



Ombudsman
Toronto

Listening. Investigating. Improving City Services.

Ombudsman Toronto Report

Toronto Community Housing Corporation (TCHC)
Complaint Trend Data
and Related Recommendations

March 17, 2020

Susan E. Opler, Ombudsman

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EXECUTIVE SUMMARY

This report responds to requests from both management and the Board of Directors of Toronto Community Housing Corporation (“TCHC”) to learn more about complaints the Ombudsman receives about TCHC.

The report provides:

- background information about Ombudsman Toronto’s role in receiving complaints
- the types of issues we investigate
- data we have compiled on complaints about TCHC
- our findings about two trends the data reveal
- recommendations to address our findings

In each of the past five years, many more people have complained to Ombudsman Toronto about TCHC than about any other City organization that falls within our legal scope.

Many of the complaints Ombudsman Toronto receives about TCHC are premature, meaning that the complainant has not exhausted TCHC’s internal complaints process before contacting Ombudsman Toronto. This is because until recently, TCHC had no robust complaints process for tenants. Even now, TCHC has poorly publicized the process for making a complaint and many tenants do not know about it.

Our data also show that in cases where Ombudsman Toronto investigated the issues a tenant’s complaint raised, we most often found that poor communication by TCHC resulted in unfairness.

To address these findings, the Ombudsman recommends that:

- The Board should satisfy itself that TCHC management has developed and executed a detailed plan to effectively publicize its new internal complaints process to all tenants, residents, staff and members of the public who interact with TCHC by June 1, 2020.
- The Board should satisfy itself that TCHC management has a plan to provide all employees with training about providing good public service, which includes communicating with tenants, residents and members of the public in a transparent, fair and timely way. TCHC management should develop this plan by June 1, 2020, and execute it by December 31, 2020.

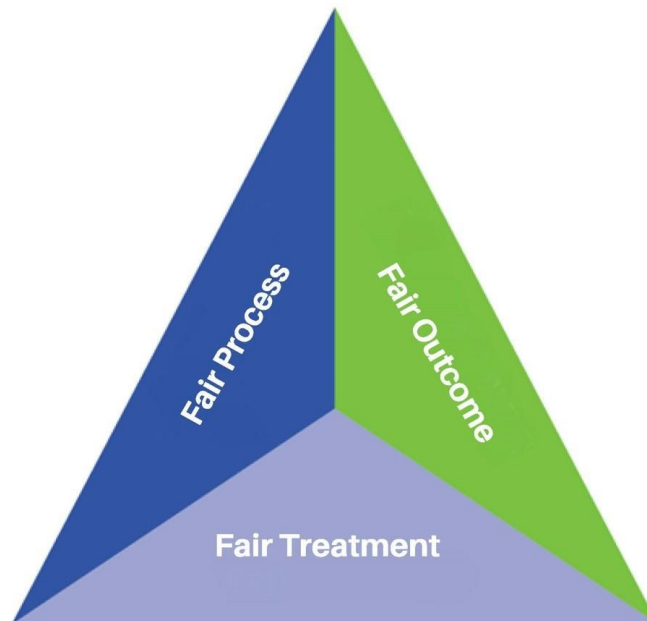
TCHC management accepts these recommendations and has responded with a plan to implement them.

