

Court File No. CV-22-00683263-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**CITY OF TORONTO and WILLIAM JOHNSTON,
CHIEF BUILDING OFFICIAL for CITY OF TORONTO**

Applicants

- and -

TORONTO COMMUNITY HOUSING CORPORATION

Respondent

SUPPLEMENTARY AFFIDAVIT OF RICHARD GROTSCH

I, **RICHARD GROTSCH**, of Georgian Township, in the Province of Ontario, **MAKE**

OATH AND SAY:

1. I am Senior Director, Business Operations, for the Respondent, Toronto Community Housing Corporation (“**TCHC**”). I am also the Incident Commander for the Swansea Mews incident. As such, I have knowledge of the matters to which I depose. Where my knowledge is based on information from another source, I have stated the source of that information.

Current Circumstances at Swansea Mews

2. Since the May 27, 2022 incident (the “**Incident**”) referenced in my affidavit sworn on June 30, 2022, TCHC has worked to voluntarily evacuate the entire Swansea Mews community to temporary emergency accommodations with the goal of permanently relocating households while TCHC undertakes the required repairs to the complex.

3. I verily believe that due to the fact that TCHC cannot legally prohibit Swansea Mews tenants from accessing their units, even if they have moved offsite, tenants continue to have unfettered access to the unsafe buildings referenced in my Affidavit sworn June 30, 2022.

4. As of 3:00 p.m. on June 29, 2022, TCHC's records indicated that there were 21 households still living at Swansea Mews. Attached as **Exhibit "A"** to this affidavit is TCHC's Emergency Operations Command ("**EOC**") Tracking Sheet showing the only units that TCHC believed were occupied and a Tracking Map showing which units were occupied and which were vacant.

5. I am advised by David Quigley, Staff Sergeant and Manager of Community Programs, Community Safety Unit ("**CSU**"), at TCHC that on the evening of June 30, 2022, Special Constables from the CSU knocked on all unit doors at Swansea Mews in order to effect service of TCHC's Responding Record in this proceeding. I am advised that the door knocking, as evidenced by the affidavits of service submitted by TCHC, revealed that there were at least six additional occupied units that TCHC believed to be vacant as the tenants had moved to temporary accommodations.

6. As of 5:00 p.m. on July 2, 2022, TCHC's records indicated that there were 24 households still occupying units at Swansea Mews. Attached as **Exhibit "B"** is a Tracking Map showing which units TCHC believed were occupied and vacant.

7. As evidenced from the differences in vacated unit counts referenced above, I verily believe that tenants continue to access their units at Swansea Mews, on a random and disorganized basis, despite the orders from the Chief Building Officer ("**CBO**"); despite the risks identified and communicated to them both by the CBO and TCHC and in the absence of notice to or knowledge of either TCHC or the CBO.

8. I verily believe that absent an eviction order from the Landlord and Tenant Board or the tenants executing an N11 – Agreement to End the Tenancy, TCHC cannot change the locks on the rental units.

9. In an effort to protect the health and safety of the tenants affected by the CBO orders and to facilitate compliance with the CBO's orders, on July 3, 2022, TCHC will post a notice on the unit doors advising all Swansea Mews tenants that, effective July 4, 2022, it would implement a Unit Escort and Seal Procedure, to ensure a safe and controlled mechanism for access to allow for packing and moving. This procedure provides that TCHC will affix a breakable seal to all unoccupied units so that it can determine if a tenant or any other person has entered the unit. TCHC will also post a vacant unit notice on the door reiterating that the unit is vacated under the emergency orders of the CBO and that the unit has been sealed to prevent anyone from entering without TCHC's knowledge or permission. The procedure and notices to tenants are attached as **Exhibit "C"** to this Affidavit.

10. I make this affidavit in support of TCHC's request for controlled and metered access to the Swansea Mews units while the CBO's orders are in effect and for no other or improper purpose.

