

Executive Summary

Executive Summary

After a fire broke out in a multi-tenant home (commonly known as a “rooming house”) 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 in getting their vital services restored.

Multi-tenant homes are an essential source of deeply affordable housing in Toronto for those who need it most, including members of the most vulnerable groups in the city. The City has adopted a new framework which allows multi-tenant homes throughout Toronto, creates additional safety requirements for multi-tenant homes, and requires owners to apply for a licence to operate a multi-tenant home. This framework was not in effect at the time of the fire, and this investigation did not consider the City’s approach to zoning enforcement.

The tenants in this case were at high risk of housing insecurity because they had few housing alternatives. They had low incomes, working low wage jobs or relying on social assistance. Almost all the tenants were newcomers. Several of them were people with disabilities. One tenant was seven months pregnant. All the tenants were Black.

The City of Toronto has a range of bylaws requiring landlords to provide basic living conditions for their tenants, including property standards, heat, and vital services such as gas, electricity, and hot and cold water. The City’s Municipal Licensing & Standards Division (“MLS”) is responsible for administering and enforcing property standards, vital services, and heating bylaws (collectively, “the vital services bylaws”).

In this situation, MLS had the power to push the landlord to take action and restore the vital services.

Instead, MLS delayed visiting the property for more than two weeks after the tenants made their first requests for help. When MLS did visit, it did not collect evidence, interview witnesses, or document any inspection of the property. It did not verify important information, such as who had ordered the cutoff of vital services and the reason why. MLS never determined whether the landlord was in violation of the City’s vital services bylaws, and never issued an order for the landlord to restore the vital services. MLS never considered using its own power to restore the vital services itself.

Tenants, with the support of a volunteer-run local tenants' union,¹ continued to call the City through the fall and winter of 2023-24, hoping it would take action. The City did not. When the tenants' union, and later MLS, sought housing supports from the City's Eviction Prevention in the Community ("EPIC") program, EPIC declined to help the tenants. In addition, EPIC took more than a month to respond to MLS' request for help.

The tenants struggled as the weather grew colder and the vital services remained shut off. Tenants slept in their winter jackets, under multiple blankets. They put on cold clothes in the morning. Mildew grew in the building and on the tenants' belongings. The tenants who still had power had to boil water to bathe. Those without power had no refrigerator, stove, or lights. They relied on friends, family, and local businesses to bathe, eat, charge cell phones and laptops, and warm up. As the tenants languished inside, the landlord shut off the water to the building entirely, worried that the pipes were going to freeze.

Throughout this time, MLS took no action to enforce the City's vital services bylaws. Unable to tolerate their deteriorating living conditions, ten of the eleven tenants moved out. The experience had affected their physical and mental health and resulted in a loss of dignity. Most of them moved into homes with higher rents and weaker tenancy protections. One of the tenants remained in the building through the winter, without heat or running water. The vital services outage lasted for six months.

What We Did

On June 5, 2024, as a result of the tenants' union bringing this issue to the attention of my office, we launched an investigation into the City's response to the tenants' requests for the City to help restore the heat, water and electricity in their building. The investigation was led by my office's Housing Unit, under the direction of the Deputy Ombudsman, Housing.

My investigation considered:

- The adequacy of the City's investigation into the loss of vital services;
- Whether the City's response was consistent with its bylaws, policies and procedures;

¹ A tenants' union is a group of organized tenants who work collectively to improve their living conditions and advocate for their rights.

- The City's communication with affected tenants and their representatives; and
- Whether the City's response was consistent with the Toronto Housing Charter and a human rights-based approach to housing.

During our investigation, we learned that the Housing Secretariat, through its EPIC program, had also declined to help the tenants, after being contacted by the tenants' union and MLS staff. Based on this information, we expanded the scope of our investigation to consider:

- Whether EPIC's decision not to help the tenants was fair; and
- Whether EPIC's decision was consistent with the Toronto Housing Charter and a human rights-based approach to housing.

Ombudsman Toronto investigators interviewed 28 witnesses, including tenants, members of the tenants' union, the landlord, utility providers and City staff. We reviewed about 100 emails, over 1700 pages of documents provided by four City divisions, including Toronto Fire Services ("TFS") and Toronto Emergency Management ("TEM"), as well as Toronto Hydro, Enbridge Gas, and over 300 pages provided by tenant advocates and the landlord.

What We Found

Ombudsman Toronto found that MLS carried out a flawed investigation of the tenants' service requests, failing to follow many of its own policies and procedures. MLS should have visited the building within 48 hours of receiving the tenants' requests but waited more than two weeks instead. It did not follow its procedures for collecting or documenting evidence. It did not verify or pursue critical information, such as who had shut off the vital services, why they were shut off, and what was needed to restore them. It failed to fulfill its primary purpose, which was to determine if the landlord was in violation of the vital service bylaws.

