

In the matter of the Coroners Act, R.S.O 1990, c. C.37

And in the matter of the

**INQUEST TOUCHING UPON THE DEATH OF DIANE ANDERSON, TAYJAH
SIMPSON, JAHZIAH WHITTAKER**

**NOTICE OF APPLICATION TO SEEK LEAVE TO CALL ANDREA ANDERSON AND
JOANNE SMITH AND TO RECALL SOPHIA ANDERSON AND STEPHAN FLORES**

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The Anderson family will make a motion to the Coroner, Dr. David Evans on the 16th, day of May, 2011 at 9:30 am, or as soon after that time as the motion can be heard, at 15 Grosvenor Street, Toronto, Ontario.

The motion is to be heard orally.

THE MOTION IS FOR:

1. Leave to revisit the Coroner's ruling regarding motion to expand the scope of the inquest.
2. Leave to call as additional witnesses:
 - Andrea Anderson – the sister of Diane Anderson
 - Joanne Smith – Employment and Social Services Division of the City of Toronto (ESSD) Case Worker
3. Leave to recall the following witnesses:
 - Sophia Anderson
 - Stephen Flores
4. Such further and other relief as counsel may advise and this court deem just.

THE GROUNDS FOR THE MOTION ARE:

5. This inquest involves the tragic death of Diane Anderson and two of her children, Tayjah Simpson and Jahziah Whittaker, from a fire which occurred in their home while they were residing in Toronto Community Housing (TCHC).
6. The purpose of this inquest is to examine the circumstances of the death, to answer the five questions outlined in section 31 of the Coroner's Act and for the jury to make any recommendations it may deem fit to prevent similar deaths in future.
7. Section 41(2) of the *Coroner's Act* (the Act) states a person designated as a person with standing at an inquest may call and examine witnesses and present arguments and submissions; conduct cross-examinations of witnesses at the inquest relevant to the interest of the person with standing and admissible.
8. Section 44(1) of the Act provides that a coroner may admit as evidence at an inquest, whether or not admissible as evidence in a court, any oral testimony; and any document or other thing, relevant to the purposes of the inquest and may act on such evidence, but the coroner may exclude anything unduly repetitious or anything that the coroner considers does not meet such standards of proof as are commonly relied on by reasonably prudent persons in the conduct of their own affairs and the coroner may comment on the weight that ought to be given to any particular evidence.
9. Section 6.9 of the *Chief Coroner's Rules of Procedure for Inquests* (the Coroner's Rules) states that the following considerations are taken into account when the Coroner is making an evidentiary ruling pursuant to Section 44 of the Act: proposed evidence must be demonstrated to be relevant, material and admissible.
10. Section 6.9 (c) of the Coroner's Rules clarifies that the test for relevance has 3 components:

- (i) Relevance to the purpose of the inquest under Section 31 of the Act;
- (ii) Relevance to the factual scope of the inquest as determined by the Coroner;
- (iii) Relevance to the interest of the person with standing.

Reconsideration of Motion to Expand Scope/ Leave to call ESSD case worker Joanne Smith

11. On March 24, 2011, the Anderson family and the Provincial Advocate for Children and Youth brought a motion to expand the scope of the inquest to include:

An examination of the services/resources provided to or accessed by the family of Diane Anderson, Tayjah Simpson and Jahziah Whittaker including the Children's Aid Society (CAS), Toronto District School Board (TDSB), Toronto Community Housing Corporation (TCHC), Victim Services and the Employment and Social Services Division of the City of Toronto (ESSD), and the coordination of those services and the sufficiency of those services.

12. In his ruling of March 28, 2011, Dr. Evans stated as follows:

I am not aware of any evidence that establishes a connection between the involvement of The Employment and Social Services Department of the City of Toronto and the circumstances of the deaths. And no such evidence has been presented to me in any of the motion materials provided. While Social Services may have had a large impact on Diane Anderson's life, there is no evidence that The Employment and Social Services Department of the City of Toronto may be directly connected to these deaths.

The motion to expand the scope and focus is denied. **If however as the evidence flows some connection between The Employment and Social Services Department of the City of Toronto and the deaths is established I will reconsider the motion.** (emphasis added)

13. We submit that the evidence called to date has established a connection between the Employment and Social Services Department and the deaths.

14. The Anderson family submits that the testimony of Mr. Flores has provided this connection. Specifically, one of the central issues that has arisen in the inquest is the quality of inter agency communication between the agencies substantially involved in the

lives of Diane Anderson and her children at the material times, including TCHC, Children's Aid, Victim Services, TDSB and the Toronto police.

15. As the main source of Diane Anderson's income at the time of her death, and the agency with the longest continuous involvement with her in the course of over 10 years, including involvement at all material times, the ESSD is clearly an agency which falls within the purview of those which should be considered in the context of the quality of interagency communication between agencies involved in the life of Diane Anderson.
16. Mr. Steven Flores testified that TCHC had approved Diane Anderson's request for a transfer but that they were unable to make offers at various times when a unit became available, because her rent was in arrears (Exhibit 20(f)).
17. Mr. Flores further testified that TCHC had an arrangement with the welfare office according to which there was a pay direct program that allowed ESSD to pay rent on behalf of a recipient directly to the TCHC landlord.
18. Diane Anderson did not have either tenant insurance or fire insurance. According to Mr. Flores, a reduced cost of tenant fire insurance package (\$155 a year) was worked out with an insurer named Soho, but only 3% of TCHC tenants had availed themselves of this package. According to Mr. Flores, it was possible to negotiate inclusion of tenant insurance as part of the pay direct rent arrangement with the welfare office.
19. Evidence has also been adduced that significant numbers of TCHC tenants and CAS-involved families including Diane Anderson, were on social assistance. Further, the evidence adduced thus far has established that the residents of the Jane and Finch community experience higher levels of domestic violence, child abuse and tragic occurrences compared to other communities and that Jane and Finch is one of the 13 high priority neighbourhoods identified in United Way's "Poverty by Postal Code". The proposed evidence of the Office of the Provincial Advocate for Children and Youth in respect of the Y-Connect Report, will speak to the social determinants of health for families such as Diane's.

20. According to the "Children's Aid Society of Toronto's Anti-Oppression and Anti-Racism Policy" (Exhibit 33) at page 1:

Approximately 63% of the children and youth served by the Society live at or below the poverty line. Some children/youth live with a physical and or developmental disability while others identify as lesbian, gay, bisexual, transsexual, trans-gendered, gender-variant or inter-sexed. A disproportionate number of families served by the Society are single parent, women led - 51% compared to the national average of 25%.

21. According to the June 2009 "Report of the Paediatric Death Review Committee and Deaths Under Five Committee" by the Office of the Chief Coroner, Province of Ontario at page 41:

Children from unstable families are at much higher risk of fire deaths, and thus in need of better fire protection and prevention. Children under the protection of the CAS disproportionately come from low income families, and the association between poverty and fire deaths has been validated in many studies in the past. Children from poor neighbourhoods and low socioeconomic families have many risk factors for fire mortality. They are more likely to live in rooms with small or no windows and in houses with unsafe wiring and non-functional smoke alarms (6). They have less supervision, and are more likely to be exposed to smokers in the house and have fire-playing tendencies (5, 11). Caregivers in low income families are more likely to disable working alarms due to annoyance towards false alarms activated by cooking or cigarette smoke in cramped, overcrowded living spaces (15).

22. Diane Anderson was part of a demographic, Black single mother led family, unemployed on social assistance living in social housing with a grade nine education, with vulnerabilities that were exacerbated by the fact that she was residing in a social housing complex located in the Jane and Finch community – a community which is recognized as a high needs, high priority neighbourhood with more tragic occurrences, more domestic violence and more child abuse and many risk factors associated with fire mortality. Diane's family circumstances were further destabilized by domestic violence, the murder of Leroy Whittaker, the loss of a baby, and mental health and substance abuse issues.
23. Diane Anderson's ESSD case worker at all material times was Joanne Smith. (Affidavit of Iesha Simpson sworn March 11, 2011 (paragraphs 5-6))

24. Had Diane Anderson been on a pay direct plan, her rent would not have fallen into arrears, the TCHC landlord would thus have been able to action the transfer sooner to a unit that was better suited to the size and needs of her family, and Diane Anderson and her children would be alive today.
25. Instead, for reasons that we are not currently aware of, the ESSD welfare office determined that the TCHC housing complex at 303 Grandravine was a waived address in which home visits could not be conducted due to safety concerns – and yet, CAS and TDSB made several home visits to Diane Anderson’s home in their efforts to assist her.
26. Alternatively, we submit that like Diane, there are a significant number of TCHC tenants and CAS involved families that are single mother headed families on social assistance. **In accordance with the current scope of the inquest as defined**, to truly understand how this tragedy happened and how a similar tragedy might be averted in the future, it is critical to examine factors such as:
- Diane’s urgent need for a transfer to a larger unit given the size of her family, her wish to get out of housing to make a better life and the role of ESSD to enable this; her mental health and substance abuse issues;
 - the significant role the ESSD welfare office played as Diane’s main source of income;
 - the ESSD’s mandate as an agency required to assist Diane with income, upgrading and employment;
 - the quality of the relationship and the communication at material times between the ESSD and Diane;
 - the quality of the relationship and the communication at material times between the ESSD and TCHC and the ESSD and other helping agencies such as CAS, TDSB and Victims Services.
27. On or about March 10, 2011, Mr. Rowe received an email from Ms. Rebecca Edward with an attachment of a one page summary (hereinafter “the welfare summary” of the involvement of the welfare office with Diane. The welfare summary confirms that in

March 2006 Diane's case was terminated as she failed to attend Family Court appointments and pursue support. According to evidence given at the inquest, it was in March of 2006 that Diane called 911 saying that she couldn't cope anymore in caring for all of her children and needed help.

28. The Anderson family respectfully submits that given the degree of involvement of ESSD in Diane Anderson's life at the material time, and their capacity to strengthen her resilience to the vulnerabilities and risk factors faced by a single mother of her demographic, a fair hearing at this inquest requires a representative from the ESSD, preferably her ESSD case worker Joanne Smith, to speak to a number of significant issues including:

- a) The mandate of ESSD;
- b) Diane's relationship and interaction with ESSD from the time of Leroy Whitaker's death;
- c) The ESSD's pay direct policy and other proactive strategies between TCHC and ESSD;
- d) The relationship and inter-agency communication between ESSD and TCHC in particular;
- e) The relationship and inter-agency communication between ESSD and the other helping agencies including TDSB, CAS, Victim Services;
- f) ESSD's home policy regarding waiver of addresses and that policy's impact on ongoing service delivery to a family and the duty to report children in need of protection under the CFSA.

Leave to call Andrea Anderson as a witness; Leave to recall Sophia Anderson

29. Diane Anderson's housing situation and the role and services TCHC provided are significant issues in this inquest. The scope of the inquest, as currently defined, includes examining TCHC and its involvement with this family and in the fire safety of the unit.

30. Diane Anderson lived in TCHC housing for several years. The jury has heard evidence that the unit TCHC provided to Diane and her children was not adequate for the size of her family and had numerous, ongoing disrepair issues - including the effectiveness of the smoke alarms located in the unit.
31. The testimony of Mr. Stephan Flores for TCHC revealed to the jury that Diane Anderson had applied for a housing transfer and that her request had eventually been approved and offers made to her once her rent ceased to be in arrears. According to Mr. Flores, the TCHC offers were refused. Mr. Flores was unable to articulate any reason for the refusal.
32. The actual TCHC offers of transfer (Exhibit 20 (f)), contrary to the Coroner's Rules, were not disclosed to the Anderson family until after Sophia Anderson and Iesha Simpson had testified, and after Mr. Flores commenced his testimony.
33. The Anderson family submits that this late disclosure by TCHC of offers of transfer prejudiced the family's participation in the inquest, in the preparation and calling of witnesses, and in the preparation of cross-examination of TCHC witnesses. It is critical to a fair hearing that the Anderson family be given the opportunity to respond to the testimony of Mr. Flores and call evidence as to Diane Anderson's reasons for refusal of TCHC offers of transfer.
34. The sisters of Diane Anderson, namely, Sophia Anderson and Andrea Anderson have information which relates directly to these TCHC transfer offers. If they are allowed to provide their testimony, it will add necessary context of the TCHC transfer offers for the jury.
35. Sophia Anderson will state that she had conversations with Diane Anderson around May 2007 in respect of two TCHC offers of transfer regarding 20 Eppleworth Road, Scarborough, Ontario and 244 Bay Mills Boulevard, Scarborough, Ontario. The conversations were both by telephone and in person at Diane's residence at 303 Grandravine. In these conversations Diane informed Sophia that she refused the offers

because, in respect of one of the addresses the offered premise was too unsanitary and the addresses given were in respect of what Diane described as bad neighborhoods not safe for her children. One of the offered premises Sophia knew to be a bad neighbourhood and told this to Diane.

36. Andrea Anderson will state that she had a telephone conversation in May 2007 with Diane Anderson in respect of a TCHC offer of transfer to a Scarborough Ontario address. In this conversation, Diane informed Andrea that the previous day, she attended at an offered premise with the father of the child Travarai with the intention of inspecting and cleaning it. She started cleaning then stopped, finding that the premises were in too unsanitary a condition for her and her children, noting that there were a lot of rat droppings present.

37. Sophia Anderson did not have the opportunity to provide this testimony when she originally was called to the stand due to the late disclosure of TCHC of the specific transfer offers.

38. The evidence of Sophia Anderson and Andrea Anderson with regard to the transfer offers that TCHC made to Diane Anderson is relevant, material and admissible. It is indispensable to the discharge of the Coroner's public interest mandate, which the jury needs to hear in order to ensure a fair hearing and enable more effective recommendations from the jury.

Leave to recall Stephan Flores

39. As noted, the involvement of TCHC with Diane Anderson and her children and in the fire safety of the unit is an important issue in this inquest.

40. Stephan Flores, as the Director of Property Management at TCHC has a significant amount of information relating not only to TCHC practices and policy, but also specifics regarding TCHC's involvement with Diane Anderson.

41. From the family's perspective, Mr. Flores is the most important witness at this inquest.
42. On April 14, 2011, Roger Rowe's cross-examination of Mr. Flores on behalf of the Anderson family was amputated without reason.
43. Despite Mr. Rowe's clarification that he had more questions for Mr. Flores, he was not given the opportunity to request more time to continue the cross-examination. The Coroner, Dr. Evans, stated that Mr. Rowe's cross-examination should have been more focused.
44. Section 50(2) of the Act states that a coroner may reasonably limit further cross-examination of a witness where the coroner is satisfied that the cross-examination of the witness has been sufficient to disclose fully and fairly the facts in relation to which the witness has given evidence or where the coroner is of the opinion that the questions being asked are irrelevant, unduly repetitious or abusive.
45. The Anderson family submits that the questions asked by Roger Rowe on cross-examination of Mr. Flores were not irrelevant, unduly repetitious or abusive. Further, the Anderson family submits that Mr. Flores should be recalled as a witness as the cross-examination Mr. Rowe was permitted to conduct was not sufficient to fully and fairly disclose the facts in relation to which Mr. Flores had given evidence.
46. The Anderson family seeks to continue the cross-examination of Mr. Flores so he may address the following issues:
 - a. The more robust screens pertaining to TCHC repair work orders requested by tenants, which are retained by the TCHC manager;
 - b. The fire evacuation procedure for tenants residing at 303 Grandravine Drive;
 - c. The progress to date of the TCHC in addressing the recommendations of the Honourable Patrick J. LeSage in the "Report on the Eviction of Al Gosling and the Eviction Prevention Policy of Toronto Community Housing Corporation";

- d. The measures TCHC has considered to improve fire rescue access to 303 Grandravine Drive and similar housing projects in the Jane Finch community, in view of the alleged cost prohibitions involved in retrofitting the complex with a sprinkler system;
- e. Other recent fires which have occurred in TCHC buildings and learnings gleaned by TCHC from those fires, eg. The September 24, 2010 fire at 200 Wellesley Street East Toronto . Further, fires which have occurred at 303 Grandravine Drive before and after the fatal fire at Diane Anderson's home and the learnings gleaned by TCHC from those fires;
- f. How TCHC addresses cultural and language barriers possessed by its multicultural and multiracial tenant population;
- g. TCHC communication /collaborative efforts in general with ESSD and in particular in respect of the pay direct plan for TCHC tenants in receipt of social assistance, information sharing, and the ESSD policy of waiving addresses as too unsafe to make home visits;
- h. The reasoning behind TCHC policy to provide tenants with a clothes dryer, but not a washing machine in their suites;
- i. TCHC's involvement in the project of the Interclinic Public Housing Workgroup project entitled "No Fixed Address: the sorry state of Public Housing in Toronto, January 2004 and the TCHC's follow up in respect of those recommendations regarding disrepair in TCHC units;

47. The Honourable Stephen T. Goudge in his report entitled "Inquiry into Pediatric Forensic Pathology in Ontario" dated October 1, 2008 (the Report) speaks of imposing firm time

limits on counsel for cross-examination during the Inquiry. However, it is important to note that the Report states that the time for cross-examination was to be divided among the requesting counsel according to the interests of their clients in the evidence (the Report, Volume 4, page 668). Here, the Anderson family has an overwhelming interest in the testimony of Mr. Flores. It was also dependent on commission counsel conducting a very thorough and probing examination in chief.