AFFIRMED before me remotely by
Richard Grotzsch of the Georgian Township
in the Province of Ontario at the Town of
Gravenhurst on July 3, 2022, in accordance
with O. Reg. 431/20, Administering Oath or
Declaration Remotely



Alana Abells
Commissioner for Taking Affidavits



RICHARD GROTSCH

THIS IS EXHIBIT "A"
TO THE SUPPLEMENTARY AFFIDAVIT OF RICHARD GROTSCH
SWORN Remotely by Alana Abells
at the Town of Gravenhurst, in the Province of Ontario
before me on July 3, 2022,
in accordance With O. Reg. 431/20.
Administering Oath or Declaration Remotely.



ALANA ABELLS
Commissioner for Taking Affidavits.

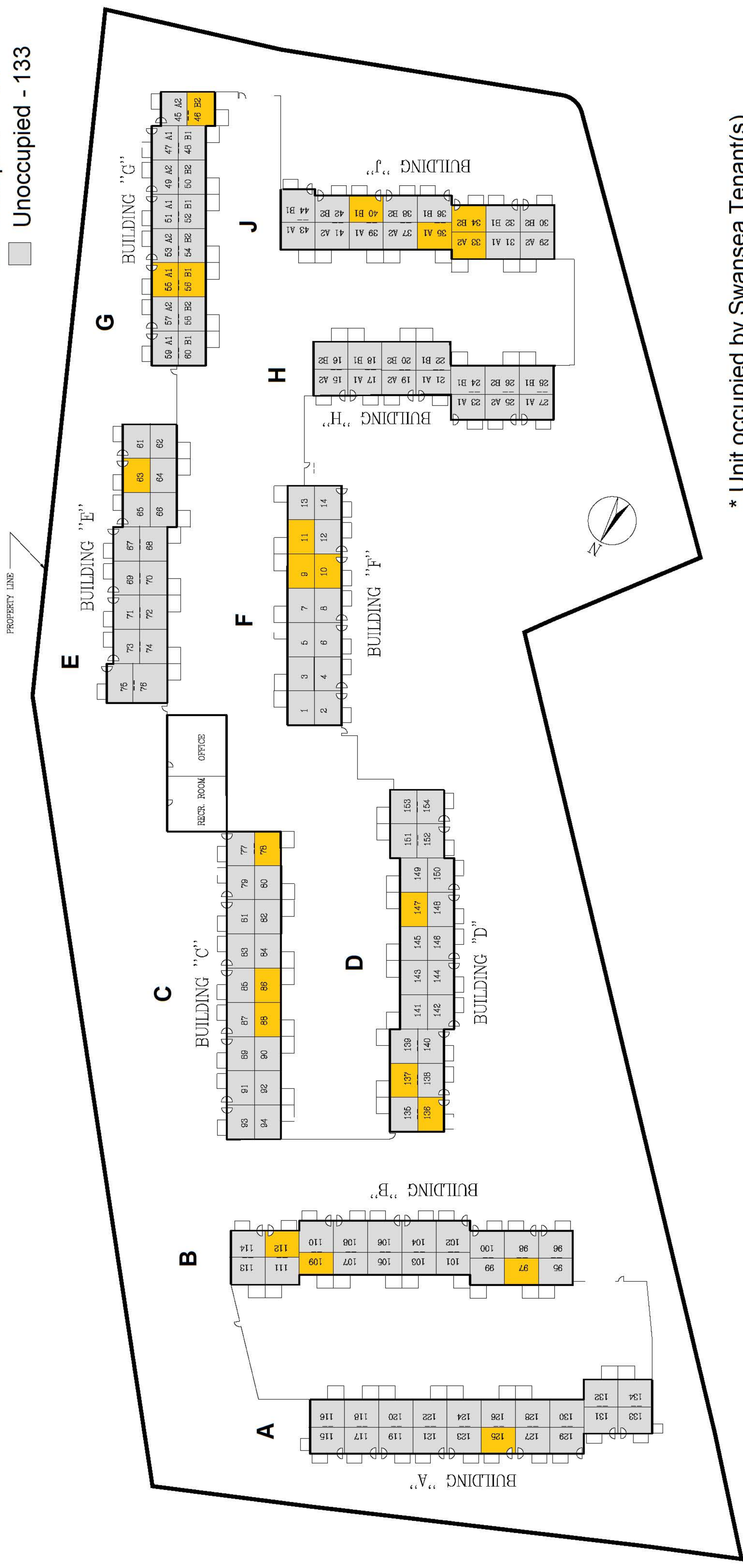
Swansea - occupied units as of June 29 at 15:00