INTRODUCTION

1. Over the past several months, members of TCHC's management and Board of Directors have asked me for details about data and trends concerning complaints that TCHC tenants make to Ombudsman Toronto.
2. I commend them for wanting to know more about this data. Complaint trends can be a valuable tool for identifying systemic problems and continuously improving the public services TCHC provides to its tenants. Asking for information about complaints is an indicator of good management and good governance.
3. TCHC also asked me to make this information public, to further its goal of providing transparency and clear information to tenants and the larger community.
4. My team and I regularly discuss complaint information with management of City organizations we oversee, on a confidential basis. This is part of our routine work responding to complaints, making findings and recommending individual and systemic improvements. Publishing detailed complaint trends about a single organization, outside of our annual report, is exceptional.
5. Only I as the Ombudsman have the legal authority to publicly disclose information about complaints my office receives. Sections 172 and 173 of the *City of Toronto Act, 2006*, require that all of my work be conducted in private and that my staff and I keep secret information we learn in the course of our work. The exception is where I decide, in my discretion as Ombudsman, to report on such matters as I find ought to be disclosed in order to establish grounds for my conclusions and recommendations.
6. These confidentiality provisions are vital to ensuring that people feel comfortable sharing concerns and information with Ombudsman Toronto. Without this protection, many people would not talk to us because of a fear of reprisal. I have therefore never delegated my authority to publicly disclose Ombudsman Toronto complaint information to any person or organization.
7. In this case, to honour both TCHC's reasonable request for me to disclose this data in a public way and our commitment to uphold the law preserving the confidentiality of our work, I am exercising my discretion to issue a public report.

OMBUDSMAN TORONTO'S MANDATE AND ROLE IN HANDLING COMPLAINTS

8. The Ombudsman's legal mandate under the *City of Toronto Act, 2006* is "to investigate any decision or recommendation made, or any act done or not done, in the administration of the City, its agencies, boards, and commissions."
9. People bring a broad range of complaints to Ombudsman Toronto about TCHC and other City organizations we oversee. We respond to each one in a practical and flexible way.
10. Ombudsman Toronto is independent and impartial. We conduct our work and make decisions in the public interest.
11. The Ombudsman may start an Enquiry to investigate an issue or issues either upon receiving a complaint from a member of the public or City Council, or on her own initiative.
12. Before looking into a complaint from a member of the public, Ombudsman Toronto usually asks the person to first give TCHC an opportunity to address it and to fully exhaust its internal complaints process.
13. Our Enquiries and Investigations focus on whether City organizations, including TCHC, have administered City services and policies fairly. We think of administrative fairness as a triangle:



14. Fair process gives people:
 - access to rules, policies and procedures that may apply to them or their situation
 - an opportunity to be heard on decisions or services that affect them
 - reasons for decision
 - service in a reasonable time
15. Fair outcome requires that staff:
 - act within legal authority
 - make decisions without bias and based only on relevant considerations
 - apply rules, policies and procedures with reasonable consistency
16. Fair treatment means that every person interacting with the City of Toronto government or one of its agencies, boards or corporations has the right to:
 - be treated with dignity, respect and care
 - clear and understandable communication
 - accessible services that meet their needs
 - be listened to and receive an apology when necessary

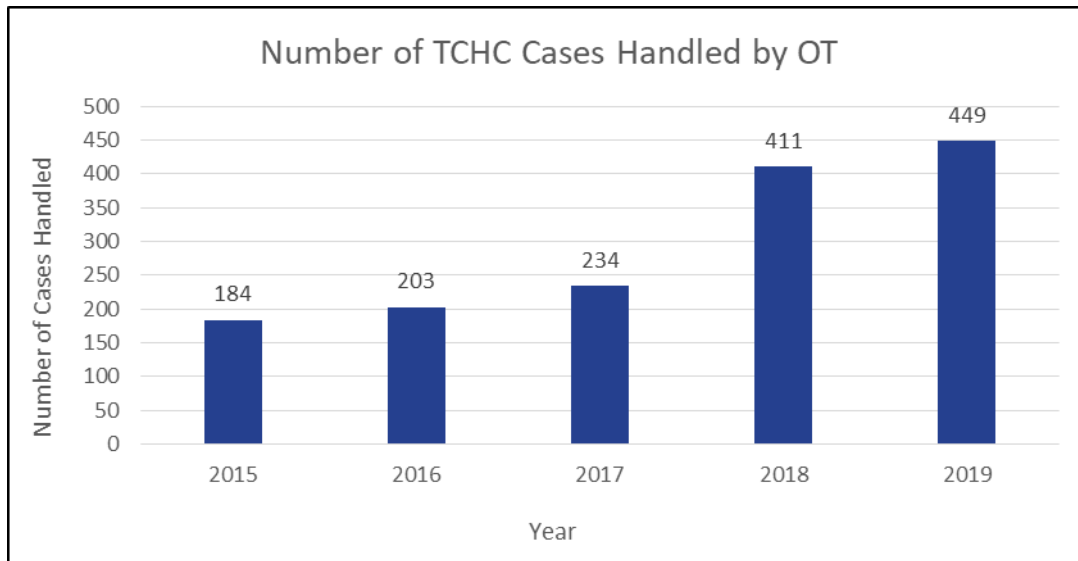
Fair treatment means treating people equitably – not equally – by taking into account their particular circumstances and needs.

