

Promoting Successful Tenancies: *Best Practices for When Our Tenants Are Vulnerable*

Toronto Community Housing,

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Promoting Successful Tenancies: Best Practices for When Our Tenants Are Vulnerable

Contents

Definition and Principles

Staff roles

Intervention protocols

- If the tenancy is at risk – the tenant is not meeting their lease obligations
- In a potential crisis -- tenant is creating a disturbance
- In a crisis – tenant could endanger themselves or others
- After a crisis – tenant returns from hospital or other emergency intervention

Crisis prevention tools

- Crisis prevention cycle
- Emergency contact protocol
- Working with support organizations
- Unit inspection tips

Resources [these will be place on InSite]

- De-escalating crises
- Hoarding
- Contact information
- Glossary of terms
- Forms and sample letters

Toronto Community Housing's role

Toronto Community Housing recognizes that being a social housing provider means more than providing affordable housing. It means creating safe and healthy communities where every tenant has the opportunity to reach their full potential.

Toronto Community Housing is committed to promoting successful tenancies for tenants living with mental illness, substance use, varying physical and intellectual abilities. To date we have invested significant resources towards achieving this goal. Regrettably, many tenancies fail, especially in situations of tenant crisis. Clearly, there is more to do.

Toronto Community Housing's vision is that every tenant enjoys good health, living in a safe and healthy community where tenants with mental illnesses and addictions are welcomed, supported and able to participate in civic life.

Simply by being a good landlord, Toronto Community Housing has an important contribution to make to the well-being of tenants who become vulnerable. The Canadian Mental Health Commission states that safe, stable, affordable housing is one of the *key* determinants of mental health. Research also shows that respectful, trusting relationships do more to promote successful tenancies than any other factor.

Being a good landlord also means knowing when to reach out to community partners. Tapping into their expertise and services is key to supporting our tenants who find themselves in difficult situations.

This protocol offers guidance for front-line staff to help them meet Toronto Community Housing's three-fold mandate:

- To *accommodate* people with disabilities, including people with mental illness or addictions. This is the legal obligation of all Ontario landlords under the *Ontario Human Rights Code*.
- To *promote successful tenancies* as defined by the *Residential Tenancies Act*.
- To *foster an environment* that promotes recovery and health – one that fosters hope, self-determination, and connection with the ordinary world of friends, family and work.

This does not mean Toronto Community Housing is a supportive housing provider. Although there are a few examples of supportive housing within our buildings, tenants are generally expected to live independently with external supports.

Nor does it mean that staff are expected to be social workers or offer mental health supports. It *does* mean staff are respectful and trustworthy in all their dealings, and uphold the principles in this protocol.

This protocol informs, or is informed by, such initiatives as Toronto Community Housing's:

- **Community Health Framework**
- **Community Standards**
- **Eviction Prevention Protocols**
- **Internal Transfer policy**
- **Senior's Strategy**
- **The Report on the Homelessness/Mental Health Pilot entitled "All the Way Home: The Road to Recovery"**

Toronto Community Housing

“When a tenant becomes vulnerable” protocol

When is a tenant vulnerable?

For the purposes of this protocol, a vulnerable tenant is one who is having difficulties coping with the activities of daily living or meeting their obligations as tenant:

- because of a physical disability, mental illness, cognitive impairment, frailty or substance abuse . . .

and

- does not have the support they need to maintain their health or housing. This support can take many forms: a supportive neighbour, a caring friend, a supportive housing worker, case manager, etc.

Poverty, trauma, stigma, and institutional and systemic oppression also increase vulnerability and create barriers to accessing crucial supports.

Why Toronto Community Housing needs this protocol:

- About 7% of Toronto Community Housing’s residents – adults, youth and children – have a serious mental illness. That means about 8900 adults with signed leases have a mental illness serious enough to be eligible for supportive housing. About 1/3 of these tenants are likely to mis-use substances.
- Almost 45,000 of Toronto Community Housing’s residents are under the age of 25. In Ontario, youth between the ages of 16 to 24 are three times more likely to have substance use issues and experience mood disorders such as depression and anxiety.
- In the 2008 Tenant Survey, 28% of tenants reported a physical disability, including impairments to mobility, hearing or sight, or invisible disabilities such as a brain injury, chronic pain or organ complications.
- 39% of households have at least one senior – a total of 25,392 seniors. Of these, 71 per cent live alone, and 74 per cent are women. Being a senior in itself does not make one vulnerable, but it does put one at greater risk of becoming vulnerable.