Block	Unit	Level	Leaseholder Name
F	9	L1/L2	REDACTED
F	10	L3/L4	REDACTED
F	11	L1/L2	REDACTED
J	33	L1/L2	REDACTED
J	34	L3/L4	REDACTED
J	35	L1/L2	REDACTED
J	40	L3/L4	REDACTED
G	46	L3/L4	REDACTED
G	55	L1/L2	REDACTED
G	56	L3/L4	REDACTED
E	63	L1/L2	REDACTED
C	78	L3/L4	REDACTED
C	86	L3/L4	REDACTED
C	88	L3/L4	REDACTED
B	97	L1/L2	REDACTED
B	109	L1/L2	REDACTED
B	112	L3/L4	REDACTED
A	125	L1/L2	REDACTED
D	136	L3/L4	REDACTED
D	137	L1/L2	REDACTED
D	147	L1/L2	REDACTED

*Note unit 101 is in use as a staff Hub and is not reflected in this list.

Swansea - Unit Status as of June 29 at 15:00 (154 Total Units)

- Occupied* - 21
- Unoccupied - 133



* Unit occupied by Swansea Tenant(s)

THIS IS EXHIBIT "B"

TO THE SUPPLEMENTARY AFFIDAVIT OF RICHARD GROTSCH

SWORN Remotely by Alana Abells

at the Town of Gravenhurst, in the Province of Ontario

before me on July 3, 2022,

in accordance With O. Reg. 431/20.

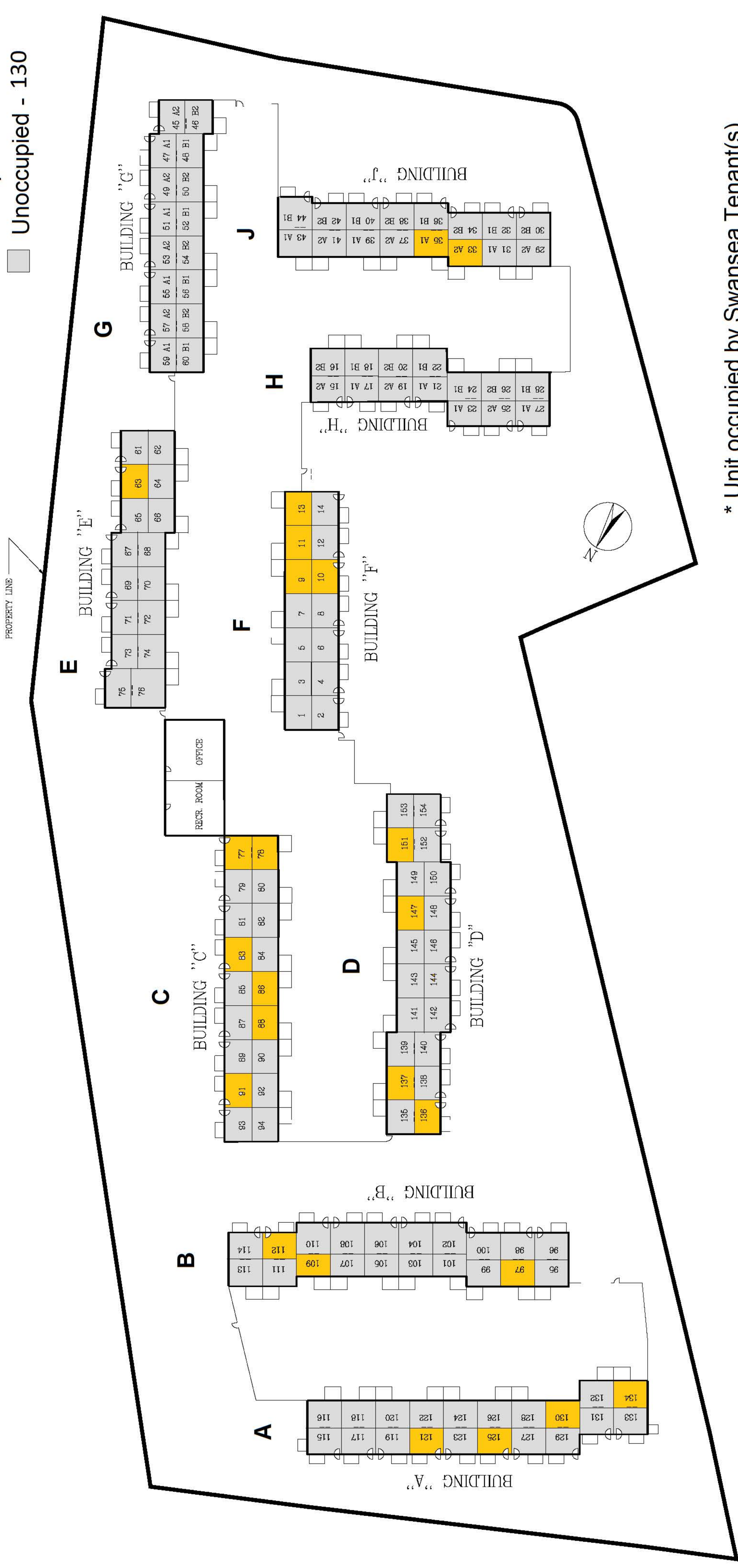
Administering Oath or Declaration Remotely.



