



beyond the back yard fence

A guide for Ontario supportive and affordable housing providers

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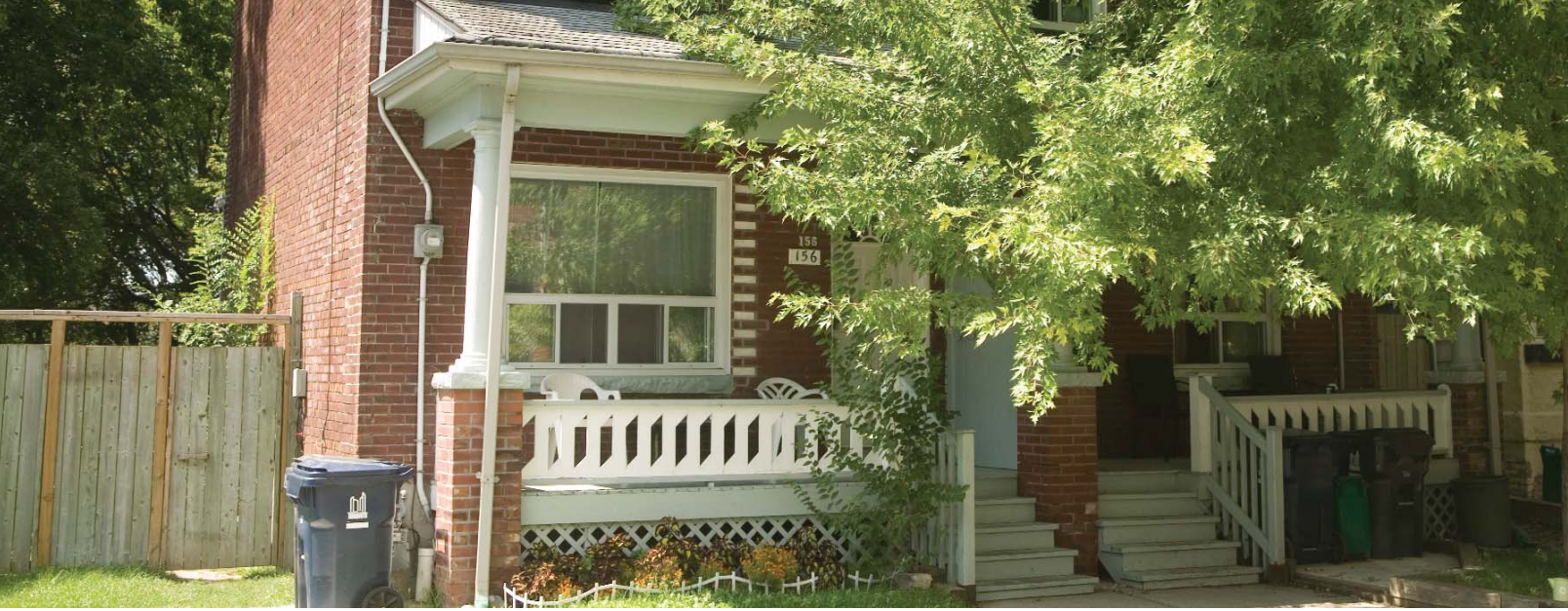
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Introduction

In 2003 HomeComing Community Choice Coalition published *Yes In My Backyard: A Guide for Ontario's Supportive Housing Providers*.

The guide brought a new “human rights lens” to the housing development process. We argued that people with mental illness – and anyone else who lives in supportive or affordable housing – have the same rights as everyone else: including the right to live in the neighbourhood of their choice.

The Ontario Human Rights Commission agreed. In July 2009, the *Commission's Policy on Human Rights and Rental Housing* declared “discriminatory NIMBY” a human rights concern.

Since then, there have been a number of positive changes.

- Some municipalities have repealed discriminatory by-laws.
- The Ontario Municipal Board has brought a human rights lens to its rulings.
- City Council Committees routinely rule discriminatory remarks out of order.
- Housing providers have new confidence to stand up for their tenants' rights.

And once tenants move into the neighbourhood, what then?

For some housing providers, community life has been smooth sailing. Neighbours get along with neighbours in homes virtually indistinguishable from the rest of the street.

But there can also be dilemmas:

What do you do when the neighbourhood goes upscale, and your modest home stands out beside the newly renovated houses on your street? Or when a new homebuyer is shocked to find social housing on his street, and organizes a campaign to drive you out?

Do you stick up for a disruptive tenant, even when the neighbours have a legitimate complaint? And what if your tenants have a legitimate complaint against their neighbours?

This guide is designed to help Ontario supportive and affordable housing providers sift through the dilemmas to build a positive relationship with their neighbours.

In it you will find our best advice for:

- fulfilling your responsibilities as a good neighbour
- developing a community relations strategy
- addressing community concerns without compromising the rights of tenants
- supporting tenants to take their rightful role as neighbourhood citizens.

We believe that the principles described in this guide hold true across Ontario and throughout Canada. However, the experiences can vary dramatically from region to region, and even from street to street. Some of these variations are illustrated in our last section by two stories from the same neighbourhood.

The good neighbour's rights and responsibilities

Relationships with neighbours are filled with nuances. They are shaped by local history, neighbourhood traditions, and the individuals who live there.

But beneath tradition, personality and opinion there is a legal bedrock that sets out the rights and obligations of housing providers, their neighbours and their tenants.

Here is a look at the laws, by-laws and policies that can help you find your footing.

You have a right to be here

The Ontario *Human Rights Code* says:

Every person has the right to equal treatment with respect to the occupancy of accommodation, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same-sex partnership status, family status, disability or the receipt of public assistance." (Ontario Human Rights Code, Section 2 (1), Accommodation)

The Code governs all Ontario and municipal laws, by-laws, regulations and practices and has primacy over all other laws and bylaws (Section 47. (2) of the Code). In a 2006 decision known as *Tranchemontagne*, the Supreme Court of Canada affirmed the primacy of the *Human Rights Code* and affirmed that provincial Tribunals such as the Ontario Municipal Board must have regard for human rights in their decisions (*Tranchemontagne v. Ontario (Director, Disability Support Program)*, 2006).

