



Harm Reduction Policy

Item 6

January 25, 2021

Tenant Services Committee

Report: TSC:2021-12

To: Tenant Services Committee (“TSC”)

From: Director, Strategic Planning and Stakeholder Relations

Date: January 4, 2021

PURPOSE:

The purpose of this report is to seek the TSC’s approval of the Harm Reduction Policy.

RECOMMENDATIONS:

It is recommended that TSC approve and forward to the Board of Directors (the “Board”) for approval the Harm Reduction Policy as set out in Attachment 1 to this report.

BACKGROUND:

In June 2018, City Council directed Toronto Community Housing (“TCHC”) to undertake actions in support of the Toronto Overdose Action Plan. Following Council’s decision, TCHC assembled an inter-divisional team to respond to the three directed areas:

- staff training on overdose;
- training and safe disposal of drug use equipment; and
- review of policies related to eviction that could discriminate against people who use drugs.

In its December 6, 2018 report to the Board of Directors (TCHC:2018-48), Management identified a number of ways in which we can build on our existing business practices, and expand activities to support harm reduction, including developing a corporate-wide harm reduction policy.

Strategic Planning and Stakeholder Relations consulted with and received input from staff in Operations (Community Safety Unit and Tenant Resolution Office), the Legal Division, and Human Resources (both Health and Safety and Labour Relations), as well as a stakeholder working group comprised of tenants with lived experience, and agencies that support harm reduction approaches and services.

HARM REDUCTION POLICY:

TCHC recognizes that a harm reduction approach allows tenants who use substances to receive the services and resources that they need while supporting a healthy and safe environment for all members of the community. It reiterates TCHC's commitment to ensuring that all tenants are treated fairly and equitably under the Ontario *Human Rights Code*, and are able to access services and supports that help them to maintain successful tenancies.

The policy outlines responsibilities of staff, agencies and service providers for ensuring that harm reduction services are provided in a way that prioritizes the safety and security of Toronto Community Housing communities while delivering necessary harm reduction services.

NEXT STEPS:

The Harm Reduction Policy is intended to validate work already being done by staff to support tenants. Once approved, TCHC will implement staff training, and improve how we safely dispose of drug use equipment in our buildings. In addition, TCHC will implement a robust partnership strategy with community based agencies who support harm reduction in a manner that supports tenants and those who may be involved in drug use.

IMPLICATIONS AND RISKS:

The implementation of the Harm Reduction Program will address the direction given by City Council in 2018, help the City address safety needs of vulnerable populations, and prevent deaths.

SIGNATURE:

“Lindsay Viets”

Lindsay Viets
Director, Strategic Planning and Stakeholder Relations

ATTACHMENT:

1. Harm Reduction Policy

STAFF CONTACT:

Scott Kirkham, Manager, Stakeholder Relations
416-981-4285
Scott.Kirkham@torontohousing.ca

Harm Reduction Policy

Policy Owner: Strategic Planning and Stakeholder Relations

Approval: Board of Directors

First Approved: N/A

Effective Date: September 30, 2020

1. Policy Statement

Toronto Community Housing is committed to promoting successful tenancies while ensuring that tenants can live together in strong, safe, and healthy communities.

Harm Reduction is an evidence-based approach which aims to reduce substance-related harms without requiring abstinence. Harm Reduction encompasses programs, services and practices premised on the concept that substance use should not be a barrier to the delivery of service, and in fact, the services delivered should be structured to account for the unique circumstances of substance use.

By partnering with Harm Reduction providers and adopting Harm Reduction principles in the delivery of services to tenants, we will be increasing the safety and quality of life for individual tenants and our communities as a whole.

All tenants, regardless of their specific circumstances, deserve equitable access to landlord services, to be treated with respect, and to enjoy the benefits of their home and community.

While the Ontario *Human Rights Code* protects Toronto Community Housing tenants with addictions and other mental health disabilities from discrimination under the ground of Disability, we recognize that extreme stigma and the fear of legal consequences frequently prevent tenants who use substances from accessing services, expressing their needs, or successfully participating in the broader community.

We know that any tenant who lacks adequate supports and is socially isolated is more likely to experience negative health outcomes, is more likely to be

victimized from outside the community, and is more likely to engage in anti-social behaviour.

Toronto Community Housing recognizes that a Harm Reduction approach allows tenants who use substances to receive the services and resources that they need while supporting a healthy and safe environment for all members of the Toronto Community Housing community.

Under this policy Toronto Community Housing will:

- Work to support successful, stable tenancies for tenants who use substances;
- Support and facilitate the delivery of Harm Reduction services to tenants;
- Support the safe disposal of needles and other paraphernalia; and
- Facilitate the availability of Naloxone and overdose prevention resources.

