

Administration	Tenant & Housing Services	Board Approved Date:	21-02-24
Policy	Dispute Resolution	Revision Date:	N/A
Policy No.	20-080	Internally Approved Date:	21-02-12
References	Residential Tenancies Act, 2006 Human Rights Code, 1990 Personal Information Protection and Electronic Documents Act, 2000 Employment Standards Act, 2000 Human Rights Code Policy Accommodation Policy Personnel Policy Workplace Safety and Harassment Policy		
Forms	Incident Report Summary Sample Behavioral Contract Sample Complainant Interview Sample Respondent Interview Sample Witness Interview Template for Investigation Report Tenant Complaint Record Tenant Contact Sheet		

1. Policy Statement

The DRNPHC recognizes that individuals may require assistance to resolve inter-personal conflicts with others. Where possible, staff will work with tenants and staff to assist them to resolve disputes in an informal manner, ensuring that the process supports and recognizes each individual needs. Where informal conflict resolution is not possible or appropriate, a formal investigation and dispute resolution process will be pursued.

2. Purpose

The purpose of this policy is to outline the process DRNPHC will follow to respond to complaints or interpersonal conflicts between tenants, guests and/or visitors, staff, volunteers and members of the board of directors.

3. Scope

This policy applies to all tenants, their visitors and guests, staff, volunteers, and the board of directors. It will be used by staff when an individual(s) brings forward complaints, concerns, or disputes regarding the conduct of others under DRNPHC's control.

When this policy is used to address the alleged conduct of tenants, occupants, visitors and guests, designated staff will also consider the impacts of the *Residential Tenancies Act, 2006, Human Rights Code, 1990, Employment Standards Act, 2000* and other appropriate legislation and DRNPHC's policies.

When this policy is used to address the alleged conduct of staff, volunteers and board members, designated staff will consider DRNPHC's Personnel Policies, as well as the impacts of the *Occupational Health and Safety Act, 1990, Human Rights Code, 1990, Employment Standards Act, 2000* and other appropriate or intersecting legislation.

4. Definitions

Bias-related complaint

An unsubstantiated complaint, made by the complainant, found to be rooted in prejudicial and/or discriminatory beliefs about the Respondent.

Complainant

The individual or group filing the complaint.

Designated senior staff

The staff person(s), more senior in role than the designated staff designated to complete a particular action or requirement.

Designated staff

The staff person(s) or department designated to complete a particular action or requirement.

Guest

A person who has not provided proof of an alternative address and who is staying with a tenant for a limited time. Their income is not included in the calculation of the tenant's rent-geared-to-income subsidy, if applicable.

Respondent

The individual or group about whom the complaint has been filed.

Tenant

A person who has signed a lease and who enjoys all of the rights and responsibilities of tenancy.

DRNPHC

Refers to Durham Region Non-Profit Housing Corporation the organization whose board of directors has approved this policy.

Visitor

A person who visits the tenant, but whose principal address is outside of DRNPHC.

5. Procedure

Step 1

a) Receipt of complaint

DRNPHC will only receive complaints that are written and signed by the complainant (see *Tenant Complaint Record*). Staff may also report incidents using the *Incident Report Summary*. Complainants who wish to submit a verbal complaint will be re-directed to provide a written complaint.

If, however, the complainant identifies that they require support to submit a complaint, DRNPHC staff will accommodate the needs of the complainant, if possible. If they are unable to appropriately accommodate the needs of the complainant, DRNPHC staff will

assist the complainant to identify appropriate community-based supports.

Once a written complaint has been received, designated staff will review the complaint. Designated staff may contact the complainant to identify themselves as the investigator and to arrange an in-person, virtual or telephone meeting if required.

Designated staff will send a letter or e-mail to the complainant acknowledging the complaint has been received.

