

CityHousing Hamilton Corporation			
CATEGORY	04	Operations	DATE APPROVED:
SECTION	10	Compliance	UPDATED ON:
POLICY	01	Complaints	INTERNAL AND EXTERNAL POLICY
1.0 POLICY STATEMENT AND PURPOSE			
<p>In accordance with the <i>Public Sector and MPP Accountability and Transparency Act, 2014</i>, CityHousing Hamilton (CHH) is committed to handling resident complaints related to housing, where the policy will provide residents and CHH staff with a clear understanding as to how a complaint will be addressed. The complaint policy will ensure that CHH addresses all complaints as an opportunity to deal with issues and improve its ongoing relationship with, and service to, its residents.</p> <p>CHH understands that through normal course of its interactions with its residents, there will be occasions when residents are dissatisfied with the treatment that they have received, or with decisions that have been made by CHH staff. However, CHH expects that such issues are to be resolved with frontline staff, where possible, prior to submitting a formal complaint.</p>			
2.0 SCOPE			
<p>The policy will provide direction to address complaints that are not resolved after initial attempts between the resident and CHH front line staff to resolve the issue.</p> <p>The policy will not describe the process for complaints handled in good faith between the resident and CHH frontline staff as well as complaints related to the Ontario Human Rights Code, harassment and discrimination.</p>			
3.0 POLICY			
<p>A complaint can be defined as an expression of dissatisfaction, reported to CHH through a written complaint (excludes, Human Rights, harassment and anti-discrimination complaints), with a policy, decision, or procedure offered or made by CHH.</p> <p>Prior to initiating the process for a formal complaint, the resident and CHH staff must confirm they have done the following:</p> <ul style="list-style-type: none"> • Taken positive steps to resolve the issue on their own and that these actions have not been successful; or • They are not able to do so for reasons beyond their control (i.e. the resident fears that directly addressing the complaint would result in their eviction), and therefore require assistance through a 			

formal complaint process.

If a resident requires a maintenance repair, a request must be completed within the current maintenance request process. The resident may make a formal complaint under this policy in the event there is no response to the resident's request in a timely manner, or where the response is unsatisfactory.

Should the complaint be related to Human Rights, harassment and/or discrimination and involves a tenant the Harassment and Anti-Discrimination Policy should be adhered to.

CHH's formal complaint process is in compliance with the *Accessibility for Ontarians with Disabilities Act*, where the process for reporting and feedback is accessible to persons with disabilities (i.e. providing or arranging accessible formats and communication supports).

Record keeping and retention is done in accordance with the *Municipal Freedom and Protection of Privacy Act* (MFIPPA), where confidentiality will be maintained throughout the entire course of a complaint. Also, complaint records related to contacts received and any interactions between CHH staff and the individual complaining as well as the results will be documented. Complaint records related to resident against CHH staff and its agents will be kept and maintained by the direct reporting Supervisor.

The formal complaint process will be provided to residents at the time of lease signing, through CHH's website and in the Resident Handbook. All complaints received will be responded to in a timely manner.

3.1 PROTECTION AGAINST REPRISAL

CHH prohibits any punitive action against individuals who pursue their rights under this policy. This protects individuals who:

- Make a complaint that he or she reasonably and honestly believes to be true;
- Participated or co-operated in an investigation;
- Are associated with the complainant, the respondent or witness during the complaint process; and
- Are advisors, investigators and decision makers/management.

Anyone who retaliates against someone who has pursued his or her rights may face consequences through the *Residential Tenancies Act*, Ontario Human Rights Commission or the criminal justice system.

4.0 PROCEDURE

Residents may make a formal complaint in a variety of ways including, but not limited to:

- Paper form submitted in person;
- By phone, email or in person(If there is missing information, CHH will contact the resident to obtain any missing information and formalize the complaint); and

CHH recognizes that the resident may require special assistance in bringing their complaint forward. Where necessary, CHH will ensure the resident who is unable to write or speak English receives the assistance required to file a formal complaint.

The following information may be collected at this time :

- Name of the resident initiating the complaint;

- Address;
- Contact information;
- Description of the incident (including other parties involved, when it occurred, what was said, what was done and/or not done);
- What kind of resolution is being sought out; and
- Steps taken to address the incident, or an explanation of why no steps were taken.