In July 2009, the Ontario Human Rights Commission published a *Policy on Human Rights and Rental Housing*. The Policy clarifies the Commission's position on "discriminatory neighbourhood opposition or NIMBYism:"

NIMBYism refers to "opposition to housing projects that are based on stereotypes or prejudice towards the people who will live in them. It can refer to discriminatory attitudes as well as actions, laws or policies that have the effect of creating barriers for people, such as people with low income or disabilities, who seek to move into affordable housing or supportive housing in a neighbourhood." (OHRC, *Policy on Human Rights and Rental Housing*, p. 50.)

Some of the examples of discriminatory practices cited in the policy include:

- requiring fences or walls around the property to separate it from other neighbourhood homes because of the intended residents
- arbitrary caps on the numbers of residents allowed
- adding visual buffering or removing balconies so tenants cannot look out on their neighbours
- requiring residents to sign contracts with neighbours as a condition of occupying the building.

Some municipalities have developed their own anti-discrimination policies that uphold the rights of social housing residents. For example, in 2009 Toronto City Council approved a *Toronto Housing Charter: Opportunity for All*. The charter affirms that:

“All residents should be able to live in their neighbourhood of choice without discrimination,” and that

“All residents, regardless of whether they rent or own a home, or are homeless, have an equal stake and voice in Toronto’s future.”

What does this mean?

Your tenants have the same rights as local homeowners. Neighbours or their representatives violate these rights if:

- they attempt to place obligations on social housing landlords or residents that are not shared by others on the street
- they harass or defame tenants because they receive social assistance, have a disability, or any of 13 other grounds prohibited by the Code.

Never apologize for being social housing, or for the incomes or disabilities of your tenants. Stand your ground.

You have the same duties as other property owners

Like other property owners, social housing providers have obligations as “good neighbours.” These obligations are typically set out in municipal property standards and provincial codes, and cover most of the issues that might lead to conflict with neighbours.

Property standards can vary from one municipality to another.¹ They can include the duty to:

- maintain the building to the standards set out in the Building, Fire and other Codes
- properly store and remove garbage
- keep walkways, driveways and parking areas in good repair and cleared of snow and debris
- maintain occupancy standards related to the number of residents
- keep the property free of rodents, vermin, insects and other pests, and from conditions which may encourage pest infestations
- keep the property free of garbage, junk, dilapidated structures, wrecked or inoperable vehicles, or any health, fire or safety hazard
- ensure grass is cut, yards are free of undergrowth, trees are pruned of unsafe branches, and hedges and shrubs do not obstruct views, streets or sidewalks
- provide buffering to prevent lights shining into dwellings, wind-blown waste from littering nearby properties, or to minimize other nuisances
- protect vacant buildings against the risk of fire, accident or other danger
- co-operate with municipal licensing and standards officers.

What does this mean?

As social housing providers, you have exactly the same responsibilities as other landlords. That means you can’t be asked to meet a higher standard than your neighbours. But it also means you can’t be excused from upholding municipal property standards, just because you have limited funds.

¹ Check your municipality’s website for the standards that apply to you.



Who is “the neighbour?”

The *Residential Tenancies Act* prohibits tenants from disturbing the quiet enjoyment of their landlord or other tenants within the building. But the RTA does not protect people who live off the premises.

For example, the Landlord and Tenant Board's *Interpretation Guideline #9: Eviction for an Illegal Act or Business* notes that tenants can be evicted for an illegal act only if it takes place within the “residential complex.” It notes that “the fact that a tenant or other occupant has been charged with robbing the convenience store across the street would not be grounds for the landlord to evict, whereas robbing other units in the complex would be sufficient.” (Tenants can be evicted for the production, trafficking or possession for the purpose of trafficking of an illegal drug, even if the drugs are not purchased by other tenants.)

If you believe your neighbours have a legitimate complaint against your tenant, but the tenant has not violated the lease or the RTA, your options are:

- provide support to the tenant to help them uphold their responsibilities
- arrange for mediation between the tenant and neighbour
- explain to the neighbour your limitations as a landlord, and tell them they have recourse to the police or the by-law enforcement officer, as they would in a dispute with any other neighbour.

Your tenants have “good neighbour” obligations too

Under the *Residential Tenancies Act*, all tenants must keep their unit clean, and repair or pay for damage caused by themselves or their guests. They can be evicted for illegal activity, impairing the safety of others, disturbing the enjoyment of other tenants or harassing the landlord, and allowing too many people to live in the unit.

Municipal property standards can also place obligations on tenants: to keep their homes in a clean and sanitary condition; keep all exits clear and unobstructed; co-operate with the landlord in upholding property standards; limit the number of occupants to the maximum permitted; and take immediate action to eliminate any unsafe conditions.²

What does this mean?

Landlords are not responsible for their tenants' actions.

There is nothing in the *Residential Tenancies Act* that makes a landlord, including a social housing landlord, liable for tenant behavior.

Nor can a municipality hold landlords responsible for tenant activities through a rooming house or other licensing arrangement. For example, a June 2011 staff report to the City of Toronto's Licensing and Standards Committee noted that:

“Licensing could not regulate the behaviour of those living in the licensed accommodations. Except in very limited circumstances, in which the actions of the landlords could be shown to have explicitly permitted or abetted behaviours that resulted in specific violations, the City would not be able to hold the landlords accountable for the actions of their lodgers.”

If your tenants *do* violate the law or local by-laws, don't make excuses for them. Supportive housing providers may have a particular mandate to help their tenants succeed as tenants, including living up to their responsibilities to their neighbours. All Ontario landlords have a duty to accommodate people with disabilities, working with tenants to find solutions that will allow them to meet their obligations. But that does not mean landlords must protect tenants from the consequences of their own actions.

