



Removal of a Tenant Representative

Policy Owner:
Community Health Unit

Type: Guidelines

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Approved By: Executives

Last Reviewed: N/A

Guidelines Summary

These guidelines provide a framework within which Toronto Community Housing can meet the following objectives:

- Outline consistent procedures for removal of a Tenant Representatives across the organization
- Maintain high ethical standard, good judgment, and accountability for Tenant Representatives
- Support activities that will enable Tenant Representatives and Tenant Council to become more involved in governance and decision-making in their communities

Guidelines Statement

Through tenant engagement initiatives, Toronto Community Housing facilitates the participation of tenants in issues that have an impact on their buildings and their communities. In meeting its mission,

Toronto Community Housing applies its resources to support meaningful engagement, reduce barriers and spark social change.

The Tenant Representative position is a volunteer position, not a compensated position. Tenant Representatives have a responsibility to act in good faith when representing their communities.

There may be times when Tenant Representatives are unable to fulfill these roles or meet their responsibilities and removal is required.

Purpose

The purpose of these guidelines is to outline consistent procedures for removal of a Tenant Representatives across the organization.

Scope

These guidelines apply to all Tenant Representatives.

Values

Maintain high ethical standard, good judgment, accountability and conduct for Tenant Representatives.

Standards

Community Health Manager is responsible for the process of determining if the Code of Conduct has been breached.

Community Health Manager is responsible determining the severity of the breach.

Community Health Manager is responsible for creating resolution plans when applicable and or removal when applicable.

Guidelines Details

Process for Determining a Breach of the Tenant Representative Code of Conduct

This process is guided by the principles set out in Toronto Community Housing's Community Standards.

The Community Standards are guidelines by which tenants, staff, contract property managers, community partners and contractors

agree to live and work in Toronto Community Housing communities.

The complete process from receipt of an alleged breach of the Tenant Representative Code of Conduct to the resolution of the matter shall not exceed 60 days. Reasonable exceptions can apply upon review by staff.

Staff should make reasonable efforts to communicate to all individuals involved and it should be done in an accessible manner. *For Example:* preferred languages, large print, Braille etc.

Procedure for Reviewing a Reported Tenant Representative Code of Conduct Breach

A breach of the Tenant Representative Code of Conduct must be reported to the local staff or through the Client Care Center when staff are not available. The staff must document the complaint (using EasyTrac) and respond within three business days to all individuals involved. The response should notify all individuals involved that an alleged breach of the Code of Conduct has been reported.

1. After notifying all involved individuals in writing, staff must assess and clarify the issue(s) with all parties.
2. The recipient staff must try to resolve the issue at the local level.
3. If the alleged breach of the Code of Conduct cannot be

appropriately resolved at the local level, it will be escalated to the Community Health Manager (or their delegated staff).

4. The Community Health Manager will :
 - confirm the individuals involved in the complaint
 - meet with all individuals involved (separately)
 - assess and clarify the issue(s)
 - give all individuals involved opportunity to present their position in writing
 - give all individuals involved an opportunity to be accompanied by support persons
 - document each meeting in EasyTrac
 - escalate the matter to their Director if there is a conflict of interest.

5. Upon completion of the meetings the Community Health Manager will :
 - Document the outcomes using the standard template and update the EasyTrac file
 - Provide copies of the findings (see Appendix 1) to all individuals involved
 - Give all individuals involved an additional opportunity to respond to the findings in writing within 14 business days
 - Make a determination as to whether a breach of the Code of Conduct has occurred

Breach of the Tenant Representative Code of Conduct

If there is a determined breach of the Code of Conduct based on the

outcomes of the process listed above, the Community Health Manager will:

- Create a *Resolution Plan* with the Tenant Representative when a breach is of low or intermediate severity
- Prepare and send a removal Letter to the Tenant Representative when a breach is of high severity
- Make sure that the impacted Tenant Representative has been given an additional opportunity to respond to the findings in writing within 14 business days of the decision

Determining Severity of the Breach of the Tenant Representative Code of Conduct

Toronto Community Housing's Community Standards describe different levels of severity for unacceptable behaviors. The Community Health Manager will use these descriptions as a guide to determine the applicable level of severity of the breach of the Tenant Representative Code of Conduct. The following are a few examples:

Low Severity and Intermediate severity: *exerting undue or inappropriate influence on tenants and staff, unintentional conflict of interest, unintentional discrimination, unintentionally violating privacy rights.*

High Severity: *intentional conflict of interest, intentionally behaving in a manner that is intimidating or*

threatening, intentional discrimination/ harassment, or intentionally violating privacy rights.