48. Further, the Report states that the limitation of cross-examination was to assist “ the efficiency of the hearing process without compromising its fairness.” (the Report, Volume 4, page 668).

49. Given the numerous above issues of significance and relevance to this inquest sought to be addressed with Mr. Flores, as well as the great significance his answers have in relation to the interests of the Anderson family, and the thousands of women and children similarly situated to Diane Anderson living in TCHC units, the family submits that fairness of the hearing process requires that Mr. Flores be recalled to enable Mr. Rowe to complete his cross-examination of this witness.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of this motion:

1. The Motion Record previously filed, of the Anderson family and the Office of the Provincial Advocate for Children and Youth, in respect of original motion to expand the scope of the inquest;
2. The affidavit of Iesha Simpson sworn March 11, 2011 previously filed;
3. The affidavits of Sophia Anderson sworn March 20, 2011 previously filed, and May 5, 2011;
4. The ruling of Dr. Evans dated March 28, 2011 in respect of scope;
5. The Goudge Report, October 1, 2008 at <http://www.attorneygeneral.jus.gov.on.ca/inquiries/goudge/report/index.html>
6. “Report of the Paediatric Death Review Committee and Deaths Under Five Committee” by the Office of the Chief Coroner, Province of Ontario, June 2009

7. Such further and other documents as counsel may advise and the Coroner permit.

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Affidavit of Sophia Anderson Sworn May 5, 2011

I **Sophia Anderson**, of the City of Toronto, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am the sister of the deceased Diane Anderson and the aunt of the deceased children Tayjah Simpson and Jahziah Whittaker. My family experienced a horrible tragedy when on December 22, 2007, my sister Diane and two of her young children died in a house fire.
2. I have attended the within inquest everyday from its beginning.
3. During the course of the inquest, an issue arose regarding refusal of offers of transfer made to Diane by the Toronto Housing Corporation Corporation (TCHC) . The TCHC filed with the court through their counsel some TCHC documents filed as Exhibit 20(f) at the inquest, containing offers of transfer to Diane. These specific documents were not disclosed to either myself or my lawyer until April 14, 2011 after the testimony of Iesha Simpson and myself was completed, and after the TCHC witness, Mr. Stephen Flores had started testifying.
4. Mr. Flores testified that TCHC was initially unable to make offers of transfer to Diane because there were periods of time that she was in arrears on her rent and TCHC's policy was to not offer transfers where the tenant was in arrears. He said that when TCHC eventually did make offers of transfer to 20 Eppleworth Road, Scarborough and 244 Bay Mills Boulevard, Scarborough, that Diane refused the offers, and that he did not know why.
5. Had I received prior disclosure of the details of the offers of transfer I would have spoken about it when I testified and told the jury why Diane refused the offers. My lawyer Mr. Rowe, after speaking to my sister Andrea Anderson and I, circulated willsay statements to all counsel at this inquest, pertaining to myself and my sister Andrea regarding our knowledge of the reasons Diane refused the TCHC offers of transfer. Attached hereto as **Exhibit 1** is a copy of the said willsay statements.
6. Mr. Flores testified that the TCHC and the welfare office had an agreement whereby a TCHC tenant's rent could be paid directly by the welfare office to TCHC avoiding the tenant falling into arrears. He said that had Diane been on this plan, TCHC would have been able to action Diane's request for transfer sooner. This is significant because Diane's unit was too small to accommodate her family size and she really wanted to move away from 303 Grandravine Drive, Toronto.

7. On or about March 10, 2011, Mr. Rowe received an email from Ms. Rebecca Edward with an attachment of a one page summary (hereinafter “the welfare summary” of the involvement of the welfare office with Diane. Attached hereto as **Exhibit 2** is a copy of that email with the said attachment. The welfare summary confirms that in March 2006 Diane’s case was terminated as she failed to attend Family Court appointments and pursue support. According to evidence given at the inquest, it was in March of 2006 that Diane called 911 saying that she couldn’t cope anymore in caring for all of her children and needed help.

8. I was present in court and observed Mr. Rowe cross examine TCHC witness Mr. Flores. Though Mr. Rowe was at all times respectful and polite in his questioning of Mr. Flores, Mr. Rowe’s questioning was cut off by the Coroner. When Mr. Rowe said that he still had several questions for Mr. Flores, the Coroner shut him down. I observed nothing inappropriate, unduly repetitive, or abusive about Mr. Rowe’s questioning.

9. Mr. Rowe circulated an email to all counsel advising that he wished to recall Mr. Flores and indicating some of the areas on which he wanted to continue his questioning of Mr. Flores. That list was not exhaustive. Attached hereto as **Exhibit 3** is a copy of this email.

10. In addition, Mr. Rowe wished to question Mr. Flores about the web site “No Fixed Address” which was developed February 19, 2004 by the Interclinic Public Housing Working Group, a team of community legal workers in Toronto funded by Legal Aid Ontario. It was done in response to severe disrepair of social housing units across Toronto, to get action from TCHC and from the province and Federal government to adequately fund capital repairs in social housing. Attached hereto as **Exhibit 4** is a copy of the said CD Rom of the web site. Prior to the commencement of questioning, Mr. Rowe met briefly with Mr. Flores and his counsel Mr. Peter Lukasiewicz, previewed some of his cross examination questions with them and they agreed that Mr. Rowe could question Mr. Flores on the witness stand about the No Fixed Address Project. Mr. Rowe never got to question Mr. Flores about this on the witness stand because his questioning was cut off.

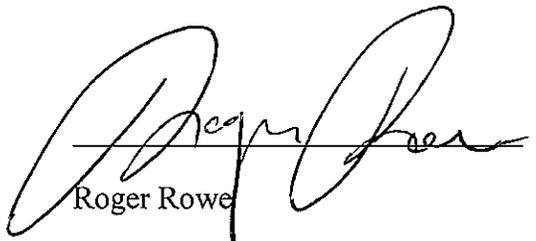
11. In the opinion of my family and I, Mr. Flores is the most important of all of the witnesses to this inquest, given his unique position as a senior administrator at TCHC to answer important questions about the policy and practises of TCHC towards families in

Diane’s demographic, ie unemployed single mother with several children, on social assistance, in social housing residing in a high needs community. His testimony potentially effects the lives of thousands of women and children in Diane’s situation.

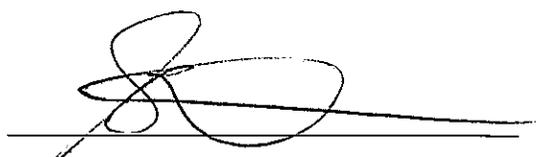
12. Mr. Rowe circulated an email to all counsel at the inquest containing an excerpt from “Report of the Paediatric Death Review Committee and Deaths Under Five Committee” by the Office of the Chief Coroner, Province of Ontario, June 2009. Attached hereto as **Exhibit 5** is a copy of that email and the said excerpt.

13. I make this affidavit for no improper purpose.

SWORN BEFORE ME at the **City of** }
Toronto, in the Province of }
Ontario this 5th day of May, 2011 }



Roger Rowe
A commissioner



Sophia Anderson

This is Exhibit.....!.....referred to in the
 Affidavit of.....Sophia Anderson.....
 Sworn before me, this.....5th.....
 day of.....May.....20..11.....
*[Signature]*.....
 A COMMISSIONER FOR TAKING AFFIDAVITS

Roger Rowe

From: Roger Rowe [roger@rogerrowelaw.com]
 Sent: April 28, 2011 7:03 AM
 To: 'Edward, Rebecca (JUS)'; 'fraser@fraseradvocacy.com'
 Cc: 'Peter.Lukasiewicz@gowlings.com'; 'dbutt@barristersatlaw.ca'; 'dgourla@toronto.ca';
 'bdavies@dcdlaw.ca'; 'jgoldblatt@sgmlaw.com'; 'LHofbauer@torontocas.ca';
 'Wendy.Lopez@tdsb.on.ca'; 'Cornford, Chris (JUS)'; 'Bacher, Marnie (JUS)';
 'Larry.Rebellato@torontopolice.on.ca'; 'Orna.Raubfogel@torontohousing.ca'; 'Clements, Katie (JUS)'; 'SFisch@torontocas.ca'; 'Erin.Farrell@gowlings.com'; 'jcopeland@sgmlaw.com';
 'Avneet.Grewal@tdsb.on.ca'
 Subject: RE: SPAM-LOW: Re: Upcoming Fire Witnesses
 Attachments: Amended Will States of Sophia Anderson and Andrea Anderson.doc

Dear Counsel

Please find attached the amended will say statements of Sophia Anderson and Andrea Anderson. The only amendment is reference to Kingston /Galloway which was my error, not theirs.

In view of the evidence that has come our during the course of the inquest, we'd like the welfare case worker Joanne Smith (ESSD)who worked with Diane Anderson, to be called as a witness. We propose that this request also be dealt with on Friday.

Best

Roger

-----Original Message-----

From: Edward, Rebecca (JUS) [mailto:Rebecca.Edward@ontario.ca]
 Sent: April 27, 2011 8:57 AM
 To: roger@rogerrowelaw.com; fraser@fraseradvocacy.com
 Cc: Peter.Lukasiewicz@gowlings.com; dbutt@barristersatlaw.ca; dgourla@toronto.ca;
 bdavies@dcdlaw.ca; jgoldblatt@sgmlaw.com; LHofbauer@torontocas.ca; Wendy.Lopez@tdsb.on.ca;
 Cornford, Chris (JUS); Bacher, Marnie (JUS); Larry.Rebellato@torontopolice.on.ca;
 Orna.Raubfogel@torontohousing.ca; Clements, Katie (JUS); SFisch@torontocas.ca;
 Erin.Farrell@gowlings.com; jcopeland@sgmlaw.com; Avneet.Grewal@tdsb.on.ca
 Subject: Re: SPAM-LOW: Re: Upcoming Fire Witnesses

As I indicated at the end of the day yesterday to counsel who were remaining, we will need to speak about Dr. McKay's evidence at the end of the day today, so please plan on making yourselves available. My intention is not to get a professional opinion on Travari or suggest he started the fire. That said however, Dr. MacKay as a psychologist can provide expert opinion that most fires set by children are accidental. I know Mr. Schubert provided this opinion but child behaviour is not his area of expertise. Dr. MacKay will be discussing fire play vs. Fire setting behaviour.

Roger,

I would encourage you and Peter to come up with an agreed statement of fact so we can avoid recalling any witnesses if possible.

Also please provide me with your final decision on Dr. Pelletier. That needs to be determined and provided to the jury as soon as possible.

Peter,

We still need a "manager's view" of the work tracking system, and would like to present that to the jury before friday as well.

Will State of Sophia Anderson

Sophia Anderson will state that she had conversations with Diane Anderson around May 2007 in respect of two TCHC offers of transfer. The conversations were both by telephone and in person at Diane's residence at 303 Grandravine.

In these conversations Diane informed Sophia that she refused the offers because, in respect of one of the addresses the offered premise was too unsanitary and the addresses given were in respect of what Diane described as bad neighborhoods not safe for her children. One of the offered premises Sophia knew to be a bad neighbourhood and told this to Diane.

Will State of Andrea Anderson

Andrea Anderson will state that she had a telephone conversation in May 2007 with Diane Anderson in respect of a TCHC offer of transfer to a Scarborough Ontario address.

In this conversation, Diane informed Andrea that the previous day, she attended at an offered premise with the father of the child Travarai with the intention of inspecting and cleaning it. She started cleaning then stopped, finding that the premises were in too unsanitary a condition for her and her children, noting that there were alot of rat droppings present.

This is Exhibit.....².....referred to in the
 Affidavit of.....Sophia Anderson.....
 Sworn before me, this.....^{5th}.....
 day of.....May.....20..11.....
*Roger Kave*.....
A COMMISSIONER FOR TAKING AFFIDAVITS

Roger Rowe

From: Edward, Rebecca (JUS) [Rebecca.Edward@ontario.ca]
Sent: March 10, 2011 10:47 AM
To: Roger Rowe; Bacher, Marnie (JUS); dbutt@barristersatlaw.ca; Diana 'Brady; Erin 'Farrell; Peter 'Lukasiewicz; Pritchard, Gerry (JUS); Clements, Katie (JUS); Jill Copeland; Wendy 'Lopez; LHofbauer@TorontoCAS.ca; SFisch@Torontocas.ca; Orna.Raubfogel@torontohousing.ca; David Gourlay; Suzan E. Fraser; Jordan Goldblatt
Cc: Larry.Rebellato@torontopolice.on.ca; Cornford, Chris (JUS)
Subject: RE: Anderson Inquest - new brief etc.
Attachments: Parties List.doc; family benefits summary.pdf

Hi Everyone,

Thank you to everyone who came to the planning meeting. I think our discussions were quite useful in getting us focused back on the inquest.

I've attached a copy of the updated list of parties. I was hoping to send out the witness list yesterday, but have had some obstacles to overcome with vacation and work schedules. I'm waiting to hear back from a few witnesses and will have to make changes accordingly. I'm hoping I can get the updated list out by later today or Friday at the latest.

Thanks to Larry's dedication, the USB keys are finally ready. Chris Cornford will be ensuring they are couriered out this afternoon, unless you advise us now, that you would prefer to pick them up at our office. Chris will also email out the passwords and some basic operating instructions for the USB key. Just a warning, ... it takes a long time to load.

Mr. Rowe, if this assists your discussion with the family at all, in the family history portion of the brief [this hasn't changed since the last brief], there is a bookmark for Family Benefits. If you click on that bookmark, it will take you to a summary of Diane Anderson's social services file. The summary [copy attached] was created at our request, by Christine Jones, who is a manager at the North York West Social Services office on Wilson Ave. As I mentioned earlier, in our early investigation, we had some concerns about Diane's access to counselling services in general and the issues surrounding her rent being in arrears. Ultimately, it was determined that the social services issue was too remote from the circumstances surrounding her death, especially given the more proximate issues that were clearly present. I look forward to hearing back from you on Monday.

Rebecca

☎ 416-314-0468

☎ 416-314-4030

✉ rebecca.edward@ontario.ca

From: Edward, Rebecca (JUS)
Sent: March 7, 2011 12:01 PM
To: 'Roger Rowe'; Bacher, Marnie (JUS); 'dbutt@barristersatlaw.ca'; 'Diana 'Brady'; 'Erin 'Farrell'; 'Peter 'Lukasiewicz'; Pritchard, Gerry (JUS); Clements, Katie (JUS); 'Jill Copeland'; 'Wendy 'Lopez'; 'LHofbauer@TorontoCAS.ca'; 'SFisch@Torontocas.ca'; 'Orna.Raubfogel@torontohousing.ca'; 'David Gourlay'; 'Suzan E. Fraser'; 'Jordan Goldblatt'
Cc: 'Larry.Rebellato@torontopolice.on.ca'; Cornford, Chris (JUS)
Subject: RE: Anderson Inquest - March 8th 10am planning meeting

Hi folks,
 Hope you all had a good weekend.

Can everyone please try to remember to bring your CDs/briefs with you tomorrow? We're hoping to have new briefs for everyone so that we will all be working from the same copy of the brief through the course of the inquest. This will make referring to documents and finding documents so much easier.

Also, since there are some new parties, I've attached a copy of the Agreed Statement of Facts for review. I expect that using this document will allow us to eliminate the need of a number of firefighters and the pathologist, Dr. Pollanen. The current witness list has been drafted on the basis that this Agreed Statement of Fact will be read into the record and marked as an exhibit.

Thanks and see you all tomorrow at 10am.

Rebecca

☎ 416-314-0468

☎ 416-314-4030

✉ rebecca.edward@ontario.ca

From: Edward, Rebecca (JUS)

Sent: March 2, 2011 1:14 PM

To: 'Roger Rowe'; Bacher, Marnie (JUS); dbutt@barristersatlaw.ca; 'Diana' 'Brady'; 'Erin' 'Farrell'; 'Peter' 'Lukasiewicz'; Pritchard, Gerry (JUS); Clements, Katie (JUS); 'Jill Copeland'; 'Wendy' 'Lopez'; LHofbauer@TorontoCAS.ca; 'SFisch@Torontocas.ca'; Orna.Raubfogel@torontohousing.ca; 'David Gourlay'; 'Suzan E. Fraser'; 'Jordan Goldblatt'

Cc: Larry.Rebellato@torontopolice.on.ca; Cornford, Chris (JUS)

Subject: RE: Anderson Inquest - April 4th, 2011

okay so lets go with the 8th then. at 10am at 15 Grosvenor. We should be able to use one of the courtrooms to meet. See you then.

Rebecca

☎ 416-314-0468

☎ 416-314-4030

✉ rebecca.edward@ontario.ca

From: Roger Rowe [<mailto:roger@rogerrowelaw.com>]

Sent: March 2, 2011 12:56 PM

To: Edward, Rebecca (JUS); Bacher, Marnie (JUS); dbutt@barristersatlaw.ca; 'Diana' 'Brady'; 'Erin' 'Farrell'; 'Peter' 'Lukasiewicz'; Pritchard, Gerry (JUS); Clements, Katie (JUS); 'Jill Copeland'; 'Wendy' 'Lopez'; LHofbauer@TorontoCAS.ca; 'SFisch@Torontocas.ca'; Orna.Raubfogel@torontohousing.ca; 'David Gourlay'; 'Suzan E. Fraser'; 'Jordan Goldblatt'

Cc: Larry.Rebellato@torontopolice.on.ca; Cornford, Chris (JUS)

Subject: RE: Anderson Inquest - April 4th, 2011

Unfortunately I am unavailable on the 9th. I am definitely available the morning of the 8th for a few hours.