² Municipal standards vary across the province. Check your municipality's website for the standards that apply in your area.

“There ain’t no law . . .”

As we discuss the obligations of landlords and tenants, it can be instructive to note the items that are *not* tenant obligations.

Notwithstanding the opinions sometimes heard from the neighbours of social housing, there are no laws against:

- sitting out in the front yard, steps, decks or common areas. Enjoying one’s own property is not “loitering.”
- smoking outdoors, provided you do not violate municipal smoking by-laws
- talking, laughing, drinking or hosting parties on one’s own property, provided you do not violate municipal noise by-laws
- receiving visitors in one’s home
- looking out the window
- leaving the lights on
- entering or leaving the building late at night
- using taxis
- receiving help from emergency services, including ambulances, fire trucks or the police
- being ill or dying in one’s home.

Three “good neighbour” conundrums

If you and your tenants uphold the law and local by-laws, you are meeting all the requirements of a good neighbour.

But what do you do when your neighbours don’t see it that way? Many of us have found our neighbours have expectations that are not founded in law, but affect their relationship with us.

How should you respond? By putting your tenants first. That might mean standing up for their rights. But it may also mean changing your practices – even though you don’t have to – because it advances your tenants’ interests.

Here is a look at three common expectations, and how you might move forward.

THE EXPECTATION:

Everyone needs to “fit in”

THE REALITY: Every neighbourhood has its own norms and traditions. But it’s not up to homeowners, or even the neighbourhood’s old-timers, to set these norms. Instead, norms ebb and flow with the people who come and go. A street where children play noisily can turn quiet as that generation grows up; working class seniors can be replaced by young professional couples.

Your tenants are part of the neighbourhood. So why shouldn’t their “norms and traditions” be part of the mix?

ON THE OTHER HAND: Fitting in with local norms is not a bad thing. Tenants can benefit when their homes are indistinguishable from their neighbours, and they feel at ease with the people next door.

MOVING FORWARD: Have a frank conversation with tenants. Do they feel proud of their homes? If not, what would they like to see? And then talk about the resources at your disposal, and how they might be deployed to create the homes tenants want.

THE EXPECTATION:

Tax-funded organizations have extra obligations

THE REALITY: Many people believe that recipients of tax dollars have obligations beyond those of the average property owner. This is not true. Social housing providers are funded to provide housing, or to provide support to a specific group of people, not to be a general community service.

ON THE OTHER HAND: Social housing has always prided itself on being “more than just housing,” contributing to revitalized cities, thriving towns, strong communities and a competitive economy. Service to the neighbourhood may not be an obligation, but it *is* an opportunity.

MOVING FORWARD: Again, talk to tenants. Are there things in the neighbourhood they’d like to work with others to change? Skills they’d like to develop, or events they’d like to participate in? Consider how your support can strengthen their opportunities to make a contribution.



THE EXPECTATION:

Landlords are responsible for settling neighbourly disputes

THE REALITY: In fact, landlords are responsible for enforcing *the lease*. There are other public services, such as the police and by-law enforcement officers, that respond to serious complaints. Most other disputes should rightly be settled directly between the tenant and the neighbour.

ON THE OTHER HAND: Social housing staff often have skills that both tenants and their neighbours lack: an *accurate* understanding of the law; conflict resolution skills; and an awareness of the spectrum of tenants' views beyond those directly involved in the conflict.

MOVING FORWARD: Consider all your options. Do tenants want you to intervene? Do you have skilled staff available? Have you exhausted other alternatives, such as community-based mediators? If the answer to all three questions is "yes," then your intervention could help both your tenants and their neighbours.

When you *should* speak out

There are some expectations where there is no "other hand." These are the expectations that should be consistently challenged:

- **Only homeowners are taxpayers.** In fact, tenants pay property taxes through their rent; sales taxes every time they make a purchase; and the same income taxes as others in their income bracket.
- **City services work for homeowners.** In fact, they are set up to serve the entire public, including tenants.
- **Tenants should feel grateful** for the privilege of living in a "good" neighbourhood, when of course tenants have the same rights as anyone to live where they choose.
- **Tenants need extra rules to ensure they "behave themselves,"** when they in fact have no more obligations than anyone else.
- **Tenants need 24-hour supervision,** even if they have no disabilities that require 24/7 support.
- **Tenants should "move up and out,"** not understanding that social housing, like their own homes, offers permanent housing.

Developing a community relations strategy

The words “community relations strategy” might conjure up images of media releases, public events, or door-to-door campaigns. None of these is a bad thing. But they are not the essence of community relations.

Good community relations answers such questions as, “How do we act in the interests of our tenants AND the wider community?” What is within our control? And what are the assets we can contribute?

In other words, you are asking, “How can we help create the community our tenants would want to live in?”

Keep your eyes on the prize

Most social housing providers were established to offer their tenants a better life. That better life includes a safe, stable, affordable home. But it doesn’t stop there. It includes:

- an increased sense of self-worth and dignity
- opportunities to use one’s skills and develop new ones
- a strengthened sense of belonging to a wider community
- exercise of one’s rights and responsibilities as a citizen.

As you consider your community relations strategy, remember your mission and ask, “what is in your tenants’ interests?” And if you don’t know, ask them.

Here are some common elements of a community relations strategy.

Create homes to be proud of

For your neighbours, “curb appeal” counts. It is the side of your work they see every day. If your building looks shabby, you’re seen as a poor manager – careless of local property values and neighbourhood standards.

But curb appeal also matters to your tenants. It’s hard to maintain a sense of self-worth, or to feel a sense of ownership over a home that is shabbier than others on the street.

Social housing is not funded to be a showcase. But there are things you can do to enhance its appearance.

