

**Applicants' Questions regarding the City of Toronto's Progress Report dated June 1, 2020  
Pursuant to the terms of the Interim Settlement Agreement dated May 15, 2020**

- June 8, 2020 -

The terms "Physical Distancing Standards", "Shelter System," "Beds", and "Clients" are intended to refer to the defined terms as set out in the Interim Settlement dated May 15, 2020.

Reported Target Capacities for Shelter Sites

*As explained in our letter to the City dated June 4, 2020, in order to assess whether the City has met its obligation to use best efforts to meet the Physical Distancing Standards, the Applicants require further information about how the target capacity figures reported in the June 1 Progress Report have been determined.*

1. For each shelter site listed in the June 1 Progress Report, please advise of the source of information relied upon by the City to determine the reported target capacity of that site as of the effective date of May 31. For example, please advise if the source of information is the 74.3 square foot-based "proxy" calculation set out in the May 7 spreadsheets, or if it is information provided by a service provider, or if it is information determined by a QA visit, or if it is based on some other identified source.
2. For 7 shelter sites included in the June 1 Progress Report, target capacities were reported but no room dimensions were provided for these sites in the May 7 spreadsheets. These 7 shelter sites are: Fred Victor T2H Bedded Program (Jarvis); Junction Place; Na-Me-Res (Native Men's Residence); Salvation Army - New Hope Leslieville; Scarborough Village Residence; Sojourn House (Mixed Adult Program); YWCA - 348 Davenport Rd. Paragraph 5(a) of the Interim Agreement obliges the City to provide "layout and physical measurements for each site... where that information is maintained and is readily available to the City with respect to that site". For each of these 7 shelter sites, please provide layout and physical measurements, or please confirm that such information is not maintained and readily available to the City in respect of that site.
  1. Answer – We have advised you of which target capacities changed from the previous reports and the basis for the change (shelter provider or QA). As previously advised, it is the City's position that the request for us to report on such information prior to the first progress report is not required by the terms of the Interim Settlement Agreement as it does not arise from the Progress Report, and is disproportionate to the matters at issue. In any event, our client indicates that such information was not maintained for the period prior to May 19, 2020.
  2. Answer – We do not have layout or physical measurements for these sites.

### Reported Target Capacities for 24-Hour Respite Sites

*As explained in our letter to the City dated June 4, 2020, in order to assess whether the City has met its obligation to use best efforts to meet the Physical Distancing Standards, the Applicants require further information about how the target capacity figures reported in the June 1 Progress Report have been determined.*

3. For each 24-hour respite site listed in the June 1 Progress Report, please advise of the source of information relied upon by the City to determine the reported target capacity of that site as of the effective date of May 31. For example, please advise if the source of information is the 74.3 square foot-based “proxy” calculation set out in the May 7 spreadsheets, or if it is information provided by a service provider, or if it is information determined by a QA visit, or if it is based on some other identified source.
3. Answer: As we have previously advised, the target capacities at 1A Strachan Ave., 351 Lakeshore Blvd. E. and 25 Augusta Ave. were based on a site visit to one of these facilities and the remainder were based on information provided by the service providers. We confirm that we do not have the layout and physical measurements for these sites.

### Service Provider Verification Survey

*We are aware that the instructions sent to service providers as part of the service provider verification survey expressly referenced the “at least 2.0m (6.0ft)” language from Directive 2020-01. The survey letter instructions state: “In the interim, SSHA is requesting that you measure your existing space and confirm your compliance with the directive’s requirements to maintain a lateral separation of at least 2.0 m. (6.0 ft.) edge to edge between beds.” The survey requested that shelter providers confirm that “at the capacity level identified above, this shelter site is in compliance with Directive 2020-01, which requires a minimum of 2.0 meters **or 6.0 feet** of lateral separation between beds, measured from edge to edge” (emphasis added) or “at the proposed revised capacity of \_\_\_\_\_, this shelter site is in compliance with Directive 2020-01, which requires a minimum of 2.0 meters **or 6.0 feet** of lateral separation between beds, measured from edge to edge” (emphasis added).*

*The inclusion of a reference to 6.0 ft in the instructions for the service provider verification survey undermines the validity of this verification exercise. The Physical Distancing Standards set under the Interim Settlement Agreement require lateral separation of 2.0 m between beds. It is the Applicants’ position that this endorsement and dissemination of a spacing measure that differs materially from the Physical Distancing Standards set under the Interim Settlement Agreement is not consistent with the City’s best-efforts obligations under the Interim Settlement Agreement.*

4. Please identify all sites for which the target capacity reported in the June 1 Progress Report is based on information supplied by the service provider in response to the service provider verification survey.

5. For each of the sites identified in response to question 4 above, please advise what steps have been or will be taken by the City to verify that the target capacity employed at that site can actually be implemented in a manner that complies with the Physical Distancing Standards set under the Interim Settlement Agreement (i.e., 2 metres), so as to satisfy the City's best-efforts obligations under the Interim Settlement Agreement.

4 -5: Answer: Questions about the verification process are not questions that arise from the Progress Reports and this information is not required pursuant to the terms of the Interim Agreement. Despite this, we have previously advised you that the QA team is verifying that each site meets physical distancing through site visits or by confirming with the service provider that their survey results were based upon measurements of 2m lateral spacing between beds/mats/cots.