Best

Roger

Diane Anderson

Diane Anderson first received assistance January 1993. In January 2002 Social Services computer system changed and payments records prior to that date have to be especially requested.

As per our records client has been in receipt of continuous assistance since Jan 19 2002. Ms Anderson had two breaks from assistance first Oct 2002 and March 2006. In October 2002 case was terminated as Ms Anderson missed two scheduled appointments to update her case.

In March 2006 Ms Anderson's case was terminated as she failed to attend Family Court appointments and pursue support.

Ms Anderson has a history of not following up with pursuing support and missing court appointments. Case would often be suspended, due to hardship and released; hence no other breaks in assistance occurred.

Here is some additional information not sure is relevant.

On Jan 16 2007 Ms Anderson advised her caseworker that she was in rental arrears in the amount \$2490.00 when queried why she did not pay rent she responded she used the money to buy clothes for her children.

On May 16, 2006 Ms Anderson was again in rental arrears in the amount \$416.00, Ms Anderson did not pay her rent as she paid her credit card.

On July 30 2005, Leroy Withker father of Jaziah was shot and killed. Miss Anderson was very distraught by that event.

Lenox Powell father of Ms Anderson 3 children never paid support, Ms Anderson also appeared very reluctant to pursue support and consequently her assistance was suspended on numerous occasions.

This is Exhibit.....3.....referred to in the
 Affidavit of.....Sophia Anderson.....
 Sworn before me, this.....5th.....
 day of.....May.....20.11.....
Robert Howe.....
A COMMISSIONER FOR TAKING AFFIDAVITS

Roger Rowe

From: Roger Rowe [roger@rogerrowelaw.com]
Sent: April 19, 2011 6:26 PM
To: 'Lukasiewicz, Peter'; 'Edward, Rebecca (JUS)'; 'Bacher, Marnie (JUS)'; 'Avneet.Grewal@tdsb.on.ca'; 'bdavies@dcclaw.ca'; 'dbutt@barristersatlaw.ca'; 'dgourla@toronto.ca'; 'fraser@fraseradvocacy.com'; 'jcopeland@sgmlaw.com'; 'jgoldblatt@sgmlaw.com'; 'Clements, Katie (JUS)'; 'Orna.Raubfogel@torontohousing.ca'; 'SFisch@Torontocas.ca'; 'Wendy.Lopez@tdsb.on.ca'; 'Linda Hofbauer'; 'Farrell, Erin'
Cc: 'Cornford, Chris (JUS)'; 'larry.rebellato@torontopolice.on.ca'
Subject: RE: Anderson Inquest: Rowe application to recall Flores and Sophia Anderson

That's fine Peter.

Roger

From: Lukasiewicz, Peter [mailto:Peter.Lukasiewicz@gowlings.com]
Sent: April 19, 2011 5:06 PM
To: Roger Rowe; Edward, Rebecca (JUS); Bacher, Marnie (JUS); Avneet.Grewal@tdsb.on.ca; bdavies@dcclaw.ca; dbutt@barristersatlaw.ca; dgourla@toronto.ca; fraser@fraseradvocacy.com; jcopeland@sgmlaw.com; jgoldblatt@sgmlaw.com; Clements, Katie (JUS); Orna.Raubfogel@torontohousing.ca; SFisch@Torontocas.ca; Wendy.Lopez@tdsb.on.ca; Linda Hofbauer; Farrell, Erin
Cc: Cornford, Chris (JUS); larry.rebellato@torontopolice.on.ca
Subject: Anderson Inquest: Rowe application to recall Flores and Sophia Anderson

Roger -

I am not available tomorrow morning to address these issues. I will not be at the Inquest this week because of other commitments. Accordingly, I suggest that we deal with your issues on Tuesday April 26th. Moreover, I need an opportunity to discuss these matters with my client and obtain instructions.

Regards,

Peter

From: Roger Rowe [mailto:roger@rogerrowelaw.com]
Sent: April 19, 2011 4:48 PM
To: 'Edward, Rebecca (JUS)'; 'Bacher, Marnie (JUS)'; Avneet.Grewal@tdsb.on.ca; bdavies@dcclaw.ca; dbutt@barristersatlaw.ca; dgourla@toronto.ca; fraser@fraseradvocacy.com; jcopeland@sgmlaw.com; jgoldblatt@sgmlaw.com; 'Clements, Katie (JUS)'; Orna.Raubfogel@torontohousing.ca; Lukasiewicz, Peter; SFisch@Torontocas.ca; Wendy.Lopez@tdsb.on.ca; 'Linda Hofbauer'
Cc: 'Cornford, Chris (JUS)'; larry.rebellato@torontopolice.on.ca
Subject: RE: CBC Request for Communications recording

Dear Counsel

In respect of this request for a copy of the audio recording of the 911 call made by Diane Anderson on the night of April 13, 2006, which we learned about for the first time this morning, I am in the process of consulting the family members and doubt that I will hear back from everyone by tomorrow. I will update everyone tomorrow in respect of my progress in obtaining instructions.

There are two other issues that I would like to raise.

- 1) I wish to continue my questioning of TCHC witness Mr. S. Flores which was amputated on April 14, 2011, and would like him to be recalled for this purpose. There are a number of issues as follows which I seek to ask Mr. Flores about including:
 - a) The more robust screens pertaining to TCHC repair work orders requested by tenants, which are retained by the TCHC manager (one of the jurors requested production)
 - b) The fire evacuation procedure for tenants at 303 Grandravine
 - c) The progress to date of the TCHC in addressing the recommendations of the Lesage Report
 - d) What measures have been considered to improve fire rescue access to 303 Grandravine in view of the alleged cost prohibitiveness of retrofitting the complex with a sprinkler system
 - e) Previous (recent) and subsequent (recent) fires at 303 Grandravine
 - f) How TCHC addresses cultural and language barriers of its multi racial multicultural tenant population
 - g) TCHC partnering with the welfare office
 - h) Why TCHC policy is to provide a clothes dryer but not a washing machine
- 2) The second issue relates to my request to recall Sophia Anderson to speak to why Diane Anderson refused the TCHC offers of transfer. As the said written offers of transfer were not disclosed until after Sophia and Ilesha testified, fairness requires that Sophia have an opportunity to speak to this.

I propose that argument on these issues be heard tomorrow either at 9:30 a.m. before the jury is brought in, or at the end of the day.

Please let me know your thoughts.

Best

Roger Rowe

From: Edward, Rebecca (JUS) [mailto:Rebecca.Edward@ontario.ca]

Sent: April 18, 2011 5:07 PM

To: Roger Rowe; Bacher, Marnie (JUS); Avneet.Grewal@tdsb.on.ca; bdavies@dcclaw.ca; dbutt@barristersatlaw.ca; dgourla@toronto.ca; fraser@fraseradvocacy.com; jcopeland@sgmlaw.com; jgoldblatt@sgmlaw.com; Clements, Katie (JUS); Orna.Raubfogel@torontohousing.ca; Peter.Lukasiewicz@gowlings.com; SFisch@Torontocas.ca; Wendy.Lopez@tdsb.on.ca; Linda Hofbauer

Cc: Cornford, Chris (JUS); larry.rebellato@torontopolice.on.ca

Subject: CBC Request for Communications recording

Hi everyone,

The CBC and the Globe & Mail are requesting "a copy of the 911 call made by Diane Anderson on the night of April 13, 2006."

They are hoping to secure a copy by Wednesday, when the inquest resumes. Consequently, can you please consult your clients and advise if there are any privacy rights your clients would like to exercise, or any other concerns that you think we should consider in determining if this recording should be released.

Rebecca

☎ 416-314-0468

☎ 416-314-4030

✉ rebecca.edward@ontario.ca

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This is Exhibit.....4.....referred to in the
Affidavit of.....Sophia Anderson.....
Sworn before me, this.....5th.....
day of.....May.....20.11.....
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Advocacy for Toronto Tenants

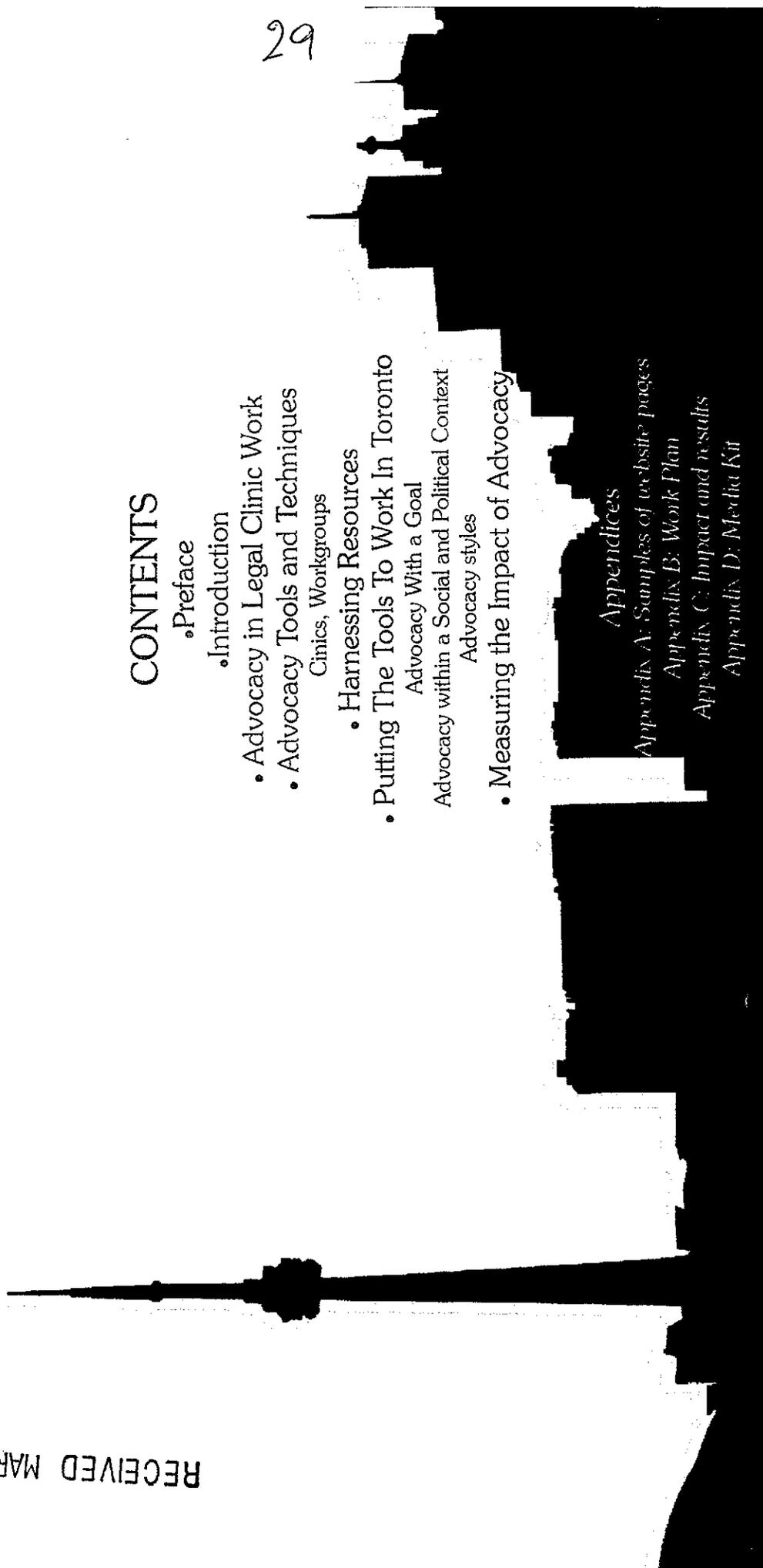
RECEIVED MAR 29 2011

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- Advocacy in Legal Clinic Work
- Advocacy Tools and Techniques
 - Clinics, Workgroups
 - Harnessing Resources
- Putting The Tools To Work In Toronto
 - Advocacy With a Goal
 - Advocacy within a Social and Political Context
 - Advocacy styles
- Measuring the Impact of Advocacy

Appendices

- Appendix A: Samples of website pages
- Appendix B: Work Plan
- Appendix C: Impact and results
- Appendix D: Media Kit





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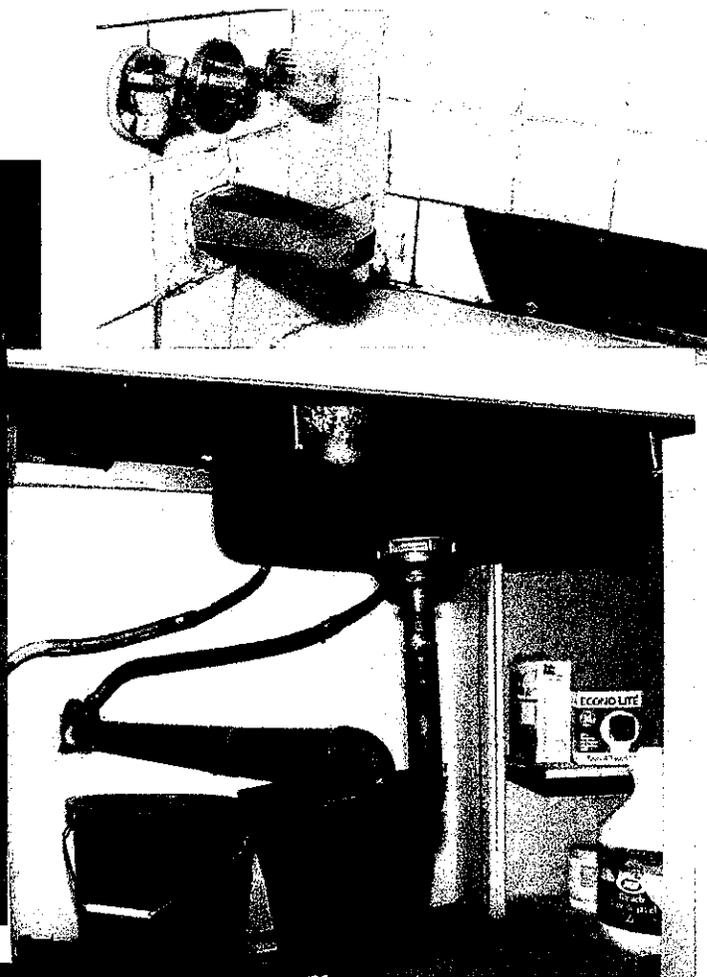
Preface

In 2003 and 2004, community legal workers and lawyers from several Toronto area legal clinics planned and carried out an advocacy project for public housing tenants in Toronto. This book is the record of the work and its outcome.



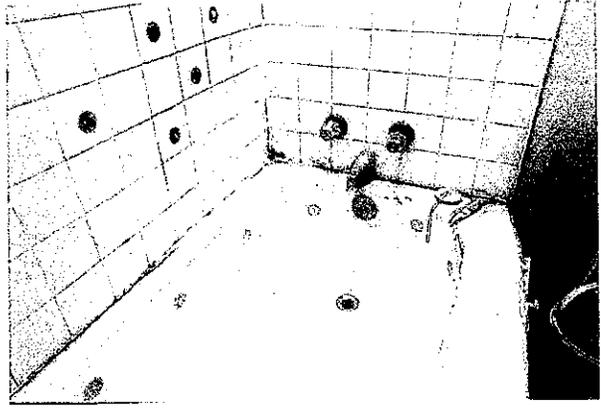
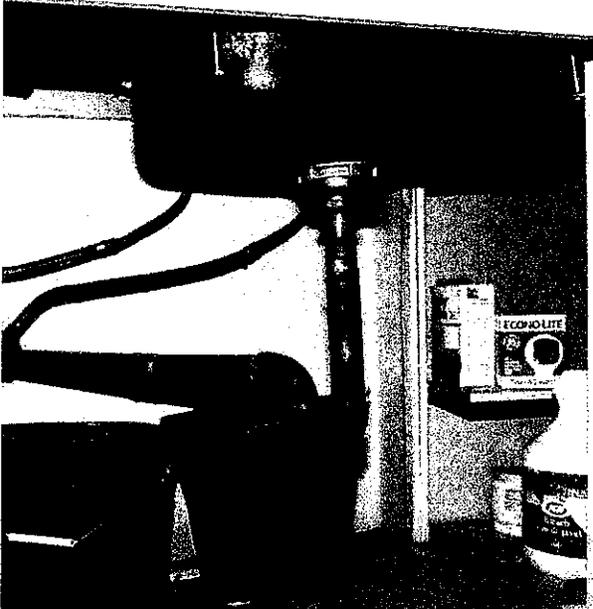
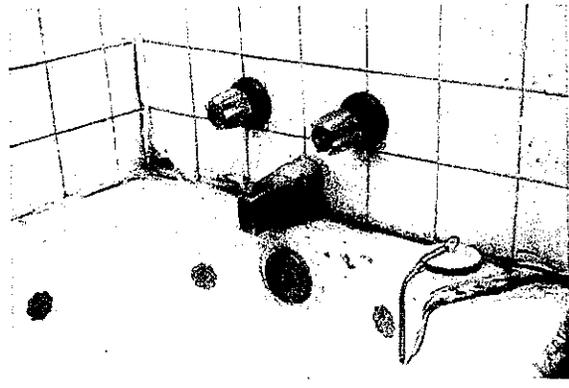
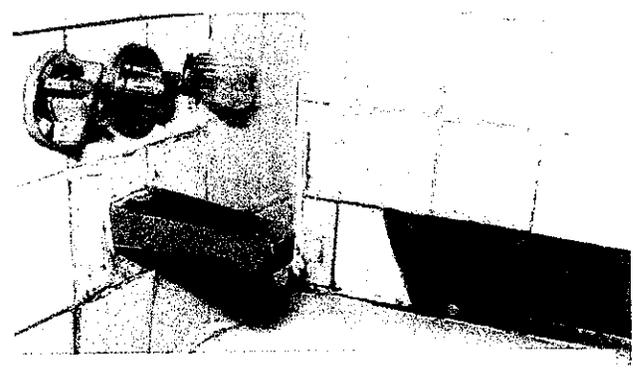
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INTRODUCTION

Legal Aid Ontario makes legal services available to low income individuals and disadvantaged communities for a variety of legal problems. Poverty law issues such as landlord/tenant disputes, disability support and family benefits payments are typically handled by the staff of more than seventy legal clinics, scattered across the province. Community legal clinics are:

- independent, non-profit organizations
- governed by locally elected Boards of Directors, and
- funded by Legal Aid Ontario.