- **Create low-maintenance landscaping.** Uncut lawns always look poorly maintained. Some providers have been able to combine patios and native plants to create useable easy-to-maintain outdoor space.
- **Enlist your tenants.** Many buildings house at least one keen gardener. You can help tenant gardeners succeed by:
 - providing a framework in which tenants can work, including training where needed
 - purchasing all essential tools
 - investing in annuals that produce quick results.
- **Turn to the community.** Gardens are natural community builders and many local owners, businesses and food security programs are pleased to be involved.
- **Remove entryway notices.** A building entrance plastered with “no trespass” orders sends a message not only to unwanted visitors, but also to your neighbours: “we bring danger to your street.” If you must post entry notices, do so inside the building.

- **Spruce up street-level views.** Some housing providers have ground floor offices, common space or commercial space, with windows facing onto commercial streets. Consider the impression these windows give passersby and neighbouring businesses.

For example, if space is vacant, you might cover the windows with brightly decorated paper, courtesy of tenants or a local daycare or after-school program. If blinds are perpetually closed for privacy, ensure those blinds are in good repair or replace them with reflective or translucent window coverings.

Anticipate irritants

Take a dispassionate look at your property and those on the street. Are there things that set it apart from the others? Or have the potential to give rise to disputes?

Removing these irritants can help smooth life for both you and your tenants. Here are some examples.

- **Garbage and recycling:** Are outdoor bins screened and protected? Can tenants dispose of mattresses and other furnishings without creating eyesores? If tenants are responsible for putting out garbage and recycling bins, do they know the rules?
- **Balconies and porches:** Are tenants using these spaces for storage? Can you help tenants find alternate storage space, so that outdoor spaces are attractive and free of fire hazards?
- **Shared driveways** are notorious sources of conflict. Consider what your actual needs are – often tenants don't have cars, and you can afford to be generous with the space. Be sure to exchange phone numbers with your "driveway neighbour" to settle any disputes quickly.
- **Do tenants like to sit out and smoke?** Is there a patio or deck they can enjoy, sheltered from wind and prying eyes, and positioned to prevent smoke from blowing into the neighbours' windows?
- **Are tenants responsible for snow clearing or yard maintenance?** Make sure they have the tools and training to do a good job.

Train front-line staff to be your ambassadors

Your front-line staff – the people who answer the phone, maintain your grounds, or visit tenants on-site – are often the only staff neighbours ever see. They are also your organization's eyes and ears in the neighbourhood.

Equip them to perform this role by ensuring:

- They treat all members of the public – including people who are rude or offensive – with cheerful courtesy. A visiting support worker or outdoor maintenance worker who smiles and greets passing neighbours; and a receptionist with a "can I help you" demeanor can set the stage for good neighbourly encounters.
- They refer to tenants in a respectful way as "tenants" or "residents," and they are able to describe the work of your organization without resorting to labels such as "people with mental illness," or "the hard-to-house."
- They do not reveal any personal information about tenants.
- They are familiar with your organization's complaints process (see below) and their duties in that process.
- They watch for and report any signs of conflict. Just because a negative comment is made casually or in passing does not mean it should be dismissed. It could be a sign of trouble ahead.
- They watch for and record positive comments about the building. And if a neighbour is particularly enthusiastic, they ask, "That's so nice to hear. Can I quote you?" and record the comment. These testimonials can be a tremendous asset if your organization plans to create new housing.



Bring a “neighbour’s eye” to your web and print materials

Neighbours, particularly neighbours with a complaint, will often turn first to your website for information. Use this opportunity to set the tone for further interaction.

- Post contact information prominently – don’t make visitors dig for it. If it is a generic voicemail or “info@” email box, ensure it is checked at least twice a day by someone trained to respond to complaints.
- Make sure all contents uphold your tenants’ dignity. Avoid any language that portrays tenants as needy. Instead, emphasize accomplishments and success.
- Boastful language will be seen ironically by a disgruntled neighbour. So let others sing your praises. Testimonials and stories from tenants, neighbours and others can speak powerfully on your behalf.
- Consider each element on your website. Is there anything that might be misconstrued or used against you? Remove it.

Join your neighbours at community events

Community events can help overcome the social awkwardness between people of different incomes. They also offer opportunities for tenants to contribute to their neighbourhood – and to *be seen* to be making a contribution.

- Build staff’s connections to the neighbourhood, so that they hear about local festivals, environmental fairs and clean-up days, and pass on the word to tenants.
- Make it easy for tenants to participate. For example, tenants have been able to make a real contribution to a city-wide “20 minute clean-up” day because their support workers provided them with garbage bags, and followed the day with a barbecue.
- Recognize ongoing contributions as volunteer activities. For example, a community group invited a number of tenants to help maintain gardens in a local park. In return, the tenants were given status as participants in their housing provider’s volunteer program, eligible for an ODSP transit pass, a “Volunteer” T-shirt, and an invitation to the housing provider’s volunteer recognition event.

Should we organize our own events?

Many housing providers host official openings, where they invite not only funders, tenants and colleagues, but also their neighbours. Some housing providers continue the tradition, with summer barbecues, Christmas parties, or open houses.

What should you do? Ask your tenants. Remember that the entire point of these events is to have a good time, and to create friendly connections. The event’s success depends on tenants *wanting* to invite neighbours in, and playing a leadership role in the event.

Help tenants make use of neighbourhood services

When tenants take advantage of local services, they help themselves and build bridges to the surrounding neighbourhood. However, many tenants may not know services exist, or may not feel confident using them.

- When tenants choose a home they also choose a neighbourhood. As part of a unit showing, encourage tenants to walk round the neighbourhood to get a feel for their new home.
- Shortly after move-in, offer tenants information about the neighbourhood. At a minimum, offer written information about local community centres, libraries, clinics, drop-ins and social services. Pair newcomers with long-time tenants who can point out local coffee shops, stores and other places tenants frequent.
- Don’t duplicate programs that are available in the neighbourhood. Instead, make it easy for tenants to use local services. If you discover tenants interested in exercise classes, for example, you might organize two or three people to go to a local community centre together. Or you might be able to help them find free local programs, or negotiate lower prices for your organization.

