



We speak up for fairness

Northwest Territories Ombud

A SHORTFALL IN C.A.R.E.

FAIRNESS IN HOMEOWNER ASSISTANCE PROGRAMS

Special Report 01-2021

From the Ombud

It is often the case in public service that the capacity to meet client needs is limited by lack of money. More people apply to a program than its budget can accommodate. Certain items and services are left out of program criteria, even though there is a genuine need, because it would not be affordable to include them. A service people rely on is cut so that an even more critical service can continue.



However, shortfalls are not always about money. Sometimes needs go unmet because of problems in the way a service is delivered. For example, there may be poor communication between staff and clients, within work groups, or between different areas of an organization. Conflicts can get in the way of client service, and staff may not have the skills or confidence to resolve them. Staff may be unsure of roles and responsibilities and how much freedom they have to use their own judgment in challenging situations. They may need more guidance, more information, more training and/or more support with heavy workloads.

It is important to recognize that these problems are not the fault of individual staff but represent shortfalls in the system as a whole.

The complaint that led to this report shows how things can go wrong when an organization fails to support its staff to provide people-centred services. Ms. Macdonald was an NWT Housing Corporation (NWT HC) client who had financed her home through an NWT HC mortgage. Her home needed repairs for her safety, and those repairs were within the criteria for NWT HC's homeowner assistance programs. However, NWT HC did not give Ms. Macdonald enough help to complete her application, did not do enough follow-up, and did not communicate well enough with her, which led to repeated delays. As a result, the repairs never happened.

Ms. Macdonald's heirs were then subjected to costly litigation because the NWT HC had failed to register the mortgage and, by refusing to provide the estate with requested information, caused unnecessary delay in reaching a settlement.

The report includes recommendations for registration of any outstanding mortgages, an apology, training, a review of staffing levels, and development and implementation of service delivery standards. My hope is that they will help foster a culture of fair and people-centred service, and prevent future clients and families from having similar experiences.

It is a positive signal that the NWT HC has agreed to all of the recommendations and has committed to making improvements. We will provide an update on the NWT HC's progress in a future report.

A handwritten signature in blue ink, appearing to read 'Colette Langlois', written over a light blue horizontal line.

Colette Langlois
Ombud

June 2021

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Introduction

This investigation came about as the result of a complaint by a family member of a Northwest Territories Housing Corporation (NWT HC) client who was deceased in 2018. The complainant (Ms. Smith)¹ was also the executor of her mother's, (Ms. Macdonald), estate. Ms. Smith's concerns related both to the NWT HC's dealings with her as executor, and to the history of maintenance, repair and retrofit work on her mother's home through NWT HC homeowner assistance programs.

In this report, we describe the programs Ms. Macdonald accessed and the details of Ms. Smith's complaint. We set out what we found in our investigation, and recommendations to address problems we identified in the NWT HC's practices.

Principles of Administrative Fairness

The Ombud has a mandate to investigate complaints of "maladministration", or "administrative unfairness". Guidance on the principles of administrative fairness comes from the *Ombud Act*², administrative law, and from standards that legislative ombuds have developed together.³

Standards of administrative fairness can be grouped into three categories: fair decisions (what was decided?); fair process (how was it decided?); and fair service (how was the person treated?).⁴

This complaint most raised issues of fair service, which is sometimes called relational fairness. Fair service includes making programs and services accessible to a diverse range of people, responding to individual needs of people who access programs and services, and ensuring staff are appropriately trained and supported to provide people-centred service.

¹ Names have been changed for privacy.

² S.N.W.T. 2018, c. 19, ss. 33(1).

³ See, e.g., Canadian Council of Parliamentary Ombudsman (2019). *Fairness by Design: An Administrative Fairness Self-Assessment Guide*. Available at www.nwtombud.ca.

⁴ For more about administrative fairness, see www.nwtombud.ca.

Background

The NWTCHC has a Contributing Assistance for Repairs and Enhancement (CARE) program that helps homeowners through forgivable loans. The level of assistance depends on household income.