The project in this book describes two photography exhibits, done ten years apart, highlighting the deteriorating state of publicly-owned rental housing in Toronto. Both efforts sought to improve the living conditions of low income families.

The campaign strove to drive home the consequences of chronic under-funding of a public asset, for all levels of elected government.



Goals of Advocacy

Clinic advocacy proceeds on two fronts at once:

- law reform; and,
- case work.

The other clinic functions:

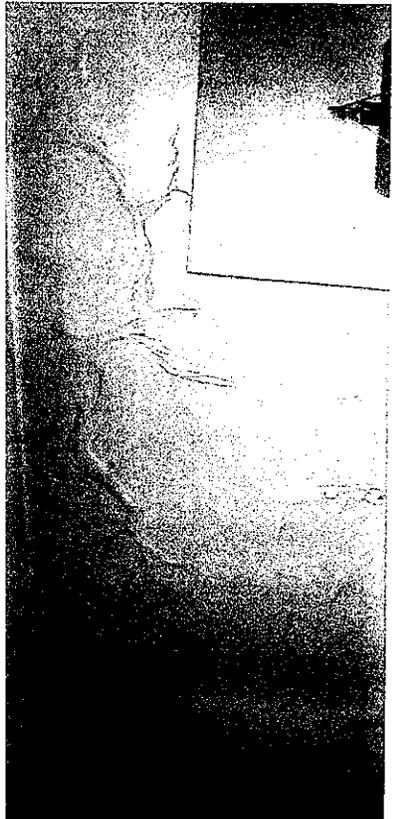
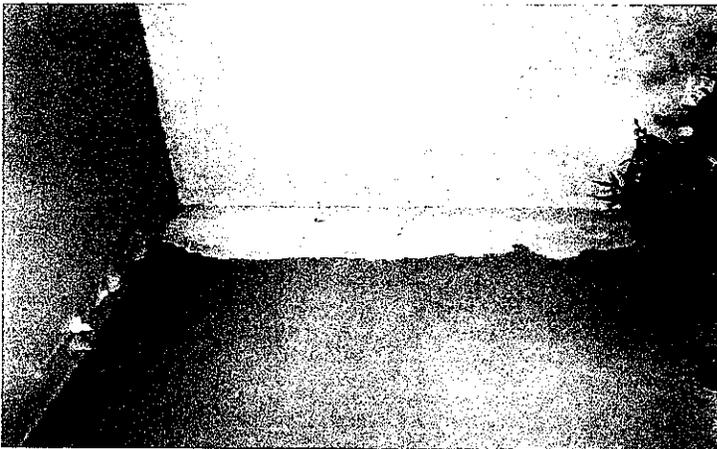
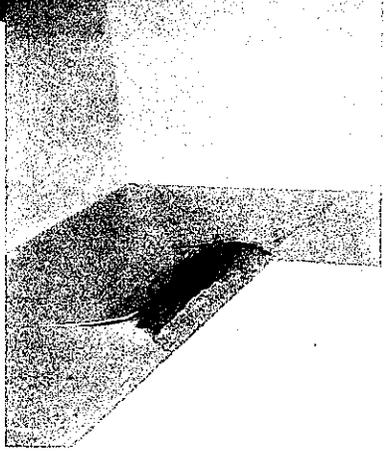
- public legal education,
- community development

may be seen as preventative, but all are driven by

case work, which grounds the staff person with a sense of the trends, injustices and issues most frequently encountered in poverty law.

The identifying of these issues by caseworkers is the driving force behind many law reform and advocacy efforts.

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ADVOCACY IN LEGAL CLINIC WORK

In addition to solving individual problems and handling caseload, clinic staff

- share information and form coalitions to share concerns and identify issues
- launch advocacy campaigns to arouse public concern and to seek systemic change.

The advocacy project described in this book arose from one of the informal workgroups, voluntary organizations formed by clinic workers with common concerns.

ADVOCACY TOOLS AND TECHNIQUES

I - Clinics

Clinic workers offer many levels of direct and indirect assistance to public housing tenants in repair matters, including:

- self-help advice in dealing with public housing staff;
- Repair applications on a self-help basis;
- representation at tribunals, public meetings, investigative commissions; and
- Taking systemic complaints to a higher level, through the advocacy of workgroups.

II - Workgroups

The informal system of workgroups is integral to the advocacy role of clinic work. It enables workers to:

- create personal networks for information sharing, inside and outside the clinic system
- identify and analyse common or systemic issues arising from the casework
- create a common front and voice to negotiate and advocate for change
- provide a basis for briefs and submissions to government
- Garner media and public attention for the voiceless.

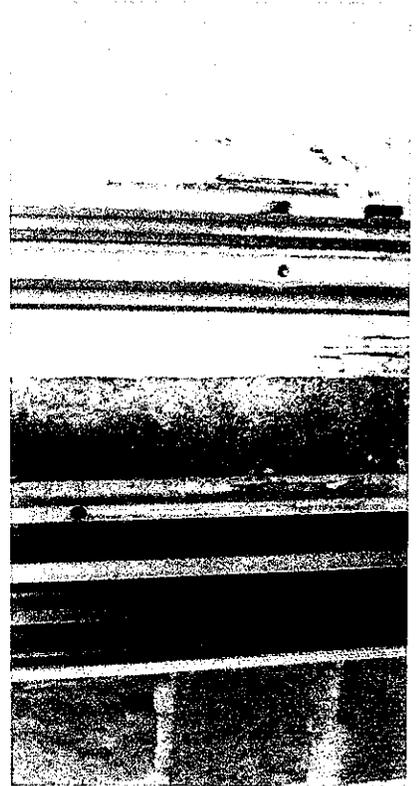
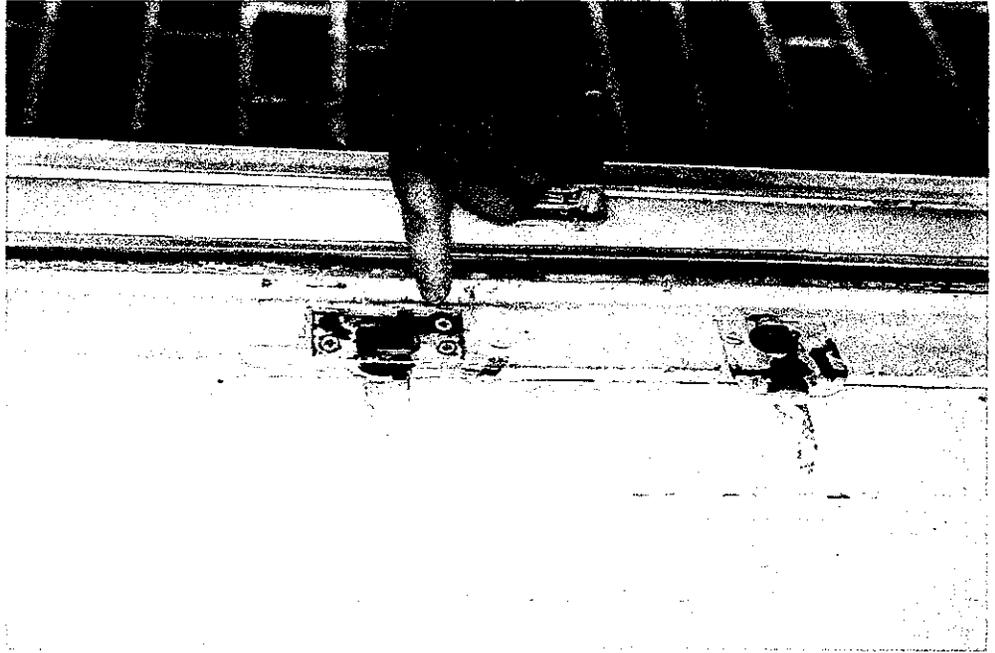
HARNESSING RESOURCES

The Work Plan

Workgroups should develop a plan in order to ensure a successful advocacy campaign. Having listed the stages and tasks to be accomplished, groups should:

- distribute tasks to workers at various clinics, when no individual worker would be able to commit the time to any time-consuming phase of the work;
- establish small subcommittees for specific tasks;
- Obtain outside expertise, where needed, as early in the process as possible.

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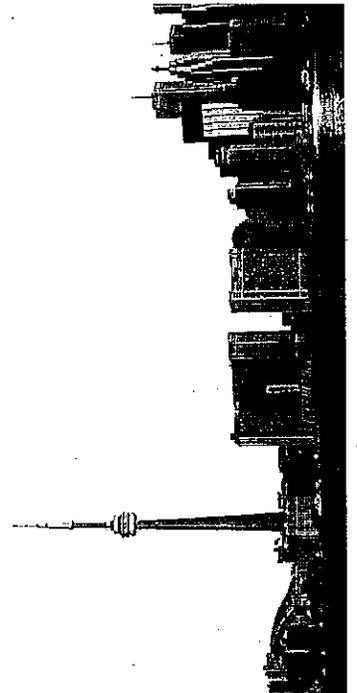
PUTTING THE TOOLS TO WORK IN TORONTO

Economically disadvantaged people often lack the means of mounting a vocal and organized protest against unfair treatment. Legal clinics and workgroups can provide that voice and that protest.

The Interclinic Public Housing Workgroup in Toronto includes housing workers from clinics across the City who address the concerns of tenants of publicly owned housing.

For many years the Interclinic Public Housing Workgroup in Toronto has worked with Toronto Community Housing Corporation (TCHC), the largest public housing provider in North America, with 57,500 units of housing, to:

- improve conditions for tenants by meeting regularly with housing staff at both neighbourhood and head-office levels,
- offer constructive criticism of the operations of a large and unresponsive bureaucracy,
- negotiate for improved procedures for repair, eviction and other issues.



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PUTTING THE TOOLS TO WORK

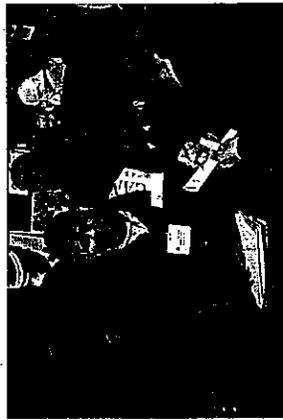
IN TORONTO

Advocacy with a Goal

The Interclinic Public Housing Workgroup had no trouble in 1992 identifying that repairs issues for public housing tenants were worse than for tenants of private landlords in Toronto, a situation that cried out for correction. The follow-up in 2002 was necessary because:

- the photo expose in 1992 produced no lasting results,
- the provincially owned buildings were in ever worse shape when they were downloaded onto the municipalities in 1997.
- the public and the public housing authority were not warned of the capital repairs deficit that dogged the Province's housing portfolio, and
- Tenants regularly complained to clinic workers about unresponsive staff, repair needs being flatly refused, or delayed or ignored.

Something had to be done to create a public outcry so that the situation could be remedied.

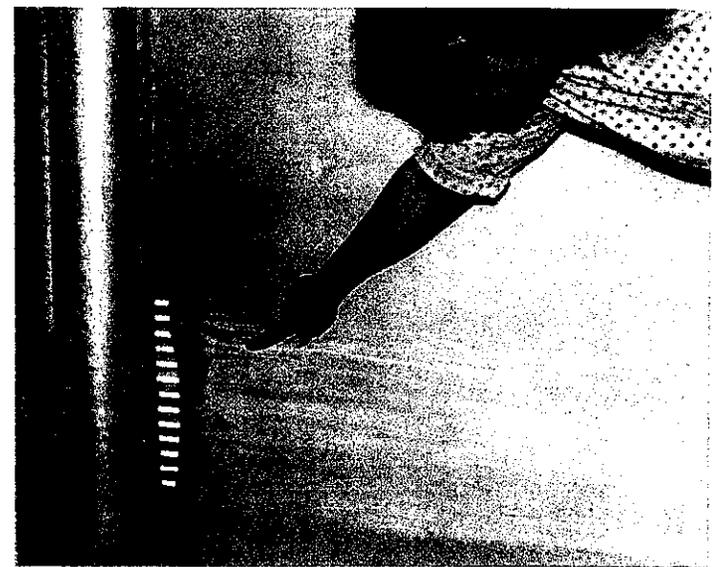
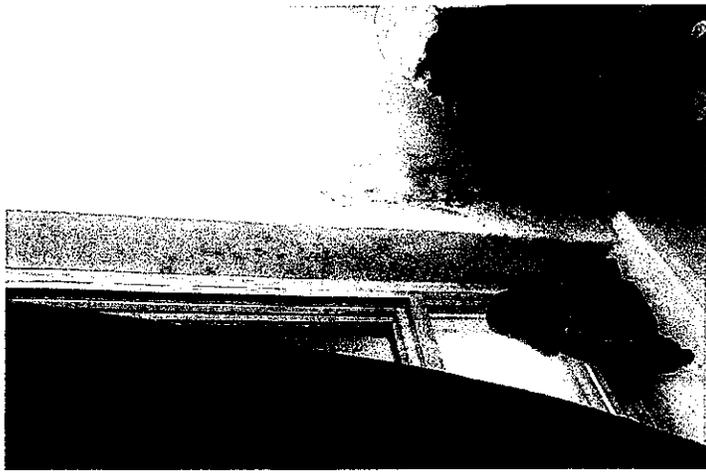


Advocacy within a Social and Political Context

Political climate will always dictate the goals and strategies of an advocacy campaign:

- In 1997, the provincial housing was rolled into one giant portfolio along with the municipally owned housing in Toronto, and was foisted onto the City to maintain.
- Repairs procedures, which had increased marginally after the 1992 photo exhibit "What's Wrong with this Picture", took a downward slide after this "download", as it was known.
- In 2002, a corporate reorganization made TCHC even larger and even more unresponsive to constructive criticism and advocacy than at any time in the previous decades.
- As the photo repair campaign was in process, changes wrought by provincial and municipal elections in Ontario filled the halls of power with a new set of office-holders.
- Accordingly, the thrust of the advocacy shifted away from educating the public and toward educating the new office-holders about the extent of the catastrophe they had inherited.

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PUTTING THE TOOLS TO WORK IN TORONTO

Advocacy styles

IPHW believes that the public landlord has not only a duty but a desire to be responsive to fair criticism and seek "best practices". If this is true, then an adversarial stance would not be helpful. Instead, IPHW assumed a collaborative attitude.

Individual workgroup members keep channels of communication with TCHC management open

From the beginning of the "No Fixed Address" campaign, TCHC was aware of what IPHW intended to do, and why.

IPHW responded to invitations to discuss other ways to address the Workgroups' issues, and even allowed TCHC seven months to unroll its corporate re-organization for tenants, free from negative publicity.

For its part, TCHC seemed unable to respond to opportunities to make basic and obvious improvements in its repair protocols.

All landlords in Ontario are responsible for maintaining their rental housing units in a fit state for habitation and in compliance with health and housing standards.



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Advocacy for Toronto Tenants

MEASURING THE IMPACT



Measuring the impact of an advocacy programme is not by scientific formulae. The effectiveness of the initiative is measured empirically - by observing and noting changes. The results may or may not be dramatic or significant. Notwithstanding, all reactions, responses and changes, directly or indirectly related, should be logged for assessment and future planning.

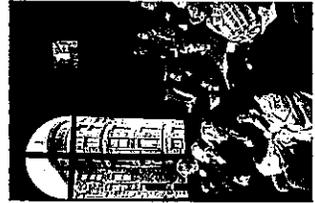
• **REACTIONS:** Actions and activities to stall, discredit or derail the project. (Early in 2003, TCHC offered to do whatever it took to stop the project, but did not follow through. TCHC then issued a damage-control press release of its own on the project launch day.)



• **POLICY AND/OR BEHAVIORAL CHANGES:** Shifts in policy or modifications in organizational behaviour patterns relative to the objectives of the advocacy programme. (In the case of the Toronto tenants, instructions from the Board of IPHW following the project indicated that the effort had found its mark.)