Step 2

b) Initial assessment

Designated staff will conduct an initial assessment of the complaint using a variety of tools available, including but not limited to:

- reviewing past complaints of the same nature
- by looking at any multimedia included in the complaint -Video/Audio footage, pictures, social media posts
- physically attending the site to view evidence visible
- interview with the complainant in person, over the telephone or by e-mail and clarifying their written complaint and requesting additional information if necessary.

It will be the practice of DRNPHC to share the nature of the complaint with the respondent. The complainants' name will be withheld to protect the complainant's privacy. Should the complaint be needed in the Landlord and Tenant Board Process, permission from the complainant will be obtained.

Designated staff will, in interviews and other notes, distinguish between their thoughts and opinions and those of the complainant. During the assessment, designated staff will note any adverse effects that the events in question have had on the complainant's or their household's demeanor/affect, quality of life, or on their professional life at DRNPHC.

Once designated staff has conducted their initial assessment, a determination will be made as to whether or not the complaint has merit. The merit of the complaint will be assessed in relation to DRNPHC's *Human Rights Code Policy* and other policies.

If, after a thorough review and in consideration of all the evidence, designated staff consider it appropriate to dismiss the complaint designated staff will notify the complainant in writing, including the reasons for the decision. Should the complainant have further evidence, they are asked to bring it forward in a new complaint.

If designated staff identify that an inappropriate, bias-related complaint was filed, DRNPHC staff may be directed to coordinate, deliver, or distribute educational resources, programs, or services to address any Code-related concerns.

If a complaint is believed to have merit, designated staff will proceed to interview the respondent, if necessary.

Step 3

c) Assessment of respondent

If required, designated staff may contact the respondent for an interview to discuss the complaint received for further information and the respondents' side of the story.

During the interview, designated staff will use neutral questions and will not challenge the respondent's version of the event(s) by using information gathered from the complainant. The respondent will also be invited to provide a written version of the events in question to the designated staff.

If the respondent requires support or assistance to understand the nature or repercussions of the complaint, DRNPHC staff will accommodate the needs of the respondent, if possible. If they are unable to appropriately accommodate the needs of the respondent, DRNPHC staff will assist the respondent to identify appropriate community-based supports.

If the respondent acknowledges that the incident(s) took place, then designated staff will work with the respondent to address their conduct or the conduct of others for whom they are responsible. The details of this interaction with the respondent and all agreed to, or suggested, solutions will be kept in the respondent's tenancy file.

If the respondent acknowledges the events and commits to working with staff and the complainant to resolve the problem (e.g. through mediation or discussion) and it may be possible to resolve the complaint at this point proceed to Step Five. However, if the nature of the complaint is such that future legal action may be required, it is recommended that designated staff proceed to Step 4.

Step 4

d) Interviewing witnesses

If necessary, designated staff will complete interviews with witnesses. If no witnesses are identified by either the complainant or respondent, staff may approach neighbors or others who may have witnessed the disputed event(s). It is crucial that the privacy rights of both the complainant and respondent are respected during the interviews.

Witnesses - Like the interviews with the complainant and respondent, interviews (see *Sample Witness Interview*) with witnesses must be thoroughly documented, and include the name of the witness and date and time of the interview. Designated staff will use neutral non-leading language in their questioning and avoid conveying bias toward or against either the respondent or complainant's version of events.

Neighbours or others - If neither the complainant nor respondent identify witnesses or if the designated staff has reservations about the information provided by either party, designated staff may contact neighbours or others regarding the alleged events.

When speaking with neighbours who were not identified as witnesses by either the respondent or complainant, designated staff will avoid sharing details of the complaint, which must remain confidential. Interviewees will only be told that an incident has been reported and is being investigated.

Step 5

e) Resolution

Informal Resolution

If possible and appropriate, DRNPHC will encourage tenants to resolve conflicts on their own. If helpful, an attempt to resolve disputes between individuals through informal facilitated discussion will be offered. This type of mediation is only appropriate when there are no safety concerns, racism or identified risk of violence present. Designated staff will ensure that communication between the individuals remains respectful and constructive and that a solution or resolution is identified. If necessary, these discussions will be held in a neutral location, where both parties are comfortable and/or where it may be facilitated by a neutral third party.