The complaint involved two CARE subprograms: CARE-Mobility and CARE-Preventative Maintenance (PM).

CARE-Mobility helps homeowners with modifications that promote continued safe and independent living for people with housing related disabilities. For example, CARE-Mobility could help pay for wheelchair ramps, grab bars in bathrooms, and similar retrofits. It provides up to \$50,000 in assistance.

CARE-PM helps homeowners complete preventative maintenance checks and make minor servicing or repairs to ensure a safe and healthy home and to increase the home's useful life. For example, CARE-PM could help pay for servicing a furnace or fixing broken steps. It provides up to \$3,000 in assistance.

NWTCHC clients work directly with staff in district offices, who manage both homeowner assistance programs and public housing programs. The South Slave District Office is responsible for 7 communities: Enterprise, Fort Providence, Fort Resolution, Fort Smith, Hay River, Kakisa and the K'atl'odeeche First Nation.

District office program advisors provide information about Housing Corporation programs and counsel clients about their options and how to apply for assistance. Once CARE applications are approved, technical advisors help get the contracts in place to have work done, coordinate with contractors and clients to schedule work, monitor progress, and inspect completed work.

In 2017, the District Office received 334 project applications under homeowner assistance programs, of which 180 were approved. In addition to coordinating homeowner assistance projects, technical staff also handle maintenance, repairs and renovation projects for over 400 public housing units.

From 2016-2018, the South Slave District Office had 3 program advisor positions, including a manager, and between 3 and 4 technical advisor positions, including a manager.

The Complaint

Ms. Smith is the executor of the estate of her mother, Ms. Macdonald, who died on April 28, 2018. She contacted our office with concerns about issues her mother and the estate experienced in their dealings with the Northwest Territories Housing Corporation (NWTHC).

Ms. Macdonald purchased the mobile home she lived in with assistance from the CARE program in 2011. She also requested assistance under both CARE-PM and CARE-Mobility.

Ms. Macdonald told Ms. Smith on several occasions over the years that she was having problems with NWTHC related to issues with the mobile home from the time it was installed (deficiencies), getting maintenance, repairs and retrofits done through the CARE program, and getting answers to her questions.

Ms. Macdonald had a hearing impairment. She was also a survivor of residential school trauma. Ms. Smith believed both factors may have made it difficult for her mother to communicate with NWTHC at times, especially about matters that brought up strong emotions such as her concerns about her safety and well-being in her home.

The lawyer for Ms. Macdonald's estate transferred Ms. Macdonald's home to Ms. Smith and her brother in May of 2018, following a transfer Ms. Macdonald had signed before her death. The estate only learned after the fact that the NWTHC held a mortgage on the property, with \$72,000 still owing. The mortgage was not registered with the Land Titles Office.

The estate asked the NWTHC for information about the deficiencies and work Ms. Macdonald had been concerned about. The estate wanted to know whether there were any outstanding deficiencies or damages caused by NWTHC that should be set-off against the \$72,000 still owed to the NWTHC. NWTHC did not immediately provide this information.

Communications continued between the lawyer for the estate and the lawyer for NWTHC over the next few months without a resolution. On December 18, 2018, the NWTHC filed a statement of claim against the estate for the loan amount.

Ultimately, the estate and NWTHC reached a settlement, and the NWTHC discontinued the lawsuit in July of 2019. However, Ms. Smith still had concerns and contacted our office.

The specific concerns raised by Ms. Smith were:

Dealings with the estate

- NWTHC did not give Ms. Smith information she asked for about the history of NWTHC program work on her mother's home. As executor, she needed this information to figure out whether the NWTHC owed the estate any compensation for damages or outstanding deficiencies.
- NWTHC failed to register the mortgage, and as a result, the estate was unaware of the mortgage before transferring the home to Ms. Smith and her brother ("the beneficiaries"). This led to further legal difficulties and expense.
- NWTHC unnecessarily sued the estate and beneficiaries. This caused considerable stress and expense for the complainant.