17. Where we find problems, we discuss them with TCHC and may make specific recommendations to address them.
18. The vast majority of our Enquiries into TCHC complaints are resolved without any public report.

OMBUDSMAN TORONTO COMPLAINT DATA REGARDING TCHC

Number of TCHC Cases

19. Over the past five years, the number of TCHC cases handled by Ombudsman Toronto has consistently increased.



Cases about TCHC Compared to Other City Organizations

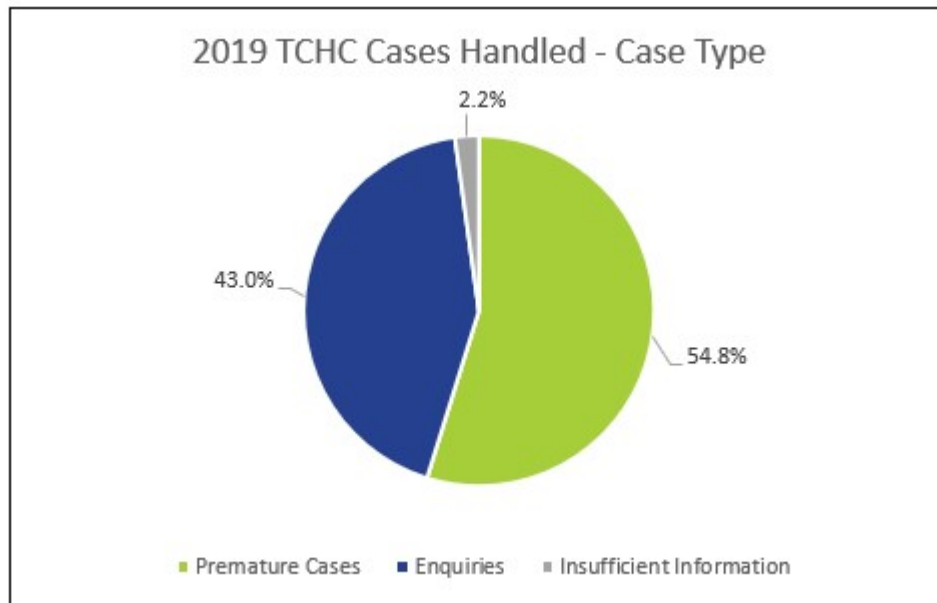
20. The chart below compares the five City organizations (divisions, agencies, boards or corporations) with the highest number of complaints to Ombudsman Toronto for each of the past five years. The City organizations in the chart, other than TCHC, have been colour and letter coded for confidentiality. The number in each colour-coded box represents the number of cases for each City organization each year.
21. Ombudsman Toronto has handled more TCHC cases than cases involving any other City organization in each of the last five years.

	2015	2016	2017	2018	2019
1	TCH 184	TCH 203	TCH 234	TCH 411	TCH 449
2	City X 137	City X 131	City X 173	City X 199	City E 171
3	City Z 128	City B 78	City Y 76	City D 126	City X 157
4	City B 88	City Y 68	City E 73	City E 97	City D 139
5	City Y 73	City F 61	City B 70	City G 95	City G 109

22. Over the past three years, 24% of all cases Ombudsman Toronto handled that were within our legal scope were about THCH.

Premature Cases

23. In 2019, more than half of the TCHC complaints we received were premature. This means that the complainants had not yet exhausted TCHC's internal complaints process before contacting Ombudsman Toronto. We found that very often, this was because tenants did not know how to raise and escalate their complaint at TCHC.