• **PUBLIC RESPONSE -** Newspaper clippings and broadcast material of news, features, commentary/analysis and editorials should be collected. Telephone calls, letters and other responses via direct media should also be logged. (All statements made to broadcast news outlets by TCHC and government representatives over the succeeding weeks and months were noted, as well as interest from local politicians, tenant groups and other agencies.)

Ideally, an advocacy project would result in immediate and observable changes, but realistically, one may need to measure incremental improvements over a long period of time. It may take years for the full impact to be revealed.



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Appendix A

Web site pages

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The state of Public Housing in Toronto
January 2004



Toronto Community Housing, the largest public housing provider in North America, houses 22,240 households, including seniors, students, singles, refugees, recent immigrants to Canada and people with special needs.

Overlaid on the volume and persistence of housing complaints, and the lack of responses from the city and Level 4 and 5, are the words of tenants and staff of the organization. "No Fixed Address" documents the devastation to the housing stock.

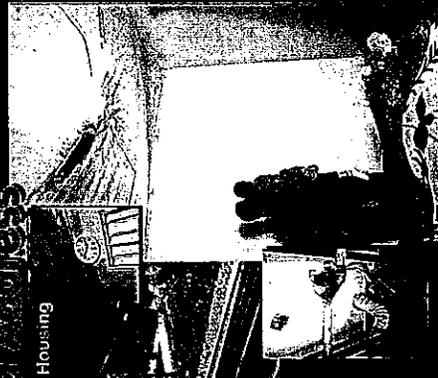
For a quick peek at what they found, slip this CD into your computer.

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11:11:11

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To purchase, type this URL into your browser: www.nofixedaddress.ca

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The state of Public Housing in Toronto



For full list of tenants consult our website
www.nofixedaddress.ca

What happens when public institutions are derelict in their duties?
derelictforFederalization.blogspot.com

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Appendix B Work Plan

- If expenses are anticipated beyond an individual clinic's resources, is a funding application to Legal Aid Ontario - describe project; do cost estimates; revise as project advances. Cost estimates may require research.
- Break down tasks, distribute responsibilities, draw up a time line, plan follow-ups in order to stay on task. Consider assigning tasks to subcommittees. IPHW assigned the project in this book to a subcommittee of five. Project took two years.
- Develop a detailed project description, in order to tender contracts and hire expertise as needed (in this case, photographer first, then web developer).
- Plan and schedule delivery of project/launch.
- Plan media strategy, press conference, timing, contact lists, consider using media consultant, draft communications such as press advisory, press release, any other background information.
- Plan to provide media access to the story: what visuals can you provide? Contact spokesmen of other NGOs. Anticipate that the media will need to meet individuals affected by the issues.

- Expand the network of those tracking outcomes and keeping up the momentum for change.
- Develop a follow-up plan for keeping the issue in the public eye. Track results by category, contact from provincial politicians, municipal, TCHC board members, TCHC staff all levels, tenants, etc. Store up quotable responses of politicians, for future use.
- Evaluate impact: track media coverage (there are agencies which specialize in this, for a fee), return calls to reporters, answer all inquiries, note policy changes. Seize opportunities to speak, to meet with politicians, and make records of all such meetings.

FOOTNOTE:

During the project in this book, all IPHW members continued to collect data on repair needs and refer worthy cases to the photo project team over a period of a year. When the time for the press conference arrived, many other members made themselves available to speak with the press, and to have their tenant clients available for interviews. This support was invaluable to the team fronting the project.

All IPHW members have been available for further follow ups, tracking results, attending board meetings and other public meetings, speaking to politicians and so on.

All clinic staff involved made the project work fit into their existing job priorities and were able to avoid undue interference with office work. Even so, there were points at which special skills were needed, or concentrated time was required: it was invaluable to have the use of support staff, students and volunteers, as well as the expertise of hired professionals, at critical points in the project.

No Fixed Address Advocacy for Toronto Tenants

Appendix C

Impact & Results

- **December 2002:** TCHC staff learned of project as soon as flyers were hand-delivered to tenants. Individual property managers began painting and repairing common elements long neglected.
- **January 2003:** Senior staff instructed to stop the clinics' photo project, asked for a meeting with IPHW representatives. Explained corporate plans to roll out Tenant Participation and Community Management Plans (now explained on TCHC website, but then embryonic) and the corporations need to avoid adverse publicity during this period.
- **April 2003:** IPHW responded by distilling our requests to three, and submitting those to TCHC in May 2003. In June 2003, TCHC indicated agreement with our requests, but nothing happened by July. Photographer asked to continue.
- **September 2003:** Project team regrouped to decide what to do about delays and political uncertainty; decision taken to go ahead. Exhibition plan changed to website plan.
- **November 2003:** TCHC invited in November 2003 to comment on text of website under heading of "what municipal and provincial politicians should be doing"
- **December 2003:** TCHC CEO Derek Ballentyne responded, offered comments on text.
- **Late in 2003:** TCHC website amended to incorporate Community Management Plan document, which clearly described the capital under-funding situation and attributed it to provincial downloading.
- **January 2004:** TCHC asked for advance notification of website contents. Local TCHC staff warned by headquarters to be ready to

identify and immediately repair units as soon as site available. (All featured units were already in the repair-request stream.)

- **February 2004:** Team began advance notification to media (contacts at Star, CBC).
- **February 17, 2004:** Media advisory sent by e-mail to about 40 media outlets. Follow up e-mails and phone calls to key media outlets.
- Query from CBC radio as to location of website (access denied, wait for press conf.)
- **February 18, 2003:** Website on CD delivered to City Councillors via drop-box at City Hall, and to area MPPs by courier. TCHC advised of web address late in the day.
- Toronto Star interviewed Ann McRae by phone, then got comment from TCHC CEO, who told them the website address but indicated it was not yet accessible. This was not true, but bought TCHC a few more hours. He charged that the photos were not fair and were not representative, and thus had "missed the mark".
- **February 19, 2004: Project Launch date**
- Breakfast Television ("Toronto 1" network television) in Toronto ran a story with TCHC CEO Derek Ballentyne commenting on the website that was not yet public. Again, Ballentyne knew this was not so, but chooses not to let on, and continued "it is not representative and not fair" spin.
- News Conference at Queens Park, attended by: representatives from four television stations and the Toronto Star newspaper. One city councillor, Paula Fletcher, who is also a member of the TCHC board, two tenant reps and at least two other tenants attended, as well as four clinic workers who were not among the four presenters. Logistical support was provided by the web developer, who assisted the Queens Park studio manager in setting up the props.
- Two city councillors, Silvia Ward and Norm Kelly, contacted Ann McRae and were given information about TCHC.
- A tenant from Scarborough called in response to the Toronto Star article and was referred to SCLs.

No Fixed Address Advocacy for Toronto Tenants

Appendix C

Impact & Results

•A tenant from The Esplanade (waterfront) calls to thank IPHW for the project and for responding to e-mails and phone calls, as well as to register a repair complaint.

•CEO Ballentyne tells TV news that the under-funding is indeed chronic and serious and that senior levels of governments bear the responsibility.

•Clinic workers outside of Toronto advise team of plans to use the website www.nofixedaddress.ca to discuss similar issues with public housing providers in their municipality.

•February 24, 2004: TCHC board meeting, attended by Councillor Paula Fletcher and by Pat McKendry, one of the press conference presenters. Fletcher discusses repairs and maintenance issues and initiates three related motions, which are all adopted. CEO asks, in frustration: "Are we answerable to the legal clinics?" The motions generate reports to the next Board meeting, April 6, 2004.

•February 26, 2004: Mayor of Toronto has a housing summit at which funding for hundreds of new units of public housing is discussed. Media carries stories of people on waiting lists for public housing. Reporter contacted team members for names of tenants to interview (unfortunately could not contact clients in time). Profile of the repairs issue at Mayor's event not known.

•February 27, 2004: TCHC CHU manager reported to team member that another councillor, not known for his interest in social issues, had contacted him and wanted to meet.

•February 18 to 27, 2004: Message circulated among TCHC field staff to find out which units were featured and get everything in those buildings fixed up, using capital funds if necessary. Local staff not happy to be diverting capital funds, as capital project delays are already causing problems.

•TCHC property manager confided to team member that he was dealing with delayed capital projects for roofing and was already two years behind. It was beginning to impact on tenants, with moisture damage to cupboards, flooring, walls, etc. Scheduled replacement of items in units start to fall behind schedule but make it impossible or impractical to do routine repairs or even one-by-one replacements of such things as closet doors and kitchen cabinets, because the capital project has been derailed.

•March 25, 2004: City Councillor Paula Fletcher meets with four members of photo team plus Pat McKendry, discuss how to bring repairs/funding matters to the Board; how to raise concerns about policies; whether legal clinics will be able to tender regular "reports" to the Board of TCHC on various issues of concern.

•March 26, 2004: Toronto Star newspaper reports that City Councillor Jane Pittfield proposes turning the (formerly provincial) housing back to the province, if province will not properly fund the needed capital expenses.

•April 6, 2004: TCHC Board meeting, Ann McRae provides board members with copies of IPHW's requests for changes in May, 2003, and sample of repair policy from 1993. Staff are asked for explanations of wait-times at Call Centre and failure to provide work-order numbers to callers. IPHW material received by Board and staff later instructed to deal with IPHW to resolve issues. IPHW members warmly received by some Board and staff. All Board members aware of website and issues. Insightful questions asked.

•April 22, 2004: Four IPHW members invited by TCHC to participate in a focus group on the subject of a proposed leadership development process for management-level TCHC employees.

•April 27, 2004: Two IPHW members addressed a rally held at Parkdale Public Library for the purpose of founding a tenant organization of TCHC tenants. IPHW members spoke on the photo project and other TCHC issues. Toronto Star columnist Joe Florito challenged clinic staff and tenants to provide him with stories to tell in his column, so as to keep attention on the issues.

•May 13, 2004: IPHW members invited to meet with Community Housing managers and head office staff to discuss common concerns.

No Fixed Address
Advocacy for Toronto Tenants

Appendix D

Media Kit

provided at Press Conference

recommendations

No Fixed Address

Given the state of disrepair in public housing, and the health and safety risks to tenants, it is imperative that:

- TCHC repair the housing stock immediately
- TCHC implement a new system to ensure repairs are done in a timely fashion
- TCHC establish a new protocol for Call Centre operators to provide tenants with a reference number for tracing repair requests and a contact name and telephone number for follow-up inquiries
- TCHC have policies in place to monitor the quality of work done and response time
- TCHC implement a plan for measuring resident satisfaction with repairs
- CITY OF TORONTO advocate for the province to fund the needed capital repairs to bring the downloaded public housing stock up to health and safety standards
- CITY OF TORONTO hold TCHC accountable for the administration and management of public housing
- CITY OF TORONTO enforce its own protocol on property standards enforcement in public housing
- CITY OF TORONTO appoint an Ombudsman to receive complaints about unresolved public housing issues
- PROVINCE OF ONTARIO act immediately within this budget to fund Toronto's public housing capital repair deficit
- PROVINCE OF ONTARIO ask the Provincial Auditor to review the Provincial-Municipal downloading agreement to assess the impact on the long term preservation of the housing stock
- FEDERAL GOVERNMENT include in any "new deal" for our City a new funding plan to maintain their financial commitment to preserving our public housing stock.

news release

for immediate release

Website "No Fixed Address" exposes disrepair in Toronto Community Housing Corporation units

2004, February 19: The unhealthy, uncomfortable and often dangerous conditions endured by many who live in Toronto's publicly owned housing facilities are exposed through a specially developed web site, www.nofixedaddress.ca, launched today.

"No Fixed Address" is a photo essay on the World Wide Web which highlights neglect, procrastination and dereliction of duty by those responsible for funding and managing Toronto's publicly owned housing stock. It documents the frustration, misery, fear and helplessness of the tenants and their families who reside in these housing units.

Defective plumbing, rotting plaster, kitchen cupboards falling apart, damp walls, doors that do not fit, leaky roofs, mould and cold draughts contribute to the dehumanizing experience of many public housing tenants. Their requests for repairs seem to fall on deaf ears. And those who intervene on behalf of the tenants are frustrated by the very system that was designed to deal with and rectify these problems.

"No Fixed Address" was done to assist tenants to enforce their rights to have rental housing in a good state of repair that meets all property standards, fire codes and building codes.

The photo essay was produced by the Interclinic Public Housing Workgroup, a team of community legal clinic workers in Toronto funded by Legal Aid Ontario. Also available on CD ROM, it presents more than 50 photographs which collectively illustrate the deteriorating conditions in Toronto's public housing. It was done to get action from the Province to adequately fund capital repairs in social housing and audit the condition of the stock they turned over to the city; and, to ensure that the Federal Government does not cut off funding public housing, as planned, over the coming years.

The Interclinic Public Housing Workgroup, in initiating this project, sought to ensure that budgets for Toronto Community Housing Corporation (TCHC) that deal with repairs are not cut; and, that TCHC is held accountable for the maintenance of the housing to ensure it meets city standards. The Workgroup is also making the point, through this photo essay, that public tenants have equal status to other tenants in their right to proper housing standards.

(More)

Legal clinic workers across Toronto were asked to select, from among their public housing repair complaints, examples in which repairs were not undertaken until the legal clinic was asked by the tenant to intervene. In all of the examples chosen, tenants had exhausted the usual means of requesting repairs.

In some of the homes photographed, the problems had gone unresolved for years. Some repairs were started only after the legal clinic actually took the landlord to the housing tribunal. Following intervention by the legal clinics, some repairs have now been done, but not all. In fact, clinic workers continue to receive reports of units in the condition similar to the homes illustrated.

Legal Aid Ontario is the owner of the photos and text materials in the photo essay.

- 30 -

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news release

for immediate release

Legal Clinic workers ask:

Is TCHC fulfilling its legal obligations?

2004, February 19: The Interclinic Public Housing Workgroup, a team of community legal clinic workers in Toronto funded by Legal Aid Ontario has raised the question: *Is the Toronto Community Housing Corporation fulfilling its legal obligations?*

The question comes against the background of years of neglect and decline in some aspects of public housing in Toronto and the claim by many tenants that their requests for repairs have not been dealt with satisfactorily.

The deterioration in public housing under the responsibility of the Toronto Community Housing Corporation has been documented in a recently launched website www.nofixedaddress.ca, funded by Legal Aid Ontario.

Toronto Community Housing Corporation (TCHC) is the largest landlord in Canada and owns and manages a public asset worth \$5 billion dollars. The Province downloaded 29,000 units of publicly owned housing to the City, increasing its portfolio to 57,500 units, housing 160,000 families, seniors, singles and disabled tenants. The average household income in TCHC rent geared to income communities is \$14,000 a year. The buildings downloaded by the Provincial Government of the time were in poor condition.

Is TCHC acting responsible in allowing this valuable asset to deteriorate?

According to John Sewell, former mayor of Toronto and former chair of Metro Toronto Housing Authority (1986 - 1988): "For as long as I can remember residents have complained about the poor standard of repair in public housing buildings and for almost as long management has said things will be soon getting better. Sadly, TCHC has maintained this bad tradition, and has made the same promises that a reasonable level of repair and maintenance is just around the corner.

"Board members of TCHC should stop dithering: the board should allocate money and other resources to guarantee that requests for repairs will be responded to quickly and effectively," Sewell opined.

"Maintenance has been postponed or neglected for so long that serious deterioration jeopardizes tenants' health and safety, makes it harder to heat some units, and harder for tenants to keep the units clean. Every day that goes by increases the cost of playing "catch-up", as minor leaks become major interior damage," said E. Ann McRae, a member of the Interclinic Public Housing Workgroup

URGENTLY NEEDED WORK

Metro Toronto Housing Authority, the owner of about 30,000 units of publicly owned housing, was rolled into TCHC in 2002, more than doubling the number of housing units owned and managed by the City of Toronto. The buildings downloaded by the Provincial government of the time were in poor condition. TCHC estimated that the capital deficit is accumulating at approximately \$30 million a year. Major repairs are waiting in a queue, all necessary all urgent, none of it underway.

Meanwhile, the City of Toronto has asked every department to tighten its budget and work with less and less each year. TCHC 's budget has not even increased at the rate of inflation, while necessary capital improvements are delayed. As buildings age, the cost and nature of repairs tends to escalate, not diminish, so TCHC is slipping further and further behind each year.

In some neighbourhoods, in an attempt to control costs, TCHC has hired private management companies. The private managers, in an attempt to turn a profit, are motivated to spend as little as possible, and to cut corners in the quality and response times to tenant needs.

"In neighbourhoods managed directly by TCHC, one would expect the corporation to be more responsive to the needs of tenants, and more responsible in the administration of a public asset", said one Legal Clinic worker. " To get repairs tenants must first phone a centralized call Centre to report the repair problem. However the Call Centre offers no written confirmation that a work order has been filed or when the work will be undertaken, and responses are often disappointing" says (Pat McKendry), one TCHC tenant.

In some homes, tenants were initially advised to: use self-help methods; call their property managers; contact the City of Toronto's inspectors of Building and Safety. In other cases, clinic workers had to take the landlord to the Ontario Rental Housing Tribunal to get the concerns dealt with.

