



## Terms of Reference of the Office of the Commissioner of Housing Equity

Item 8B

December 8, 2022

Board of Directors

**Report:** TCHC:2022-80

**To:** Board of Directors (the “Board”)

**From:** Tenant Services Committee (“TSC”)

**Date:** December 1, 2022

### **PURPOSE:**

The purpose of this report is to seek the Board’s approval of recommended amendments to the Terms of Reference of the Office of the Commissioner of Housing Equity (“OCHE”).

### **RECOMMENDATIONS:**

It is recommended that the Board approve the Terms of Reference of the Office of the Commissioner of Housing Equity in the form set out in Attachment 1.

### **TSC:**

This report was approved by the TSC on December 1, 2022.

### **REASONS FOR RECOMMENDATIONS:**

#### **Decision History**

At its December 11, 2013 meeting, the Board of Directors of Toronto Community Housing Corporation (the “Board”) approved the creation of the OCHE in response to the recommendation made in the Report on the Eviction of Al Gosling and the Eviction Prevention Policy of Toronto Community Housing Corporation by Mr. Justice Lesage dated May 2010 and

further to the recommendations contained in the Report of the External Advisory Committee dated December 6, 2013 ([TCHC:2013-78](#)).

At its meeting of July 7, 2015, City Council, as TCHC's Shareholder, requested that the Board of Directors of Toronto Community Housing Corporation, in consultation with the City Manager, amend the Terms of Reference to address the City's comments in section 4 of the report (June 10, 2015) from the Acting City Manager and ensure the Terms of Reference reinforce the Commissioner's independence, and City Council request the City Manager to report back to Executive Committee in January 2016 on status ([City Council - EX7.9](#)).

At its December 3, 2015 meeting, the Board approved amended Terms of Reference of the OCHE and authorized the submission of the amended Terms of Reference of the OCHE to the City Manager to report back to the City's Executive Committee in January 2016 ([TCHC:2015-65](#)).

At its meeting of January 28, 2016, the City's Executive Committee received for its information a report from the City Manager responding to City Council's request, made at its meeting of July 7, 2015 ([City Executive Committee – EX11.2](#)).

At its meeting of April 30, 2018, the Board approved further amendments to the Terms of Reference of the OCHE ([TCHC:2018-04](#)).

At its meeting of October 27, 2020, City Council directed the City Manager to consider the investigation and process review functions of the Office of the Commissioner of Housing Equity in the City's development of the future Housing Commissioner role or function, with a focus on aligning roles between these two offices, if appropriate ([City Council - EX17.2](#)).

At its meeting of May 5, 2021, City Council requested the respective Boards of Directors of Toronto Community Housing Corporation and Toronto Seniors Housing Corporation, in consultation with the Office of the Commissioner of Housing Equity, to enter into a shared service agreement, with respect to reporting procedures, resources, and funding requirements for a transitional period of two years to enable the Office of the Commissioner for Housing Equity to continue providing services to tenants of Toronto Seniors Housing Corporation in accordance with the Office of the Commissioner for Housing Equity Terms of Reference approved by the Toronto Community Housing Corporation Board of Directors from time to time ([City Council – EX23.4](#)).

At its meeting of December 9, 2021, the Board expanded the OCHE's jurisdiction from that of working with Senior and Vulnerable tenants to that of working with all tenants living in Toronto Community Housing. ([TCHC:2021-75](#)).

### **Amending the Terms of Reference for the Office of the Commissioner of Housing Equity**

City Council's request that the Boards enter into a shared service agreement with the Board of the Toronto Seniors Housing Corporation, in consultation with the Office of the Commissioner of Housing Equity ("OCHE") governing reporting procedures, resources, and funding requirements for a transitional period of two years impacts the OCHE Terms of Reference.

At present, the OCHE Terms of Reference contemplate that the OCHE operates as an independent office at arms-length from TCHC management, and reports to the TCHC Board. Given that TSHC did not exist when the OCHE Terms of Reference were created and TSHC's independence from TCHC, the OCHE Terms of Reference do not contemplate the arrangement that is contemplated by the City's request. In order to recognize that the OCHE will serve TSHC tenants, at least during the two year period contemplated by Council's request, it is necessary to amend the OCHE Terms of Reference.

The proposed amendment would reflect TCHC's consent to the appointment of the Commissioner and the OCHE to serve TSHC in a capacity equivalent to the nature of their appointment to serve TCHC tenants. TCHC's role in relation to that appointment is limited to providing such administrative and technical support as TSHC, the Commissioner and the OCHE may require to implement the appointment.

Additionally, the Board's decision of December 9, 2021, expand the jurisdiction of the OCHE from that of working with Senior and Vulnerable tenants to that of working with all tenants living in Toronto Community Housing should be reflected in its Terms of Reference. A subsequent report will be brought forward to the Committee in relation to this amendment. At this time, discussions are continuing between TCHC management and the Commissioner of Housing Equity in relation to the implementation of the Board's decision to expand the OCHE's jurisdiction in this manner. As has been previously reported to the Committee, the decision gives rise to additional demands on the OCHE that exceed the present capacity of that

Office. These demands have resulted, at present, in the implementation of administrative measures to regulate the volume of files being forwarded to the OCHE, in light of current staffing levels. It is important to ensure that the Terms of Reference reflect how the OCHE executes its mandate. Additional work is required before the Board approves this change.

**IMPLICATIONS AND RISKS:**

Council's decision that the OCHE should provide services to tenants in the TSHC portfolio creates the potential for confusion as to the role of TCHC and its Board in the context of that relationship. The amendments proposed to the OCHE Terms of Reference to reflect this new role provide clarity that TCHC's role, in this regard, is limited to consenting to the appointment of the Commissioner and the OCHE to serve TSHC in a capacity equivalent to the nature of their appointment to serve TCHC tenants and to providing such administrative and technical support as TSHC, the Commissioner and the OCHE may require to implement the appointment.

Should the OCHE Terms of Reference fail to align with the capacity of the OCHE to perform its role there is a risk that the effectiveness of the office will be undermined, resulting in a lack of confidence in the OCHE's ability to serve TCHC tenants.

The current Terms of Reference for the OCHE were originally approved by the Board of Directors on April 30, 2018.

**SIGNATURE:**

*"Darragh Meagher"*

---

Darragh Meagher  
General Counsel and Corporate Secretary

**ATTACHMENTS:**

1. Current OCHE Terms of Reference Approved April 30, 2018
2. Proposed Amended OCHE Terms of Reference

**STAFF CONTACT:**

Darragh Meagher, General Counsel and Corporate Secretary

416-981-4241

Darragh.Meagher@torontohousing.ca