

THE REGIONAL MUNICIPALITY OF YORK

Community and Health Services Committee

January 13, 2010

Report of the

General Manager of Housing and Long Term Care

SPECIFIC HOUSING MANDATES FOR JA'FARI ISLAMIC HOUSING CORPORATION AND OHR SOMAYACH RESIDENTIAL CENTRE INC.

1. RECOMMENDATIONS

It is recommended that:

1. Council assign to Ja'Fari Islamic Housing Corporation a mandate that restricts occupancy of the rent-geared-to-income units in its housing site to applicant households who are members of the Ja'Fari Islamic Community.
2. Council assign to OHR Somayach Residential Centre, Inc. a mandate that restricts occupancy of the rent-geared-to-income units in its site to members of the Jewish Community.
3. The Commissioner of Community and Health Services be authorized to enter into an Agreement and Indemnity with Ja'Fari Islamic Housing Corporation and with OHR Somayach Residential Centre, Inc. that:
 - Includes a written legal opinion which addresses the issues raised in Section 14 or Section 18 of the *Ontario Human Rights Code* and states that the housing provider falls within the exemptions contained in either of those sections of the Code and complies with the policies of the Ontario Human Rights Commission.
 - Defines the population to be served.
 - Indemnifies the Region with respect to any costs the Region may incur as a result of any litigation related to the specific mandate designation.
 - Acknowledges that all rent-geared-to-income units will continue to be filled through the Region's Housing Access Units' waiting list process in accordance with the *Social Housing Reform Act, 2000* and its associated regulations as well as the Region's Program Instructions.
 - Agrees that the Region reserves the right to unilaterally change or terminate the mandate should the results of an evaluation indicate that it is prudent to do so.

2. PURPOSE

This report seeks approval of specific mandate designations for the communities of Ja'Fari Islamic Housing Corporation and OHR Somayach Residential Centre, Inc. This only affects rent-geared-to-income (RGI) units as housing providers have always had full control of renting their market rent units.

3. BACKGROUND

The *Social Housing Reform Act, 2000* (SHRA), Section 99 (3) provides the authority for Service Managers to assign new mandates and to change or cancel existing mandates as long as the housing provider agrees and the agreement is in writing. The *Ontario Human Rights Code* provides a framework within which such decisions must be made.

The *Ontario Human Rights Code* provides exceptions to Part 1 of the Code

The *Ontario Human Rights Code*, Part 1, Section 2 states that “Every person has a 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, family status, disability or the receipt of public assistance.”

Section 14 protects affirmative action programs. If a program can clearly demonstrate that it is designed to relieve hardship or economic disadvantage, assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity, or contribute to the elimination of the infringements of rights protected under the Code, the program would satisfy the requirements of the Section provided that it does not otherwise violate the Code.

Section 18 creates an exemption based on the preservation of Canada’s multicultural heritage by allowing discrimination in the provision of services to occur where it is part of a broader program serving the social and cultural needs of a particular ethnic group.

In September 2009, Regional Council approved specific mandate designations for two housing providers

In June 2007, Regional Council approved a framework for the consideration of applications from housing providers for specific mandates designations through the adoption of Clause No. 4 of Report No. 6 of the Community Services and Housing Committee.

Using this framework, staff developed a procedure for processing specific mandate requests from housing providers. Two providers submitted requests for consideration based on the exemptions contained in Section 18 of the Code. Regional Council approved specific mandate requests for both providers in September 2009 through the adoption of Clause No. 8 of Report No. 1 of the Community and Health Services Committee.

4. ANALYSIS AND OPTIONS

Consideration of approval of specific housing mandates for Ja'Fari Islamic Housing Corporation and OHR Somayach Residential Centre, Inc.

These housing providers are requesting specific mandate designations based on the exemptions in Section 18 of the Code.

