

CityHousing Hamilton Corporation



CATEGORY	04	Operations	DATE APPROVED: February 2018
SECTION	08	Compliance	UPDATED ON:
POLICY	01	Complaints	INTERNAL AND EXTERNAL POLICY

1.0 POLICY STATEMENT AND PURPOSE

In accordance with the *Public Sector and MPP Accountability and Transparency Act, 2014*, 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.

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.

2.0 SCOPE

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.

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.

3.0 POLICY

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.

Prior to initiating the process for a formal complaint, the resident and CHH staff must confirm they have done the following:

- 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 residents' 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 City Housing Hamilton Policy *01-02-02 Harassment and Anti-Discrimination* should be adhered to.

CHH's formal complaint process is in compliance with the *Accessibility for Ontarians with Disabilities Act, 2005*, where the process for reporting and feedback is accessible to persons with disabilities (e.g. 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), 1990*, 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, 2006*, 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, e-mail, 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 complaint from a resident against another resident, the complainant must provide the complaint in writing (a letter, an e-mail or a completed *CHH Complaint Form*).

If there is an accessibility requirement, a CHH staff person may accommodate by assisting the resident in the completion of the *CHH Complaint Form*.

The CHH staff person receiving the written complaint will forward the complaint to the appropriate Property Manager (PM). The e-mail or letter of the complaint will be attached to a CHH Complaint Form. The Property Manager will investigate the complaint, log the complaint into the online database and confirm the receipt of the complaint within ten (10) business days, including the customer service number in the letter. The PM should also provide the resident placing the complaint with a *CHH Complaint Recording Form* for tracking should the issue persist.

The acknowledgement letter of the complaint should be included in the complainant's file and the *CHH Complaint Form* (and other supporting documentation) should be included in the resident's file for which the complaint was made against.

Other CHH resources (e.g. 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 your Tenancy: For Interfering with Others, Damage, or Overcrowding*) related;
- The complaint is N6 (*Notice to End your 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 CHH Legal Department.

The PM will log the outcome of the decision of the complaint in the online data base against the Contact created for the complaint. **In Northgate, the details of the complaint are to be**

recorded in the Contact and not in Notes.

A process map of the decision making process for complaints related to resident against resident complaints is outlined in the *CHH Complaint Process Map*.

4.2 COMPLAINTS AGAINST CHH STAFF

A CHH staff person receiving a complaint about CHH staff must forward the complaint to the 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 ten (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 be directed to the Direct Supervisor and/or the Human Resources Department, where the *City of Hamilton Harassment and Discrimination Prevention Policy HR-61-13*, *Personal (Workplace) Harassment Prevention Policy HR 62-13*, and *Procedure for Resolving Harassment and Discrimination Issues Policy* 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 the *CHH Complaint Process Map*.

4.3 COMPLAINTS RELATED TO MAINTENANCE

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 the *CHH Complaint Process Map*.

Approved Maintenance – Contractor

The Maintenance Department will assess the complaint, logs the complaint into Northgate Customer Services, and follows up with the contractor. If the complaint is resolved, the Contact should be closed in Northgate Customer Services. If the complaint is not resolved the CityHousing Hamilton Policy *03-03-02 Contractor Deficiency* should be adhered to.

Approved Maintenance – Internal

The Maintenance Department will follow the complaints process in stream 2.0 in the *CHH Complaint Process Map* should a formal complaint be received related to work not properly completed by staff.

Denied Maintenance

If the decision to deny maintenance is disputed by the resident (s), submission of 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 Customer Services and forward to the Manager of Operations. The Manager of Operations will assess the complaint, send a decision letter to the resident within 30 business days for the resident and close the complaint in Northgate Customer Services.

4.4 COMPLAINTS AGAINST A CONTRACTOR

Should there be any complaints against a Contractor; the CityHousing Hamilton Policy *03-03-02 Contractor Deficiency* should be referred to.

4.5 COMPLAINTS PLACED BY A HOMEOWNER (MEMBER OF THE PUBLIC)

Complaints placed by a homeowner where the City of Hamilton’s Planning and Development Department is involved will be followed up by the PM on the By-law infraction. If the complaint received does not involve a By-law infraction, the PM will send the homeowner a *CHH Acknowledgment of Complaint Letter* and a *CHH Complaint Recording Form*. The PM will then

investigate and follow section 3.2 of the *CHH Complaint Process Map*.

4.6 POTENTIAL OUTCOMES

Complaint resolution outcomes could include:

- An apology;
- A change to operating procedure;
- Third party mediations; and/or
- A referral to other forms of redress such as the Ontario Human Rights Tribunal.

4.7 FURTHER RECOURSE

If a complaint is unresolved or is not justified, CHH will advise the resident filing the formal complaint that they have 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 *Human Rights Code, 1990* or requesting information pursuant to MFIPPA.

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.

5.0 RESPONSIBILITY

Chief Executive Officer will be responsible to ensure appropriate staff are trained on this Policy.

6.0 DEFINITIONS

Accessibility for Ontarians with Disabilities Act, 2005:

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.

Complaint:

Is an expression or dissatisfaction reported to CHH through a written complaint with a policy, decision, or procedure offered or made by CHH.

The Landlord and Resident Board:

Social Justice Tribunals Ontario (SJTO) tribunal that resolves disputes between residential landlords and residents that are governed by the *Residential Tenancies Act, 2006*.

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.

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.

Resident:

Is a person who pays rent in return for the right to occupy a unit and has signed a lease or tenancy agreement.

Residential Tenancies Act, 2006 (RTA):

The provincial legislation that replaced the *Tenant Protection Act, 1997* and governs the relationship between landlords and residential residents in Ontario.

7.0 REFERENCES AND RELATED POLICIES

Accessibility for Ontarians with Disabilities Act, 2005

CityHousing Hamilton Policy 03-03-02 Contractor Deficiency

City Housing Hamilton Policy 01-02-02 Harassment and Anti-Discrimination

City of Hamilton Harassment and Discrimination Prevention Policy HR-61-13

City of Hamilton Personal (Workplace) Harassment Prevention Policy HR 62-13

City of Hamilton Procedure for Resolving Harassment and Discrimination Issues Policy

Human Rights Code, 1990

Public Sector and MPP Accountability and Transparency Act, 2014

Residential Tenancies Act, 2006

Municipal Freedom and Protection of Privacy Act (MFIPPA), 1990

MFIPPA Consent Form

8.0 ATTACHMENTS

CityHousing Hamilton Complaint Acknowledgement Letter

<N:\CityHousing Hamilton\CHH Documentation\04 - Operations Policy\04-08 Compliance\04-08-01 CHH Complaint Acknowledgement Letter.doc>

CityHousing Hamilton Complaint Form

<N:\CityHousing Hamilton\CHH Documentation\04 - Operations Policy\04-08 Compliance\04-08-01 CHH Complaint Form.pdf>

CityHousing Hamilton Complaint Process Map

<N:\CityHousing Hamilton\CHH Documentation\04 - Operations Policy\04-08 Compliance\04-08-01 CHH Complaint Process Map.pdf>

CityHousing Hamilton Complaint Recording Form

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10.0 RATIONAL FOR CHANGE

N/A