### QA Team Site Visits

*The Applicants remain concerned that past SSHA quality assurance processes (QA site visits) have not proceeded in all cases on the basis of measurements of 2.0 m lateral separation between beds, in all directions. We note that the City has indicated that the QA site visits began in early April, that is many weeks before the Physical Distancing Standard of 2.0 m set out in the Interim Settlement Agreement was finalized or became binding. In addition, subsequent to the conclusion of the Interim Settlement Agreement, in various official statements, the City has continued to direct, erroneously, that 6.0 ft of lateral spacing between beds would suffice: see, for example, Directive 2020-01, the SSHA instructions in the service provider verification survey, and the City's press release dated June 1, 2020 entitled "City of Toronto and United Way Greater Toronto partner to create COVID-19 Shelter Interim Recovery Strategy" (which included the statement "Work done so far includes... achieving 100 per cent **physical distancing of six feet** between beds in 7,000 existing shelter spaces plus all 31 new temporary response sites soon" (emphasis added)).*

6. Please provide a copy of the instructions supplied to the QA team regarding the methodology to be employed in the site visits in respect of the verification of physical distancing. In the event that these instructions have been modified at any point since March 16, 2020, please provide a copy of all versions of the instructions.
7. Please identify all sites for which the target capacity reported in the June 1 Progress Report has been verified by way of a QA team site visit.
8. For each of the sites identified in response to question 6 above, please advise of the date(s) when the site visit relied upon for the purposes of the June 1 Progress Report occurred.
9. Please identify any sites that been visited by the QA team since March 16, 2020, and in respect of which the target capacity reported in the June 1 Progress Report differs from the target capacity identified for that site by the QA team. In respect of any such sites, please advise of the date(s) when the QA site visit(s) occurred, and please explain the

reasons for the divergence between the target capacity reported in the June 1 Progress Report and the target capacity identified for that site by the QA team.

6 – 9: Answer: See answer to questions 4 and 5 above.

### “Additional space” within Sites

*The City has referred to shelter sites making available “additional space” beyond the sleeping areas that were included in the spreadsheets provided by the City on May 7, 2020. For instance, in the City’s response to the Applicants’ questions regarding the May 25, 2020 Progress Report, the City said “the original target capacities were based upon the floor space of the existing sleeping areas and did not account for additional space that may be made available by the service provider.” In response to specific questions about COTI Reception Ctr CITY Program, Dixon Hall School House, Youthlink and Streethaven, the City said “Additional space was made available by the service provider.”*

10. Please identify all shelter sites that, to the knowledge of the City, have made available “additional space” beyond the sleeping areas that were identified in the spreadsheets provided by the City on May 7, 2020.
11. For each shelter site identified in response to question 10 above, please provide a description of this “additional space”, including the layout and physical measurements of this additional space if that information is maintained and is readily available to the City.
12. For each shelter site identified in response to question 10, please advise how many beds were moved by the shelter provider from the pre-existing sleeping spaces into the new “additional space”.

10 - 12. Answer See answer to question 4 and 5 above.

### Seaton House

*In the initial capacity assessments disclosed in the May 7, 2020 spreadsheets, the City provided capacity levels and sleeping room information for four separate Seaton House sites:*

- *Seaton House - Annex*
- *Seaton House - Hostel*
- *Seaton House - LT*
- *Seaton House - O'Neill*

*However, in its Progress Reports, including the June 1, 2020 Progress Report, the City has provided a single capacity and occupancy number for all Seaton House programs. Among other things, this makes it impossible to meaningfully assess the sufficiency of the bed reductions as against the City’s initial determinations based on the 74.3 square feet measure.*

13. In respect of the June 1 Progress Report, please break down the target capacity and occupancy figures for Seaton House based on the four programs at this site: Annex, Hostel, LT and O'Neill. For future Progress Reports, please continue to report the target capacity and occupancy of Seaton House broken down according to these four programs.
13. Answer –As clients have been moved to different locations, the programs have changed and are not functioning in the same way anymore. Once the verification process is complete, we may be able to provide more detail on the new program configurations.

### Sojourn House

*Sojourn House has two separate programs listed in the June 1, 2020 Progress Report: the Sojourn House Refugee Family Grange program for refugee families and the Sojourn House program for single adult refugees (mixed adult shelter). The June 1, 2020 Progress Report does not provide target capacity information for the Sojourn House mixed adult program.*

14. Please provide the target capacity figure for the Sojourn House mixed adult program. Please also advise of the source of information relied upon by the City to determine the reported target capacity of the Sojourn House mixed adult program as of the effective date of May 31.
14. Answer: The Sojourn House program at 101 Ontario St had an overall capacity of 170 beds prior to COVID-19 that have historically been reported as one program in SMIS as part of the family shelter sector. This program does provide services to single refugees as well – with a confirmed target capacity for singles of 42 at the building at 101 Ontario St and a capacity of 18 for singles at a neighbouring satellite building. This is in addition to the capacity for families. The updated program capacity for singles with physical distancing of 2m has been confirmed by QA site visit.

### Explanations concerning Delays in Achieving Plans as Described in June 1 Progress Report

*Horizons for Youth and Youth without Shelter are two youth shelter sites that continue to be noncompliant with Physical Distancing Standards. For both sites, the anticipated date of compliance provided in the June 1, 2020 Progress Report is TBD.*

15. With respect to Horizons for Youth and Youth without Shelter, please advise whether consideration has been given to relocating some clients to the hotel where youth from Covenant House, Eva's Place and Turning Point Youth have been moved successfully. Please explain why this option has not been considered and/or why it has not been implemented.
15. Answer – Spaces in other locations serviced by other providers were considered. It was the view of the service provider, based on their expertise and knowledge of their clients' individual needs, that moving youth from this program to an unfamiliar program away from their home shelter community would be unsafe and posed a significant risk that those youths would choose to leave the shelter system. It was safer for these youth to remain in their home shelter community with familiar supports. When an opportunity

arose to move a group of youth from this program to another program with a similar level of supports, thereby maintaining a sufficient level of familiarity and community for them, 6 youth were moved as a group to a different program.