Principles

- Tenants with mental illness, or any other disability, have the same rights as everyone else. That includes the right to speak for themselves, to make their own choices, and to accept the consequences of their choices.
- Toronto Community Housing has a “duty to accommodate” tenants with disabilities, including mental illness. That means:
 - tenants have the *right* to request support or other accommodations they need to meet their obligations under the lease
 - Toronto Community Housing *must work with* the tenant to find practical ways to meet these needs
 - the measure of a good approach is the extent it promotes the dignity of the tenant and their inclusion in the community.

It does *not* mean Toronto Community Housing staff need to determine whether a person has a mental illness or not. Staff should not ask tenants if they have a mental illness, addiction or other disability. They should not ask about diagnoses, medication or any other personal matter. They only need to know the changes that need to be made, or the problem that needs to be solved, for the tenant to live successfully in their unit.

Nor does it mean that staff should lower their expectations of tenants with mental illness. Everyone has the same basic obligations under their lease. The purpose of the accommodation is to ensure tenants with mental illness can meet those obligations.

- Toronto Community Housing’s goal is to promote successful tenancies. Eviction is always a last resort, used only when all other strategies fail. However, the eviction process can be a useful way to prompt tenants to seek help to become successful tenants, or to prompt agencies to step forward.
- Toronto Community Housing cannot force a tenant to accept help or work to resolve problems. Staff *can* explain that tenants have the right to ask for help, and that most people need help at some time in their life. Staff *can* also tell the tenant the consequences of their actions.
- The staff’s respectful, courteous problem-solving attitude is the most important part of this protocol. There are many ways to express this attitude, such as offering words of encouragement or acknowledging a tenant’s strengths or attempts to improve.
- Staff must never label someone or make assumptions about a person’s abilities.

A word about privacy

Tenants have the right to privacy. Staff must not reveal a tenant's personal information without the tenant's written permission *unless* the tenant's life, or the life of others, is at risk.

That means it is crucial to obtain Emergency Contact information from each tenant, and obtain the tenant's written agreement about when the emergency contact may be called.

- Staff should call the Emergency Contact if they believe the life or safety of the tenant or others is at risk. Risks include suicide, other self-harm, threats to others, or a noticeable decline in health. If there is no Emergency Contact, and it is not a 911 emergency, seek the advice of a public health nurse or crisis line. It is better to risk a complaint about breaching confidentiality than to risk a death or injury by failing to act.
- If a tenancy is at risk, staff should obtain the tenant's verbal permission to call the Emergency Contact. If there is no Emergency Contact, then the staff should discuss with the tenant who might be appropriate to call, and gain written permission to make the call. If the tenant refuses to name a contact person, the staff person should follow the steps in *Intervention 1: When a tenancy is at risk*.
- If staff suspect a tenant has died in the unit, staff should call the police and ask an officer to accompany them into the unit.

Confidentiality will inevitably be compromised when a tenant's behavior or a crisis has affected an entire community. Seek your supervisor's advice if you are unsure how to proceed. In general, it is appropriate to reveal publicly available information that affects witnesses and neighbours, such as:

- The fact a tenant has died
- The fact that a tenant has been taken to hospital
- Any steps Toronto Community Housing or the police are taking to protect tenants or the building
- Any opportunities for witnesses or other affected tenants to de-brief or receive counseling.

Staff roles:

It's a team approach!

Everyone has a role to play in supporting successful tenancies – but not every role is the same. This section highlights the contribution each position can make, and how staff can work together as a team.

