



Tenant Guide: Interim Tenant Human Rights Complaint Procedure

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Definitions

1. “**Acknowledgment Letter**” means the Tenant Human Rights Complaint acknowledgment letter.
2. “**Centre**” means Toronto Community Housing’s (TCHC) Centre for Advancing the Interests of Black People.
3. “**Human Rights Code**” means the Ontario *Human Rights Code*, RSO 1990 c. H.19.
4. “**Complaint**” means a complaint a Tenant makes when the Tenant believes:
 - they have been discriminated against or harassed based on one of the protected grounds under the *Human Rights Code*; or
 - TCHC has applied a policy or procedure to the Tenant in a way that is not in agreement with the *Human Rights Code*; or
 - TCHC has failed to accommodate their needs related to one of the protected grounds under the *Human Rights Code*; or
 - they have been mistreated by TCHC because they filed a Complaint under this Procedure or otherwise tried to assert their rights under the *Human Rights Code*.
5. “**Complaint form**” means a Tenant Human Rights Complaint form.
6. “**Decision Letter**” means the Tenant Human Rights Complaint decision letter.
7. “**GM**” means the General Manager for the region in which the tenant lives.
8. “**MTM**” means the Manager, Tenancy Management, for the region in which the tenant lives.
9. “**Procedure**” means the Interim Tenant Human Rights Complaint procedure.
10. “**Reconsideration Decision Letter**” means the Tenant Human Rights Complaint reconsideration decision letter.



11. **“Reconsideration Request Form”** means the Tenant Human Rights Complaint reconsideration request form.
12. **“STM”** means the Supervisor, Tenancy Management, for the building in which the tenant lives.
13. **“TCHC”** means Toronto Community Housing Corporation.
14. **“Tenant”** means a person who has signed the lease for a given unit with TCHC and, for the purposes of this procedure, an authorized occupant of the unit. “Tenant” does not include individuals who are present in a unit as guests of a tenant.

Background

In January 2022, TCHC began a project to review and improve the way that it deals with Tenant complaints related to human rights. The project charter was approved in October 2022. By taking on this review TCHC aims to create a fairer process that is better understood by both TCHC staff and Tenants, when responding to TCHC Tenant complaints related to human rights. This is meant to avoid uneven and confusing responses to human rights complaints and support a process that is clear and consistent. TCHC will do this by revising several of our policies and procedures, putting into place more supports and educational materials for tenants and staff to understand and use the human rights system (like this Tenant Guide) and giving training to staff.

In June 2023, the Ombudsman Toronto published the report *“An Investigation into Toronto Community Housing Corporation’s Tenant Human Rights Complaints Process”*. The Ombudsman’s report made recommendations about how TCHC could improve how we manage Tenant human rights complaints. Recommendations included putting into place many of the improvements TCHC had already planned as part of our larger human rights project. The Ombudsman also required TCHC to create an interim procedure to manage tenant human rights complaints while we finish our full review of our human rights system.



This tenant guide helps tenants understand how to use TCHC's new procedure.

Purpose and scope

The Procedure sets out a process that Tenants can use to make a complaint to TCHC that they have been treated in a way that is not in agreement with TCHC's obligations under the *Human Rights Code*. The Procedure is in place while TCHC reviews its Tenant human rights policies and procedures. Once that review is done, TCHC may make further changes to the Procedure. The Procedure creates a central intake and resolution system for all human rights complaints at TCHC. This Procedure applies to all TCHC Tenants.

The Procedure will be used when Tenants have a Complaint that relates to TCHC's obligations under the *Human Rights Code*. This Procedure does not replace TCHC's other policies and procedures related to the *Human Rights Code* including, but not limited to, the Transfer Policy. Tenants with Complaints that are not related to TCHC's obligations under the *Human Rights Code* should make those Complaints under TCHC's existing [Tenant Complaint Process \(torontohousing.ca/complaints\)](https://torontohousing.ca/complaints).