Maintenance and repair problems are always high on the list of concerns raised by tenants. Tenants and workgroup members have participated on various committees formed by TCHC and the former MTHA to develop policies about maintenance and other issues, but have yet to see the Corporation take a systemic approach to deal with the repair problems.

In its Annual report of 2002 TCHC estimated that \$200 million was required to bring the social housing portfolio to a state of good repair. The Annual Report and subsequent policy publications commit the Corporation to the provision of good governance and safe and healthy communities while at the same time acknowledging that there was no easily available capital funding from any level of Government. Is TCHC able to live up to its commitment?

Provincial and Municipal Governments are experiencing budgetary constraints and are asking taxpayers to help them decide priorities. The Provincial and Municipal Governments together with tenants and other citizen groups must lobby the Federal Government to release housing funds to begin the necessary repairs to Save Public Housing.

TCHC must also be held accountable for the management of the stock prior to the current budgetary constraints. Postponing the repair of this housing stock now is not an option.

backgrounder

No Fixed Address

1

The Interclinic Public Housing Workgroup is a group of legal clinic workers in Toronto who have been advocating on behalf of public housing tenants for years. Legal clinics are funded by Legal Aid Ontario to provide advice, information and assistance in selected areas of law to people of limited income.

2

Faced with increasing and sustain complaints from tenants and inadequate responses from those responsible, the workgroup obtained special funding from Legal Aid Ontario to produce a visual exhibit to show all levels of Government and the public how this asset valued at \$5 million dollars is allowed to deteriorate.

3

A flyer, requesting people to call if they had problems getting things fixed by TCHC, was distributed.

4

Of the tenants who responded, we chose the units seen in the exhibit because

- tenants were willing to participate and have the photographs of their unit made public
- they had contacted TCHC and requested repairs
- the repair problem could be photographed, and
- their repair problem was clearly not their fault and was clearly the responsibility of the landlord.

5.

Some repairs have been done since these photos were taken but others are still outstanding. In the majority of cases the tenants have asked repeatedly to have the repairs done and are still waiting, many in health-threatening conditions.

6.

Questions to be raised:

1. *Is TCHC fulfilling its legal obligations as a landlord?*
2. *Is TCHC living up to its own words and commitments about safe housing?*
3. *Is TCHC acting responsibly in allowing a valuable public asset to deteriorate?*
4. *Is the Provincial downloading on to the City a fair deal?*

7

In 1992 the workgroup also staged a photographic display of disrepair in front of the Queen's Park Legislative Building entitled "What's wrong with this picture". At that time Metro Toronto Housing Authority (MTHA) managed the buildings and their response to the exhibit was, to fix the units identified in the exhibit and to consult with tenants and workgroup members to develop new policies. Maintenance policies were developed but the problem of getting repairs done remained.

8

In 1994, KPMG consultants, hired by the then Minister of Housing reported that MTHA faced a minimum a \$223 million maintenance backlog. The KPMG report states that: ***"the choice for MTHA and the Government is clear. Either substantial additional funds will be committed to essential repairs and upgrading of this housing stock.... Or this vital infrastructure will crumble. Residents will be displaced as buildings become uninhabitable."***

9

Tenants and Legal workers say "FUND IT AND FIX IT"

No Fixed Address

Home | Photos | Info

The state of Public Housing in Toronto

Gallery of Neglect

- ◆ Deterioration of Homes
- ◆ Neglect by TCHC

For the Public

- ◆ Proper Funding
- ◆ Adequate maintenance

What you can do

Are you a...

- ◆ City Councillor
- ◆ Member of the Ontario Legislature
- ◆ Public housing tenant in Toronto
- ◆ Tenant anywhere in Ontario

Where to go

- ◆ ACTO
- ◆ Legal Aid Ontario
- ◆ Ontario Rental Housing Tribunal
- ◆ TCHC

Frequently Asked Questions



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO



Photographs in this display show examples of disrepair among 57,500 units of public housing owned and operated by Toronto Community Housing Corporation. Click on any picture to go to the photograph page.

Photography by [Amir Gavriely](#), except where indicated.

This photo essay was produced by the Interclinic Public Housing Workgroup, a team of legal clinic workers in Toronto. Funding was provided by Legal Aid Ontario. You can learn more about this project, legal clinics and Legal Aid Ontario by clicking the buttons on the left of your screen.

Site Project Manager: [Michael S.L. Jarrett](#)
Site Designed by [Qubbe Inc.](#)

RECEIVED MAR 29 2011

*for Berdabe Clinic
(Tone)*

No Fixed Address

Home | Photos | Info

A gallery of neglect ...

**Click an Image to view photographs of that unit.*

The Problem

Gallery of Neglect

- ◆ Deterioration of Homes
- ◆ Neglect by TCHC

The Solutions

- ◆ Proper Funding
- ◆ Adequate maintenance

What can we do?

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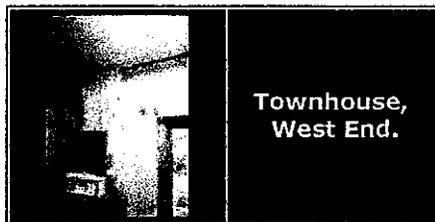
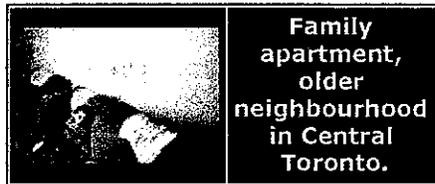
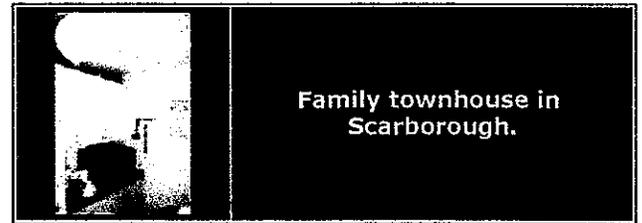
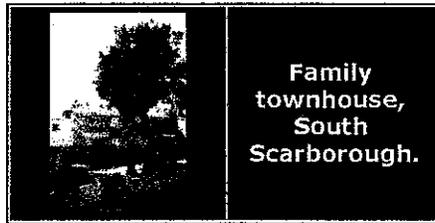
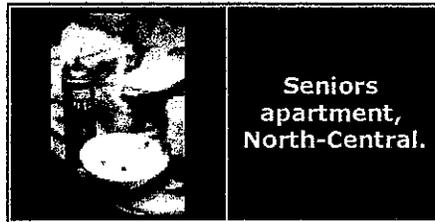
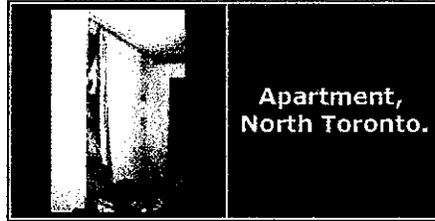
Useful Links

- ◆ ACTO
- ◆ Legal Aid Ontario
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- ◆ TCHC

Frequently Asked Questions



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO



No Fixed Address

Home | Photos | Info

Apartment, North Toronto.

**Click Image for a larger view.*

The Problems

Gallery of Neglect

[Photo Essay](#)

- ◆ Deterioration of Homes
- ◆ Neglect by TCHC

The Solutions

- ◆ Proper Funding
- ◆ Adequate maintenance

What can be done?

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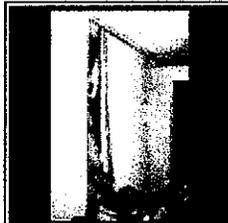
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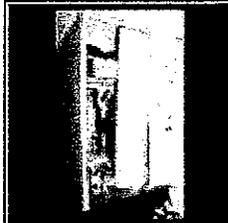
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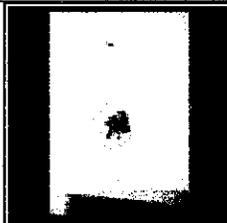
LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO



A family lives in this apartment near Highway 401 in North Toronto. Closet door hardware had failed after years of use. Doors that no longer slide and cannot be re-hung impede access to storage. There are also areas of damaged wallboard and holes that go right through the drywall.



Part of front entrance coat closet cannot be accessed due to broken door tracks.



Wallboard requires repairs.

This photo essay was produced by the Interclinic Public Housing Workgroup, a team of legal clinic workers in Toronto. Funding was provided by Legal Aid Ontario. You can learn more about this project, legal clinics and Legal Aid Ontario by clicking the buttons on the left of your screen.

Site Project Manager: [Michael S.L. Jarrett](#)
Site Designed by [Qubbe Inc.](#)

No Fixed Address

Home | Photos | Info

Townhouse, South Scarborough

At present a family of three lives here - mother, father and son 11 years old. Sometime in 2002 the water started leaking from the washroom into the living room. The leak caused a hole in the ceiling of the living room. In the washroom the toilet was not firm on the floor; and, the exhaust fan did not work, causing dampness and mould build-up. The Tenant complained. TCHC staff came and did some repairs to stop the water from leaking. The caulking around the tub was replaced but TCHC did not fix the hole in the ceiling; did not fix the exhaust fan; and, the toilet still rocked. When we visited in January 2003 there was mould build-up in the bathroom; the linoleum on the kitchen floor was cracked and worn through; and the weather stripping around the main door was lifting. Recently the tenant reported that the toilet has now been bolted down so it does not rock anymore. But the exhaust fan still does not work and the mould is still there. The hole in the ceiling is still there. It is now two years since the hole has not been fixed.

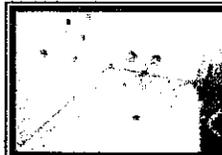
**Click Image for a larger view.*



Bathroom ceiling, damaged plaster.



Bathtub needs re-grouting, re-glazing or replacement.



Another angle of bathtub.



Kitchen flooring has lifted, pieces of tiles are missing.



Townhouse in Scarborough has rotting plaster, leaking ceilings.

The Problems

Gallery of Neglect

- ◆ Deterioration of Homes
- ◆ Neglect by TCHC

The Solutions

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What can be done?

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Frequently Asked Questions



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

Seniors apartment, North-Central

The tenant moved in about nineteen years ago. She noticed on the second day that there were cockroaches in the unit. She reported this to the Manager, who sent someone to spray. Unfortunately, the pests have been persistent. About three years ago there was a flood in the unit caused by a broken pipe in the wall. The unit was flooded for a few days. The Property manager was aware of the flooding. Immediately after the floods, the tenant noticed that the cupboards in the kitchen were coming apart. She reported this promptly to the management but to date no repairs have been done.

**Click Image for a larger view.*



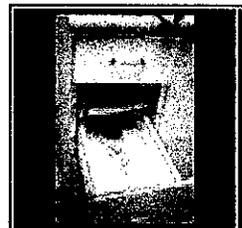
Single woman lives in small apartment in a building for seniors in North Toronto.



Elderly tenant is unable to use kitchen cupboards.



Kitchen drawer tracks and fronts are broken beyond repair.




Lack of usable storage space contributes to clutter and sanitation problems for tenant.

No Fixed Address

[Home](#) | [Photos](#) | [Info](#)

The Problems

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- Photo Essay

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Frequently Asked Questions



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

Apartment, East End

Occupant moved in with young son about 10 years old, in 2000. She is a single mom. She first complained about a problem with the balcony door in December 2002. Cold air was coming through cracks around the door jamb. Nothing was done. In December last someone came and plastered around the door to seal the cracks but no weather stripping was installed around the door. So the air still comes through. As a result, the living room cannot be used. She has consequently placed a room heater in that area and pillows at the bottom of the door to keep the cold air out but this does not help much. On July 5, 2003 she was having problems with the sink. On July 7 the plumber came and removed the sink to fix the problem but did not reinstall it. She telephoned the call center several times but was told she would just have to wait. The sink was reinstalled after 3 weeks. In the interim, she and her son had to use the bath tub for brushing and washing.

**Click Image for a larger view.*



Tradesman left family's sink on the floor for three weeks.

This photo essay was produced by the Interclinic Public Housing Workgroup, a team of legal clinic workers in Toronto. Funding was provided by Legal Aid Ontario. You can learn more about this project, legal clinics and Legal Aid Ontario by clicking the buttons on the left of your screen.

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The Problems

Gallery of Neglect

- ◆ Deterioration of Homes
- ◆ Neglect by TCHC

The Solutions

- ◆ Proper Funding
- ◆ Adequate maintenance

What can be done?

Are you a...

- ◆ City Councillor
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Useful Links

- ◆ ACTO
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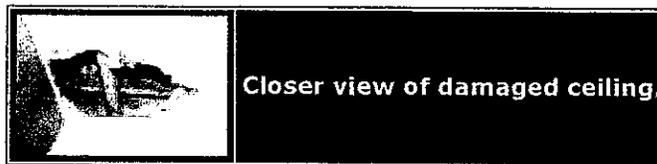
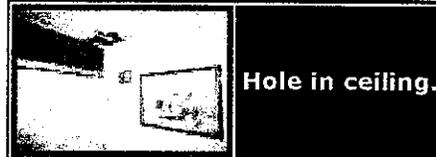
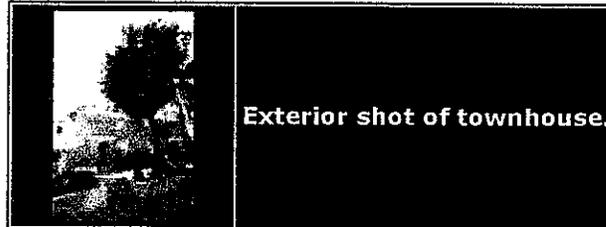


LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

Family townhouse, South Scarborough

Single mom with 3 children 12 years and older moved into TCHC in May 2002. The water from the washroom leaked. She complained constantly. Sometime in March-April 2003 TCHC took the tiles off the floor and some around the tub in the washroom and "fixed something". Although the amount of water leaking was reduced it did not completely stop. Because of the dripping water the ceiling got rotten. The workmen took off that portion of the ceiling. When we visited, there was a hole in the lobby area. The hole extends into the closet area. The result was that the clothes in the closet are damp. In July-August 2003, the workmen fixed the hole in the ceiling. However there is still water that comes onto the washroom floor. She reports that workmen have come to look but have said they cannot figure out what is the problem. One said it was the W.C. that was sweating but the occupant does not believe that. Previously, one of the workmen who had come to check the problem reportedly told her that the tub was not level and that the problem would persist until this was corrected. She thinks that is the problem. Meanwhile, she has to keep swabbing the washroom floor several times a day and dry the floor mats daily.

**Click Image for a larger view.*



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Family townhouse in Scarborough

A family lives in this townhouse in Scarborough. The photos show examples of work that never completed, or done inappropriately. A tradesman cut a hole in the drywall of the child's bedroom to gain access through the wall. The drywall cut out was never replaced. Kitchen ceiling plaster was damaged by water leaks originating in the room overhead. The ceiling plaster was re-done, but the leakage continued, causing further damage to the repaired ceiling.

**Click Image for a larger view.*



Tradesman who made a hole in child's bedroom wall failed to return to repair hole.



Family townhouse in Scarborough.



Family townhouse in Scarborough.



Rotted kitchen ceiling replaced with fresh plaster work before plumbing leak fixed in upstairs bathroom.

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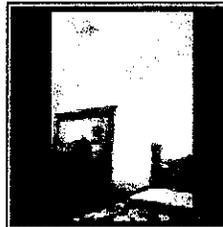
Family apartment, older neighbourhood in Central Toronto

These photographs were taken of a unit in Central Toronto where the roof was leaking. In response to the tenant's complaints, TCHC covered the ceilings with sheets of plastic. The light fixture was enclosed under the plastic sheeting, creating an electrical hazard. Water from the leaks collected in the sheet of plastic and created a perfect breeding ground for mould. The mould flourished. The family in this unit had young children. They were frequently ill. Repairs were only carried out when the legal clinic in the area became involved. It took 5 to 6 months to have roof repaired.

**Click Image for a larger view.*



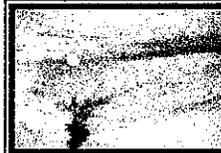
Plaster bulging and cracking on living room wall.



View of falling plaster from ceiling and bedroom wall.



Plastic covering leaking ceiling in tenant's bedroom . Dark spots are mould, the bulge is water accumulated in the plastic.



View of leaking ceiling covered with mould. Plastic installed by landlord is bulging with water and debris.



View of inside of plastic covering ceiling. TCHC's response to leaking roof.

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LEGAL AID ONTARIO
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Older building, Central Toronto

This older apartment in Central Toronto was affected by roof leaks. The landlord covered portions of the ceilings with plastic sheeting, as a temporary measure, to protect the family's furniture and belongings. The sheeting was in place for five to six months, while mould formed and discoloured water continued to drip. Water accumulated in the plastic sheeting. The family had to place buckets to catch other leaks, and to drape some pieces of furniture in plastic. There were children under twelve, who had to sleep in their parents' room because their room was too damp.

**Click Image for a larger view.*



Leaking bedroom ceiling covered with plastic by landlord. Speckles are mould. Light fixture enclosed under plastic. Tenant, unaware of health risks, tried to scrape off the mould.



Protective plastic anchored to ceiling by landlord to protect tenant's furniture and belongings.



Bedroom ceiling.



Plastic sheeting over ceiling. Orange lines are left by water dripping onto plastic and draining to lowest spot.



Bedroom ceiling with plastic sheeting.