Ja'Fari Islamic Housing Corporation

Ja'Fari Islamic Housing Corporation, located at 138 Yorkland Street in the Town of Richmond Hill, is a 170 unit complex (24 walkup apartments and 146 townhouses) for families. 136 of these are RGI units. Ja'Fari was built in the early 1990's and primarily serves the Ja'Fari Islamic Community. Ja'Fari provides religious and many culturally specific activities. These include:

- Extensive prayer and religious programs.
- Arabic language classes.
- Children's courses in reading, crafts and homework club.
- Youth sports programs and summer programs.
- Programs for women only on immigration law, counselling for victims of domestic violence and legal support services.

In addition, Ja'Fari staff have developed many partnerships within the greater community to enhance the quality of life for their residents and build a stronger community.

The housing provider has completed the Agreement and Indemnity requested by the Region and has included a legal opinion from Torys LLP which states that Ja'Fari's ethnic mandate meets the requirements of Section 18 of the Code. The Regional Solicitor has reviewed and accepts this opinion.

Under the mandate, Ja'Fari Islamic Housing Corporation must restrict RGI tenancy to the Ja'Fari Islamic Community.

The housing provider has complied with all of the requirements of the Region.

OHR Somayach Residential Centre, Inc.

OHR Somayach Residential Centre, Inc. located at 601 Clarke Avenue, Thornhill, is a 125 unit apartment complex for singles, families and seniors. 93 units are for RGI households.

OHR Somayach Residential Centre, Inc. was built in the early 1990's and is occupied almost exclusively by persons who are Jewish. OHR Somayach Residential Centre, Inc. provides a continuum of quality services to members of the Jewish community. These are designed to serve the emotional, spiritual and social needs of the Jewish residents and to be integrated with the outside Jewish community. Some of these services include:

- The building contains a Sabbath elevator and the office is closed to observe the Sabbath.
- Jewish religious holidays are observed by the staff and residents. This includes the erection of a Sukkah each year in which residents take their meals, Hannukah decorations in common areas and a group Seder for Passover.
- Services are available to residents in Yiddish or Hebrew.
- The building has a library that maintains books dealing with Jewish culture and religion.
- The building contains non-shelter space which has been occupied for many years by a Daycare Centre catering to Jewish families.
- There is a synagogue very close to the OHR Somayach Residential Centre, Inc. and five other synagogues are within walking distance. There are also two Jewish private children's religious schools next door to the building and several others within walking distance. Many of the tenants are Orthodox Jews and as such, are required to walk to religious services or other activities on the Sabbath.
- OHR Somayach Residential Centre, Inc. has a referral arrangement with the Reena Foundation, a non-profit group which provides support services to persons with developmental disabilities. Reena's services include a Judaic program to ensure that their Jewish clients have a strong sense of belonging to the Jewish community.
- The building is also very close to a large shopping centre in which businesses cater to the needs of the Jewish community. This includes Kosher restaurants and stores selling Judaica.

The housing provider has completed the Agreement and Indemnity requested by the Region and has included a legal opinion from WeirFoulds LLP which states that OHR Somayach Residential Centre, Inc.'s ethnic mandate meets the requirements of Section 18 of the Code. The Regional Solicitor has reviewed and accepts this opinion.

Under the mandate, OHR Somayach Residential Centre, Inc. must restrict RGI tenancy to the Jewish Community.

The housing provider has complied with all of the requirements of the Region.

5. FINANCIAL IMPLICATIONS

There may be financial implications arising from this report should there be any litigation as a result of approving specific housing mandates. If the Region were to be a party to a human rights complaint and if such complaint resulted in a penalty, the Region could not rely on the housing provider's indemnification to avoid costs or other remedies ordered by the Tribunal. The indemnification applies solely to litigation matters.

6. LOCAL MUNICIPAL IMPACT

Allowing specific mandates will preserve the unique character of the housing projects and respect their historic relationship with their founding community.

7. CONCLUSION

The approval of specific mandates will allow housing providers to address the distinctive needs of applicants and tenants from their particular community, which has made significant contributions to the organization as well as to the greater community.

For more information on this report, please contact Sylvia Patterson, General Manager, Housing and Long Term Care at Ext. 2093.

The Senior Management Group has reviewed this report.

Recommended by:

Approved for Submission:

Sylvia Patterson
General Manager of Housing and Long
Term Care

Bruce Macgregor
Chief Administrative Officer

January 11, 2010

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