Repair and maintenance work on the home

- In 2017, Ms. Macdonald was still having problems with her house which she believed should have been part of the original warranty work done in 2011.
- In 2012, NWTHC accepted a verbal cancellation of warranty repair work by Ms. Macdonald over the telephone. This was especially concerning to Ms. Smith because of her mother's hearing and communication difficulties.
- The repair work on Ms. Macdonald's home in 2016-2018 was unreasonably delayed and/or was incomplete. This caused stress and hardship to Ms. Macdonald, and she may have had to pay for some of that work personally.
- NWTHC or its contractors damaged the home in carrying out some of the repair work.
- NWTHC left Ms. Macdonald, who was in a vulnerable condition, in a cold and drafty home with tripping hazards.
- NWTHC did not respond to Ms. Macdonald's concerns and did not communicate with her in a way that was appropriate to her needs and circumstances.

The Investigation

What we investigated

We investigated the fairness of:

- The NWTHC's dealings with the estate of Ms. Macdonald; and
- The work on Ms. Macdonald's home under the CARE program between 2016 and 2018, including quality, timing and communications with Ms. Macdonald.

What we did not investigate

The *Ombud Act* restricts the Ombud from investigating matters that took place before January 1, 2016.⁵ As a result, we did not consider the fairness of issues that were of concern to the complainant, but that took place before 2016. In particular, we did not look into whether there were any outstanding deficiencies from 2011 or at any matters related to the warranty on the home. This report does refer to some pre-2016 events only to provide necessary context.

Some specific damages were addressed in the 2019 settlement agreement between the estate and NWTHC. We did not make findings about those matters.

Investigation Process

We reviewed documents provided by the complainant and the NWTHC, as well as NWTHC policies and relevant legislation and case law. We also interviewed the complainant and employees in the NWTHC South Slave District Office.

⁵ S.N.W.T. 2018, c. 19, ss. 17(3).

Analysis and Findings

NWTHC's Dealings with the Estate of Ms. Macdonald

NWTHC did not register the mortgage on Ms. Macdonald's home

Ms. Macdonald entered into a Contributing Assistance for Repairs and Enhancements (CARE) agreement with the NWTHC in 2011 to purchase a mobile home. As a condition of the agreement, Ms. Macdonald signed a \$90,000 mortgage in favour of the NWTHC, which was to be forgivable in yearly installments of \$18,000, beginning in 2017.

The CARE agreement required that unless agreed in writing to the contrary, the mortgage was to be prepared and registered on behalf of NWTHC by the Client's solicitor. It is not clear whether Ms. Macdonald had a solicitor at that time. In any case, Ms. Macdonald received a copy of the mortgage from an NWTHC program advisor several weeks after signing the CARE agreement.

When Ms. Macdonald passed away on April 28, 2018, the mortgage was still unregistered.

Several email exchanges between NWTHC officials from 2016 to 2018 indicate that the NWTHC was aware the mortgage was not registered, had been making efforts to register it since at least 2014, and had no expectation that Ms. Macdonald or her solicitor would register the mortgage. For example, an email from early January 2018 between NWTHC officials stated:

“[]⁶ has been trying to register this mortgage since April 2017; there have been numerous errors and the mortgage document has been returned to your office several times and is still not correct. The original mortgage document signed by the client has been date stamped, whiteout has been used, all of which is not acceptable to LT [Land Titles] for registration. At this point we need a new mortgage document signed with the client; please work with [] to ensure the document is correct and can be registered at Land Titles.”

From the email correspondence it appears that the problems with registering the mortgage were the result of confusion between the District Office and headquarters staff over who was responsible for which steps, and lack of knowledge in the District Office of the technical requirements for mortgage documents.

The NWTHC has since made changes to avoid similar problems with mortgage registrations. The current CARE policy, which was put in place in November 2017, requires that NWTHC program advisors either work with lawyers or staff from the NWTHC's lands section to register mortgages. The mortgages are still prepared and

⁶ Name of official omitted for privacy.

signed in the district offices, however, program advisors now receive training in the technical requirements from an NWTTC lands officer. District office staff send signed mortgages to lands staff for registration. If there are any problems with the mortgage, a lands officer contacts the district office to explain the issue and what needs to be done to correct it. NWTTC confirmed that South Slave District Office staff have now received mortgage training.