ALANA ABELLS
Commissioner for Taking Affidavits.

Swansea - Unit Status as of July 2 at 17:00 (154 Total Units)

- Occupied* - 24
- Unoccupied - 130



* Unit occupied by Swansea Tenant(s)

THIS IS EXHIBIT "C"
TO THE SUPPLEMENTARY AFFIDAVIT OF RICHARD GROTSCH
SWORN Remotely by Alana Abells
at the Town of Gravenhurst, in the Province of Ontario
before me on July 3, 2022,
in accordance With O. Reg. 431/20.
Administering Oath or Declaration Remotely.



ALANA ABELLS
Commissioner for Taking Affidavits.

Important notice to Swansea Mews tenants

DO NOT RE-ENTER YOUR VACATED UNIT

The Chief Building Official has determined that your unit is not safe and you must not currently live there.

For your safety and security, access control seals will be installed on the doors of all vacated units effective **Monday, July 4, 2022**.

If you have vacated your unit and you need to re-enter your unit to retrieve belongings or to pack, you are entering at your own risk and must contact TCHC staff who will arrange for you to be escorted during the visit in order to ensure that you remain safe when in your unit.

To request entry to your unit, you must talk to TCHC staff between 8 a.m. and 4 p.m. You will be issued safety equipment to wear while in your unit. TCHC will reseal the unit after you leave.

Failure to follow this procedure may affect the emergency assistance including the per diems that your household is receiving.

Questions? Talk to site staff or call **416-945-0900** or email swansea.mews@torontohousing.ca.



Call **416-981-5500** to request this notice in alternate language or format.

VACATED UNIT DO NOT ENTER

THIS UNIT HAS BEEN VACATED UNDER THE EMERGENCY ORDER ISSUED BY THE CITY OF TORONTO'S CHIEF BUILDING OFFICIAL.

THIS UNIT HAS BEEN SEALED TO PREVENT ANYONE FROM ENTERING WITHOUT THE PERMISSION OR KNOWLEDGE OF TCHC.

In the event of a fire or other emergency, TCHC needs to know which units are vacant. Failure to notify TCHC of entry into your unit puts you and your family at risk. Re-occupancy of this unit is a breach of the Chief Building Official's order. Entry into the unit without permission may also result in the loss of emergency assistance.