2. Scope

- This Policy applies to all Toronto Community Housing staff, volunteers, community partners, and agencies who interact with tenants or staff on behalf of Toronto Community Housing.
- This Policy applies to Community Safety Unit (CSU) Special Constables when they are acting as agents of the landlord recognizing that as peace officers:
 - CSU officers should use their discretion to apply the specifics and principles of this Policy to the application of their powers.
 - This Policy does not supersede any duties that CSU special constables may have in their capacity as peace officers.
- This Policy applies to all residential tenants directly managed by Toronto Community Housing and tenants living in contract managed buildings, including rent-geared-to-income (RGI), affordable and market tenants. It also applies to occupants, visitors, and guests insofar as tenants are responsible for the conduct of all occupants, guests, and visitors who they invite onto the residential complex.

3. Values

In keeping with the Tenant Charter, Toronto Community Housing will implement this Policy in accordance with the following principles:

- **Respect:** All employees will provide respectful, professional and courteous service at all times. All tenants will communicate and interact with all persons who live in and work at Toronto Community Housing in a polite and courteous manner.
- **Accountability:** All employees will take appropriate tenancy management action to address illegal activity and antisocial behaviour on Toronto Community Housing property. All tenants will maintain their own units, keep common spaces clean and be responsible for their own conduct as well as the conduct of occupants, guests and all pets they bring into the community, and report safety issues and/or hazardous conditions to staff.
- **Integrity:** All employees will provide service in an unbiased and equitable manner. All employees and tenants will support an inclusive environment that promotes dignity and respect
- **Community Collaboration:** All employees will provide access to common spaces in a fair and equitable manner and work collaboratively with community partners and provide relevant information to tenants to maintain successful tenancies
- **Accessibility:** Toronto Community Housing is and will continue to be committed to providing accessible service. This includes meeting its duty to accommodate disabilities under the Human Rights Code, and the standards set out in the Accessibility for Ontarians with Disabilities Act.

4. Definitions

Anti-Social Behaviour: A disturbance caused by a tenant, occupant or guest which does not arise in the normal course of everyday activity, which is ongoing and which interferes with the reasonable enjoyment of the unit or complex for its reasonable uses by the landlord or tenants.

Disability: In accordance with the Toronto Community Housing *Accessibility Policy*, Toronto Community Housing relies upon the Ontario *Human Rights Code* (the Code) definition of disability.¹ Mental health disabilities and addictions

¹ Section 10 of the Ontario Human Rights Code defines “disability” as including:

1. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual

are included in the definition of disability.² As a result, the Code protects persons in Ontario with mental health and addiction from discrimination and harassment under the grounds of disability.

Discrimination: A practice or behaviour that treats people unequally or creates a distinction based on a prohibited ground under the Code resulting in an obligation, burden or barrier by perpetuating prejudice or stereotyping.

Discrimination may result from the effect of applying general rules to everyone, because it has a discriminatory or unequal effect on a particular person or group based on a prohibited ground. Systemic Discrimination is a specific type of discrimination characterized by patterns of behaviour, policies or practices that are part of the structure or culture of the organization.

Guests: Persons who require temporary accommodation with a tenant (guests do sleep in the tenant's unit but only for a maximum of 30 days within any 12-month period unless they are a "Special Case" as defined by the Visitor and Guest Policy). Guests are not part of the tenant's household.

Harassment: A course of unwanted comment(s) or conduct related to a prohibited ground that is known or ought reasonably to be known to be unwelcome. Harassment may result from one incident or a series of incidents.

Harm Reduction: Policies and programs which attempt primarily to reduce the adverse health, social and economic consequences of psychoactive substances to people who use drugs, their families and communities, without requiring decrease in drug use.³

Service Delivery Partner: In this Policy, a service delivery partner includes an incorporated not-for-profit organization, a registered charity with the Canada Revenue Agency, a healthcare service provider as defined by the *Regulated*

-
- impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
 - 2. a condition of mental impairment or a developmental disability,
 - 3. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
 - 4. a mental disorder, or
 - 5. an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

²Ontario Human Rights Commission. (2014). *Policy on preventing discrimination based on mental health disabilities and addictions*. Retrieved from the Ontario Human Rights Commission website:

<http://www.ohrc.on.ca/en/book/export/html/11238>

³ Government of British Columbia Ministry of Health. 2005. *Harm Reduction, a British Columbia Community Guide*. Retrieved from the British Columbia Ministry of Health website:

<https://www.health.gov.bc.ca/library/publications/year/2005/hrcommunityguide.pdf>

Health Professions Act, 1991, SO 1991, c 18, or a City of Toronto department or subsidiary.

Substance Use: Refers to the consumption of alcohol, cannabis, opioids or other drugs.⁴

Tenant: For the purpose of this policy, the term “tenant” includes all individuals living lawfully in a Toronto Community Housing household. Both Tenants and Occupants are defined by Toronto Community Housing’s *Addition to Household Composition Directive and Visitor and Guest Policy*.