Offer services on-site for the entire community

Tenants benefit when they take advantage of community services. But they also benefit when the community comes to them. Inviting local groups to use your common spaces can generate revenue and give tenants access to on-site programs that would not otherwise be possible. It can also position you as a neighbourhood asset, and build connections among tenants and local residents.

- Consider the resources you have that the neighbourhood lacks. It is common space? Expertise? A program that you are already running for tenants?
- Consult with tenants. Are there programs or services they would use if they were available in the building? Do they have concerns about inviting other users into the building, or opening existing programs to neighbours?
- Where the program offers services to your tenants, ask about opportunities for tenant leadership. Will tenants be involved in planning and delivering the service? In evaluating it? Will there be opportunities to create paid work? Is there a plan to reach out to tenants who are isolated or have not participated in any community activities before?

Expand your tenants' citizenship opportunities

Tenants benefit when they have a voice in the future of their neighbourhood, and their elected officials see them as constituents and voters. Housing providers also benefit when they are seen as a "go to" organization, bringing their expertise to address local problems.

Housing providers with buildings spread throughout the municipality may have difficulty participating in neighbourhood life. The following ideas will be most useful to housing providers with only one building, or a cluster of buildings in one neighbourhood.

- Meet with newly elected councillors, MPPs and MPs. Invite one or two tenants and board members to the meeting. Describe the work you do, and the contribution you are making. Make sure they have your contact information. Ask to be on their email list, and let them know you are interested in opportunities to be involved in the community.

- Invite elected officials to AGMs or tenant events. This is a rare opportunity for tenants to talk to their representatives.
- Offer your common room as a location for a polling station.
- Join the local residents association, school councils, neighbourhood-based agency coalitions, police liaison committees, or any other groups mandated to improve the neighbourhood. Support tenants to attend and participate in these groups. Where possible, contribute in-kind support for these groups: meeting space, photocopying, minute-taking –anything that helps the group succeed, and makes you part of that success.

Have a plan to deal with complaints

Wherever people live close together there are opportunities for conflict. Disputes about pets, children, noise, smells, yard upkeep, parking and fence heights are all part of neighbourhood life.

But, as we noted on page 8, neighbours often have different expectations when the dispute involves a social housing provider. They are unlikely to simply sort out their concerns with your tenants directly, as they would with another neighbour. So you need a plan to hear about, and if possible resolve, concerns before they sour your relationships with the community.

- **Ensure your neighbours have a number to call.** (Email is even better – it allows you to maintain accurate records of all contacts, and gives you time to consider your response.) Without a clear channel, an unhappy neighbour automatically turns to their elected officials, or starts talking to everyone else on the street.
In a large building, post contact information at the entry. (This is a requirement in some municipalities.) Unless you offer 24-hour staffing, also provide information on when callers can expect a response
For houses, ensure all tenants have your phone and email and permission to offer it to anyone who knocks on their door. (You might post it along with emergency info in the kitchen or other common area.)
- **Return all calls and emails immediately**, ideally within the hour on a workday, or first thing in the morning following an evening call. The tone of this first connection is of crucial importance.

If it is a phone call, start by simply listening to the whole story. Do not interrupt or argue. Take detailed notes. Unless it is a very simple issue to resolve, say something like, "Thank you for calling us. You've raised an important issue, and I need to give it some thought (or talk to my colleagues, or talk to my supervisor, depending on your position in the organization)." Arrange when you will call back.

Use a similar approach for personal visits. Respond immediately, listen courteously, convey your thanks but do not agree to a course of action without taking time to think or talk to others.

For emails, the tone is crucial. As much as possible, avoid bureaucratic answers or unconsidered solutions. Remember that your response may be forwarded to others.

- **Record all complaints.** If you are a front-line staff member, convey the complaint to a senior staff member. Even apparently unreasonable or trivial complaints should not be dismissed.
- **Collect independent information.** Depending on the issue, this might include:
 - Hearing your tenants' side of the story, either by interviewing an individual tenant or calling a tenant meeting
 - Contacting the municipality to clarify whether or not you are violating local by-laws
 - Consulting police records. For a small fee, the police can provide you with a record of all calls connected with your property.
- **Develop a response,** taking into account the legitimacy of the complaint, your role as a landlord, and your tenants' rights and responsibilities. Depending on the issue, a response might include:
 - Agreeing with the neighbour's concerns. In this case, you would simply inform the neighbour, in writing, of the steps you plan to take, with a follow-up email when these steps have been completed.
 - Inviting the neighbour to a meeting, ideally with the people or at the location involved in the dispute. At this meeting you can present the findings of your research, and discuss possible solutions.
 - Inviting a third-party (the police, by-law enforcement officer or professional mediator) to facilitate a discussion among yourselves, your tenants and your neighbour. Some community agencies provide dispute resolution services at a reasonable cost.

Setting the tone for an email exchange

August 14, 2011, 6:42 A.M.

To: Housing provider

From: Jeff Neighbour

Subject: A disgrace!

Last night two of your tenants stayed up all night on the deck RIGHT OUTSIDE MY BEDROOM WINDOW. I do not pay good taxes to have loud-mouths drinking and swearing at all hours. They may not need to work the next day, but I DO.

This is not the first time. What are you going to do about it?

August 14, 2011, 9:15 A.M.

To: Jeff Neighbour

From: Susan Smith

Subject: Re: Thanks for contacting us

Dear Mr. Neighbour:

I was sorry to hear you'd had such a bad night last night. That's the worst of summer nights – sound really travels when people are outside and windows are open.

I need to give a little thought to the best way I can help you and our tenants work toward a solution that will suit everyone. Can I contact you on Thursday?

In the meantime, I noticed your email said, "This is not the first time." Is there any other information you'd like to pass on?