Questions? Talk to site staff or call **416-945-0900** or email swansea.mews@torontohousing.ca.



Call **416-981-5500** to request this notice in alternate language or format.



Swansea Mews Unit Escort and Seal Procedure

Procedure Owner:	Swansea Mews Emergency Operations Centre
Approval:	Swansea Mews Steering Committee/ELT
First Approved:	July 1, 2022
Effective Date:	July 3, 2022

Purpose

On May 27th, 2022 a structural failure occurred in the Swansea Mews community resulting in injuries to a tenant. Subsequent destructive testing found that the structural issues that resulted in the original incident existed throughout Swansea Mews. Based on this engineering report, the City of Toronto's Chief Building Officer issued an order deeming all residential units in the Swansea Mews community unsafe for habitation.

Since the original failure, Toronto Community Housing has worked to voluntarily evacuate the entire community, however, tenants continue to access their units at Swansea Mews despite the orders and the risks identified and communicated to them. The Swansea Mews Unit Escort and Seal Procedure has been created to ensure and promote the health, safety and well-being of Toronto Community Housing's tenants who have been affected by the City of Toronto Chief Building Officer's orders to vacate Swansea Mews.

The purpose of this procedure is to provide a safe and controlled mechanism for access to allow for packing and moving but also ensuring tenants' compliance with the Chief Building Officer's orders.

This procedure was created to ensure that an organized and monitored process is in place for displaced Swansea Mews tenants to access their units and belongings until they are permanently relocated and all of their items are removed from their unit.



Scope

This procedure will govern all staff, contractors, vendors and third parties working in the Swansea Mews Level 3 emergency as well as all tenants and occupants of Swansea Mews units.

Definitions

Leaseholder: a person whose name appears on the lease between Toronto Community Housing and the tenant(s).

Contract Security Staff: refers to all security guards employed by Allied Universal Security whose services are contracted by Toronto Community Housing.

Access Tracking Seal: a seal placed on the unit door and door frame which cannot be reattached once broken, used to determine if persons are or have been inside the unit without Toronto Community Housing's knowledge. Access Tracking Seals do not prevent access to a unit, but are used to determine if persons are or have been inside the unit.

Personal Protective Equipment: clothing and equipment that is worn or used in order to provide protection against hazardous substances or environments.

Procedure Details

A. Operating Procedure/Process

Toronto Community Housing Leaseholders:

1. If a Leaseholder wishes to access their unit to obtain personal belongings they must notify Toronto Community Housing staff on scene during the prescribed unit access time periods of Monday to Sunday from 08:00 to 16:00. In emergency situations access can be authorized by the Incident Commander or designate.
2. Leaseholders will attend the Swansea Mews Emergency Operations Centre and request to speak with a staff member.
3. The Leaseholder will advise the staff member they wish to access their unit to obtain personal belongings.



4. Leaseholders will be provided with Personal Protective Equipment (“PPE”) to mitigate risk.
5. Leaseholders will be escorted to the unit.
6. Leaseholders will enter the unit and obtain personal belongings.
7. Leaseholders will ensure they do not touch or move construction shoring placed inside units, which could result in additional structural failures placing themselves, staff and emergency responders at risk
8. Leaseholders will exit the unit within one (1) hour of entering to limit potential risks to personal safety.

Toronto Community Housing Staff:

1. Upon receiving a Leaseholder’s request to access their unit, staff shall document the following information:
 - Number of persons entering unit;
 - Names of persons entering unit;
 - Reason for entering the unit; and
 - Approximate time frame the Leaseholder will be in the unit.
2. Staff will then provide the Leaseholder and any other persons entering the unit with PPE.
3. Staff will explain all safety issues and risks to the persons accessing the unit and the obligation for the persons entering the unit to exit the unit as soon as possible and that persons must exist the unit within an hour of entering.
4. Staff will facilitate a key holder escort with the on-site contract security service staff.
5. Upon completion of unit access, staff will ensure that the unit has been secured and an Access Tracking Seal has been placed on the door and door frame.
6. Staff will document the time that Contract Security secured the unit.
7. If an Access Tracking Seal is found to be compromised, by any staff members, contractor or vendor, a wellness check will be conducted for the purpose of ensuring the safety of any potential occupants (see Compromised Access Tracking Seal section).
8. If during a wellness check, persons are found to be inside the unit staff will ensure that the risks associated with remaining in the unit are clearly explained as well as the potential loss of per-diems.