Visitors: Persons who visit a tenant and do not require temporary accommodation with the tenant (visitors do not sleep in the tenant’s unit). Visitors are not part of the tenant’s household.

Volunteers: any individual who works for or on behalf of Toronto Community Housing on an unpaid basis, or for nominal consideration, including, but not limited to, volunteers, tenant representatives, interns, and students.

5. Policy Details

5.1 Drug Use and Eviction

Toronto Community Housing does not discriminate against tenants who use drugs and does not evict tenants for drug use.

Toronto Community Housing may pursue an eviction for cause against a tenant engaged in drug use when one or more of the following grounds for eviction, identified in the *Residential Tenancies Act* (RTA), is also present:

- **Substantial interference with reasonable enjoyment or with other rights, interests or privileges:** The conduct of the tenant, another occupant of the rental unit or a person permitted in the residential complex by the tenant is such that it substantially interferes with the reasonable enjoyment of the residential complex for all usual purposes by the landlord or another tenant or substantially interferes with another lawful right, privilege or interest of the landlord or another tenant.
- **Illegal act:** The tenant or another occupant of the rental unit commits an illegal act or carries on an illegal trade, business or

⁴ Public Health Ontario Agency for Health Promotion and Protection. 2020. *Substance Use*. Retrieved from: <https://www.publichealthontario.ca/en/health-topics/health-promotion/substance-use>

occupation or permits a person to do so in the rental unit or the residential complex. For an act to be considered 'illegal' in this context, it must be serious in that it has the potential to affect the character of the premises or to disturb the reasonable enjoyment of the landlord or other tenants.

- **Impairment of safety:** An act or omission of the tenant, another occupant of the rental unit or a person permitted in the residential complex by the tenant that seriously impairs or has seriously impaired the safety of any person and that act or omission occurs in the residential complex.

Toronto Community Housing employs a balanced approach when assessing whether to pursue an eviction for cause, as articulated in its Evictions for Cause Policy. Specifically, Toronto Community Housing will consider the specific circumstances of a tenant's situation and employ a problem-solving approach, which may include alternate resolution methods, opportunities for the tenant to correct the problem and where appropriate, negotiated agreements to preserve the tenancy. Toronto Community Housing may also facilitate separate third-party support services when a tenant faces barriers or difficulties maintaining a successful tenancy.

Eviction is pursued when:

- Despite all efforts to resolve the problem, the behaviour at issue continues to negatively impact tenants, staff or the community and constitutes one of the above-mentioned grounds for eviction, recognized by the RTA; or
- The behaviour is of a severity that immediate action is required, which generally involves a serious impairment of safety or serious criminal activity.

Toronto Community Housing is committed to ensuring that individual rights under the Code are upheld and that all tenants can live together in strong, safe, and healthy communities.

5.2 Protection from Harassment / Discrimination

In accordance with Toronto Community Housing's *Human Rights, Harassment and Fair Access Policy*, Toronto Community Housing will not tolerate, ignore or condone any form of discrimination, harassment or hate activity on Toronto Community Housing property. Under the Code, everyone has a right to be free

from harassment and discrimination and a right to equal treatment. Toronto Community Housing is committed to delivering services in a manner that respects the dignity, self-worth and human rights of every person. Relevant policies and programs are summarized below and the substantive details of those policies and programs can be found in the documents themselves.

- Accessible Customer Service Policy: Outlines our commitment to provide customer service that is inclusive, barrier free and meets the unique needs of persons with disabilities, pursuant to the *Accessibility Standards for Customer Service (ASCS)* created under the *Accessibility for Ontarians with Disabilities Act, 2005*.
- Human Rights, Harassment & Fair Access Policy: Includes proactive measures to eliminate harassment and discrimination in accommodation, employment, delivery of services, and in all other contract arrangements. It reflects the requirements of the Code and policies established by the City of Toronto.
- Tenant Complaints Process: Ensures that tenant complaints are heard, the facts of the complaints are established, and where required, remedial actions are taken. One of the primary objectives of this process is to outline a simple process which is accessible to all.

5.3 Harm Reduction Program Delivery in Toronto Community Housing Communities

Toronto Community Housing is committed to working with service delivery partners to deliver harm reduction programs and services to its tenants.

5.3.1 Toronto Community Housing will support the delivery of harm reduction services and drop-in programs in identified buildings provided that service delivery partners:

- have a valid Use of Space Agreement in place, in accordance with the Toronto Community Housing *Use of Space Policy*;
- hold a building meeting prior to the commencement of programming to share relevant communication materials, program information and harm reduction education that may address questions from tenants; and

- prohibit the use of equipment or paraphernalia related to drug use in or around the Licensed Area, Common Areas and Facilities, or around the Complex, as defined in the Toronto Community Housing *Use of Space Policy*.