Best wishes,
Susan Smith
416-123-4567

What about Good Neighbour agreements? Or Community Liaison Committees?

Many municipalities have promoted community liaison committees or “good neighbour agreements.” Their aim, in the words of one municipality, is to “mutually acknowledge the need to build a relationship responsive to the needs of each group. . . [S]uch socially responsible initiatives encourage accountability and cooperation while promoting good will and mutual understanding.”

In HomeComing’s experience, however, these initiatives do *not* promote mutual accountability. Instead, they foster the notion that housing providers are accountable to their neighbours, but not the other way round.

There are other drawbacks to these approaches:

- They place obligations on tenants that are not shared by others on the street. Sample agreements posted on

municipal websites include guarantees that tenants will not use drugs or alcohol; will be involved full-time in educational, vocational or employment programming; and will abide by curfews.

- They promote conversations between the landlord and neighbours *about* tenants. Tenants do not speak for themselves, or choose what they want to reveal about themselves. Again, looking at sample agreements posted online, tenants tend to be talked about in the language of funders – “youth aging out of the child welfare system,” “hard-to-house,” “person with a serious and persistent mental illness.”
- Good Neighbour Agreements are unenforceable (a fact readily acknowledged by municipalities) and redundant. The *Criminal Code* and municipal property standards and by-laws already define and give recourse for legitimate grounds for complaints.
- Good Neighbour Agreements blur the genuine lines of accountability between landlords and tenants, as defined in the lease, and between housing providers and their funders, as defined by agreements and legislation.

Creating true mutual accountability: a suggested approach

HomeComing does not recommend Community Liaison Committees or Good Neighbour Agreements. But if you find yourselves pressured to participate in such a process – where refusal would be construed as being a “bad neighbour” – we recommend the following approach.

1. **Engage a neutral facilitator** acceptable to all parties. The facilitator should have a general familiarity with the *Human Rights Code* and municipal by-laws. Meetings should not be chaired by a person with decision-making power, such as a member of the local residents association, local councillor, or your funder. You want all efforts focused on finding agreement, not on lobbying the facilitator.
2. **Create an inclusive participants’ list.** Invite several tenants (not just one or two), all immediate neighbours (not just members of the local residents association), and representatives of local organizations with a long-term interest in the neighbourhood, such as the local school, community centre, library, Business Improvement Area, legal clinic and local agencies.
3. **Begin by discussing what makes the community successful.** What are the qualities that are important to preserve? What are the community needs that require action? Then discuss how tenants, housing provider and community might work together to foster a successful community. Record who will do what.
4. **Then, discuss the “community standards” that contribute to a successful community.** Employ the “do unto others” rule (aka “the law’s the law for everyone”). For example, the group might agree it is important to keep noise down after 11 pm, or ensure garbage bins are raccoon-proof.
But if the rule is, “no drinking on the premises,” then it is understood that *no-one* who is party to the agreement can come home to a beer or a glass of wine after dinner. We expect the list of community standards will be a short one.
5. **The agreement is signed by everyone who is in the room.**

What should we do if . . . ?

Most of the principles underpinning good neighbourly relations are reasonably straight-forward. But putting those principles into practice can be perplexing, distressing and emotionally exhausting.

Here are some of the dilemmas faced by social housing providers, and our best advice for these difficult situations.

"Guess what I just saw?"

Greta works at home. In fact, her home office window overlooks one of your 5-bedroom houses – the home of five middle-aged women.

Greta doesn't hesitate to tell you what she sees. At the office you routinely receive calls such as, "I saw a man – you know, a street-culture guy – sitting on the front steps for over an hour," or "I've seen taxis coming and going from that house of yours at all hours."

What should you do?

Greta may be a nosy neighbour with too much time on her hands. But your tenants, and good neighbourly relations, will be better served if you treat her as she sees herself: a concerned citizen looking out for the well-being of the street.

You might respond by saying, "Thank you for letting me know. Was he bothering you in some way?" or "Do you have any particular concerns about the taxis?"

Keep a record of these calls, even if the reported concerns seem innocuous. Neighbours do have the opportunity to spot changing after-hours patterns that daytime staff can miss.



“I just want to help.”

Dave loves to chat across the fence with your tenants. He’s always friendly, and tenants seem to enjoy the relationship too.

But lately Dave has begun to style himself as an amateur social worker, stopping support staff as they enter the building to discuss his observations about tenants. “Jermeine seemed kinda down today,” he’ll say. “I wondered whether something wrong, or whether it’s just because he’s bi-polar.” Or “Zeinab seems so *normal*. How did she end up living here?”

What should you do?

It is up to tenants to form friendships, or not, with their neighbours, sharing whatever information they choose. It’s *your* job to protect tenants’ privacy by not revealing confidential information or discussing tenants with third parties without their consent.

So thank Dave for his concern, recognizing that it is kindly meant, and keep an eye out for tenants if you believe there is any cause for concern.

But don’t enter into a discussion of your tenants’ affairs, or feel you need to report back to Dave. Instead, parry his questions with a simple, “I’m sorry, I can’t discuss private matters. It would be like my asking your doctor for information about you,” or “Gee, if you get to know Zeinab better she might tell you her story herself. But I wouldn’t ask – it might be too personal to share.”

“This can’t go on.”

The tenants in your four-bedroom semi-detached house have lived in peace with their neighbours for years. But that was before George moved in.

Last week you received a call from Lisa, the single woman who lives next door. “I can’t stand it anymore. That new guy is standing on your porch and peeing out on mine. It just stinks – I can barely stand to go out my front door. And don’t tell me to sort it out myself. How can I go up to this guy and say, “Stick your dick back in?”

What should you do?

First, acknowledge the problem. That doesn’t mean you are taking the blame for your tenants’ behavior – just that you

agree that change is needed. You might say, “Everyone should be able to walk out their front door without worrying whether someone has peed on their porch. I am going to investigate and see what can be done.”