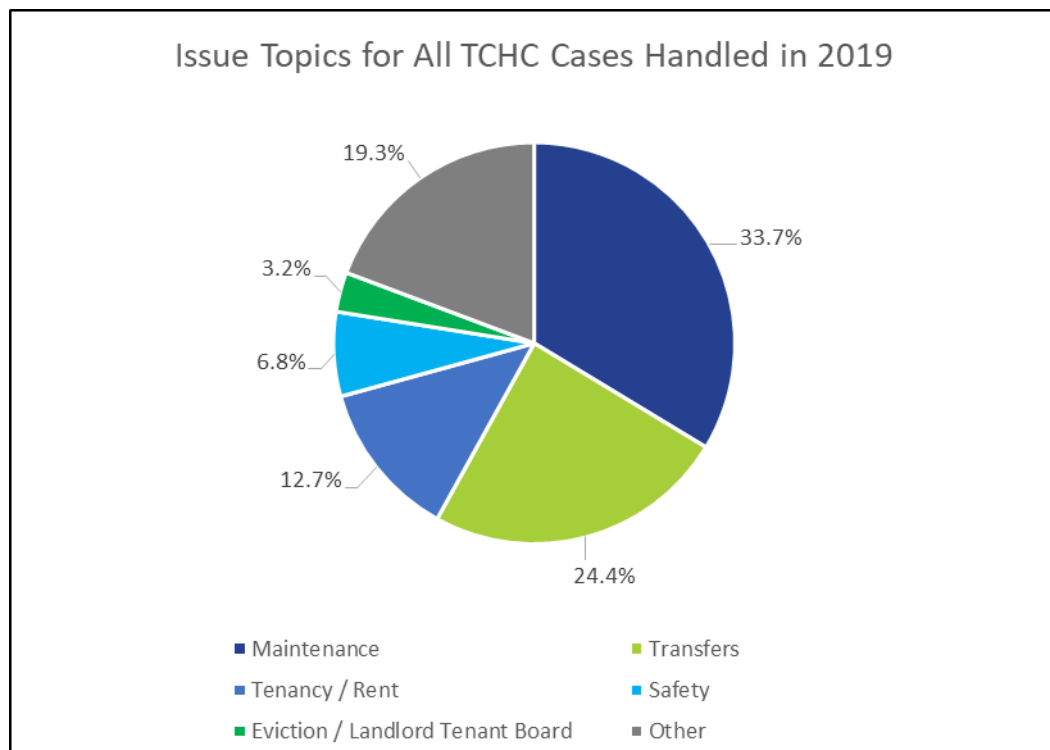


24. Ombudsman Toronto has been pressing TCHC management since at least late 2018 to provide a clear complaints process and to make it easily available to tenants and members of the public.
25. At our urging, TCHC management finally established a new complaints process in October 2019, reflecting changes made in the restructuring process TCHC underwent earlier in 2019.
26. At my request, TCHC also added a "Complaints" button on its website, with a link to information about how to make a complaint. That went live in November 2019.
27. We also asked TCHC to develop a plan to inform people without ready internet access about its complaint process. Specifically, we suggested putting up posters in TCHC buildings. In March 2020, TCHC shared a copy of a poster with us.

28. Many complainants continue to tell Ombudsman Toronto staff that, until hearing about it from us, they did not know about TCHC’s internal complaints process or how to use it.
29. Many complainants also continue to express frustration after spending time and effort to tell their story to Ombudsman Toronto, only to be told to return to TCHC because TCHC has not provided a final response to their complaint.
30. We hope that the new website button and posters will make a difference, but I believe TCHC must do more to notify tenants, residents and members of the public about TCHC’s new complaints process.

