

## **Toronto Seniors Housing Corporation (TSHC) [Tenant Human Rights Complaints Procedure]**

**Procedure Owner:** Grant Coffey, Director of Strategy and Business Management

**Approver:** Grant Coffey, Director of Strategy and Business Management

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### **Purpose**

The Tenant Human Rights Complaints Procedure lays out the key steps for TSHC staff to respond to and investigate any potential human rights complaints made by tenants. The Procedure also describes the roles and responsibilities of TSHC staff to fairly and effectively complete each step of the complaints process.

### **Scope**

Tenants who want to make a human rights complaint can do so under this Procedure. Tenants can make a human rights complaint if they believe they have been discriminated against or face related human rights issues as laid out in the Ontario Human Rights Code and [Tenant Human Rights Policy](#).

Under this Procedure, the complaint can only be made by a tenant or an agent representing the tenant, such as a social worker. The complaint can be against another tenant, TSHC staff member, or vendor or agency working in TSHC residential complexes. Tenants or their agent can also make a complaint about a particular TSHC policy, practice, decision or physical environment that they feel negatively

affects their human rights.

### **Out of Scope**

This Procedure does not cover tenant complaints that are not related to human rights. Examples of complaints that are out of scope include complaints about unresolved service requests, fraud, or waste where there is no connection to a protected ground under the Human Rights Code (for complaints related to unresolved service requests, see [TSHC's Interim Procedure for Service Requests and Tenant Complaints](#)).

Human rights issues that occur outside of TSHC residential complexes are also not covered under this Procedure.

In addition, the Procedure does not apply to human rights complaints made by TSHC staff members (for human rights and employment, refer to TSHC's Staff Policy on Human Rights).

### **Definitions**

**Adverse Impact:** If a behaviour or a practice, whether unintentional or not, has a negative effect on a group or a person, it is an adverse impact. This is a key condition to determine whether a person's human rights have been violated and if so, what actions need to be accordingly taken.

**Complainant:** The individual who makes a complaint to TSHC about a potential violation of their human rights at TSHC.

**Complaint:** An expression of grievance about a potential violation of an individual (or group's) human rights at TSHC.

**Discrimination:** Discrimination includes any distinction, including any

exclusion, restriction, or preference based on a prohibited *Code* ground, that impairs the recognition of human rights and fundamental freedoms.

The form of discrimination may be an action or decision that disadvantages a particular person or group, or it may be that a policy, procedure, or a practice is negatively impacting an individual or group indirectly.

A practice, behaviour, action, or decision which results in the distinction, exclusion, restriction, etc., of a person based on *Code* grounds, including but not limited to age, gender identity, disability, or race, may be discriminatory regardless of whether it is intentional or not.

The following must be established to constitute a complaint under the *Code*:

- They have a characteristic protected under the *Code*.
- They have experienced adverse impact/treatment under one of the three social areas detailed in this policy (Housing, Services, and Contracts).
- The protected characteristic was a factor in the adverse treatment.

**Duty to Accommodate:** TSHC has a duty to accommodate *Code*-related rights of tenants, to make sure that the housing they supply is designed to include people identified by *Code* grounds, and to take steps to remove any barriers that may exist, unless to do so would cause undue hardship.

The duty to accommodate may consist of adjustments to policies, the

physical environment, procedures, and practices that may otherwise be adversely impacting a particular individual or a group that is protected under the *Code*.

The tenant and TSHC are responsible for identifying accommodation needs and cooperating to identify, review, and implement suitable accommodation.

**Grounds:** The personal attributes that are protected under the Ontario Human Rights Code from discrimination and harassment and used as a basis to determine the nature of a discriminatory practice, action, or behaviour, and accordingly verify whether this was a violation of *Code* provisions.

**Harassment:** Engaging in a course of vexatious comment(s) or conduct that is known or ought reasonably to be known to be unwelcome amounts to harassment.

Comments or conduct that are generally known and/or reasonably ought to be known to be offensive, embarrassing, humiliating, demeaning, or generally unwelcome may amount to harassment. Comments or conduct that are specifically targeted against a group that is listed under protected grounds may amount to harassment under the *Code*. A single comment or action, if sufficiently serious, may amount to harassment.

Examples of harassment include epithets, remarks, jokes, or innuendos related to a person's gender, race, sexual orientation, or any other protected ground; posting or circulating offensive pictures, graffiti, or materials, either in print or virtually; singling out a person for humiliating or demeaning "teasing" or jokes because they are a

member of a *Code*-protected group; comments ridiculing a person because of characteristics that are related to a ground of discrimination.