The Ontario *Human Rights Code*

The Ontario *Human Rights Code* protects Tenants from discrimination and harassment in various areas, including housing. The *Human Rights Code* is meant to ensure equal treatment and protection of people's rights regardless of the following personal characteristics, called "protected grounds":

- citizenship
- race
- place of origin



- ethnic origin
- colour
- ancestry
- disability
- age
- creed
- sex/pregnancy
- family status
- marital status
- sexual orientation
- gender identity
- gender expression
- receipt of public assistance

For more information about the application of this procedure, Tenants can refer to the [Interim Tenant Human Rights Complaint Procedure \(PDF\)](#). For more information about the ways in which the *Human Rights Code* applies to their tenancy, Tenants can visit the Ontario Human Rights Commission website ([OHRC.on.ca](#)), the Human Rights Legal Support Centre ([hrlsc.on.ca](#)) or speak to their local legal clinic ([legalaid.on.ca/legal-clinics/](#)).

What is a human rights Complaint?

A Tenant can submit a human rights Complaint when they think one of the following four things has happened:

TCHC has discriminated against or harassed them based on one of the protected grounds under the *Human Rights Code*.

This means TCHC or a TCHC staff member has treated a Tenant unequally, unfairly or treated them negatively because they identify with one of the protected grounds. It could also mean that TCHC has not done



enough to protect that Tenant from discrimination or harassment based on one of the protected grounds by another person at TCHC, like another Tenant or contractor.

Some examples are:

- A contractor will not enter a TCHC Tenant's unit because the contractor disagrees with the TCHC Tenant's religious beliefs.
- A TCHC staff member will not allow Tenants to plan a drag show in the Tenant common room because they say seeing people who have different gender identities or expressions is unsafe for the community.
- Another Tenant is calling a Black Tenant by a racial slur. The Tenant has reported this behaviour to TCHC, but TCHC has not taken reasonable steps to stop the harassment.

TCHC has applied a policy or procedure to the Tenant in a way that is not in agreement with the *Human Rights Code*.

The application of the neutral policy can sometimes result in a Tenant being treated unfairly because of a personal characteristic that is a protected ground. This is sometimes called “adverse effect” discrimination. Sometimes, TCHC must modify its rules for a person who has a specific need related to a protected ground when not doing so would be unfair.

An example of this type of discrimination is a policy that TCHC does not allow dogs in a Hub office. If TCHC refused to allow a Tenant with a visual impairment to bring their assistance dog to an appointment because of this policy, this would have an adverse effect on the Tenant because of their disability. It would cause harm to the tenant with a disability but not to a tenant without this disability. To refuse to change the policy for the Tenant with the disability would not meet TCHC's obligations under the *Human Rights Code*.



TCHC has failed to accommodate a Tenant’s needs related to one of the protected grounds under the *Human Rights Code*.

TCHC must accommodate Tenants who identify on a protected ground up to the point of “undue hardship.” This means TCHC may have to provide extra support, changes to a unit or residential complex, or apply one of its policies or procedures differently because a Tenant requires it on the basis of a protected ground.

To carry out this obligation, TCHC must meet both its “procedural” and “substantive” duties to accommodate.

The **procedural duty** to accommodate means that TCHC must follow a process to fully investigate a Tenant’s needs and decide what types of accommodations, if any, would be appropriate in the circumstances in a timely way. This may require meeting with the Tenant, gathering information from their doctor or other health professionals, assessing the Tenant’s unit, and more.

The **substantive duty** to accommodate requires TCHC to offer the Tenant reasonable accommodation based on their needs related to their protected group up to the point of undue hardship. TCHC does not need to provide the Tenant the exact accommodation the Tenant wants to meet its duty to accommodate. TCHC does need to offer the Tenant an accommodation that meets their legitimate needs.

TCHC needs to accommodate Tenants to the point of “undue hardship.” This means TCHC needs to provide an accommodation unless doing so would be a significant financial burden, create a health and safety risk or is against the law.

Some examples of a “failure to accommodate” complaint include:

- A Tenant requests that TCHC install an automatic door opener in their unit because they are having surgery in two months and will permanently need a walker afterwards. A TCHC staff member does



not read the medical information about this surgery. Instead, they see the Tenant walking to their car and denies their request on the basis they do not have any mobility issues. TCHC has not adequately investigated the accommodation request and therefore has not met its procedural duty to accommodate.

