



Interim Procedure for Tenant Human Rights Complaints

Procedure Owner:	Legal Services
Approval:	ELT
First Approved:	November 2023
Effective Date:	January 2024

Purpose

The purpose of this Procedure is to set out a process for TCHC Tenants to make a Complaint to TCHC when they believe they have not been treated in a way that is consistent with TCHC's obligations under the *Human Rights Code*. The Procedure is in force on a temporary basis while TCHC completes a revision of all its Tenant human rights policies and procedures. The Procedure creates a centralized intake and resolution system for all human rights Complaints at TCHC.

Scope

The Procedure applies to all TCHC Tenants (as defined below).

The Procedure is to be used when Tenants have a Complaint (as defined below) that relates to TCHC's obligations under the Human Rights Code. This Procedure does not replace TCHC's other policies and procedures related to the *Human Rights Code* including but not limited to the Transfer Policy. Tenants with complaints that are not related to TCHC's obligations under the *Human Rights Code* should make those complaints under TCHC's existing [Tenant Complaint Process](#).

The protected grounds applicable to housing and therefore TCHC under the *Human Rights Code* are:



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

For more information about the application of this Procedure, Tenants can refer to the [Interim Tenant Human Rights Complaint Procedure Tenant Guide \(PDF\)](#). For more information about the application of 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, the Humans Rights Legal Support Centre or speak to their local legal clinic.

Definitions

1. “**Acknowledgment Letter**” means the Tenant Human Rights Complaint Acknowledgment Letter.
2. “**Centre**” means TCHC’s Centre for Advancing the Interests of Black People.



3. “**Human Rights Code**” means the Ontario *Human Rights Code*, RSO 1990 c. H.19.
4. “**Complaint**” means a complaint a Tenant makes when the Tenant believes:
 - they have been discriminated against or harassed on the basis of one of the protected grounds under the *Human Rights Code*; or
 - TCHC has applied a policy or procedure to the Tenant in a way that is not consistent with the *Human Rights Code*;
 - TCHC has failed to accommodate their needs related to one of the protected grounds under the *Human Rights Code*; or
 - they have been mistreated by TCHC because they filed a Complaint under this Procedure or otherwise tried to assert their rights under the *Human Rights Code*.
5. “**Complaint Form**” means a Tenant Human Rights Complaint Form which is Appendix “A” to this Procedure.
6. “**Decision Letter**” means the Tenant Human Rights Complaint Decision Letter.
7. “**GM**” means the General Manager for the region in which the Tenant lives.
8. “**MTM**” means the Manager, Tenancy Management, for the region in which the Tenant lives.
9. “**Procedure**” means this Interim Tenant Human Rights Complaint Procedure.
10. “**Reconsideration Decision Letter**” means the Tenant Human Rights Complaint Reconsideration Decision Letter.
11. “**Reconsideration Request Form**” means the Tenant Human Rights Complaint Reconsideration Request Form.
12. “**STM**” means the Supervisor, Tenancy Management, for the building in which the Tenant lives.
13. “**TCHC**” means Toronto Community Housing Corporation.
14. “**Tenant**” means a person who has signed the lease for a given unit with TCHC and, for the purposes of this Procedure, an authorized



occupant of the unit. Tenant does not include individuals who are present in a unit as guests of a Tenant.

Procedure Details

1. Receiving Complaint

- 1.1. A Tenant who wishes to make a Complaint to TCHC that they have been mistreated in relation to TCHC's obligations under the *Human Rights Code* must fill out a Complaint Form by one of the below methods:
 - 1.1.1. Online through website;
 - 1.1.2. Via email to the human rights email inbox;
 - 1.1.3. Over the phone with the human rights voicemail inbox; or
 - 1.1.4. In writing and then by submitting it to their Hub office.
- 1.2. Staff members may help a Tenant to complete and submit a Complaint Form if the Tenant requests their help. Staff members may not fill out the form for the Tenant or help them decide what information to put in the form.

2. Acknowledging Complaint

- 2.1. TCHC will send the Acknowledgment Letter to the Tenant within five business days of TCHC receiving the Complaint.
- 2.2. If TCHC determines a Complaint is unrelated to human rights, cannot determine if it is related to human rights or will not be investigating the Complaint for any of the reasons set out in the Interim Tenant Human Rights Complaint Procedure Tenant Guide, the Acknowledgment Letter will state it will not be further investigated and the reasons why and advise the Tenant of the manner in which the Complaint will be managed (ex. general complaints process,



maintenance request, etc.). It will also advise the Tenant they can request a reconsideration of this decision.