The Estate did not have notice of the mortgage

Registration of a mortgage with the Land Titles Office is important to give notice of the debt to purchasers and others with an interest in the property, and to protect the interests of the lender. For example, if a mortgage is not registered, and the property is sold to a third party who has no notice of the mortgage, the lender loses their security interest in the property and may have difficulty collecting on the debt. It was therefore in the NWTTC's own best interests to ensure that the mortgage was registered.

Ms. Macdonald signed a transfer of the home to her two children in 2015, with instructions to her lawyer to register it after her death. This practice is sometimes used so that the heirs to an estate do not have to wait for a grant of probate to deal with a property.⁷ In accordance with the transfer Ms. Macdonald had signed, the estate's lawyer registered ownership of the property in the names of the complainant and her brother on May 9, 2018.

The complainant visited the District Office sometime that same week to request the records related to her mother's property. The Office was unable to provide them immediately. Ms. Smith received several documents, including the mortgage document, by email on May 30, 2018.

The complainant was frustrated by the situation as she and her lawyer had been unaware of the mortgage, which had an outstanding balance of \$72,000. In the meantime, she had also learned that the property had some damages and outstanding deficiencies that might give rise to a claim by the estate against the NWTTC.

The estate asked NWTTC for the complete project file, including the records of the work NWTTC and its contractors had carried out on the home. While the estate was willing to pay the balance of the mortgage, it also wanted to settle any claim for damages and deficiencies at the same time. Despite repeated requests from Ms. Smith and from the estate's lawyer, NWTTC did not provide the file until March 29, 2019, in response to an access to information request by Ms. Smith.

⁷ In recent years, some jurisdictions have restricted this practice: see, e.g., *Thompson v. Elliott Estate*, 2020 ONSC 1004 (CanLii).

NWTHC sued the estate and beneficiaries

After several months of communications between the parties and their lawyers, there was still no resolution. On December 11, 2018, the estate’s lawyer gave an undertaking to retain sufficient funds in his trust account from any sale of the property to cover the balance of the outstanding debt to the NWTHC, pending a settlement on any claim related to damages and deficiencies.

The following week, a statement of claim was filed on behalf of the NWTHC. It stated that the transfer of the property to the complainant and her brother was done “for the purpose of taking the Property out of the estate... beyond the reach of NWTHC because it no longer forms property in her estate,” and asking for the transfer to be set aside as void as a “fraudulent conveyance”. It also claimed that the estate was “wrongfully withholding payment of a just debt”.

The lawsuit was extremely upsetting to the complainant, as it amounted to publicly accusing her and her brother of fraud. According to the complainant, it also cost her and her brother over \$33,000 in legal fees, “when all we were doing was asking questions to try and get answers about what happened to our late mother.”

Once Ms. Smith received the file in March 2019, the estate was able to identify compensation it believed the NWTHC owed the estate. This led to a settlement between the estate and the NWTHC, and the NWTHC discontinued its lawsuit on July 24, 2019.

Finding #1

The NWTHC acted unjustly and oppressively in initiating litigation against the Estate of Ms. Macdonald.

The NWTHC was justified in wanting to recover the \$72,000 outstanding balance owing on the mortgage from Ms. Macdonald’s estate. However, there would have been no need for litigation had the NWTHC registered the mortgage at any time before Ms. Macdonald’s death in 2018. The failure to register the mortgage was the result of the NWTHC’s own negligence.

Negotiations between the parties made little progress between May and December of 2018, when the NWTHC’s statement of claim was filed, at least in part because the complainant did not have the information she needed to decide whether and how much the estate should counterclaim for damages and deficiencies. If the NWTHC had provided the full project file to the complainant in a timely manner, it is likely that the NWTHC could have recovered its outstanding debt much more quickly and without initiating litigation.