If the respondent or complainant is unwilling to meet to discuss the complaint, the designated staff may meet with each party separately to try to resolve the problem.

If either party is unwilling to participate in the informal resolution process in good faith, designated staff will implement a formal resolution process.

If a solution is identified through an informal resolution process, the designated staff will distribute copies of a summary of the mediation meeting and actions the parties agreed to.

Formal resolution

Once designated staff have concluded and reviewed any documentary evidence, an investigation report will be generated (see *Template for Investigation Report*) outlining the following:

- allegations of the complainant
- response from respondent
- main points at issue
- evidence (witness, documents etc.)
- other information
- conclusion with recommendation about action to be taken

When the investigator determines that the complaint is serious enough to constitute grounds to pursue eviction, discipline or intervention, or that mediation by the designated staff will not help resolve the problem, the designated staff will ensure the following:

- the respondent is notified in writing about the findings of the investigation, the evidence collected to support the complaint, DRNPHC's policies which may have been contravened, and the non-profit's intended actions.
- If code-related concerns are suspected, an accommodation meeting request will be sent with the letter.

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- the complainant receives notice that the investigation has been completed and the findings of the investigation. Designated staff will ensure privacy legislation and/or internal privacy policies are respected.
- Any resources available to assist in resolving the problem are included in the letter. This may include referrals to community-based supports/programs, identifying a willingness for staff to work with the respondent who is a tenant and their supports to prevent eviction (if appropriate to the situation), identifying a willingness for senior staff to work with a respondent who is a staff member to prevent termination of employment (if appropriate to the situation) etc.

If necessary, the Chief Executive Officer or designate will report the findings of the investigation to the Board of Directors. This report will outline the general nature of the complaint(s) received, the steps taken toward resolution, and will identify any next steps.

If necessary, DRNPHC's legal counsel will be consulted before a recommendation to begin eviction procedures or disciplinary measures is made.

Step 6

f) Remedies

The decision to take eviction or disciplinary action must be independent of the investigation process and must be made by someone senior to the designated staff involved in the investigation. This may be a senior staff member or a member of the board. This decision will be based on the recommendations of designated staff and in consultation with all appropriate stakeholders.

Step 7

g) Reviewing decisions

Complainants or respondents who have reason to believe an investigation has not been conducted properly and according to these procedures will have the opportunity to have the decision(s) reviewed by designated senior staff who are independent of the investigation process.

Receipt of request for review

DRNPHC will accept only written requests for a review of a decision(s) made under this policy.

If the Complainant or Respondent identifies that they require support to submit a request for a review, DRNPHC staff will endeavor to accommodate their needs. If they are unable to accommodate the needs of the Complainant or Respondent, DRNPHC staff will assist them to identify appropriate community-based supports.

Once a written request for a review has been received, designated senior staff will review the request within three business days. Designated senior staff will then contact the Complainant or Respondent to identify themselves as the individual conducting the review and to arrange an in-person or telephone meeting within five days of receipt.

Review process

Designated senior staff will conduct a review of the decision within fourteen (14) business days of having met with the Complainant or Respondent. However, if exceptional circumstances delay the investigation, the designated senior staff will notify the Complainant or Respondent in writing of the cause of the delay and provide an alternate date. The notification of the delay will be kept on file.

Designated senior staff will review the decision(s) in question and may, at their discretion, interview the designated staff, the Respondent or Complainant, and any witnesses.

Within five days of completing their review, designated senior staff will send a letter to the party requesting the review outlining their findings and whether or not they are upholding the decision(s) made by designated staff and the reasons for doing so.

h) Safety of designated staff

If, at any time during the resolution of a complaint, the designated staff believes that their personal safety is at risk, designated senior staff will work with designated staff to identify actions and/or strategies to help ensure designated staff's safety.

End.