MLS staff were not properly trained in the vital services bylaws, some of the relevant procedures, or the Toronto Housing Charter. Additionally, they were not adequately supervised. We also found that MLS did not have procedures for responding to the shutoff of vital services, either those ordered by utility providers or those required for building repairs to be done.

Throughout this file, we found that MLS acted arbitrarily and showed a clear reluctance to enforce the vital services bylaws. Even before MLS visited the building, it had determined it would not take action on the tenants' service requests. It did not collect,

and ignored, relevant evidence, while placing significantly more weight on the landlord's circumstances. It did not clearly document or communicate its decisions, or the reasons for its decisions. Almost every action and omission throughout this investigation worked to the benefit of the landlord and to the detriment of the tenants.

We also found that the EPIC program within the City's Housing Secretariat lacked clear policies and procedures for its delivery of emergency housing services. EPIC's main policy document does not set out discretion for EPIC staff to be able to help households that do not fall strictly within its eviction prevention mandate. There is no written policy or process to guide EPIC's delivery of emergency assistance to tenants facing displacement. Further, EPIC took over a month to respond to MLS' request for help, a delay we found to be unreasonable.

My office also looked at whether MLS and the Housing Secretariat's handling of this case was consistent with the City's commitment to progressively realize the human right to housing. To answer this question, we applied our Housing Rights Framework, which is a tool that helps us assess whether the City's actions are consistent with its commitments under the Toronto Housing Charter.²

We found the City's actions were inconsistent with its commitments in the Toronto Housing Charter to progressively realize the right to adequate housing.

The Toronto Housing Charter applied in this situation because the tenants were living in unsafe and uninhabitable conditions and MLS did not enforce the bylaws that are intended to ensure the adequacy of housing. MLS' decisions also had a significant impact on the tenants' housing, but the tenants were left out of MLS' decision-making process.

The City's actions were not consistent with its commitment to progressively realize the right to adequate housing. Human rights impacts were not the primary consideration for MLS staff, and it did not use all appropriate means to fulfil the tenants' right to adequate housing, such as using the City's power to enforce the bylaws or to do the repairs itself. MLS did not prioritize those in greatest need by considering the tenants' state of acute housing precarity, or their circumstances as members of marginalized groups. MLS did not promote meaningful engagement with the tenants because it did not consider the tenants' evidence, or the impacts they were suffering from the vital services outage.

² More detail on how we interpret and apply the right to housing can be found in Appendix A: Housing Rights Framework.

We found that the Toronto Housing Charter applied to EPIC's refusal to help the tenants because EPIC staff were aware that the tenants were living in unsafe, uninhabitable conditions, and were at risk of displacement.

EPIC staff did not believe they had the discretion to serve the tenants in the first place, and did not consider the impact of this decision on their human rights. That meant EPIC did not use the maximum available resources to help the tenants. We also found that the Housing Secretariat did not use all appropriate means to realize the tenants' right to adequate housing, in part because it had not developed recommendations for supporting multi-tenant home tenants in the event of emergency relocations and/or unit closures as previously directed by City Council.

Our Recommendations

I made 27 recommendations in this report. My recommendations will help MLS improve its policies and procedures, its training and supervision of staff, and its response to vital service outages. As for EPIC, the recommendations will clarify its programs and improve its service standards. My recommendations will also help MLS and the Housing Secretariat better advance the City's commitment to the progressive realization of the right to adequate housing.

My recommendations include a call for MLS to:

- Review its policies and procedures on the enforcement of rental housing standards and consider their impacts on the right to adequate housing, including the preservation of affordable housing under the HousingTO Action Plan;
- Develop a process for responding to vital service outages that are ordered by utility providers, or are necessary for an owner to complete repairs;
- Improve its processes for supervising its bylaw officers, including developing case closure checklists, making better use of reports in the case management system, implementing a process for conducting monthly one-on-one check-ins with bylaw officers, ensuring adequate training on the vital services bylaws and relevant procedures, and ensuring training on the human right to adequate housing; and
- Develop guidelines for when decisions should be communicated to complainants in writing.

I also made recommendations for the Housing Secretariat to:

- Develop policies and procedures that spell out EPIC's support services for emergency housing;
- Develop guidelines on exercising discretion in the delivery of EPIC services;
- Establish service standards for EPIC's response times;
- Ensure that EPIC staff are trained on the right to adequate housing; and
- In consultation with MLS, provide recommendations to Council to support multi-tenant home tenants in the event of unexpected closures.

The City's Response

In response to our report, the City administration says that it accepts our recommendations and is committed to working inter-divisionally to support their implementation.

Ombudsman Toronto Follow-Up

The City will update our office on the status of its implementation of our recommendations by November 1, 2025, and then quarterly thereafter. Ombudsman Toronto will follow up until we are satisfied that the City has implemented our recommendations.