger's Connected to Success.

Support Services: Linking the tenant to agencies that provide services that assist the tenant with everyday requirements. Examples include: Centre for Addiction and Mental Health, Veteran Affairs, Crisis Outreach Services for Seniors, LOFT Community Services, Fred Victor and Veteran Affairs.

Other: Connecting with Ontario Disability Support Program/Ontario Works/Cota to pay off the tenant's arrears, explaining rent calculations, contacting the Office of the Public Guardian and Trustee, Manager of Integrated Pest Control and Toronto Hydro, and tracing a missed payment at the tenant's bank.