**Occupant:** A person who is living with the tenant but is not listed as a tenant on the lease.

**Poisoned Environment:** This is created by conduct, comments, or practice that creates a discriminatory living environment. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

**Respondent:** The individual who is the subject of a complaint that has been made against them.

**Social Areas:** The parts of society under which the *Ontario Human Rights Code* applies, including employment, housing, services, unions and vocational associations and contracts.

**Tenant:** A person who has signed a lease with TSHC to reside in and is currently occupying a TSHC unit.

### **Approach to Resolving Human Rights Complaints**

TSHC will ensure all human rights complaints are taken seriously, are addressed adequately and within a reasonable timeframe. To do so, TSHC will work with the complainant and the respondent to explore the best possible approach to finding a solution. This could mean anything from carrying out a formal investigation to facilitating a collaborative approach between the Complainant and Respondent for a quick

resolution.

For formal investigations, TSHC will determine on a case-by-case basis whether a complaint can be resolved with staff resources or whether additional third-party support, such as a human rights investigator or lawyer, is needed.

### **Summary of Key Steps of the Complaint Process**

1. The tenant makes a complaint to TSHC.
2. TSHC's designated solutions clerk reviews the complaint to make an initial determination of whether it is an Ontario Human Rights Code (the *Code*) related complaint and to acknowledge that the complaint has been received and under review.
  - a. If it is not a Code-related complaint, TSHC will follow the relevant procedures, such as the Interim Procedure for Service Requests and Tenant Complaints, to resolve the complaint. The Complainant may disagree with the designated solutions clerk's assessment and ask that the complaint be reviewed again to check that it is a human rights issue (Step 3).
3. TSHC's Review Committee takes a closer look at the complaint to validate whether the initial assessment is related to a human rights issue and to determine whether additional resources such as a third-party investigator will be required to investigate the complaint. It may also work with the complainant at this time to explore ways to collaboratively resolve the issue with the respondent.
4. For formal investigations, TSHC will review the available evidence, related laws and other relevant documents, as applicable. A third-party investigator may lead the investigation at this time.
5. Based on the findings from the investigation, TSHC identifies steps to

resolve the complaint, if applicable.

6. TSHC communicates the findings and any applicable steps to resolve the complaint to the Complainant, Respondent(s) and other relevant parties.
7. If the complainant or respondent is dissatisfied with the outcome of the investigation, they may:
  - a. Ask TSHC for a reconsideration if there is evidence that shows that TSHC did not follow the procedure or if new relevant information emerges after the investigation concludes and may alter the outcome of the decision.
  - b. Take their case to the Ontario Human Rights Tribunal, The Landlord and Tenant Board, the City of Toronto's Ombudsman and/or their local councillor.

## **Roles and Responsibilities**

### **1. Making a complaint**

Tenants who believe that their human rights have been impacted within a TSHC residential complex will have to complete a complaints form and submit it to TSHC's Head Office. The complainant can get a copy of the form and submit it in one of the following ways:

- Phone at 416 945 0888
- Filling out the form online
- Emailing [solutions@torontoseniorshousing.ca](mailto:solutions@torontoseniorshousing.ca)
- By mail to TSHC's head office at 423 Yonge Street.
- By contacting their Seniors Services Coordinator (SSC).

It is the responsibility of the Complainant to try to complete the complaints forms to the best of their ability. Alternatively, an agent acting on behalf of a Complainant may complete the form. The Complainant or agent should try to fill out the form in its entirety. This includes providing as many details of the incident(s), policy, practice or decision that they believe is a violation of their Code-related human rights.

For Complainants who request a copy of the form from their SSC's, the SSC can also assist Complainants to understand the instructions in the complaints form if the Complainant requires such help. However, SSC's cannot help tenants complete the forms. If tenants require further assistance with completing the form, they can consult external resources such as legal advisors at their own cost.

If a Complainant is making a complaint about their SSC and would still require assistance with accessing and understanding the form, they can contact their building's Regional Operations Manager (ROM).

Complainants who require assistance in another language can also request a copy of a translated form using the contact options provided above.

