

Policy on Evictions for Cause - Update

Item 3
November 24, 2011
Tenant & Community Services
Committee

To: Tenant & Community Services Committee **Report:** TCSC:2011-13
From: Chief Executive Officer (Interim)
Date: October 27, 2011 Page 1 of 5

PURPOSE:

To provide the Committee with an update on implementation of the Policy on Evictions for Cause.

RECOMMENDATIONS:

It is recommended that the Committee receive this report for information.

REASONS FOR RECOMMENDATIONS:

On August 17, 2011, the Board of Directors approved the Policy on Evictions for Cause and requested a report from staff on implementation and communication of the policy.

Background

Anti-social behaviour and illegal activity have a negative impact on the safety and liveability of our communities. Toronto Community Housing, like many other landlords also has the difficult task of managing unit conditions where there is excessive clutter or 'hoarding' that could interfere with our ability to maintain the building or could put the safety of others at risk.

The *Residential Tenancies Act, 2006* ("RTA") governs the landlord-tenant relationship and sets out the reasons for which a landlord can seek termination of a tenancy. The Policy on Evictions for Cause applies to the following reasons for termination of a tenancy:

- Damage to property (such as vandalism or graffiti) wilfully or negligently caused by a tenant, occupant or guest of a tenant;
- Illegal acts in the residential complex (such as assault or drug trafficking) committed by a tenant or occupant, or committed by another person with permission of the tenant or occupant;
- Impairment of safety (such as weapons or serious fire hazards in a unit or on the property); and
- Substantial interference with reasonable enjoyment, other rights, interests or privileges (such as harassment, anti-social behaviour, unit conditions such as excessive clutter or extremely poor housekeeping).

The purpose of the policy is to guide decision-making and to set minimum standards of procedural fairness, investigation and communication when seeking eviction. The Policy on Evictions for Cause recognizes that there are a number of ways to resolve these issues, but we will sometimes have to seek eviction immediately in very serious situations or when attempts at resolution are not successful..

Work is needed in three main areas to implement the policy and to address the problems that could lead to eviction:

- 1) investigating and working with tenants to resolve the problems;
- 2) providing guidelines to staff to assist them in interpreting and applying the policy in a consistent manner when evictions for cause are pursued
- 3) communication plan

1) Investigating and working with tenants to resolve problems that could lead to eviction

Work is already underway to provide tools and training to staff on investigating and working with tenants when there are concerns of anti-social behaviour, illegal activity, excessive clutter (“hoarding”) or unhealthy unit conditions:

- The Community Standards Initiative aims to address a number of common anti-social behaviours and illegal activity that staff and tenants may encounter. The goal is to provide clear steps to help tenants play a more active role in the safety in their community, including a course of action to effectively report anti-social behaviours. When complaints and reports are filed in a consistent manner and records are compiled, staff can recognize patterns of behaviour, work with tenants to resolve the behaviours, or start eviction proceedings when warranted.
- Six (6) Community Standards pilot projects are currently underway in Pelham Park, Eagle Manor, Neptune, Rivertowne, Gilder and East York Acres. Through these pilots, we will learn how to better document and respond to complains in a consistent manner and work with tenants to resolve complaints of anti-social behaviour. Staff are evaluating the pilots and improvements will be made to the process as it rolls out to more Toronto Community Housing communities in 2012.
- The organization is finalizing an *Excessive Clutter Intervention Strategy* (also known as the “Hoarding” strategy). This will result in a number of activities to better support field staff in their work to address excessive clutter. The purpose of this work is to provide improved clarity on our responsibilities as a landlord, recommendations for follow up when people are at risk, strengthened partnerships, training and resources for staff.
- Training sessions will start in Q4 2011 on excessive clutter and unsafe/unhealthy unit conditions, and some tools and resources are already available to staff. Training will cover our responsibilities as a landlord and other regulatory requirements;

understanding hoarding and tips on how to follow-up and talk to tenants; and information on what key agency partners offer (or do not offer) for tenants.

2) Providing guidelines to assist in interpreting and applying the policy in a consistent manner when evictions for cause are pursued

When efforts fail to resolve the problem and the actions of a tenant, family member, pet or guest continue to negatively impact tenants, staff or the community, Toronto Community Housing can and will pursue eviction by commencing proceedings at the Landlord and Tenant Board. Some evictions may be pursued immediately in very serious situations, generally involving serious impairment of safety or serious criminal activity. Guidance will be provided to staff and tenants through the Community Standards and Excessive Clutter projects. In addition, Toronto Community Housing will develop general guidelines and tools that apply to all evictions for cause, including:

- Guidelines for decision-making
- A checklist for approval before commencing the eviction process, to demonstrate that the minimum standards set out in the policy are being met
- Sample letters and notices
- Training for staff on the eviction process

3) Communication Plan

Through the Community Standards and Excessive Clutter initiatives, and through implementation of the Policy on Evictions for Cause, communication tactics are planned to:

- Inform staff at all levels of the company about the purpose and principles of the policy;
- Educate staff who will apply the policies, to help them understand the processes they should follow ;
- Support managers to be effective communicators with staff and tenants about the policy;
- Inform tenants about the policy and of their rights and responsibilities; and
- Inform stakeholders and invite feedback about our implementation (e.g. legal clinics, partners, tenants, staff).

After the Policy was approved, it was communicated to staff, tenants and stakeholders using the following tactics:

- Staff communications through e-mails, a resource page on the internal website and using a cascade approach from management down to the front line (e.g. team meetings, Q&A, etc.)

- The Policy was posted on Toronto Community Housing's website
- Tenants were informed through the Fall 2011 edition of the tenant newsletter *the front door*.
- Stakeholders were informed through the October edition of *insidehousing* (stakeholder e-newsletter)

Next Steps

Attachment 1 is a work plan showing what has and will be done to implement and communicate the Policy.