- A Tenant has recently been diagnosed with dementia and is having trouble making their monthly rent payments. The Tenant requests that their son be able to attend the Hub office to resolve the rent issue. The clerk refuses, stating they are only able to discuss the arrears directly with the Tenant. TCHC has failed in its substantive duty by not accommodating the Tenant's request that the son assist in paying the rent because of their age and disability.

Here is an example of an accommodation request that TCHC would not be able to meet because it imposes an undue hardship: a Tenant has requested that TCHC remove the smoke detectors from their unit because they have a sensory processing disorder that makes loud sounds intolerable to them. To leave the unit without any smoke and fire detection devices would create a safety risk to the Tenant and others in the building. To allow the accommodation would be an undue hardship on TCHC because of the safety risk. TCHC would have to work towards a different solution to attempt to accommodate the Tenant's needs.

TCHC has mistreated a Tenant because they filed a complaint under this procedure or otherwise tried to assert their rights under the *Human Rights Code*.

TCHC cannot inflict a penalty against Tenant or treat them negatively because they have filed a complaint under the Procedure or have asked TCHC to accommodate them or protect their rights under the *Human Rights Code*. This is called "reprisal."



An example of reprisal would be a situation where a Farsi-speaking Tenant complains that their Tenant Services Coordinator is not responding to their phone calls requesting to add their new spouse to the household. The Tenant says that their TSC does not like speaking to Tenants through an interpreter. The TSC then refuses to talk to the Tenant at all because of their complaint. The TSC would be treating the Tenant unfairly because of their complaint linked to factors relating to their culture, place of origin and/or ethnic origin.

What is not a human rights Complaint?

Only Complaints that relate to discrimination, harassment, or a failure to accommodate a tenant on the basis they identify by one of the protected grounds under the *Human Rights Code* are addressed by this procedure. That means that any other complaints about your TCHC tenancy that are not related to you identifying on a protected ground should be brought to TCHC's attention through the general [Tenant Complaint Policy \(torontohousing.ca/complaints\)](https://torontohousing.ca/complaints).

Whether a Complaint engages a Tenant's rights under the *Human Rights Code* and will be dealt with under this Procedure will depend on the individual circumstances of each case. However, a complaint about alleged unfairness alone does not engage the *Human Rights Code*. There must be some connection between the conduct or situation the Tenant is complaining about and a protected ground under the *Human Rights Code* for this Procedure to apply. Some examples of Complaints that generally would not be dealt with under the procedure are:

- A Tenant Services Coordinator does not respond to Tenant questions on the phone or through email in a timely manner.
- TCHC will not allow a Tenant to transfer to a townhouse so that they can have a backyard to sit outside after work.



- TCHC fixed a Tenant's leaking toilet, but they do not think the repair was done properly because the toilet started leaking again.

It is possible that even though you believe your complaint is a human rights Complaint, TCHC may disagree. We may direct your complaint to the general [Tenant Complaint Policy \(torontohousing.ca/complaints\)](https://torontohousing.ca/complaints) or another method for resolution, like working with staff at your unit. If this happens, TCHC will provide you a Decision Letter explaining why it made that decision and what it recommends you do next.

How to file a Complaint

To file a Complaint, a Tenant must fill out the Human Rights Complaint Form and submit it to TCHC:

- Through the website at torontohousing.ca/human-rights
- Via email to HumanRights@torontohousing.ca
- In writing and by submitting it to their Tenant Service Hub

Assistance with filing a Complaint

If a Tenant has issues completing the Complaint Form because of language issues, disability, family commitments or any other issue, they can seek assistance from a TCHC staff member. Staff members like Tenant Services Coordinators or Community Services Coordinator can help you submit the Complaint Form. Staff will not fill out the Complaint Form for you or tell you what to write in it but can help you understand where to access it, and where to send the Complaint Form once it is complete. Staff may also help tenants access translation or interpretation services to assist them in filling out the Complaint Form. Tenants should not request that a TCHC staff member assist them to fill out the Complaint Form when the Complaint is related to the conduct of that TCHC staff member.



What happens next?

After a Tenant has filed a Complaint, TCHC will send them an Acknowledgment Letter. This letter will contain an overview of the Complaint, the name(s) of the TCHC staff and others involved in investigating it, and an overview of the investigation process.

If TCHC determines a Complaint is unrelated to or cannot determine if it is related to human rights, the Acknowledgment Letter will state that it will not be further investigated under this Procedure, the reasons why and direct the Tenant to the proper method to resolve their Complaint.