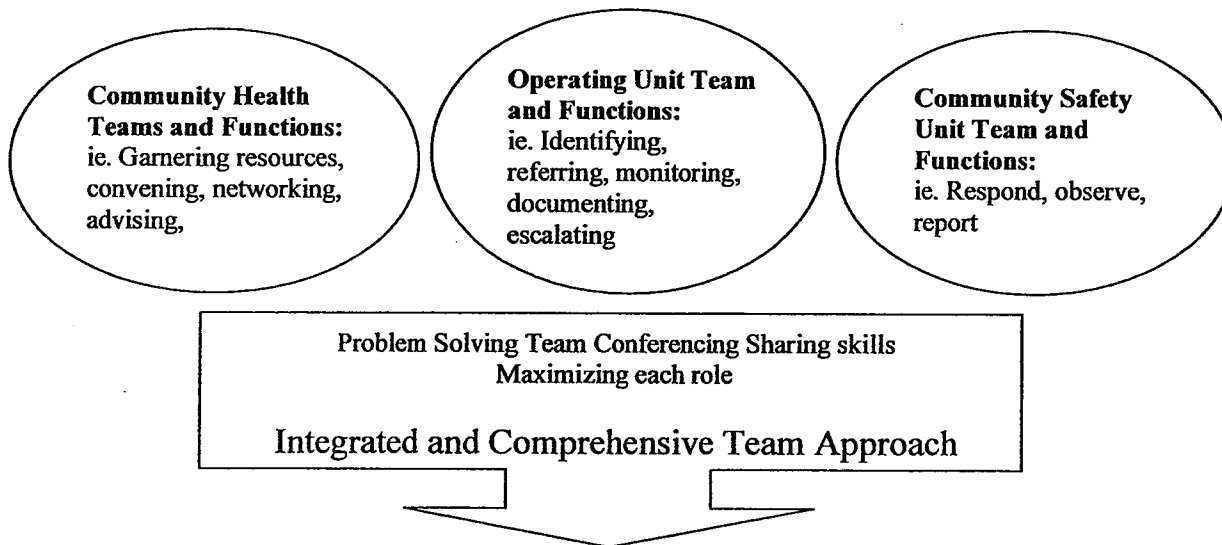
The staff roles listed below are neither exhaustive nor rigid. Flexibility is an important part of working together as a team. Before we talk about individual roles, a bit about the type of team work that makes the roles effective

Some elements of Good Team Conferencing:

- Whoever identifies the issue initiates the team meeting
- A team lead is identified (ie. Super, TSC, HPO)
- Everybody is allowed to share their perspectives and ideas
- Important information is shared
- Agreement is reached on next steps before leaving

Some questions for the team to consider:

- Are there supports and what supports have already been tried?
- Is there any information in the tenant file that can assist?
- What's the history of the problem?
- Who knows the tenant the best?



Individual roles

The tenant's role: *uphold the lease, ask for help*

- Fulfill their obligations as set out in their lease and the Community Standards
- Inform staff (the Superintendent, Tenant Services Co-ordinator, or Customer Service Facilitator) if they need help to meet these obligations
- Uphold any verbal or written agreements
- Work towards their own recovery

The neighbour's role: *observe and respect*

- Tell any staff person if they are worried about their neighbour
- Treat all their neighbours – including neighbours with mental illness -- as they would like to be treated themselves

The Superintendent's role: *identify, informally approach, problem-solve, monitor*

- Work with tenants to solve tenancy-related problems
- Document all observations and informal agreements with the tenant
- Follow up with the TSC or other appropriate staff
- Engage with tenant community as appropriate

The Tenant Services Co-ordinator's role: *meet, problem-solve, document*

- Meet formally with the tenant when a tenancy is at risk
- Co-ordinate with other relevant supports (when necessary)
- Work with tenants, support workers and tenant's emergency contact to resolve the issue(s)
- Process all documentation and legal notices
- Maintain history within file

The Health Promotion Officer: *advise, co-ordinate, assist*

- Provide advice and support to front-line staff upon request on problem identification and accommodation strategies
- Maintain connections with local community supports
- Co-ordinate and strengthen opportunities for peer support and education for tenants
- Monitor building trends and develops community based strategies
- Assist in complex or high profile cases

Youth Engagement Co-ordinators: *advise, coordinate, assist*

- Provide advice to front-line staff upon request on problem identification and accommodation strategies
- Maintain connections with local community supports
- Co-ordinate and strengthen opportunities for peer support and education for tenants

The Customer Services Facilitator's role: *engage, de-escalate, mediate*

- Engage with tenants within the operating unit
- Use encounters with tenants to de-escalate anger
- Help to resolve conflicts between tenants, or between TCH and the tenant
- Keep the TSC and Superintendent informed when follow-up is needed
- Liaise with health promotion officer re: trends and community updates

The Custodial Maintenance Person or cleaner: *observe and document*

- Talk to the superintendent about what you see or hear
- Document any housing specific issues
- Treat every tenant in accordance with TCH's staff conduct policy
- Engage with tenant community as appropriate

