

**Report on the Eviction of Al Gosling and the Eviction Prevention
Policy of Toronto Community Housing Corporation**

**The Honourable Patrick J. LeSage, C.M., O.Ont., Q.C.
May 2010**

EXECUTIVE SUMMARY

Al Gosling was almost 82 years old at the time of his death in October 2009. He had resided for 21 years at 11 Arleta Avenue, a Toronto Community Housing Corporation building, until he was evicted for rent arrears in May 2009. His problems arose when he failed to complete the paperwork to qualify for subsidized rent and his rent increased. After eviction he remained homeless until he died of an infection five months later.

In October 2009, the Board of Directors of TCHC asked me to conduct an independent review of the circumstances surrounding Mr. Gosling's eviction and to review and make appropriate recommendations regarding TCHC's Eviction Prevention Policy.

The Terms of Reference as set out by the Board are as follows:

- In light of the eviction of the late Mr. Al Gosling, identify any gaps in how the Eviction Prevention Policy (the "Policy") and procedures under it were applied and suggest remedial measures to prevent further occurrences.
- Review the interim actions taken by Toronto Community Housing to strengthen the Policy and advise on whether additional procedures are needed to implement the purpose of the Policy.
- Advise on the implementation of amendments to the Policy proposed by Toronto Community Housing to avoid the eviction of vulnerable tenants for the non-payment of rent.
- Advise on any other changes to the Policy or additional procedures to address other eviction prevention issues that arise out of the independent review.

The mandate of this review is to make recommendations to prevent evictions of vulnerable tenants for non-payment of rent. Vulnerability is a term that need not be specifically defined and includes individuals facing a wide range of challenges. Seniors and those with physical disabilities and mental health problems would most certainly be included as vulnerable or "at risk" persons. A person can quickly become vulnerable and it is therefore important that an assessment of risk factors be performed on a periodic basis commencing at the outset of the tenancy.

TCHC's mandate is "to provide quality housing for low and moderate income households and to create community conditions that minimize risk and promote resiliency." It is important to recognize that TCHC is a social housing provider but has neither staffing nor funding to provide supportive housing services. TCHC must, however, assist tenants to link to those community agencies having the requisite expertise and ability.

Policies and practices in place at TCHC, including the Eviction Prevention Policy and Guidelines, the Community Management Plan, the Mental Health Framework, the Vulnerable Tenants Protocol, and the Human Rights, Harassment and Fair Access Policy are all thoughtful policies. If properly trained staff implement these policies on a consistent basis and audits are done to ensure compliance, TCHC will go a long way in fulfilling its mandate.

One of the issues giving rise to significant difficulties experienced by tenants and staff is the corporate reorganization that took place in 2008. The TCHC communities were redefined, staff relocated, travel distances increased and confusion ensued. As a result of the reorganization, staff workloads increased and staff responsiveness to tenants' inquiries and difficulties decreased.

The Eviction Prevention Policy and Guidelines call for direct contact with the tenants. I have found during the course of my consultations that this direct contact takes place on a very inconsistent basis. Communication with tenants by TCHC must improve. Staff have many opportunities to engage with tenants – on lease signing, on contacting tenants on the Exception Rent Roll Report and at the annual inspection. Each of these occasions should be used to engage the tenants and identify issues that could potentially lead to rent arrears and eventual eviction. For example, a tenant not completing and submitting the required documents to become eligible for rent subsidization is a red flag that prompts staff to make direct personal contact with those individuals.

The current strategy of sending to tenants a constant stream of letters, some of which use threatening language, needs to change. Tenants need to be put on notice of their arrears; however, threatening eviction at the first sign of arrears is not a productive step to engaging the tenant. Staff must make every effort to contact tenants in order to understand the root of the arrears problem and where possible rectify it at the earliest opportunity. This will not be accomplished solely by letter writing.

TCHC must identify the specific staff person responsible for managing the tenant file. I suggest the appropriate staff member is the Tenant Services Coordinator, with assistance, when appropriate, from the Health Promotion Officer and the building Superintendent. The role of the Health Promotion Officer should include liaising directly with tenants and assisting tenants to connect with community agencies. The tenant engagement model ought to be revamped to place a greater emphasis on 'tenants helping tenants' to develop a more supportive building community.

Another factor that has significantly impacted TCHC staff and its tenants is the legislative framework, which imposes requirements on TCHC that staff have difficulty interpreting and with which the tenants have great difficulty complying. It is my hope that the Legislature will take steps to amend the legislation to reduce the burden on TCHC and its tenants.

This Report recommends that prior to rent arrears escalating to eviction proceedings all such cases be directed to a new independent office, the Commissioner of Housing Equity. The Commissioner will ensure all proper eviction prevention steps have been taken and will make every effort to engage the parties in mediation to resolve the situation. This office must be independent of TCHC management structure and must have adequate staffing and resources to carry out this very important function. If a matter must proceed to the Landlord and Tenant Board, which I hope will be a rare occurrence, the tenants should be provided access to legal representation in light of the possible outcome – eviction from their home.

It is my hope that this Report will encourage all parties, including frontline staff and management at TCHC, community agencies, legal aid clinics, and various government ministries – federal, provincial and municipal – to work collectively toward the common goal of improving the social housing system, especially for vulnerable tenants. Without change we risk a recurrence of the circumstances that gave rise to the eviction and subsequent death of Al Gosling.