5.3.2 Service delivery partners are not permitted to:

- operate supervised consumption services;
- provide tenant participants with honorariums to operate services within units; and / or
- seek to provide services to non-Toronto Community Housing tenants.

5.3.3 Toronto Community Housing recognizes that effective harm reduction services may require service delivery partners to deliver services to a client directly within their Toronto Community Housing unit. Toronto Community Housing will not prohibit or prevent service delivery partners from accessing clients residing within Toronto Community Housing buildings provided that service delivery partners follow standard safety protocols and do not use unit visits as a means to solicit further clientele from Toronto Community Housing tenants, guests, or visitors.

5.3.4 Toronto Community Housing recognizes that a peer-support model is an effective harm reduction tool that has demonstrated positive outcomes and can foster positive social interactions with community. Toronto Community Housing supports the use of peer-support models and will not prohibit tenants from serving as peer-support provided that peer-support services do not interfere with the safety or reasonable enjoyment of other tenants.

5.4 Supports for Policy Implementation

5.4.1 Staff Training: Toronto Community Housing will support any staff who wish to voluntarily register for trainings related to overdose prevention and response, and the use of naloxone by providing

necessary, paid leave to complete training, and covering registration costs associated with training.

5.4.2 Toronto Community Housing positions with a first aid training requirement under Toronto Community Housing's First Aid Program will be required to complete additional training components in:

- First Aid for Opioid Overdose with or without Naloxone
- Opioids, types of Fentanyl, toxicity
- Sign and symptoms of overdose, methods of exposure
- Scene safety, assessment and action
- Naloxone/Narcan, indications for use, use of Narcan nasal sprays
- Steps for responding to an overdose with Naloxone available
- Steps for responding to an overdose without Naloxone

The training will be appropriate to the duties of the person being trained and will be provided as soon as practicable. A record will be kept of the dates of the training and the number of individuals trained.

5.5 Tenant & Staff Engagement:

5.5.1 Toronto Community Housing will support service delivery partners in their efforts to deliver education and awareness training on harm reduction for both staff and tenants who wish to receive it.

5.5.2 Toronto Community Housing will consult and work with tenants with lived experience of substance use in the development of the above policies, plans, and programs. Toronto Community Housing will consult with appropriate stakeholders, which may include tenants with lived experience, tenant councils, resident advocacy groups, experts in the field of harm reduction, and Toronto Community Housing staff when undertaking formal reviews of this policy and any other Toronto Community Housing policies related to harm reduction.

5.6 Harm Reduction Supplies and Naloxone:

5.6.1 While Toronto Community Housing does not provide or require staff to carry naloxone kits, Toronto Community Housing does not prohibit staff from personally obtaining, carrying, and or using a naloxone kit, if they choose to do so.

5.6.2 Toronto Community Housing will strive to make naloxone nasal spray more easily available in Toronto Community Housing communities, and will work with the City of Toronto and healthcare partners to identify appropriate supply and distribution options.

5.7 Sharps Disposal

Toronto Community Housing will work with the City of Toronto to ensure that the safe disposal of sharps is included in waste disposal and collection processes including needles, syringes, injectors (i.e. insulin delivery device) and pre-filled pens, as household hazardous waste.

- Staff will be trained on the safe handling of sharps and needlestick injury prevention.
- Relevant education materials will be provided to tenants.
- Where deemed necessary, Toronto Community Housing will work with the City of Toronto and additional service delivery partners to facilitate the installation of sharps containers in common spaces.

6. Compliance and Monitoring

Toronto Community Housing will:

- develop and maintain procedures to assist staff in interpreting and applying this Policy;
- ensure clear documentation practices are in place;
- monitor the effectiveness of this Policy in responding to and reducing incidents and behaviours that negatively impact the health of communities; and,
- provide reports to the Board on activities within this Policy as required.

7. Governing and Applicable Legislation

- *Accessibility for Ontarians with Disabilities Act, 2005*
- *Good Samaritan Act, 2001*
- *Housing Services Act, 2012*
- *Ontario Human Rights Code, 1990*
- *Residential Tenancies Act, 2006*

8. Related Policies and Procedures

- Accessibility Policy
- Addition to Household Composition Directive and Visitor and Guest Policy
- Evictions for Cause Policy and Procedures
- Human Rights, Harassment and Fair Access Policy- Tenants
- Toronto Community Housing Tenant Charter
- Non-Residential Use of Space Policy
- Vulnerability Definition Policy and Vulnerability Operational Guidelines
- Human Rights, Harassment and Fair Access Policy

9. Commencement and Review

Revision	Date	Description of changes	Approval

10. Next Scheduled Review Date: April 2023