The Community Safety Unit Staff (Special Constable): *respond, observe, report*

- Respond to crises; issue form under the Mental Health Act if necessary as a Special Constable
- Observe and document intervention
- Relay housing specific incidents to operating unit staff for follow-up
- Reinforce the consequences of behaviour that breaches the lease

The Community Safety Promotion Officer: *advise, co-ordinate, assist*

- Work with the HPO as needed on safety-related strategies
- Provide guidance and expertise on community safety, including stakeholder relations, partnership development, and tenant engagement

Community Housing Supervisor and Operating Unit Manager: *oversee, equip, assist*

- Oversee processes and provides guidance when necessary
- Promote team approach, taking on the role of team leader where required

- Support staff, including opportunities to debrief after a crisis
- Assist in complex or high profile cases

Community Health Managers: *oversee, equip and assist*

- Monitor broad trends and develops effective community health strategies
- Manage local partnerships and involvement in portfolio-wide coalitions
- Oversee, equip and assist community health team
- Liaise between TCH and outside resources, coalitions and other units of TCH

Contract Management Companies: *meet all property management obligations*

- Uphold Toronto Community Housing's 3 fold mandate: to accommodate, to promote successful tenancies and assist in fostering an environment that promotes health and recovery
- *Note:* Most of the functions related to the superintendent and tenant service co-ordinator are found within the position of property manager or their delegate.

Toronto Police Services or Toronto Fire Services: *assess and assist*

- Identify and assist when a person is a potential threat to themselves or others

External Support Agency: *relate, empower, communicate*

- Builds trust relationship with their client
- Equip their clients to resolve problems, advocating on their behalf when necessary
- Communicate with TCH staff when tenancy is at risk

A note about Housing Support Workers

Support workers and TCH staff can work together to help tenants keep their homes. Support workers should be invited to attend the lease-signing with their client, and to discuss how the tenant, TCH staff and support worker will communicate with each other. Support workers should also be invited to attend any meeting that could affect the tenancy of their client.

It's the support worker's job to earn the trust of their client and where necessary, advocate on their behalf. That means they cannot be seen to be siding with the landlord against their own client. However, when you firmly explain to a tenant the consequences their actions, you are paving the way for the support worker to work with their client to resolve the problem putting the tenancy at risk.

Head Office Supports

The Operating Unit is supported by a number of head office units and positions. Operating Unit Supervisors or Managers have current head office staff lists, and can confirm which unit or position should be contacted.

Legal Services Unit

- provides pro-active RTA training and ongoing support to operating unit staff to establish and maintain safe and healthy communities.

Community Practice Unit

- Ensures Community Management Plan initiatives are implemented and incorporated into day-to-day front-line staff functions using an integrated team approach
- Plans, problem-solves, and shares better practices or strategies so they are consistently practiced across the portfolio
- Identifies gaps in policy, operational and/or frontline supports, and development recommendations for improvements

Human Rights Unit

- Promotes a human rights lens when dealing with staff and tenants
- Engages in resolution of all human rights/harassment issues and complaints
- Mentors and coaches staff and tenant reps./leaders on promoting human rights
- Provides oversight in matters of 'accommodation'

Manager of Social Inclusion

- Develops strategies and protocols to address barriers to participation within TCH communities
- Promotes equitable access to services for vulnerable tenants
- Support a tenant committee that promotes accessibility and accommodation within TCH communities

Manager of Partnerships

- Connects with operational staff to identify partnership opportunities for vulnerable tenants
- Connects head office supports to the community
- Evaluates the impact of partnerships on the community

Intervention Protocol #1 **When a tenancy is at risk**

When to use this protocol

Use this protocol when the tenant appears to violating their obligations under the lease:

Lease violations include such things as:

- Damaging building or unit
- Unclean to the point of creating a health or fire hazard, bothering neighbours, or bringing vermin or pests into the building
- Repeatedly disturbing neighbours
- Unit taken over by non-tenants
- Illegal acts that affect other tenants or the character of the building.