Then comes the tricky part. Under the *Residential Tenancies Act*, disturbing neighbours who don’t live in the building is not grounds for eviction.

Your best approach is to talk to George. Clearly state the behavior is unacceptable, and find out why he is doing it. Is there an underlying conflict with the neighbour that needs to be mediated? Or some other issue that must be addressed? At the same time, you can evaluate whether George has been interfering with the quiet enjoyment of neighbours inside the house. If so, you can move through your normal protocol for any breach of the lease.

In any case, you should monitor the situation by checking back with Lisa at least once to ensure the behavior has stopped, and that she knows whom to call if it recurs. If you are not able to change the behavior, and you believe you do not have grounds for eviction, then you will need to discuss with Lisa the legal constraints that prevent you from acting, and how she can act on her own behalf.

“You need to fix this – our way.”

You are not surprised when the chair of the local residents’ association invites you to a meeting on neighbourhood safety. The entire district has been caught up in a wave of drug-related crimes, affecting your building and others in the neighbourhood. You have already organized a tenant meeting to discuss ways to improve building security, and would welcome a chance to talk with others about neighbourhood-wide solutions.

But when you get to the meeting, you discover the residents’ association has already drawn up a list of demands. They want you to hire a full-time security guard, install exterior lights, and institute a “no guest” policy. The chair said, “Your building is ground zero for crime in this neighbourhood. You’ve had a chance to fix things, but you haven’t. Now you need to do things our way.”

What should you do?

A neighbourhood-wide problem needs a neighbourhood-wide response. It will not be solved at one meeting, or through the actions of just one building owner. However, you *can* use this

meeting to set the stage for a collaborative effort that will benefit both your tenants and their neighbours.

Start by listening, allowing people to talk out their concerns while you take notes. If the talk becomes abusive you might say, “Hold it – we’re all on the same side here. Our tenants want a safe neighbourhood too.”

Then describe your own observations and the steps you have already taken. Point out that it is premature to settle on solutions without research. Do not make promises you cannot fulfill. (In this case, for example, two of the residents’ associations’ suggestions may not be affordable within your budget, and the no-guest policy would require an exemption from the *Residential Tenancies Act*.)

Work with the group to identify the questions that still need answers, assign tasks, and set up a second meeting. You could also suggest other parties that ought to be invited, such as representatives from the local police, legal clinic, school and community agencies.

Use the time before the next meeting to gather information. Ask the local police for a report on calls in the vicinity. How many are from your building, or have involved your tenants? Are there other neighbourhood trouble-spots? Do the police have recommendations? Would they be willing to come to a future meeting?

Consult with tenants. What measure would they find beneficial? Are any tenants willing to come to the next meeting? You may also need to do your own research, considering which measures would be both effective and consistent with your mandate and budget.

By the next meeting, you should be equipped with information and allies that will allow you to assume your rightful role – not as a problem others must solve, but as part of the solution.

“Sell or we will close you down.”

Clark has lived next door to your five-bedroom house for 12 years. You thought everything was fine. But one day you receive an email with a litany of complaints. So did the local councillor, and others on the street.

Many of the complaints go back years: 8 years ago a tenant died in the house; 2 years ago the police were called repeatedly

to deal with one tenant. Last year, a tenant was playing the guitar on the porch. Now Clark is accusing you of running a “drug house.” The only solution, he says, is for you to sell the house and move to neighbourhood where tenants would “fit in.”

You arrange to meet with Clark. But when you arrive, you find a room full of other residents, armed with a petition signed by 20 homeowners. They do not want to talk about solutions. They say, “Our street has done enough for those less fortunate. Now we want you gone.”

What should you do?

Stand your ground. That does not mean you should not listen to concerns or work with neighbours to find solutions. It does mean you should resist any violations of your tenants’ rights.

You might say, “Look. We may never be your dream neighbours, and you may not be ours. We are happy to work with you to solve problems. But we do not intend to sell this house, or to allow our tenants’ lives be made more difficult than they already are.” If the group persist with their efforts to close you down, stand up and say, “Unless we can agree that neither of us is trying to drive the other out, we have no basis for a discussion.” Then walk out the door, ensuring that you have a good written record of the discussion.

Then immediately call the local city councillor to set up a meeting. In the meantime, you should collect independent evidence from the police, by-law enforcement, funder and your own records, depending on the allegations you have heard. Were complaints made? Is there any evidence of illegal activity? If so, you must promptly rectify any outstanding problems. If not, you will use this evidence at your meeting with the councillor.

The meeting with the councillor is an important one. Use it to describe your organization, your mandate, and your track record. Then discuss the history of the house, the events leading up to the meeting, the evidence you have collected, and your willingness to work towards any solutions that respect the rights and dignity of your tenants.

Councillors can play a helpful role in mediating conflicts in their ward. But if their proposed solutions are unacceptable – such as selling the house or replacing tenants with “people more suited to a family neighbourhood” – point the councillor to the Ontario Human Rights Commission’s *Human Rights and Housing Policy*. And if the councillor persists? You may have grounds for a human rights complaint. Contact HomeComing to learn more.

Going above and beyond

This guide has focused on the basics of good community relations. But some housing providers have chosen to go well beyond these basics.

Here are two stories drawn from Toronto's east end.

Gower Park: "We all pitch in."

When VincentPaul Family Homes proposed a new seven-story affordable housing development, it faced a chorus of opposition from the local ratepayers associations, area residents and businesses.

Luckily the VincentPaul board did not back down. Instead, they came up with new ideas that would benefit both tenants and the neighbourhood. So when opponents complained there were no community services for the residents in the 164-unit building, the board responded by turning over management of Gower Park's common room to the City's Parks and Recreation Department.



It proved a winning partnership. Gower Park contributed the space, the City administered rentals and staffed programs, and the neighbourhood got a satellite community centre at their doorstep.