The information provided to support a resident formal complaint is confidential and used only to assist the resident resolving the complaint. Complaints relating to CHH personnel are kept separate and apart from resident or employee files, as the case may be.

4.1 COMPLAINTS RELATED TO RESIDENT AGAINST RESIDENT

When a CHH staff person receives a written complaint from a resident against another resident, the resident placing the complaint must fill out a Complaint Form. A CHH staff person will confirm the receipt of the complaint within 10 business days.

If there is an accessibility requirement, a CHH staff person may accommodate by assisting the resident in the completion of the Complaint Form. The CHH staff person should also provide the resident placing the complaint a Complaint Recording Form in case the complaint persists.

The CHH staff person receiving the Complaint Form will forward the complaint to the appropriate PM. The PM will investigate the complaint, and log the complaint into Northgate. Other CHH resources (i.e. assistance from other departments if required, consultation with a Community Relations Worker to resolve the issue, etc.) should be used where required to determine whether:

- The complaint is a hate crime at which point the PM should contact the Police (It is the responsibility of the Police to investigate all suspected incidents of Hate Crimes.);
- There has been multiple complaints against the same tenancy;
- The complaint is N5 (Notice to End Tenancy for Interfering with Others, Damage or Overcrowding) related;
- The complaint is N6 (Notice to End Tenancy for Illegal Acts or Misrepresenting Income in a Rent-Geared-to-Income Rental Unit) related; and/or
- The complaint is N7 (Notice to End Tenancy for Causing Serious Problems in the Rental Unit or Residential Complex) related.

Complaints that can result in an N5, N6, or N7 and are in noncompliance with the lease agreement include, but are not limited to:

- Noise;
- Inappropriate Social Behaviour;
- Garbage;
- Pet Responsibilities;
- Safety;
- Illegal Acts;
- Excessive Clutter; and/or
- Misrepresentation of Income.

If the complaint is the first occurrence against a tenancy the PM will send a letter and/or have a meeting with the respondent to resolve the complaint. If there have been multiple complaints about the same

tenancy the PM will confer with the Legal Department.

A process map of the decision making process for complaints related to resident against resident complaints is outlined in Schedule A.

4.2 COMPLAINTS RELATED TO RESIDENT AGAINST CHH STAFF

The resident reporting a complaint against a CHH staff person must forward the complaint to his or hers direct Department Supervisor. The Direct Department Supervisor receiving the complaint will forward the complaint to the appropriate Department Manager for which the complaint was filed against. The Department Manager will send the resident an acknowledgement letter of the complaint within 10 business days and follow up with the staff person that the complaint was filed against.

For example, if reception in the Residency Administration Department, receives a complaint about a staff person in the Business Services Department, the complaint will be forwarded to the Manager of Residency Administration. The Manager of Residency Administration will then forward the complaint to the Manager of Business Services. The Manager of Business Services will assess and document the complaint and will follow up with the staff person that the complaint was filed against.

Should the complaint be related to Human Rights, harassment and/or discrimination the complaint should not be written and be directed to the Direct Supervisor and/or the Human Resources Department, where the City of Hamilton's Corporate Harassment and Discrimination Prevention Policy and Procedure for Resolving Harassment and Discrimination Issues should be adhered to.

All Department Managers are required to track staff complaints for their sections.

A process map of the decision making process for complaints related to a resident against any CHH staff member is outlined in Schedule A.

4.3 COMPLAINTS RELATED TO MAINTAINENCE

When a complaint is submitted by a resident(s) related to maintenance, the Property Management Assistant (PMA) or Maintenance Assistant (MA) must determine if the maintenance is related to approved maintenance or denied maintenance. Each type of maintenance response will have a different decision making process, which is outlined in Schedule A.

Approved Maintenance – Contractor

The Maintenance Department will assess the complaint, logs the complaint into NG and follow up with the Contractor. If the complaint is resolved the complaint should be closed in NG. If the complaint is not resolved the Contractor Deficiency Policy should be adhered to.

Approved Maintenance – Internal

The Maintenance Department will follow the complaints process in stream 2.0 related to staff in Schedule A should a formal complaint be received related to work not properly completed.