They do not include:

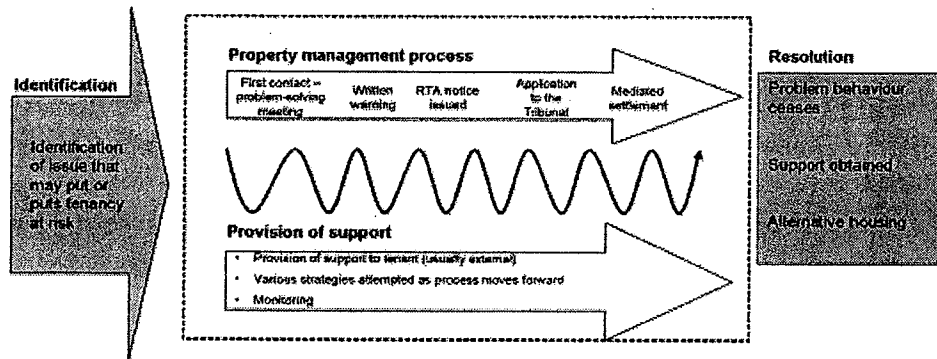
- Behaving or dressing oddly
- Annoying neighbours, but not in a way that undermines the quiet enjoyment of their home
- Poor housekeeping that is not a fire or health hazard
- Behavior prompted simply by anger or frustration.

The overall approach:

- The policy of TCHC is to avoid eviction as much as possible while maintaining safe and healthy communities. Using the *Residential Tenancies Act* can help tenants identify behaviour that violates the lease, the consequences of continuing this behaviour, and the help they need to fulfil their obligations. It can also help to trigger outside community supports to avoid eviction.

Here is what the process looks like:

Intervention protocol for at-risk tenancies - schematic



- Toronto Community Housing's role is to lay out the consequences and timelines for a tenant to change behaviour that violates the lease, and provide appropriate accommodation when asked for and appropriate.
- At each step in the escalating process, staff should always encourage tenants to access support, including their emergency contact, other friends and family, doctor, support worker, or community agencies.
- Staff should not expect that the problem will go away due to a referral. Tenants always have the right to refuse support or decide what support should look like. Monitoring and follow-up by staff is important.
- All deadlines should be negotiated with the tenant. Deadlines are also affected by the impact of the behaviour on the unit or the community, and its frequency and behavior. Once deadlines have been agreed-to, follow-up is crucial to a successful outcome.
- After every encounter with the tenant, staff must document in Easy Trac:
 - the date of the meeting,
 - the supports offered and whether tenant refused the support,
 - any agreements with the tenant
 - the date of the next scheduled follow-up.
- *If any situation is endangering staff, the tenant or neighbours, call 911.*
- *Staff should contact their supervisor if they encounter a situation they cannot handle, or have found distressing.*

Intervention steps

- The Superintendent and the Tenant Services Co-ordinator work together to identify the problem and co-ordinate the resolution of breaches of the lease. Typically the Super takes on the monitoring role and interacts more frequently with the tenant while the TSC co-ordinates the overall process and maintains the file. It's important that other team members recognize and support their crucial front-line roles.
- Other staff may be involved. A flexible team approach is the essence of an effective response. The **community safety staff** can reinforce messages after office hours. The **HPO** acts as a resource on effective accommodation strategies, partners and community organizations that might support the tenant. The **Supervisor or manager** oversees and provides a supportive role, and can play a more in-depth role in complex or high profile cases **TCH's legal unit** can offer advice on how to create legal notices.
- If the tenant has a support agreement with an agency, the support worker should be contacted as soon as a breach arises, and be invited to all meetings with the tenant. (It is important to have a Consent to Disclose form filled in.)

Action	Person responsible	Others involved
First contact – problem-solving meeting	Superintendent	concerned neighbours, outside supports (ie. Agency staff), Tenant Service Coordinator
Written warning	Tenant Service Co-ordinator	Super, Health Promotion Officer, Youth Engagement Coordinator, Outside supports
RTA notice issued	Tenant Service Co-ordinator	Legal, outside supports
Application to the Tribunal	Tenant Service Co-ordinator	Legal,
Mediated settlement	Legal Support	Tenant Service Co-ordinator, OUM or Supervisor
Order to evict	Legal support	OUM or Supervisor

Resource: An eviction prevention schedule for TSCs to track this process

1. First contact – Superintendent leads problem-solving meeting

1. Visit the tenant. Go in pairs if you have any concern about your safety or ability to handle the situation effectively (refer to Hazardous Workplace protocol).