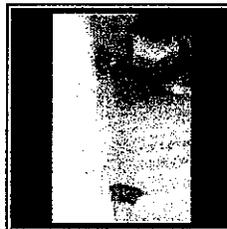
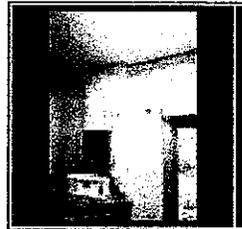
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Townhouse, West End

A mother with two teenagers has lived in this unit for more than fifteen years. She tried to get the management to repair plaster damaged by leaks, to reattach her stair railing, to replace a washing machine that left rust deposits on her laundry. Her legal clinic representative attempted to solve the problem by negotiation, but finally had to initiate an application at the Ontario Rental Housing Tribunal in October 2003 in order to get attention. Some repairs were made after a mediated agreement at the tribunal. The tenant still has inadequate window screens and aged and inadequate weatherstripping.

**Click Image for a larger view.*



The railing shown is attached to the wall at only one of three contact points. The tenant's complaints were not dealt with, so she engaged her local legal clinic, which contacted the management in July 2003, to get action. The photographs were taken in July 2003. The management failed to act until proceedings were started in the Ontario Rental Housing Tribunal in October 2003.



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- ◆ [Neglect by TCHC](#)

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What can be done?

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- ◆ [Ontario Rental Housing Tribunal](#)
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Frequently Asked Questions



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

Apartment in Northwest Toronto

This family apartment in Scarborough has numerous signs of age: windows and weatherstripping no longer keep out the element. Plumbing leaks have been inadequately repaired, causing new damage to ceiling and walls. Closet doors are no longer usable.

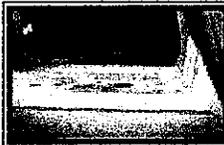
**Click Image for a larger view.*



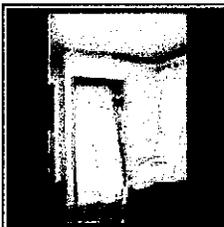
Bedroom closet door in family apartment is non-functional.



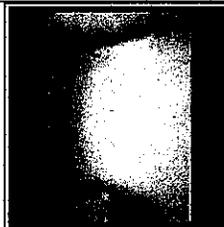
Ceiling re-plastered due to water damage shows signs that the leaks still exist.



Window framing and weatherstripping has rotted away over the 30 year life of the building.



Children's bedroom has non-functional closet doors. Door track mechanisms have failed due to age.



Water damage to paint and wallpaper in living room.

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Family townhouse, Etobicoke.

Townhouse about 30 years old houses a family with a disabled family member and children ranging in age from four to fifteen years. The family moved in to a unit in need of repair, and agreed to do some necessary work themselves, such as replacement of broken light fixtures, as their need was desperate. For other work such as corrective wiring, replacing flooring, they waited for two years until it became clear that the landlord really expected to do no work. After the legal clinic got involved in May 2003, some but not all repairs were done.

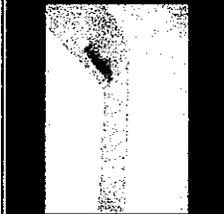
**Click Image for a larger view.*



Window screens provided for recently replaced windows do not appear to be the correct size to seal the opening. There is a wooded ravine nearby, with an abundance of mosquitoes in summer.



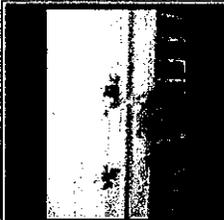
Drier plug remains on the floor, (January 2004) although parquet flooring was repaired after two years.



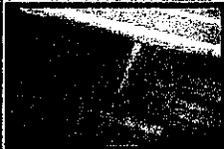
Numerous plaster repairs throughout the unit were made, after the legal clinic intervened, but no painting was done.



Three layers of uneven flooring soaked in pet urine were removed by the tenant after moving in.



A new door was installed to replace a patched and insecure one. The new one (not shown) is not properly fitted and is very drafty.



In several areas, including high traffic areas, wooden flooring was loose or splintered. After two years of waiting, it is now repaired.

The Problems

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Photo Essay

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Additional Help

- ◆ ACTO
- ◆ Legal Aid Ontario
- ◆ Ontario Rental Housing Tribunal
- ◆ TCHC

Frequently Asked Questions



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Who can help?

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Get help from

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Frequently Asked Questions



LEGAL AID ONTARIO
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 What is Toronto Community Housing Corporation?

 What are legal clinics?

 Who is responsible for this photo essay?

 Why was this exhibit done?

 Why have the buildings deteriorated?

 How were these photographs collected?

 Have repairs been done?

 What happened with provincial downloading?

 What is "public housing"?

 What should the Ontario Government and the City of

 Toronto do to fix this situation?

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LEGAL AID ONTARIO
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What is Toronto Community Housing Corporation?

Toronto Community Housing Corporation is the largest public housing landlord in Canada. TCHC is an amalgamation of the former City owned Toronto Housing Company (THC) and the former provincially owned Metro Toronto Housing Authority (MTHA). TCHC's portfolio is a public asset worth about 5 billion dollars. TCHC is managed by a Board of Directors appointed by the City of Toronto that includes three City Councillors, a representative of the Mayor, two TCHC tenants and seven others.

TCHC provides affordable housing to about 160,000 tenants in more than 57,500 rental units located throughout the City. Tenants who live in TCHC rent-geared-to-income communities have an average annual household income of approximately \$14,000.00.

What are legal clinics?

Legal clinics are independent, community based organizations funded by Legal Aid Ontario to provide services to low income people. Legal clinics provide services in areas of law which particularly affect low income individuals and communities, such as legal matters related to housing, income maintenance, human rights, health, employment and education. There are about thirty legal clinics in Toronto.

Who is responsible for this photo essay?

This photo project was developed by staff from various Toronto legal clinics who work together as part of the Interclinic Public Housing Workgroup. The photos of disrepair in Toronto Community Housing Corporation units were collected over a period of 12 months ending in November 2003. The photos in this project mirror those in a similar project called "What's wrong with this picture?" done by the Interclinic Public Housing Workgroup some ten years ago.

Why was this exhibit done?

Workers from community legal clinics in Toronto want to draw the attention of elected officials and others in a position of public trust to the problems in the administration of public housing. Only public awareness and political will can guarantee that our public housing stock does not become a collection of decayed buildings, creating rather than curing problems for the economically disadvantaged in our City and our public officials.

Provincial downloading of public housing onto the City of Toronto (and other municipalities) made a bad situation worse. The City's housing stock more than doubled. The Province's housing stock was in a state of decay and neglect, as

documented by a report from the consulting firm of KPMG in 1994, and required millions of dollars worth of repairs. This situation was essentially unchanged when the Province passed the problem along to the City in 1998.

While some buildings are well constructed and maintained, the units featured in this project are typical of older former Metro Toronto Housing Authority (provincially owned before the download in 1998) buildings where age, poor construction, delayed upgrades and poor maintenance standards all add up to appalling living conditions. Repairs which are delayed or performed negligently, as illustrated in these photos, are a form of costly mismanagement and are an affront to the dignity of the tenants.

Why have the buildings deteriorated?

Over the years, numerous factors such as the ones listed below have contributed to the continued deterioration of the public housing stock

All landlords in Ontario, including **Toronto Community Housing Corporation (TCHC)**, are legally responsible for maintaining their rental housing in a good state of repair and fit for habitation and in compliance with health and housing standards. Until very recently, the City's building inspection department would not enforce property standards in public housing buildings. Tenants who could not get their landlord to do repairs could not use property standard inspectors to compel their public housing landlord to maintain the housing standards enforced on private landlords.

Some public housing tenants have disabilities and language barriers which make it even harder for them to insist that repairs be done. Immigrant tenants may come from environments where a person who complains to anyone in authority runs the risk of retaliation. In addition, **Toronto Community Housing Corporation (TCHC)** staff have occasionally exhibited the attitude that low rent tenants do not deserve better. This attitude not only punishes a tenant for being poor, but is an irresponsible way to maintain a public asset.

Public housing tenants have no way to confirm that their requests have been forwarded, and no way to know whether or when a tradesman will come. If work is done, there seems to be no system of accountability for the quality and manner of doing the work. Work done is rarely inspected. Poorly done work is rewarded with more contracts. Multiple visits are required to correct work done in the wrong order, and workers fail to come back and complete, while tenants live with partly completed work.

How were these photographs collected? Have repairs been done?

Legal clinic workers across Toronto were asked to select, from among their public housing repair complaints, examples in which repairs were not undertaken until the legal clinic was asked by the tenant to intervene. In all of the examples chosen, tenants had exhausted the usual means of requesting repairs. Toronto Community Housing Corporation had been aware of the problems for many weeks, if not months. In some homes photographed, the problems went unresolved for years.

Some repairs were started only after the legal clinic actually took the landlord to the housing tribunal. After intervention by the legal clinics, some repairs have now been done, but not all. In addition to the units photographed for this project, clinic workers continue to receive reports of units in the condition similar to the homes illustrated.

What happened with provincial downloading?

In 1998, the City of Toronto took ownership of the housing previously managed by the Province of Ontario, more than 30,000 apartments and townhouses. The City took over without getting an appraisal of the state of the buildings and without getting guarantees from the Province of adequate funding. System-wide repairs were needed after years of neglect and foot-dragging. Every year that this goes on, it becomes more and more expensive to get caught up. The rate of decay accelerates when routine maintenance is neglected or delayed, as can be seen from the examples of rotten plaster in this exhibit. Some buildings have crumbled to the point where they are on a demolition list.

What is "public housing"?

Publicly owned apartments and townhouses have been built in past decades under several different federal and provincial funding schemes. In many public housing units, the rent is subsidized, or fixed at a low rate, to assist families and individuals. Tenants who need help have had to wait up to nine years to be assigned to a subsidized unit. Thousands of families in Toronto are still on this waiting list, scraping by with the assistance of food banks, or living in shelters. Some subsidized units are adequately maintained, but other tenants find that, when their turn finally comes, the conditions of subsidized housing are nightmarish.

What should the Ontario Government and the City of Toronto do to fix this situation?

Fund it and fix it. It is irresponsible to try to manage real estate without allowing funds for adequate maintenance and repair.

Taxpayers of Ontario are the owners of public housing in their municipalities. Taxpayers understand the need to do necessary maintenance and repairs on what they own. They do not want these homes to fall into such disrepair that funds are strained just to hold things together. If you do not know who represents you at Queen's Park, you can find out on the Government of Ontario website (www.gov.on.ca) or by calling any MPP's office in the Blue Pages of your phone book. Make sure that your Member of the Provincial Legislature is aware of the costs of irresponsible management. The former governments, both city and provincial, may have caused this mess, but it is up to the current public officials to prevent it from getting worse. They will have to live with the legacy.

Your City of Toronto Councillor is responsible for the administration of public housing in Toronto, and can make sure that these issues are addressed. The City's website (www.city.toronto.ca) will list your councillor. Contact him or her and mention our website. Make sure your councillor is informed.

In recent years, all City services have suffered. Funding for TCHC has been tight, and not even keeping pace with rising costs and inflation. **THIS MUST STOP.** Part of the new deal Mayor Miller is seeking for Toronto must include proper funding for public housing. Not another nickel can be taken out of capital projects or repairs while tenants are living in the conditions shown in this presentation.

What should Toronto Community Housing Corporation do to fix this situation?

TCHC has work to do in getting repairs policies in place, including quality controls over work done and response times and attitudes of some employees, systems for tracking requests for work, proper systems for making sure that steps are taken in the right order, so the work only has to be done once, correcting bottlenecks in major capital projects, and conducting realistic forward planning.

TCHC must serve its tenants better!

If you are a public housing tenant in Toronto with repair issues

Public housing tenants in Toronto should carefully document their attempts to get the property manager to fix the problem, before contacting the City of Toronto's Municipal Licensing and Standards Division. Making complaints in writing, and keeping a copy, is the recommended procedure, so that tenants can prove that they have initiated the process. The City inspectors will act only if TCHC has been notified and has failed to respond.

(1) Tell Toronto Community Housing Corporation (TCHC) about the problem and find out when it will be fixed. Tenants in private management areas can visit their property management office to complete a work order. All others will have to call TCHC at (416) 981-5500.

(2) If you have access to a computer you can make your request for repairs by [clicking here](#) or by typing www.torontohousing.ca into your browser window and clicking on Contact Us.

(3) Make a note (on your calendar) of the date and name of the person who took your complaint; or the date of your e-mail (requesting repairs).

(4) Follow up with a letter if the landlord has not responded. State the date you first called and also the date you expect the problem to be fixed. If the problem is still not fixed, call the Property Standards Department in your City.

Contact one of the following Local Municipal Licensing and Standards Offices:

- North York Civic Centre - 416-395-7011
- Toronto City Hall-West - 416-392-0855
- Toronto City Hall - North - 416-392-6940
- Toronto City Hall - East - 416-392-0827

- Scarborough Civic Centre - 416-396-7071
- East York Civic Centre - 416-397-4591
- York Civic Centre - 416-394-2535

If the landlord still does not make the repair, contact the legal clinic in your area for advice.

Apply to the Ontario Rental Housing Tribunal to get the landlord to do the work and also to compensate you for the loss or reduced use of the premises.

If you are NOT a public housing tenant and cannot get your landlord to do repairs

The Ontario Rental Housing Tribunal website (www.orht.gov.on.ca) is a good place to learn about your rights. If you need more help and qualify for Legal Aid, your local community legal clinic may be able to assist. Follow links in this website left of your screen, or call the numbers in your phone book for Legal Aid Ontario.

If you are a public housing tenant in Ontario, but outside of Toronto

Many public housing providers outside of Toronto are in the same situation as TCHC, behind in repairs, behind in upgrades, pinched by cutbacks. To get repairs done, always contact your property manager first, and follow his/her requirements for putting in a work order, but keep your own notes and copies of everything. When your patience runs out, call your municipality to see if there are property standards inspectors, or contact a community legal clinic in your area for further instructions.

Credits for this photo essay

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All photography is by Amir Gavriely a Toronto photographer who has his own website: www.amirgavriely.com

Comments on the text or on this project may be directed to :

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Margaret Gittens, Scarborough Community Legal Services.

We regret that we are not able to photograph any more homes. We thank all those tenants who agreed to participate, and all those who were hoping to be included but were left out. We ask that public housing tenants follow the steps elsewhere in this website to get their repairs done.

Other helpful sites on the internet:

Tenants across Ontario may find useful information on tenancy issues at the website of the Advocacy Centre for Tenants Ontario, also funded by Legal Aid Ontario. Go to www.acto.ca to learn more.

To find out more about community legal clinics or other services available through Legal Aid Ontario, go to <http://www.legalaid.on.ca>

Self-help information for tenants is available on line and by phone from the Ontario Rental Housing Tribunal, <http://www.orht.gov.on.ca>, 1-888-332-3234 or, in Toronto, 416-645-8080.

Toronto Community Housing Corporation website is: <http://www.torontohousing.ca>

This photo essay was produced by the Interclinic Public Housing Workgroup, a team of legal clinic workers in Toronto. Funding was provided by Legal Aid Ontario. You can learn more about this project, legal clinics and Legal Aid Ontario by clicking the buttons on the left of your screen.

Site Project Manager: [Michael S.L. Jarrett](#)
Site Designed by [Qubbe Inc.](#)

This is Exhibit.....5.....referred to in the
Affidavit of.....Sophia Anderson.....

Sworn before me, this.....5th.....
day of.....May.....20.11.....

.....*Roger Pewe*.....

A COMMISSIONER FOR TAKING AFFIDAVITS

Roger Rowe

From: Roger Rowe [roger@rogerrowelaw.com]
Sent: April 29, 2011 8:09 AM
To: 'Breese Davies'; 'Lukasiewicz, Peter'; 'Edward, Rebecca (JUS)'; 'Bacher, Marnie (JUS)'; 'Avneet.Grewal@tdsb.on.ca'; 'dbutt@barristersatlaw.ca'; 'dgourla@toronto.ca'; 'fraser@fraseradvocacy.com'; 'jcopeland@sgmlaw.com'; 'jgoldblatt@sgmlaw.com'; 'Clements, Katie (JUS)'; 'Orna.Raubfogel@torontohousing.ca'; 'SFisch@Torontocas.ca'; 'Wendy.Lopez@tdsb.on.ca'; 'Linda Hofbauer'; 'Farrell, Erin'
Cc: 'Cornford, Chris (JUS)'; 'larry.rebellato@torontopolice.on.ca'; 'Romi Mintchev'
Subject: RE: Anderson Inquest: PACY motion to call evidence
Attachments: PDRC Annual Report 2009 pp 38 to 43.pdf

Dear Counsel

Attached please find an excerpt of the Report of the Paediatric Death Review Committee and Deaths Under Five Committee Ontario June 2009 pp 38-43. I will be referring to page 41 in support of the motion to add a witness from ESSD to this inquest.