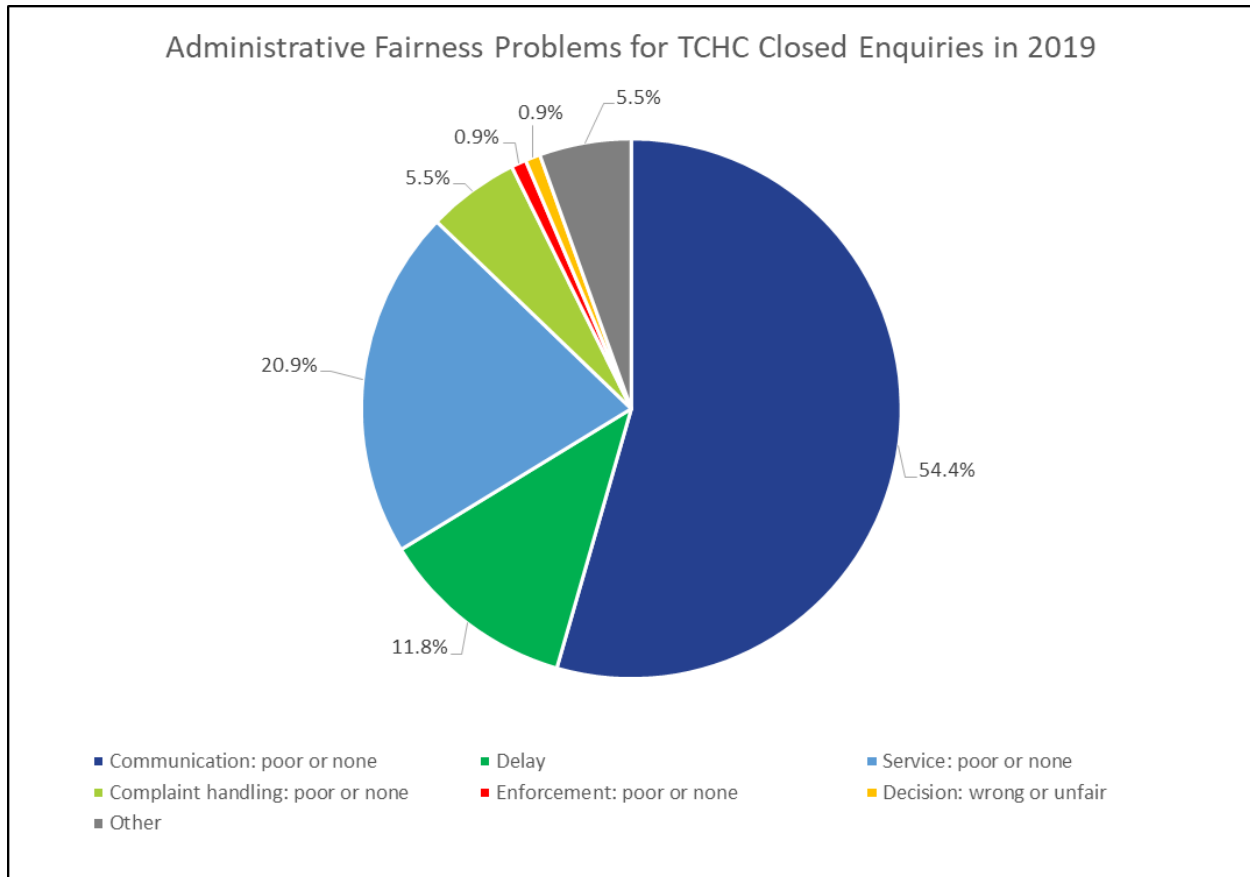
TCHC Complaint Topics

31. The following chart shows the type of concerns TCHC tenants raised with Ombudsman Toronto in 2019 and their frequency. Maintenance was the most frequent topic of complaints.



Administrative Fairness Problems

32. The following chart identifies the most common fairness problems our staff identified in TCHC Enquiries:



33. More than half of the fairness problems we identified were about poor communication.

34. Some examples:

- Not giving tenants clear information and adequate notice when work needs to be done in their unit or building
- Not returning tenants' calls or answering their letters
- Not giving tenants a clear decision or reasons for decisions affecting them, for example regarding transfers or evictions

CONCLUSIONS

35. Based on the data presented above and the insights my team has gathered in their regular interactions with TCHC and its tenants, I make the following findings:

- Too many of the complaints Ombudsman Toronto receives about TCHC are premature. This is because TCHC does not have a well-understood complaints process. That is unfair to tenants.
- The most common problem Ombudsman Toronto finds when we investigate complaints about TCHC is poor communication.