## **2. Complaint Intake and Processing**

### **Acknowledgement**

After a complaint is made, a designated solutions clerk under the  
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Operations Department will review the details to make an initial determination of whether it is a human rights complaint or not. The broad conditions that need to be met for a complaint to constitute a Code-related human rights complaint are as follows:

- The complainant has one or more characteristic protected under the Human Rights Code;
- The complainant has experienced adverse impact/treatment within TSHC residential complexes; and
- The protected characteristic(s) was a factor in the adverse treatment.

The designated solutions clerk will make reasonable efforts to contact the Complainant within five business days following the complaint being filed. Their response will consist of one of three scenarios:

- If it is clearly determined that the complaint is not human rights related, the designated solutions clerk will notify the complainant of the decision and if applicable, advise them of any procedure and/or relevant steps that need to be taken by all relevant parties to address the complaint.
- If the information provided by the Complainant indicates the complaint is human rights related, the designated solutions clerk will notify the tenant that the claims will be further validated to determine the approach to investigate the claim. The designated solutions clerk will transfer the complaint to the Leadership Team to begin the Validation and Triaging process.
- If the information provided by the Complainant is unclear or incomplete, the designated solutions clerk will contact the Complainant for more details.

Response times may take longer than five business days in some cases and may take up to ten business days if the complaint is in a language other than English. If the designated solutions clerk under the Operations Department is not available to process the complaints, the Executive Assistant to the CEO's Office will serve as back up.

If the designated solutions clerk determines that the complaint is not human rights related, the Complainant may ask that the decision be reconsidered by the Review Committee, detailed in the next section. If the Review Committee confirms the solutions clerks' conclusion that the complaint is not human rights related, the Complainant can take up their issue to the Ombudsman, Ontario Human Rights Tribunal, the Landlord and Tenant Board, or to their local councillor.

### **Validation and Triaging:**

Once an initial determination is made that the complaint is a Code-related human rights complaint, the designated solutions clerk's assessment will be reviewed and validated by a Review Committee. Members of the Review Committee will be appointed by TSHC's Leadership Team, represented by the Director of Strategy and Business Management. If the complaint is confirmed to be Code-related, the Committee will decide on how to proceed with the investigation including whether to recruit a third-party investigator.

The key contact designated to lead the investigation and outlined in the next section (3. Investigation), will make best efforts to notify the Complainant about the date that a formal investigation will be initiated

within ten business days of an investigation plan being prepared. The Complainant will also be notified if a third-party investigator will be involved. Depending on the nature of the case, the investigation lead may also work with the Complainant and Respondent at this time to explore a collaborative approach to resolving the complaint.

Alternatively, the designated solutions clerk may contact the Complainant if a determination is made by the Review Committee that the complaint is not going to be formally investigated. The clerk will provide an explanation for the decision and the Complainant may be given alternatives to internally address the complaint, if appropriate and available in the circumstances.

### **Anti-Black Racism**

If the complaint is a case of potential Anti-Black Racism, the Review Committee will notify the Centre for Advancing the Interests of Black People at TCHC ('the Centre') that a complaint is currently under review. The key contact designated to lead the investigation will ask the Complainant whether they wish to have the Centre involved during the investigation stage. The Centre will support the Complainant and monitor the investigation if the Complainant consents.

### **3. Investigation**

TSHC will make all reasonable efforts to carry out and conclude the investigation in an efficient and timely manner. The timeframe and nature of the investigation will be determined by the complexity of the case. The process may consist of gathering, reviewing and verifying

evidence through steps such as interviewing relevant parties and analysis of tenant records, and referencing applicable legislation and policies.

### **Procedural Fairness and Confidentiality**

To ensure procedural fairness, TSHC will communicate all relevant steps that the Complainant, Respondent, and any other parties are required to follow during the complaints and/or investigation process. TSHC will provide reasonable arrangements to allow parties to fully participate in the process.

TSHC will not initiate reprisals against a Complainant, Respondent, and/or witness who has made a complaint under this policy in good faith or is participating in an investigation under the Policy in good faith. A reprisal is an action, or threat, that is intended as retaliation for claiming or enforcing a right. Examples of Reprisals include harassment, discrimination, intimidation or imposition of another penalty, or any other action which harms their living conditions. It also includes a threat to take actions or knowingly advising another person to engage in reprisal.

If the Complainant prefers to take a mediated approach to resolving the complaint during this time, TSHC will make the necessary arrangements if the Respondent also wishes to participate. If they wish, tenants can also seek out external supports such as legal advice and/or trusted support persons at their own cost.

If tenants want to know the status of the investigation, they may

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contact the key contact outlined in the four scenarios below, for updates.

