

# Review and Consideration for a Housing Commissioner Role or Function at Ombudsman Toronto

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Submission to Toronto City Council

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@R2HTO

Toronto City Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Deputy Mayor McKelvie and Members of Council,

**Re: DM5.2 - Review and Consideration for a Housing Commissioner Role or Function at Ombudsman Toronto**

We are writing to you to comment on Ombudsman Toronto's report on the Review and Consideration for a Housing Commissioner Role within its office. We are representatives of the Right to Housing Toronto (R2HTO), a network of organizations and individuals working to support the implementation of the right to housing by the City of Toronto.

As the housing crisis has worsened, we have consistently been calling for the City to create an independent Office of the Housing Commissioner, which would bring a locus of accountability to ensure the realization of the right to housing in Toronto, a commitment that the City made in its HousingTO 2020-2030 Action Plan. Such an office would provide leadership in applying a holistic approach to advancing the right to housing in Toronto, and would be a place where systemic reviews, rights-based policy analysis, engagement with people impacted by homelessness and housing precarity, and human rights education would happen, in collaboration with City staff. To this end, we expressed cautious optimism when the City began reviewing, in earnest, ways to bring to life a workable accountability mechanism last July.

Indeed, we find it encouraging to see the City move forward, in a separate agenda item, with setting up a Housing Rights Advisory Committee. To advance the right to housing, it is crucial to have a systematic way of incorporating the voices of people with lived experiences, human rights experts, housing advocates and experts, into decision making. The proposed Terms of Reference does well on this issue, chalking out a composition of members that is reflective of such perspectives; the proposal is also in line with what we had earlier advocated for through our last submission made to the Executive Committee in July, 2022. The Housing Rights Advisory Committee will also require strong leadership and focused resourcing - something that has not been accounted for - to ensure its implementation is successful.

With respect to the Ombudsman's office taking on the responsibility of conducting systemic reviews related to housing and making recommendations accordingly, we had earlier expressed some ambivalence and skepticism about the possibility and viability of such an arrangement materializing. The decision ultimately lay with the Ombudsman's office, and significant investments would be needed to build up the human rights capacity in the office. The fact that the Ombudsman has now proposed to create a Deputy Ombudsman, Housing, and has requested funding for more staff to fulfill some of the review, investigation and engagement functions is encouraging.

The office's proposed responsibilities appear to be fairly expansive, stretching beyond the traditional scope of conducting investigations to also include advocacy and consultative functions that help build awareness and engage relevant actors in matters related to rights, equity and fairness. The fact that the Ombudsman's office is statutorily independent also builds the case for this office to take on work that requires dispassionate and critical assessment, devoid of any kind of influence from City Council or staff.

Despite such encouraging steps, some matters remain unclear, crucially around scope. For example, the Ombudsman's report exploring the role and function of a Housing Commissioner explains how "Systemic investigations will provide the opportunity to examine and fix issues related to housing involving a practice, policy, procedure, *rule, or law* that appears neutral in its intent and fair in its application but has an adverse effect on particular segments of the population." While on paper, this seems comprehensive, we question the extent to which the Deputy Ombudsman, Housing may actually be able to proactively review such a broad and necessary suite of issues given how the office tends to approach investigations reactively. For example, recent Ombudsman investigations into the City's handling of encampment clearings generally focused on procedures related to clearings following public outcry. However it did not look into whether the actual bylaw behind such actions may be discriminatory against encampment residents as well.

A clearer mandate and parameters of work ought to be considered for the Deputy Ombudsman, Housing, articulating in more detail how its role and functions will advance the right to housing in Toronto beyond systemic investigations into the application of law. Should additional gaps in accountability functions be identified because of various constraints to the powers and operations of the Ombudsman, the City must ensure that such issues are not overlooked, instead incorporating them into other applicable parts of the City's apparatus. In addition, we recommend that the Deputy Ombudsman, Housing report directly to City Council to ensure decisions related to investigations and other actions are being approached through rights based frameworks.

Furthermore, it may be helpful for the Ombudsman and the City Manager to assess the Ombudsman's capabilities to deliver on accountability functions relative to the formerly proposed independent Housing Commissioner in the Crean-Maytree Report. Making such analysis publicly available may help allay remaining concerns about the suitability of the Deputy Ombudsman's Office to adequately steer the City towards instituting a rights based approach to housing.

A strong Deputy Ombudsman on Housing can deliver the systemic reviews and investigative components required to advance the human right to housing, but advancing the human right to housing in Toronto may very well require a more holistic approach. It will require economic and social human rights expertise in policy making, meaningful engagement with people who are experiencing housing precarity and homelessness, as well as the expertise to support the human rights education and training required to support long-term, systemic changes in the way housing decisions are made in the City. A strong, well resourced Deputy Ombudsman on

Housing can take on one part of this, but let's not forget the other components that require additional resources and support.

Thank you,

On behalf of Right to Housing Toronto (R2HTO)



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