The Acknowledgment Letter may say if TCHC needs more information or documentation from the tenant for TCHC to investigate the Complaint. If so, the Acknowledgment Letter will also include more details on what information is needed, and a deadline for the tenant to give it to TCHC.

When TCHC will not investigate a Complaint

In some cases, TCHC may decide that it will not investigate a Complaint. Additionally, it may stop an investigation. The circumstances in which TCHC will take this type of action, include:

- The Complaint is reported anonymously. Where Complaints are anonymous and without sufficient detail, TCHC will not investigate them. In exceptional circumstances, TCHC may assess an anonymous Complaint and, if appropriate, do an investigation.
- The Tenant submits the Complaint more than one year after the event or events that are the basis for the Complaint. If the Complaint is about an ongoing series of events, the Tenant may file a complaint up to one year after the last event.
- The complaint is trivial, frivolous, vexatious, is made in bad faith, is an abuse of process or, having regard to all the circumstances, further investigation of the matter is unnecessary.



- Trivial Complaints involve allegations that are of such a minor nature that proceeding with an investigation is not in the public interest.
- A frivolous Complaint contains allegations that, even if true, are not a breach of the *Human Rights Code*.
- A Complaint is vexatious when the Complaint has been the subject of a decision by an alternate complaint process that considered the human rights allegations, a reasonable offer to remedy the underlying issue was rejected by the Tenant and/or the Complaint was filed to annoy, embarrass or harass or is otherwise improperly motivated.
- Complaints are an abuse of process and made in bad faith when an adequate remedy already exists or the Tenant is engaging in improper action – fraud, deception, intentional misrepresentation or the complaint is filed out of malice, hostility, personal animosity or vindictiveness
- If the Tenant engages another complaint forum, including the Human Rights Tribunal of Ontario or the Landlord Tenant Board. As this Complaints procedure is a mechanism for alternative dispute resolution, an investigation may be terminated if this happens.
- If the Tenant has not exhausted other reasonably available avenues of resolution prior to making a Complaint under this policy. If this is the case, the Tenant may be required to exhaust these avenues before making a Complaint under this policy.
- Where a Complaint is against an employee of a TCHC contractor and the Complaint or incident is already being addressed by the contractor according to its internal harassment and discrimination dispute resolution processes that are consistent with this Procedure and provincial legislation.

How TCHC will investigate a Complaint

Once TCHC has determined that the Complaint is properly brought under this Procedure, it will begin investigating the Complaint. Part of the



investigation includes a review of the information the tenant included in the form, along with any documentation. The investigation may also include (but is not necessarily limited to):

- Requesting documentation from the Tenant, like information from their doctor or another health professional.
- Reviewing TCHC's internal records and talking to TCHC staff about the issues in the Complaint.
- Interviewing witnesses or those accused in the Complaint.
- Interviewing the Tenant on the phone, virtually or in person if necessary because of the tenant's circumstances.
- Consulting with the Centre on any anti-Black racism aspects of the Complaint.
- Reviewing laws and legal decisions that are relevant to the complaint.

The steps TCHC will take to investigate a Complaint will be determined by the circumstances of each case and may not include all of the above.

Centre involvement in Complaints involving anti-Black racism

The Centre is responsible for implementing the organization's [Confronting Anti-Black Racism Strategy](#). The Centre is a resource for staff and tenants to help them understand and address the impacts of anti-Black racism at TCHC.

If there are potential anti-Black racism elements to your Complaint, TCHC may consult with the Centre about a Complaint. We may do this to identify any issues related to anti-Black racism, unless the Tenant indicates that they do not wish for the Centre to be involved.

Receiving a decision

Once TCHC has completed its investigation, we will send the Tenant a Decision Letter. The Decision Letter will include:



- A description of the Complaint
- The steps TCHC took to investigate it, including who TCHC met with and when, if relevant
- The documentation TCHC reviewed, if any
- A description of any information TCHC requested from the Tenant but did not receive
- TCHC's decision on the Complaint and any steps it will take to resolve the Complaint
- Instructions for how the tenant can request a reconsideration of the decision

Once TCHC sends the Decision Letter to the Tenant, the investigation has ended. The complaint is considered resolved, subject to the reconsideration process described below.