- 2.3. If TCHC received the Complaint via the voicemail inbox, a copy of the transcribed Complaint Form will be enclosed with the Acknowledgment Letter. The Tenant will have the opportunity to correct any errors or omissions in the transcribed Complaint Form.

3. Investigating Complaint

- 3.1. The MTM and Legal Services will investigate the Complaint by
 - 3.1.1. requesting further information from the Tenant as necessary;
 - 3.1.2. reviewing the relevant documentation;
 - 3.1.3. interviewing any potential witnesses and/or person who is the subject of a complaint; and
 - 3.1.4. assessing the appropriate response based on applicable human rights law.
- 3.2. If there are any possible anti-Black racism aspects of the Complaint, Legal Services and/or the MTM will consult with the Centre on the Complaint to assist in understanding those anti-Black racism aspects unless the tenant has requested that the Centre not be involved.
- 3.3. If the Tenant requests it or if the Legal Services and/or the MTM believe it is necessary in the circumstances, Legal Services and the MTM will meet with the Tenant to gather more information from them about the Complaint and/or discuss potential resolutions. Meetings will be conducted virtually or by telephone unless the tenant requires, on the basis of a legitimate reason, that it be in person.

4. Issuing Decision Letter

- 4.1. TCHC will send the Decision Letter to the Tenant within 10 business days of completing the investigation into the Complaint.



- 4.2. The Decision Letter will include an explanation of the result of TCHC's investigation into the Complaint and the steps TCHC will take to address the Complaint, if any.
- 4.3. The Decision Letter will advise the Tenant that they may ask for reconsideration of TCHC's resolution of their Complaint.

5. Reconsiderations

- 5.1. Tenants who disagree with the resolution of their Complaint or TCHC's decision not to investigate their Complaint may request reconsideration on the grounds:
 - 5.1.1. They have new and relevant information; and/or
 - 5.1.2. TCHC made a serious error in procedural fairness or considering the facts relevant to the Complaint that affected the resolution of the Complaint.
- 5.2. To request a reconsideration, Tenants must submit the Reconsideration Request Form to the human rights email inbox within 30 days of receiving the Decision Letter or Acknowledgment Letter or, if they are unable to do so, by submitting the Reconsideration Request Form in writing at their local Hub office or leaving a voicemail with the human rights voicemail inbox.
- 5.3. TCHC may allow late reconsideration requests where the Tenant was unable to submit the Reconsideration Request Form for reasons beyond their control or because of an accommodation need under the *Human Rights Code*.
- 5.4. TCHC will review the reconsideration request using the steps in section 3 above with the exception that the GM, not MTM, will be involved in reviewing the request.
- 5.5. TCHC will send the Reconsideration Decision Letter to the Tenant within 10 business days of completing its investigation of the reconsideration request.



- 5.6. The Reconsideration Decision Letter will include an explanation of the result of TCHC's investigation into the reconsideration request and the steps TCHC will take to address the request, if any.
- 5.7. Subject to any new information, TCHC's decision on the reconsideration request will be final.

6. Incorporating Complaints Received Outside of the Procedure

- 6.1. A Complaint received outside this Procedure (ex. Ombudsman, through City Councillor or other advocate) will be treated in the same manner as a formal Complaint received under this Procedure, that is, as if it were a written Complaint.
- 6.2. If the Tenant has provided their consent to share information, the Decision Letter will be copied to the person or office involved in lodging the Complaint.

7. Re-Assigning Complaints to Different Staff Members

- 7.1. If the Complaint includes allegations against a staff member responsible for resolving Complaints under this Procedure, it will be reassigned as below:
 - 7.1.1. If the Complaint is against the:
 - 7.1.1.1. STM, to another STM in region;
 - 7.1.1.2. MTM, to the GM;
 - 7.1.1.3. GM to the Chief Operating Officer; or
 - 7.1.1.4. Legal Services staff to the General Counsel.
- 7.2. If the Complaint is not related to any tenancy management issues and/or the MTM is not the appropriate instructing client for any other reason, TCHC may reassign it to a staff member other than those listed above.

Compliance and Monitoring

- This Procedure will remain in force until TCHC completes its review of Tenant human rights policies and procedures and implements a permanent Tenant human rights Complaints procedure.

Other Related Policies and Procedures

- [Human Rights, Harassment and Fair Access Policy – Tenants](#)

Commencement and Review

Revision	Date	Description of changes	Approval
First approval:	November 2023	New	ELT
[Revision #]			
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 June 2024 – according to policy review schedule – minimum every two years.