Creating a Resolution Plan for Intermediate and Low Severity Breaches of the Tenant Representative Code of Conduct

When a breach in the Code of Conduct is not severe, a *Resolution Plan* is required to provide the Tenant Representative an opportunity to change their actions. The Resolution Plan will be created together with the Tenant Representative (and their supports) and the Community Health Manager (or their delegated staff).

The *Resolution Plan* will:

- Explain the breach
- Notify the Tenant Representative that they have a right to bring a support person who is not involved in the matter
- State the agreed upon outcomes
- Determine what other support(s) the Tenant Representative may need to achieve agreed upon outcomes
- Identify reasons why having support is critical to success
- List the goals
- Set a reasonable timeline for completion – no more than 30 days
- Communicate that failure to complete or follow the *Resolution Plan* will result in removal from the office of Tenant Representative

If the Tenant Representative does not accept the terms of the Resolution Plan, they will be issued a letter of removal.

Removal for High Severity Breaches of the Tenant Representative Code of Conduct

When a breach of the Code of Conduct is determined to be of high severity, the Tenant Representative will be issued a Removal Letter which will be attached in EasyTrac. This letter will notify the Tenant Representative of the following:

- The Tenant Representative has been removed from their position
- The reason for removal
- The Tenant Representative is not eligible to participate in the by-election for the vacant position
- The Tenant Representative is not eligible to participate in the election for the next full term (3-year term) of office
- The removal of the Tenant Representative is immediate upon receipt of the Removal Letter
- The Tenant Representative will reconcile any outstanding Council Funds within three business days

When a Tenant Representative is removed

When the Tenant Representative is removed, the Community Health Manager will:

- Communicate to the community that the Tenant Representative has been removed using a standard sign to be posted on bulletin boards (See, Appendix 2)
- Create a community health plan to address the impacted individuals and the community as a whole

Fictitious or Unsubstantiated Alleged Breaches of the Tenant Representative Code of Conduct

If the report of a breach is determined to be fictitious or unsubstantiated, then the Community Health Manager will notify all individuals involved in writing that the process is considered completed without cause and will:

- create a community health plan to address the impact on individuals and the community as a whole

If the report is determined to be fictitious, the reporting individual could be penalized subject to Ontario Human Rights Code; and the Toronto Community Housing's Community Standards; the Tenant Representative Code of Conduct; the Staff Code of Conduct; or the Human Rights; Harassment and Fair Access Policy or any other applicable policies or legislations.

Ineligibility after Removal

A Tenant Representative is ineligible to participate in any by-election for the vacated position whether caused

by their removal or resignation. Any person who has been removed from the position of Tenant Representative or has resigned from a Tenant Representative position is ineligible to become a Tenant Representative for the remainder of the current term and the immediate next term, in their or any other Toronto Community Housing community.

Removal can impact the Tenant Representative's participation in other facets of the Tenant Engagement System. The Director of the Community Health Unit will review and discuss eligibility with the Tenant Representative in other facets of the Tenant Engagement System.

The Director of the Community Health Unit will review and written response to findings if there is a conflict of interest with the staff managing the process.

Compliance

Action will be taken against Tenant Representative who breach the Tenant Representative Code of Conduct including removal from the position of Tenant Representative and may also be accountable to the Ontario Human Rights Code. All Code of Conduct breaches are determined by an equitable and fair process.

Fictitious complaints of breaches of the code of conduct will be penalized subject to Ontario Human Rights Code; and the Toronto Community Housing's Community Standards; the

Tenant Representative Code of Conduct; the Staff Code of Conduct; or the Human Rights; Harassment and Fair Access Policy or any other applicable policies or legislations.

Definitions

Staff includes Health Promotion Officers, Youth Engagement Coordinator or any other designated employees of Toronto Community Housing.

Governing and Applicable Legislation

- Municipal Freedom of Information & Protection of Privacy Act
- Housing Services Act
- Ontario Human Rights Code
- Ontario Tenant Protection Act

Related Policies and Procedures

- Community Standards
- Roles and Responsibilities for Tenant Representatives
- Tenant Representative Code of Conduct
- Human Rights, Harassment and Fair Access Policy
- Accessibility for Tenants
- Tenant Complaint Process
- Eviction Prevention Policy
- Distribution and Allocation of Use of Space Funds Policy

- Distribution of Tenant Council Funds Policy
- Translation and Interpretation Policy
- Community Management Plan
- Board Deputation Process
- Tenant Transfer Policy
- Pest Control Strategy
- Close Captured TV Policy
- Shareholder's Agreement
- Mental Health Framework
- Toronto Community Housing Staff Code of Conduct
- Race Relations & Multicultural Policy
- Anti-Ableism Policy
- Expense Reconciliation Procedures for Toronto Community Housing Tenants Guidelines

Commencement and Review

- Commencement
These guidelines take effect on November 22, 2011
- Next Review Date : November 2013