Reconsideration requests

If you think that TCHC made a mistake in the investigation, a decision (including a decision not to investigate) or any proposed resolution of a Complaint, or if the Tenant has new information that is relevant to the Complaint, they may request a reconsideration of the matter. A TCHC Tenant can request reconsideration by filling out a Reconsideration Request form.

The Reconsideration Request form asks Tenants to explain why they disagree with a decision in the Complaint. The Tenant will also need to enclose any documentation that is relevant to the request that TCHC does not already have. The Reconsideration Request must be submitted within 30 days of receiving the Decision Letter, unless the Tenant was unable to submit it in that time:

- a) for reasons beyond their control; and/or
- b) because they need accommodation in submitting the form under a Human Rights Code protected ground.



Once TCHC makes a decision on the Reconsideration Request, we will issue a Reconsideration Decision letter. The Reconsideration Decision Letter will either advise the Tenant:

- that the Reconsideration Request does not meet the grounds for reconsideration and the reasons why; or
- if there are grounds for reconsideration, the method and outcome of TCHC's reconsideration review and any steps TCHC will take to resolve the issue.

These grounds are explained in detail below.

Grounds for Reconsideration

A Tenant cannot request a reconsideration just because they do not like the decision TCHC made or would have preferred a different outcome. TCHC will not accept and consider every Reconsideration Request. TCHC will only consider a Reconsideration Request when:

- the TCHC Tenant has new and relevant information that would have resulted in a different outcome; and/or
- TCHC made a serious error in procedural fairness or considering the facts relevant to the Complaint that affected the outcome of the Complaint.

a) The Tenant has new and relevant information.

If the Tenant has added new information they did not submit during the investigation that is relevant to the circumstances of the Complaint, they may request a reconsideration on that basis. The new information must be potentially capable of changing the outcome of the investigation.

For example, a Tenant made a Complaint about being harassed by a neighbour because of their gender identity. The Tenant was not able to provide evidence that the harassment occurred in the initial investigation; they could not remember any times, dates, or the exact language the neighbour used. After they receive the Decision Letter, they find a doorbell



camera video of the neighbour calling them a slur and submit it with a reconsideration request. TCHC would accept this reconsideration request on the basis it contains new and relevant information.

b) TCHC made a serious error in procedural fairness

An error in procedural fairness is an error by TCHC in the process that it followed to consider the Complaint. TCHC needs to follow a fair process to investigate and make decisions on Complaints to make sure that TCHC Tenants are treated fairly.

Some examples of a violation of procedural fairness are:

- Denying the Tenant the right to be heard by not allowing them to present the information they have that is relevant to the Complaint, or not considering that information when making a decision.
- Having a biased decision-maker. For example, allowing a TCHC Staff member who is the subject of a Complaint to investigate the Complaint;
- Giving inadequate information or notice about the investigation in a way that prevents the Tenant from fully participating. For example, asking a TCHC Tenant to provide a doctor's note, but only allowing them two days to submit it and advising that TCHC will not consider the note if it is not submitted by that deadline;
- Refusing to work with the Tenant's legal representative;
- Refusing to share evidence or information that is relevant to the resolution of the Complaint with the Tenant. In some cases, TCHC may need to protect a person's identity for their privacy. However, TCHC cannot withhold the information it is using to decide on the Complaint from the Tenant;
- Failing to adequately explain, in the Decision Letter(s), the information and evidence that TCHC used to decide the Complaint. Tenants must understand how the resolution is related to the evidence.



Reassigning complaints

In some cases, TCHC staff members on the investigation team are the subject of the Complaint or may otherwise be seen to be biased in investigating the Complaint. If so, TCHC will reassign the Complaint to a different staff member or an external investigator.

Confidentiality

All persons involved with a Complaint, including the Tenant making the Complaint, the person who the Complaint is about, support persons, witnesses, TCHC staff and investigators are expected to treat the matter as confidential.

Confidential information includes information about the existence of the Complaint or investigation itself, the contents of a Complaint or an investigation interview, identifying information about any individuals involved, the outcome of the investigation or Complaint, and/or the investigation report or Decision Letter.