The investigation process covers four scenarios within which a complaint can occur on TSHC residential complexes, or any combination of these:

- A tenant makes a complaint against a TSHC staff member.
- A tenant makes a complaint against another tenant, occupant or guest.
- A tenant makes a complaint against a TSHC policy, practice, physical environment or decision.
- A tenant makes a complaint against a vendor or agency that is engaged by TSHC.

### **Complaints made against TSHC staff**

For complaints made against a TSHC staff member, TSHC's People and Culture Department will work with the supervisor and/or manager of the staff member who is the subject of the complaint (Respondent) to manage the investigation. For complaints involving unionized staff, a union representative will also be present throughout the investigation.

The People and Culture Department will advise the staff supervisor/manager on the key steps and considerations to ensure the investigation is conducted fairly and in line with other applicable policies and procedures that govern staff conduct and performance. The staff supervisor/manager will lead the interviews and will review and assess the evidence with support from the People and Culture

Department as necessary. The staff supervisor/manager will be the key contact with the Respondent and the Complainant and will be responsible for gathering evidence and arranging interviews wherever necessary and appropriate.

If it is determined during the validation and triaging stage that a third-party investigator is required to investigate the complaint, this investigator will review relevant documents and conduct interviews with the involved parties as required. They will be the main contact with the Respondent and Complainant throughout the course of the investigation. The supervisor/manager of the Respondent and the People and Culture Department will support the third-party investigator throughout the process as required, for example, through providing access to relevant documents and participating in interviews.

### **Complaints made against other tenants/occupants/guests**

As part of its obligation as a landlord to ensure the reasonable enjoyment of all tenants, TSHC's Operations Department will follow the tenancy management process to review and resolve disputes wherever applicable, including incidents that are Code-related human rights violations such as harassment and discrimination. The Regional Operations Manager (ROM) of the building where the incident occurred will be responsible for gathering and reviewing the evidence and conducting interviews where required. The ROM will be the main contact with the Complainant and Respondent throughout the investigation.

If it is determined during the validation and triaging stage that a third-

party investigator is required to investigate the complaint, they will lead the investigation, reviewing relevant documents and conducting interviews with the relevant parties as required. They will be the main contact with the Respondent and Complainant throughout the course of the investigation. The ROM will support the third-party investigator wherever required, for example, through providing access to relevant documents and participating in interviews.

**Complaints made against vendors or agencies operating within TSHC residential complexes.**

TSHC works with several agencies and vendors which are managed by different TSHC departments. If a complaint is made against a staff member employed by an agency or vendor operating in TSHC residential complexes, the department responsible for managing the relationship with the agency or vendor will lead the investigation.

Depending on the nature of the complaint, and the contractual relationship with the vendor or agency, TSHC may compel the Respondent to participate in the investigation or request the relevant agency or vendor that employs the Respondent to review the complaint. In instances where vendors operating within TSHC premises have contractual arrangements with Toronto Community Housing (TCHC), TSHC may contact TCHC to review the complaint.

It may also be determined that a third-party investigator is needed. In such cases, the third-party investigator will lead the investigation, reviewing evidence and conducting interviews as required with support from the TSHC department responsible for managing the relationship

with the vendor or agency.

**Complaints made against a TSHC policy, practice, physical environment or decision.**

For complaints regarding a particular policy, practice or decision being non-compliant with the Code, the department that owns the policy or is responsible for the decision will be tasked with reviewing it in consultation with the Strategy and Business Management Department. The Policy Owner will determine whether getting further legal advice is required.

For complaints against particular decisions, TSHC's physical environment or ongoing practices that a Complainant believes violates their Code-related rights, the department responsible for the decision, practice or management of the premises will review the complaint and determine how to proceed, including whether to consult with other TSHC staff and/or procure external support.

**4. Recommendations**

Once the investigation has been concluded, the investigation lead will review the findings to determine the appropriate steps that need to be taken to address the complaint. The Leadership Team may also be consulted during this time. When investigations are led by a third party, the TSHC department responsible for the complaint will retain discretion over the recommendations made by the third-party investigator.

## **5. Communications and Implementation**

Within ten business days of the decision being made, the key contact/department responsible for leading the investigation will send a decision letter to the Complainant, Respondent(s) and other relevant parties detailing the outcome of the investigation and any relevant steps that TSHC and others will be taking to address the complaint.

The parties will also be provided with a list of options that they can consider if they remain dissatisfied with the outcome of the investigation.