IMPLICATIONS AND RISKS:

Costs

Cost of implementation is captured in the existing 2011 budget. Costs for 2012 will be addressed in the 2012 planning and budgeting process.

Legal Framework

The Policy is consistent with the RTA. It follows the same balanced approach that is anticipated in s. 83 of the RTA, deciding on what is fair, taking into account the circumstances of the tenant facing eviction, those of the landlord and the other tenants impacted by the behaviour. It also allows for accommodation of tenants whose behaviour is related to a disability protected under the *Human Rights Code*. Finally, it captures the principles of procedural fairness that are required by the Landlord and Tenant Board when a landlord requests eviction (e.g. providing clear reasons for the eviction).

If Toronto Community Housing does not follow applicable legislation, consequences could include:

- evictions denied or delayed by the Landlord and Tenant Board
- challenges on appeal to the Divisional Court
- applications for rent abatements at the Landlord and Tenant Board
- human rights complaints or applications to the Human Rights Tribunal

Training and adequate tools and guidelines will promote adherence to the Policy and will assist staff in balancing the circumstances of the person facing eviction and the impact of their behaviour on the community.

Other Implications

Effective communication of the policy will also help manage and clarify expectations of tenants and the public. In the past, Toronto Community Housing has faced public scrutiny around evictions for cause, including the eviction of families for weapons and drug charges and the eviction of someone whose behaviour was linked to mental illness. A fair and

consistent application of the policy is essential to mitigating the risk of improper or unwarranted evictions.

“Len Koroneos”

Len Koroneos
Chief Executive Officer (Interim)

Attachment: 1: Work Plan – Policy on Evictions for Cause

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Policy on Evictions for Cause 2011-2012 Work Plan

Introduction

The purpose of the Policy on Evictions for Cause is to guide decision-making and to set minimum standards of procedural fairness, investigation and communication when seeking eviction. The Policy recognizes that there are a number of ways to resolve these issues, but we will sometimes have to seek eviction when attempts at resolution are not successful or immediately in very serious situations.

Implementation Plan

Work is needed in three main areas to implement the policy and to address the problems that could lead to eviction:

- 1) investigating and working with tenants to resolve the problems;
- 2) providing guidelines to staff to assist them in interpreting and applying the policy in a consistent manner when evictions for cause are pursued
- 3) communication plan

1) Investigating and working with tenants to resolve problems that could lead to eviction

Work is already underway to provide tools and training to staff on investigating and working with tenants when there are concerns of anti-social behaviour, illegal activity, excessive clutter (“hoarding”) or unhealthy unit conditions:

- **Community Standards** : This initiative aims to address a number of common anti-social behaviours and illegal activity that staff and tenants may encounter. When complaints and reports are filed in a consistent manner and records are compiled, staff can recognize patterns of behaviour, work with tenants to resolve the behaviours, or start eviction proceedings when warranted.
- **Excessive Clutter Intervention:** This strategy (also known as the “Hoarding” strategy) will result in a number of activities to better support field staff in their work to address excessive clutter. The purpose of this work is to provide improved clarity on our responsibilities as a landlord, recommendations for follow up when people are at risk, strengthened partnerships, training and resources for staff.

2) Providing guidelines to assist in interpreting and applying the policy in a consistent manner when evictions for cause are pursued

When efforts fail to resolve the problem and the actions of a tenant, family member, pet or guest continue to negatively impact tenants, staff or the community, Toronto Community Housing can and will pursue eviction by commencing proceedings at the Landlord and Tenant Board. Some evictions may be pursued immediately in very serious situations, generally involving serious impairment of safety or serious criminal activity.

Guidance will be provided to staff and tenants through the Community Standards and Excessive Clutter projects. In addition, Toronto Community Housing will develop general guidelines and tools that apply to all evictions for cause, including:

- Guidelines for decision-making
- A checklist for approval before commencing the eviction process, to demonstrate that the minimum standards set out in the policy are being met
- Sample letters and notices

Finally, staff in the Legal Services Unit have and will continue to provide training on the eviction process.

3) Communication Plan

Communication tactics are planned to:

- Inform staff at all levels of the company about the purpose and principles of the policy
- Educate staff who will apply the policies, to help them understand the processes they should follow and how the company expects the
- Support managers to be effective communicators with staff and tenants about the policy
- Inform tenants about the policy and of their rights and responsibilities
- Inform stakeholders and invite feedback about our implementation (e.g. legal clinics, partners, tenants, staff)

Implementation Plan 2011-2012

| Topic | Action | Timeline |
|--------------------------------|--|---------------------|
| Community Standards | Consultations and process development | Completed |
| | Pilots in 6 communities | 2011 |
| | Evaluation of pilots | Q4 2011 |
| | Community Standards launch | 2012 |
| Excessive Clutter | Unit inspection tools | Completed |
| | Follow-up and response process | Q4 2011 |
| | Tools for staff | Q4 2011 |
| | Staff training | Starting in Q4 2011 |
| | Engagement and partnership development | 2012 |
| Eviction Guidelines | Guidelines | Q2 2012 |
| | Tools and checklist for staff | Q2 2012 |
| | Training on the eviction process | Ongoing |
| Staff Communications | Policy launch on intranet and staff e-mails | Completed |
| | Local announcements in Operations | Completed |
| | Launch of internal resource website | Completed |
| | Information reinforced during training | Ongoing |
| External Communications | Policy posted on external website | Completed |
| | Stakeholders informed through e-newsletter (<i>insidehousing</i>) | Completed |
| | Tenants informed through tenant newsletter (<i>the front door</i>) | Completed |
| | Tenant leaders update | Q1-Q2 2011 |