Most important, tenants could take advantage of on-site programs that Gower Park could never provide on its own. Parents could drop their kids off or summer camp on their way to work, or pick them up from after-school programs on the way home. In all, about 60% of the participants in children's and youth programs came from Gower Park.



Today, the space is not used as often. The school across the street was funded as a Model School to provide programs for parents, children and youth. At the same time, new user fees charged by Parks and Rec made Gower's space unaffordable to classes and day programs that needed space every day. Nonetheless, the space continues to be used by a single parents' support group, Girl Guides, a church-run reading circle, and meetings of community groups. Gower Park also provides space to a local service group for a weekly dinner program that provides free meals for about 50 to 60 area residents and children.

Reclaiming one's home

Welcoming the community has offered many benefits to Gower Park tenants. But it has also had its challenges. For example, Gower Park had always welcomed neighbourhood children to its courtyard playground. But when a youth gang took over the courtyard, a line had been crossed. Together, Gower staff, board and tenants developed a plan to reclaim

their courtyard. This plan, which included some short term security guards and stepped-up police presence, was offset by organizing "neighbours' night out" events. Staff put out chairs and organized games. Burgers were sold at affordable prices, and there was always a free treat. Soon tenants' children were inviting their school friends, and the balance was restored.

Extending citizenship

Right from the start, Gower Park assumed its place as a neighbourhood citizen, and helped tenants exercise their role as citizens. It invited the local councillor, MPP and MP to community events – a rare chance for tenants to have "face time" with their elected officials. Now local politicians call Gower Place with news of changes that might benefit tenants.

Early on, Gower Park learned Elections Canada was seeking space for polling stations. They offered theirs – and have been able to offer on-site voting to their tenants for every election since.

Gower Park is also a participant in neighbourhood coalitions. Says Gower Park manager Marisa Dodaro, "we are often the ones who can identify an issue. We don't go around making demands. But we offer to be part of the solution."

For example, Gower Park offers space to the local Community Safety Committee, where Gower staff and tenants sit at the same table as some of the area residents that opposed them two decades ago. The meetings are not always easy: there is always a risk of casual, hurtful remarks. When these crop up, facilitators simply try to refocus the group on their shared agenda.

In an interesting twist, Gower Park had to respond an internal NIMBY battle when some of its residents opposed the construction of a new condominium next door. Staff found themselves reminding tenants – over half of whom have lived in Gower Park since it opened in 1994 – of their own brush with NIMBY. Although tenants dropped their opposition to the project itself, they continued to watch the development carefully, phoning by-law enforcement if construction posed a safety risk.

Said Dodaro, "We went through years of saying 'we want you to feel this is your home.' Well, making it your home means wanting to protect it. This is a sign of success."



Fontbonne Place:

“We seek to nurture community with our neighbour . . .”

For the Sisters of St. Joseph, housing and community are part of the same mission. So when the clinic on a property they owned closed in 1999, they knew exactly how they wanted to use the space.

Today, Fontbonne Place is home to 18 older single women who need rent-geared-to-income, and two Sisters also living on the premises. It is also the home of two Fontbonne Ministries: Mustard Seed and In Good Company, a friendly visiting program. The City of Toronto continues to operate a pre-existing dental clinic on the site.

Community first

Before development began, Fontbonne Ministries rented a nearby storefront to learn more about the neighbourhood’s needs. It was here that the Mustard Seed developed its community programs, which now include a community kitchen, sewing, crafts, drop-in, foot care, computer training, conversation cafes and meditation. By the time Fontbonne Place opened in 2003, the Mustard Seed already had a fully-developed program, and strong connections with local rooming house and social housing residents.

This early outreach also built good relations with local businesses. Fontbonne Place is located on a rapidly-gentrifying shopping street. Some business owners were initially opposed to the development. Some were won over through friendly on-the-street conversations with Sister Gwen, Mustard Seed’s Director.



Still others were won over through the building's design. The airy building is fronted by a landscaped garden and terrace – funded by a grant from Trillium Foundation and a gift from the Rotary Club, whose members return every year for a spring clean-up. The local Business Improvement Area has used the terrace for its annual Christmas Tree Lighting Celebration and as the start point for a popular annual art walk. And many passersby sit on the terrace to lunch or relax.

Since the building was occupied, Fontbonne Place has had no conflicts with its neighbours: just the opposite. The owners of a high-end florist have brought bouquets; another shop owner has dropped by with baguettes from a previous-night's party. And the building has remained curiously immune to graffiti.

Outside in and inside out

Social housing providers often have two concerns with on-site services. The first are concerns about security: that visitors will disrupt tenant life. The second is that they promote insularity, keeping tenants at home rather than building bridges to the community.

At Fontbonne Place, neither has been true. The Mustard Seed programs on the ground floor and basement have not intruded on the upper floor apartments, and there have been no security or liability issues. And although many tenants participated and volunteered in Mustard Seed programs when they first moved in, and they continue to be welcomed, most have preferred to connect with friends and services outside the building.

beyond the back yard fence



Getting help

Not sure how to handle a conflict with your neighbours?
Here are some resources:

HomeComing Community Choice Coalition

HomeComing welcomes your questions. We offer emailed or over-the-phone advice for anyone who calls, and can provide more in-depth support for housing providers in Toronto. Our website also offers news and information on discriminatory NIMBY, including links to relevant research, policies and precedent-setting decisions.

homecoming@rogers.com
www.homecomingcoalition.com

Ontario Non-Profit Housing Association

ONPHA is the voice of non-profit housing in Ontario. ONPHA offers comprehensive information on all aspects of social housing management, including news, training, over-the-phone advice and the largest non-profit housing conference in Canada.

management.help@onpha.org
www.onpha.on.ca

Ontario Human Rights Commission

The OHRC has championed the cause of discrimination-free housing. Their website provides information on its own policies and efforts to remove barriers to vulnerable people living in the neighbourhood of their choice.

www.ohrc.on.ca




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COMMUNITY CHOICE COALITION
www.homecomingcoalition.com