All persons involved with a Complaint cannot ask individuals if they have participated in an investigation process, discuss any details about the Complaint or any investigation interviews. They also cannot advise anyone about the Complaint and/or investigation unless the disclosure is necessary for the purpose of managing the Complaint or is otherwise required by law.

Confidentiality Exceptions

The disclosure of information related to the Tenant who has submitted the Complaint or to the circumstances of the Complaint itself will not be considered a breach of confidentiality if it is disclosed in order to investigate and resolve the Complaint or as required by law.

Duration

From the time a Complaint is received, throughout the investigation, and following the release of a Decision Letter, if any, confidential information



related to the Complaint cannot be disclosed except in accordance with the exceptions above.

Additional Investigator obligations

Subject to the requirements of procedural fairness of the investigation/resolution process, the investigator will preserve confidentiality as much as possible, or as legally required or permitted.

TCHC is committed to protecting the confidentiality of Complaints received in accordance with this Procedure, investigations and related records. When a Tenant who has submitted a Complaint or has otherwise been involved in a Complaint engages another legal proceeding related to the subject matter of the Complaint (ex. Human Rights Tribunal Application), TCHC staff may be required to produce documents related to the Complaint in that process.

Where you can get help

Tenants may be able to get help from a lawyer or other legal support person to file a Complaint and during the Complaints process. Tenants can contact the [Human Rights Legal Support Centre \(hrlsc.on.ca\)](http://hrlsc.on.ca) or a [local legal clinic \(legalaid.on.ca/legal-clinics\)](http://legalaid.on.ca/legal-clinics) for legal help.

Human Rights Legal Support Centre

180 Dundas Street West, 8th Floor
Toronto, ON M7A 0A1

Tel: **416-597-4900**

Toll-free: **1-866-625-5179**

TTY: **416-597-4903**

TTY Toll Free: **1-866-612-8627**

Fax: **1-866-625-5180** or **416-597-4901**

hrlsc.on.ca/contact-hrlsc/



Legal Clinics

Kensington-Bellwoods Community Legal Services

489 College St., Suite 205

Toronto, ON M6G 1A5

416-924-4244

kbcls.org

Neighbourhood Legal Services

163 Queen St. E., Suite 101

Toronto, ON M5A 1S1

416-861-0677

nlstoronto.org

Don Valley Community Legal Services

1 Leaside Park Drive, Unit #1

Toronto, ON M4H 1R1

416-441-1764

donvalleylegal.ca

Scarborough Community Legal Services

695 Markham Rd., Unit 9

Toronto, ON M1H 2A5

416-438-7182

scarboroughcommunitylegal.ca

West Scarborough Community Legal Services

2425 Eglinton Ave. E., Suite 201

Toronto, ON M1K 5G8

416-285-4460

westscarboroughlegal.ca

Downsview Community Legal Services

540 Finch Ave. W.,

Toronto, ON M2R 1N7



416-635-8388

downsviewlegal.ca

Jane Finch Community Legal Services

1315 Finch Ave. W., Suite 409

Toronto, ON M3J 2G6

416-398-0677

janefinchcommunitylegalservices.ca

Satellite office:

20 Falstaff Ave.

Call **416-398-0677** to inquire (open on Thursdays; 9:30 a.m. to noon)

Rexdale Community Legal Clinic

Rexdale Community Hub

21 Panorama Court, Suite 24,

Toronto, ON M9V 4E3

416-741-5201

rexdalecommunitylegalclinic.ca

Willowdale Community Legal Services

245 Fairview Mall Dr., Suite 106

Toronto, ON M2J 4T1

416-492-2437

willowdalelegal.com

Parkdale Community Legal Services

Mailing address:

c/o Parkdale Community Health Centre

1299 Queen St. W.

Toronto, ON M6K 1L2

416-531-2411

parkdalelegal.org



South Etobicoke Community Legal Services

5353 Dundas St. W., Suite 210

Etobicoke, ON M9B 6H8

416-252-7218

southetobicokelegal.ca

Unison Health and Community Services

Keele-Rogers Site

1651 Keele St., M6M 3W2

416-653-5400 ext.1244

unisonhcs.org

West Toronto Community Legal Services

1032 Bloor St. W.

Toronto, ON M6H 1M2

416-531-7376

wtcls.org