RECOMMENDATIONS

36. To address these findings, I recommend:

- The Board should satisfy itself that TCHC management has developed and executed a detailed plan to effectively publicize its new internal complaints process to all tenants, residents, staff and members of the public who interact with TCHC by June 1, 2020.
- The Board should satisfy itself that TCHC management has a plan to provide all employees with training about providing good public service, which includes communicating with tenants, residents and members of the public in a transparent, fair and timely way. TCHC management should develop this plan by June 1, 2020, and execute it by December 31, 2020.

TCHC MANAGEMENT'S RESPONSE TO THE FINDINGS AND RECOMMENDATIONS

37. As a matter of procedural fairness, we shared a draft of this report with TCHC management and gave them an opportunity to make representations on the findings and recommendations.

38. TCHC management accepts the recommendations in this report and has responded with a plan to implement them over the next few months. See Appendix "A".

OMBUDSMAN TORONTO FOLLOW-UP

39. Ombudsman Toronto will follow up until we are satisfied that the implementation of our recommendations is complete.

(Original Signed)

Susan E. Opler
Ombudsman

Appendix A

Toronto Community Housing



Date March 16, 2020

To: Susan Opler, Ombudsman, City of Toronto

From: Kevin Marshman, CEO

Re: Management Response – Updates to Complaints Process

Background

Beginning in early 2019, TCHC undertook, in collaboration with Ombudsman Toronto, to improve its complaint process with the goal of providing a clear and accessible process for tenants when submitting complaints to TCHC.

Overview of Changes

As a result TCHC's review of the existing complaints process, an analysis of complaints data, and input from your office, TCHC has made the following changes:

- Revised complaints process
- Added a prominent link to the complaint process to the external website
- Provided posters in all buildings with information for tenants about the updated process and how to initiate a complaint
- Expanded and fully staffed the office that deals with escalated complaints. Since the office was expanded in November they have been able to more than double the number of complaint files they handle from 62 in November to 168 in February.

Response to Ombudsman Recommendations

Through this report, it is clear that your office has concerns about how TCHC has communicated the changes to the complaints processes and how staff are trained in communicating with tenants. To that end, TCHC is committed to the following actions, consistent with the City of Toronto's approach, in response to your recommendations:

- 1) Publicise new complaints process
 - Create a banner on TCHC's home page that will link visitors directly to the tenant complaints process page (June 1, 2020)



- Recirculate the poster about the complaints process to all TCHC buildings (week of March 16 to 20, 2020)
- Create a brochure about the revised process that will be shared in all TCHC offices (week of March 30 to April 3, 2020)
- Add a standing item to the TCHC tenant newsletter, Tenant LOOP, which is mailed to all households, to promote the revised complaints process, beginning with the Spring 2020 issue (distributed to tenants during the week of March 23-27)
- Develop an FAQ document that will be distributed to all TCHC offices and City Councillor's offices to support staff in answering questions about the complaints process (Week of March 30 to April 3)

2) Good public service training for staff

TCHC is committed to a tenant-centric service delivery model. As we decentralize, all processes are being reviewed with a tenant-centric lens. A Tenant Service Hub playbook is under development to inform how staff operate at a local level with a tenant centric-lens.

Tenant service training is under design and will be rolled out over 2020 as ninety tenant service hubs are opened in a manner consistent with an implementation plan to be finalized by June 1, 2020. A focus on good public service and improved communication skills will be a key deliverable in this training.

First contact resolution will be a key metric employed to track how well we do at meeting tenant needs. We will expect a corresponding decrease in tenant complaints both to TCHC's Tenant Relations team and to your office.

We track complaints on a weekly basis and would be pleased to share this data, along with the schedule for the Tenant Service Hub roll-out, the Tenant Service Hub Playbook and the training plan.