**Contract Security Staff:**

1. Upon receiving a request to provide a Leaseholder escort, Contract Security Staff shall document the request in their memorandum books.
2. Contract Security Staff shall accompany the Leaseholder to the unit and verify that the Access Tracking Seal has not been broken.
3. Contract Security Staff will allow the Leaseholder access to the unit.
4. Contract Security staff will monitor from outside the unit until access is complete.
5. Contract Security Staff will then ensure the unit is secure and place a dated Access Tracking Seal on the door and door frame.
6. Contract Security Staff will return to the Emergency Operations Centre and advise TCHC staff that the unit has been secured.
7. Contract Security Staff will check all Access Tracking Seals on the property twice during their scheduled shifts and will notify Toronto Community Housing staff if any seals are found to be broken.

Toronto Community Housing Vendors and Third Parties:

1. If a vendor or other third party is required to enter a unit, the vendor or third party will attend the Swansea Mews Emergency Operations Centre and request to speak with a staff member in order to ensure that the requisite notice of entry was provided and entry to the unit is allowed.
2. The vendor or third party will be escorted to the unit.
3. The vendor or third party will complete the work in the unit and then contact Contract Security Staff to ensure that the tracking seal is secured upon exiting the unit.
4. The vendor or third party will advise a Toronto Community Housing Staff member that they are leaving the site.

Compromised Access Tracking Seals:

1. If a staff member, contractor or vendor locates a unit with a compromised or damaged seal they shall immediately notify the Emergency Operations Centre.



2. Toronto Community Housing staff will review Localized Workplace Violence records and determine if there are any safety concerns to staff.
3. Toronto Community Housing staff and Contract Security staff will attend the unit and make contact with occupants and educate them on the safety risks associated with remaining in the unit.
4. Toronto Community Housing staff will advise the occupants that occupying the unit may result in loss of per-diems.
5. If the occupants refuse to vacate the unit, Toronto Community Housing staff will update command staff and document the incident thoroughly.
6. If the occupants agree to vacate the unit, Toronto Community Housing staff will ensure that the unit doors are locked and a new Access Tracking Seal is placed on the door and door frame.
7. If no one is found inside the unit, Toronto Community Housing staff will document the findings and follow-up with the leaseholder to determine the reasoning for entry and provide education of this procedure.

Compliance

If Leaseholders are found to be occupying their unit while also collecting per-diems and other emergency assistance they shall be educated on the safety concerns and risks associated with occupying the unit and cautioned that they will lose the ability to receive emergency assistance for continued breaches of this procedure.

Toronto Community Housing will address any breach by Vendors whose staff fail comply with this Procedure in accordance with the contract that governs their performance.



Commencement and Review

Revision	Date	Description of changes	Approval
First approval:	[Month/year]	New	[highest level of approval]
[Revision #]		[List change as major or minor and describe nature of change]	
Last review:			

Use the table above to list ALL versions of the procedure, when the reviews were completed, what level of approval was sought, and the nature of the change. Add additional rows as needed. Consult the policy framework for details.

Next Scheduled Review Date is [Month/Year] – according to policy review schedule – minimum every two years.

CITY OF TORONTO *et al.*
Applicants

**TORONTO COMMUNITY
HOUSING CORPORATION**
Respondent

and

Court File No: CV-22-00683263-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at **TORONTO**

**SUPPLEMENTARY AFFIDAVIT OF
RICHARD GROTSCH
AFFIRMED JULY 3, 2022**

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