## **6. Reconsideration**

If the Complainant and/or Respondent is not satisfied with the outcome of the investigation, they can get in touch with the key contact who earlier liaised with them during the investigation for a reconsideration of the decision within 30 business days of the decision being communicated to them. The Complainant or Respondent must demonstrate either:

- The complaint was not handled in accordance with the Procedure or;
- New relevant information has emerged that may alter the outcome of the investigation.

The Review Committee will then review whether the investigation was conducted in accordance with the procedure. A member of the Review Committee will communicate the findings to the Complainant or Respondent.

Alternatively, the Complainant may contact the Ontario Human Rights Tribunal, the Ontario Landlord and Tenant Board, the City of Toronto's Ombudsman or their local councillor for further consideration. Making an internal human rights complaint doesn't prevent a tenant from making a complaint to another person or administrative body. The Complainant may directly contact one of these parties before or without requesting an internal reconsideration.

### **Confidentiality**

To maintain the integrity of the complaints process, TSHC will safeguard and keep confidential, all information received in the complaints and investigation process, unless required to disclose information to relevant parties, as laid out in the Procedure, or as required by law.

All parties involved in the complaints and investigation process are required to treat the matter as confidential and not disclose or release to anyone any information about the incident, complaint, and /or investigation. This extends to details of a complaint (including its existence), meetings about a complaint, identifying information about a person including names of witnesses, contact made with an investigator etc.

### **Conflict of Interest**

In the event that a complaint is made against an individual responsible for managing the investigation or handling some other part of the complaints process, an alternative will be delegated these

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responsibilities. The table below lays out the different scenarios:

<b>Complaint Type</b>	<b>Lead</b>	<b>Alternative</b>
Against Staff	People and Culture Business Partner	Manager, People and Culture
	Manager, People and Culture	People and Culture Director
	Regional Operations Manager	Director of Operations
	Other Staff Supervisor	Regional Operations Manager
Against Tenant/Occupant	Director of Operations	Manager, People and Culture
	Regional Operations Manager	Director of Operations
Against Vendor/Agency	Director of Partnerships	Manager, People and Culture
	Director of Operations	Manager, People and Culture
Against Intake	Solutions Team	Director of Operations
Against Tenant Support	Seniors Services Coordinator	Regional Operations Manager

## **Monitoring and Reporting**

The designated solutions clerk will be responsible for documenting all completed investigations in accordance with the Reporting Framework

(see appendix). These details will be reported to TSHC’s Committee on Corporate Governance and Human Resources (CGHRC) every six months.

**Related Legislation, Regulations, and TSHC Policies:**

- Ontario Human Rights Code (OHRC)
- Accessibility for Ontarians with Disabilities Act (AODA)
- Residential Tenancies Act, 2006, SO 2006, c 17.
- City of Toronto Housing Charter

**Appendix**

**Tenant Human Rights Complaint Reporting Framework**

The following indicators will be used to track complaints and for reporting purposes as well as to refine TSHC’s complaints procedure over time.

<b>Measure</b>	<b>Category</b>
Type of respondent the complaint is made against	<ul style="list-style-type: none"> <li>- Staff</li> <li>- Tenant</li> <li>- Vendor</li> <li>- Agency</li> <li>- Policy/Practice</li> </ul>
Type of complaint	<ul style="list-style-type: none"> <li>- Accommodation request</li> <li>- Harassment</li> <li>- Discrimination</li> <li>- Policy/Practice</li> <li>- Other</li> </ul>

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Complaint by protected ground	- 17 protected grounds
Number of complaints that were investigated and addressed in the calendar year, breakdown by type of human rights complaint	- Overall - Type of complaint - Respondent type - Protected ground type
Regional breakdown of complaints	- Overall - Type of complaint - Respondent type - Protected ground type
% of complaints deemed non-human rights complaints during initial review	- % human rights complaints - % other - % service request/ % fraud/ % other
Number of human rights complaints handled by a third-party investigator	- Overall - Type of complaint - Respondent type - Protected ground type
% of complaints that were appealed/asked for procedural review	- % Overall - % accommodation, harassment, discrimination, policy
% of complaints that required translation supports	- Overall - Preferred language
Number of complaints that	- Overall

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got taken to the HRTO or LTB.	<ul style="list-style-type: none"><li>- Type of complaint</li><li>- Respondent type</li><li>- Protected ground type</li></ul>
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