Best

Roger Rowe

From: Breese Davies [mailto:bdavies@dcdlaw.ca]
Sent: April 28, 2011 12:24 PM
To: Lukasiewicz, Peter; Roger Rowe; Edward, Rebecca (JUS); Bacher, Marnie (JUS); Avneet.Grewal@tdsb.on.ca; dbutt@barristersatlaw.ca; dgourla@toronto.ca; fraser@fraseradvocacy.com; jcopeland@sgmlaw.com; jgoldblatt@sgmlaw.com; Clements, Katie (JUS); Orna.Raubfogel@torontohousing.ca; SFisch@Torontocas.ca; Wendy.Lopez@tdsb.on.ca; Linda Hofbauer; Farrell, Erin
Cc: Cornford, Chris (JUS); larry.rebellato@torontopolice.on.ca; Romi Mintchev
Subject: Anderson Inquest: PACY motion to call evidence

Dear counsel,

Attached please find a memorandum regarding our motion to call witnesses which is scheduled to be argued tomorrow. You should have already received will-say statements and curriculum vitae for two of our proposed witnesses by e-mail on March 29, 2011. Please let me know if you need me to re-send my earlier e-mail.

Ms Fraser will have hard copies of the attached memorandum, the will-say statements and curriculum vitae tomorrow should counsel require them.

Please do not hesitate to contact me or Ms Fraser with any questions or concerns.

Breese Davies



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exempt from disclosure under applicable law and is intended only for the use of the individual or entity to which it is addressed. If you received this communication in error, please notify us immediately by telephone at 416.868.1825 or by reply e-mail. Thank you for your cooperation.

,

Paediatric Accidental Residential Fire Deaths in Ontario - A Research Study

Amy Yingming Chen, Class of 2011, Faculty of Medicine, University of Toronto
Karen Bridgman-Acker, Dr. J. N. Edwards, Dr. A. E. Lauwers, Office of the Chief Coroner

Background:

Residential fire is the leading cause of unintentional death for young children at home and the fifth leading cause of unintentional injury-related death overall (1-3). In the US, approximately 2500 children die as a result of residential fires and burns each year and 10,000 suffer permanent disability (3). Factors that increase a child's risk for fire-related injury and death are broad and numerous, and have been shown to include environmental, behavioural and social conditions. Several large-scale studies in the US and UK have identified risk factors for paediatric fire deaths, which include maternal education, socioeconomic status, single-parent households, housing regulations, fire escape plans, the presence of working smoke detectors and adequate adult supervision (1, 2, 4-6). The identification of risk factors for fire deaths in children is key in the implementation of population-specific fire prevention programs. This study seeks to identify factors that predispose certain groups of children to fire-related deaths in Ontario. Conclusions drawn from the collected data will be used to evaluate current fire prevention strategies and make recommendations for future programs.

Methodology:

The study retrospectively reviewed all accidental residential fire deaths involving children under age 16 that occurred in Ontario between January 1st, 2001 and December 31st, 2006. Case numbers, along with basic demographic identifiers, of 60 cases satisfying the inclusion criteria were obtained from the Ontario Office of Chief Coroner database. Complete coroner's case files were pulled from the archive based on the case numbers. All documents within the Coroner's case files were carefully reviewed,

which included the Coroner's summary report, pathologist's autopsy report, toxicology report, Fire Marshal's report, police report, and CAS reports.

Pertinent information on a range of demographic, behavioural, social, and environmental factors were collected, including age, gender, date of death, region of death, location of death, time of death, cause of death, smoke alarm status, housing type, cause of fire, and CAS involvement. Collected data were input into a MS Excel table, which tabulated the number of fatality cases associated with any factor of interest. Statistical tests, including odds ratio, relative risk, and chi-squared test were performed to determine correlations between two or more factors of interest.

Results and Discussions:

Demographics: 39 fire events resulting in 60 deaths occurred between 2001 and 2006 (average 6.5 fatal fire events per year, 10 deaths per year). There has been a general decline in fire incidents and deaths from 2001 to 2006 (Figure 1). Highest incidence of fire deaths occurred in the under 6 population, peaking in the 2-4 years old age group (Figure 2). Slightly more males than females (52 vs. 48%) died in house fires in the 6-year period, consistent with US data. The US National Center for Child Death Review reports that males age 0-4 are at the greatest risk of fire-related injuries and deaths (7), their vulnerability likely due to fire-playing tendencies, unfamiliarity with home fire escape plan, and hiding in face of fires. All 3 cases with alcohol involvement were found in the adolescent age group (age 14-16).

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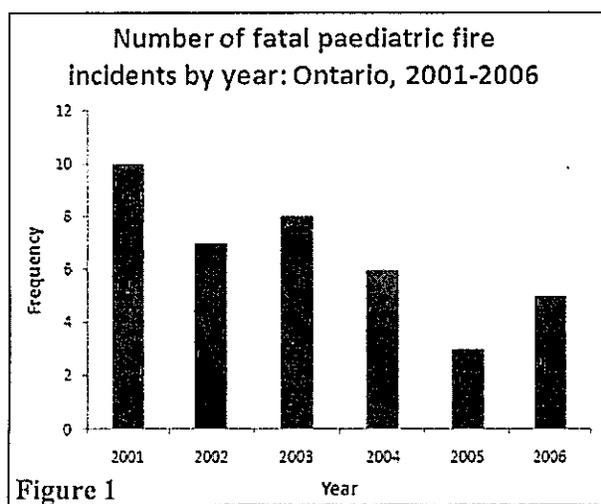


Figure 1

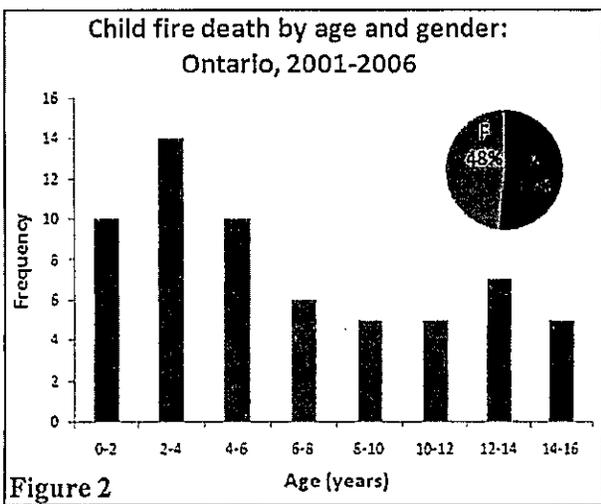


Figure 2

Timing of Fire: More fires occurred during the night (12pm to 9am) than day (9am-12pm) (Figure 3). Night-time fires were exclusively due to electrical failure and unattended candles, whereas daytime fires, in particular, from 12pm to 6pm, were entirely caused by fire-playing and stove fires.

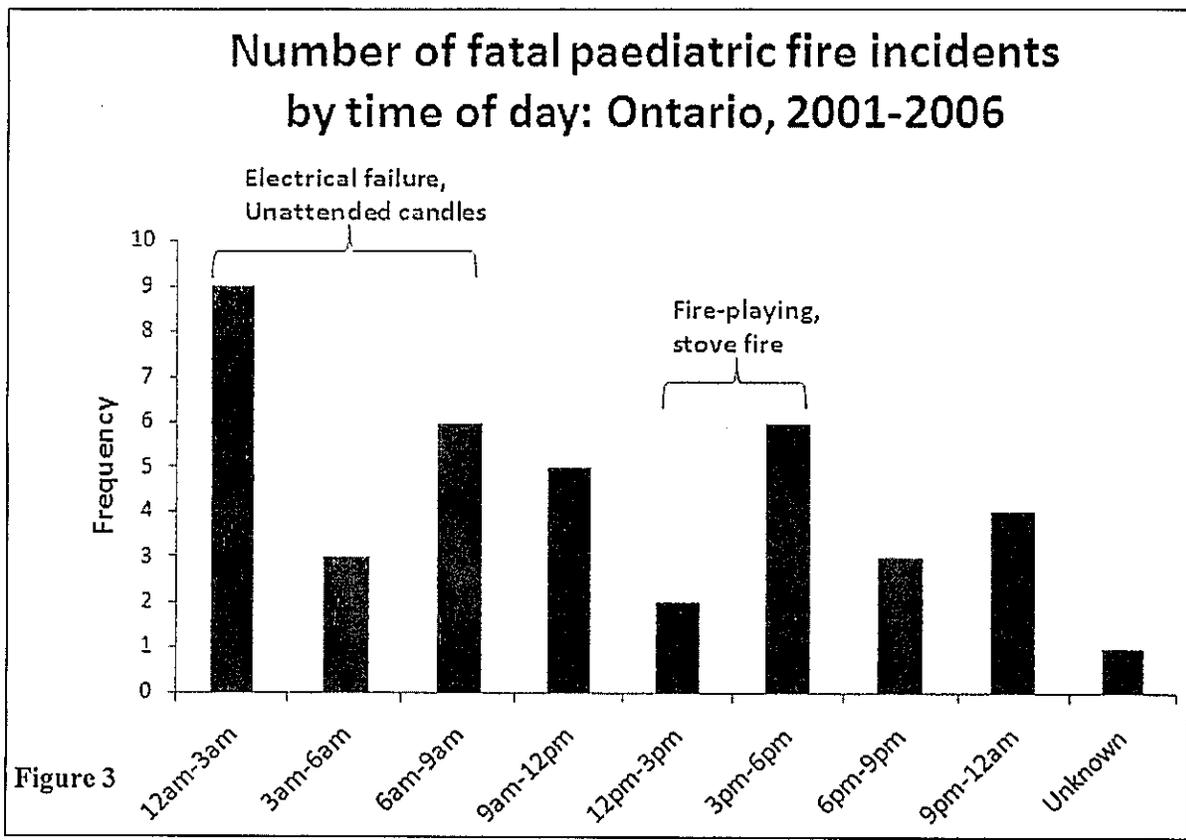


Figure 3

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Fire Response: The majority of children (59%) were awake at the time of fire or were awakened by smoke, a ringing alarm, or a family member's voice. Despite being conscious at the time of fire, those children were not able to escape as a result of their inappropriate fire response. In our sample, some children hid inside the closet or the washroom after reporting fire (presumably out of fear of punishment). Others were too afraid to jump from an upstairs window, or lived in windowless bedrooms in the basement. In some circumstances, the spread of the fire was too rapid, leaving the children trapped in bedrooms unable to escape. This illustrates the importance of a practiced fire plan in a household.

Smoke alarm status: In terms of fire protection and prevention, the single most important factor in preventing residential fire deaths is the presence of a working smoke detector. Smoke detectors were found at the scene of 32 out of 39 (82%) fire events in our study population. However, despite this high number of overall smoke alarm presence, the functionality of smoke detectors was low. Smoke alarms were either absent or not working in 46% of fire incidents. Frequent battery replacement, proper wiring of alarm, and yearly testing by the owner or landlord would increase the functional status of the alarms and drastically reduce the risk of dying in a fire (5, 8, 9).

Fire Location: Comparing location of fire to location of death, it was found that although most fires started in the living room, most children died in the bedroom (Figure 4). Smoke from the fire travelled throughout the house, and by the time it reached the bedroom, the rest of the house was filled with smoke, thus preventing route of escape. Alternatively, children often retreat to their bedrooms upon discovery of fire because they are familiar places of safety and comfort. This emphasizes the importance of sleeping with the bedroom door open, as well as installing a smoke alarm inside the bedroom for early smoke detection.

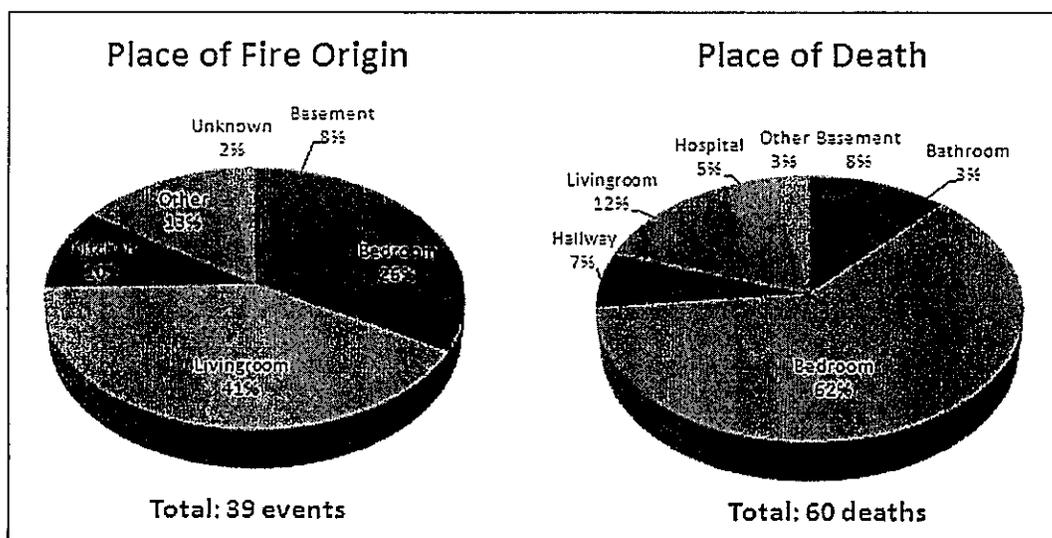


Figure 4

Cause of Fire: Fire-playing and electrical failure were the top two causes of fire in our sample population (Figure 5). Fire-playing, the majority involving lighters and matches, led to 10 fires and 12 deaths. All fires took place during waking hours (11am-11pm) and occurred in absence of adult supervision. The fire-playing group were associated with high CAS involvement (7 out of 12), personal or sibling history of fire-play (4 out of 12), and having smokers in the house (3 out of 12). 10 out of 12 children were in the pre-school age group (under 6), consistent with literature data that demonstrated high frequency of fire-playing behaviour in very young children. The US National Fire Protection Association (NFPA) reported in 2006 that >50% of children who set fires are between the ages of 4 and 9 (10). In particular, preschool children have limited understanding of cause and consequence of fire-playing, not able to appreciate that a small candle flame can easily get out of control (11). Although elementary school children have more insight, they often overestimate their ability to control fires (11). Caregiver's attitudes and actions towards fires have been found to be crucial in shaping a child's understanding of fires (11). Caregivers who smoke often light their

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cigarettes in front of the children, and carelessly place lighters and matches in easily accessible places (11). Educational intervention should be available to all children with a history of fire-playing behaviour as well as to their families.

Electrical failure was the cause of 8 fire incidents and 15 deaths, with cord overheating and heater malfunction being the most common causes. All incidents occurred during the night and/or when the victims were asleep. The US Fire Administration reports 485 deaths per year due to electrical failure, with the majority caused by misuse and poor maintenance of electrical appliances, old wiring, running cords under rugs, and overloaded circuits and extensions (12). The organization recommends routine check of electrical appliances and wiring, and replacement of worn or damaged cords immediately (12). Most importantly, residents should keep appliances away from combustible materials and avoid running cords under carpets and other flammable materials (12).

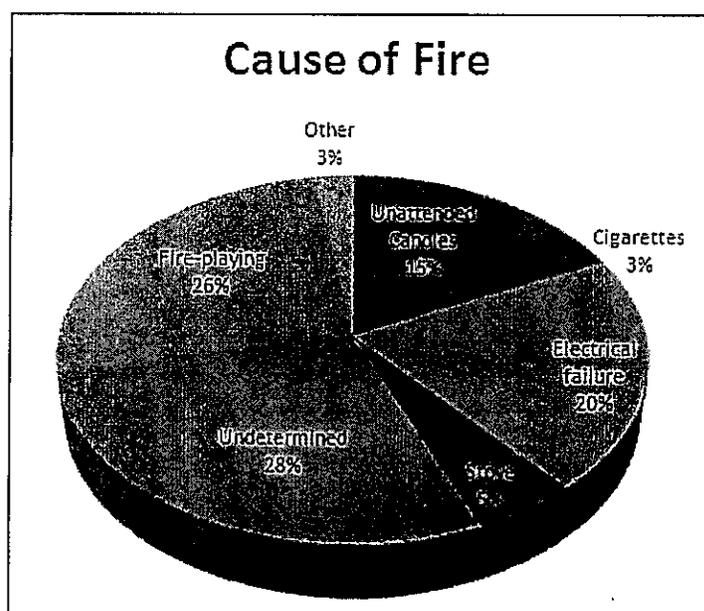


Figure 5

Children from unstable families are at much higher risk of fire deaths, and thus in need of better fire protection and prevention. Children under the protection of the CAS disproportionately come from low income families, and the association between poverty and fire deaths has been validated in many studies in the past. Children from poor neighbourhoods and low socioeconomic families have many risk factors for fire mortality. They are more likely to live in rooms with small or no windows and in houses with unsafe wiring and non-functional smoke alarms (6). They have less supervision, and are more likely to be exposed to smokers in the house and have fire-playing tendencies (5, 11). Caregivers in low income families are more likely to disable working alarms due to annoyance towards false alarms activated by cooking or cigarette smoke in cramped, overcrowded living spaces (15).

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Recommendations:

1. Working smoke alarm should be installed on every floor of the house and in every room used for sleeping (16).
2. Smoke alarms should be tested every month and cleaned every 3 months, with batteries changed once per year (16).
3. CAS and other agency staff who make home visits to check up on vulnerable children should pay attention to the presence, location, and functionality of smoke detectors. Any non-compliance should be reported to the Fire Marshal's Office for further investigation and subsequent resolution.
4. School programs should continue to emphasize the importance of fire escape plans.
5. Level-appropriate education should be offered to all children with history of fire-playing behaviour. Concurrent education should be available to caregivers, who should not play with fire in front of children nor leave lighters/matches in places accessible by the children.

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