Denied Maintenance

The PM will investigate the complaint submitted by the resident (s), and provide a verbal follow up of the decision made within 10 business days. If the decision to deny maintenance is not disputed there is no further action. However, if the decision to deny maintenance is disputed by the resident (s), submission of

<p>a formal complaint is required. Once the formal complaint has been submitted, the PM would then forward the complaint the Operations Administrative Assistant to input into Northgate and forward to the Manager of Operations. The Manager of Operations will then assess the complaint and complete a decision letter within 30 business days for the resident and close the complaint in Northgate.</p>
<p>4.4 COMPLAINTS AGAINST A CONTRACTOR</p>
<p>Should there be any complaints against a Contractor; the Contractor Deficiency Policy should be referred to.</p>
<p>4.5 COMPLAINTS PLACED BY A HOMEOWNER (MEMBER OF THE PUBLIC)</p>
<p>Complaints placed by a homeowner where the City of Hamilton’s Planning and Development Department is involved the PM will follow up on the by-law infraction. If the complaint received does not involve a by-law infraction the PM will send the homeowner an acknowledgment letter and a Complaint Recording Form. The PM will then investigate and follow section 3.2 of Schedule A.</p>
<p>4.6 POTENTIAL OUTCOMES</p>
<p>Complaint resolution outcomes could include:</p> <ul style="list-style-type: none"> • An apology; • A change to operating procedure; • Third party mediations; and/or • A referral to other forms of redress such as the Ombudsman’s Officer or Ontario Human Rights Tribunal.
<p>4.7 FURTHER RECOURSE</p>
<p>If a complaint is unresolved or is not justified, CHH will advise the resident filing the formal complaint that it has further recourse to the Office of the Ombudsman, the Service Manager or in appropriate circumstances to other legislative processes such as making a complaint under the Ontario Human Rights Code or requesting information pursuant to MFIPPA.</p> <p>To the extent a statutory framework exists governing the resolution of such complaint, the resident filing the formal complaint may pursue remedies through such a framework.</p>
<p>5.0 LEGAL REQUIREMENTS</p>
<ul style="list-style-type: none"> • <i>Accessibility for Ontarians with Disabilities Act, 2005</i> • <i>Municipal Freedom of Information and Protection of Privacy Act, 1990</i> • <i>Public Sector and MPP Accountability and Transparency Act, 2014</i> • <i>Residential Tenancies Act, 2006</i>
<p>6.0 RESPONSIBILITY</p>
<p>Chief Executive Officer will be responsible to ensure appropriate staff are trained on this policy.</p>
<p>7.0 DEFINITIONS</p>
<p><i>Accessibility for Ontarians with Disabilities Act, 2005:</i> legislation that outlines mandatory accessibility standards with the goal of identifying, removing, and preventing barriers for people with disabilities in key areas of daily living.</p>

<p>Complaint: is an expression or dissatisfaction reported to CHH through a written complaint with a policy, decision, or procedure offered or made by CHH.</p> <p>The Landlord and Resident Board – is a Social Justice Tribunals Ontario (SJTO) tribunal that resolves disputes between residential landlords and residents that are governed by the <i>Residential Tenancies Act, 2006 (RTA)</i></p> <p>Municipal Freedom of Information and Protection of Privacy Act, 1990: legislation that governs the collection of personal information about individuals by municipal governments, including libraries, and how the information must be protected from inappropriate access or disclosure.</p> <p>Public Sector and MPP Accountability and Transparency Act, 2014: legislation that provides the Provincial Government the authority to create comprehensive compensation frameworks for certain employers in the broader public sector, and implements a number of measures to enhance "accountability and transparency" in the government and the public sector.</p> <p>Residential Tenancies Act, 2006 (RTA): The provincial legislation that replaced the Resident Protection Act and governs the relationship between landlords and residential residents in Ontario.</p> <p>Resident: is a person who pays rent in return for the right to occupy a unit and has signed a lease or tenancy agreement.</p>
8.0 REFERENCES AND RELATED POLICIES
<ul style="list-style-type: none"> • City of Hamilton's Corporate Harassment and Discrimination Prevention Policy • City of Hamilton's Procedure for Resolving Harassment and Discrimination Issues • Contractor Deficiency Policy • Harassment and Anti-Discrimination Policy • MFIPPA Consent Form
9.0 ATTACHMENTS
<ul style="list-style-type: none"> • Acknowledgement of Complaint Letter • Complaint Form • Complaint Recording Form
10.0 RATIONAL FOR CHANGE
N/A