The estate's lawyer provided the NWTHC with an undertaking to hold in trust enough money from the proceeds of any sale of the property to cover the outstanding debt to the NWTHC. This happened before the NWTHC filed its statement of claim, and it is not clear why this was not satisfactory to NWTHC. The NWTHC could have considered other ways of resolving the dispute, such as mediation, before resorting to the courts and alleging fraud on the part of the estate and its beneficiaries.

Maintenance, repairs and retrofits 2016-2018

Some CARE PM work was completed, with significant delays

Ms. Macdonald entered into a CARE-Preventative Maintenance (CARE-PM) agreement with the NWT HC for \$3,000 in April 2016. The scope of work, which Ms. Macdonald signed off on in June 2016, included the following items:

1. Level main floor beams. Inspect condition of trailer bagging
2. Service propane furnace
3. Service electric water heater
4. Reconfigure range hood exhaust to direct vent out exterior wall, and not through the attic space.

The NWT HC was responsible for organizing the work under the CARE-PM and the work was to be completed by August 12, 2016. The scope of work document states that the final scope of work might be reduced if all the items could not be completed within the budget.

Once a CARE-PM Agreement is approved, technical staff prepare a more detailed version of the scope of work, and the project is awarded to a contractor through Government of the Northwest Territories procurement processes. Technical staff are responsible for scheduling the work in coordination with contractors and clients, monitoring progress, and completing final inspections.

Difficulties finding contractors

The NWT HC awarded a contract for the work on Ms. Macdonald's home in September 2016. However, the NWT HC had difficulty reaching the contractor and getting them to commit to a schedule for the work. In December 2016 NWT HC and the contractor agreed to cancel the contract. The NWT HC then began contacting businesses with standing offer agreements to find contractors with availability to do the work as soon as possible.

Range hood

A contractor did complete the reconfiguration of Ms. Macdonald's range hood in February 2017. In July 2017, Ms. Macdonald called twice to tell the District Office that water was coming over the floor from the new range hood. Notes on the file indicate that a technical advisor arranged to see her later that week, but there are no further notes that indicate what happened.

Ms. Macdonald called the District Office again in August because the range hood was still leaking. In October, she also raised this issue with her Member of the Legislative Assembly (MLA)'s office. NWT HC staff visited Ms. Macdonald a few days later and noted that the range hood reconfiguration was completed and inspected and "was all good". The NWT HC signed a final certificate of completion for the work in January 2018 and paid for it in March 2018.

Furnace servicing

In the meantime, as the completion date of August 12, 2016 had come and gone, Ms. Macdonald made arrangements herself in September 2016 to have another contractor service the furnace, at a cost of \$120.48. As of January 2017, the District Office was aware that Ms. Macdonald had done this. Staff were instructed to follow up with Ms. Macdonald to find out who had done the work so that the invoice could be included in the CARE PM agreement. As of October 2017, this follow up still had not happened. Records show that the NWT HC signed a final certificate of completion for the work in January 2018, that the contractor billed the NWT HC for this invoice in February 2018, and that the NWT HC paid it at that time.

Water heater servicing

There is a mention in a document from October 2017 that the water heater had been serviced, however we did not find any records showing when this happened, who did the work, what the cost was, or who paid for it.

Floor leveling

In October 2017, staff from the NWT HC visited Ms. Macdonald. NWT HC staff determined that levelling the floor beams would exceed the cost of the budget remaining in the CARE PM agreement. It is unclear why the NWT HC did not realize sooner that the floor leveling would exceed the budget of the CARE PM agreement. However, NWT HC staff agreed that the levelling was necessary and noted that some settling had probably occurred because the home had been in place for six years by that point. They suggested Ms. Macdonald make an application through the CARE Mobility program.

Finding #2 The delays in completing work under the CARE-PM agreement were not unreasonable.

The delays in completing work under the CARE-PM agreement were due to difficulties with contractors and were outside of the NWT HC's control.

Finding #3 The failure to complete floor leveling under the CARE PM agreement was not unfair.

The NWT HC did not complete the floor leveling work under the CARE PM agreement because the cost of the work exceeded the available funds. This was consistent with both the NWT HC's policies and the agreement itself. It was reasonable for the NWT HC to encourage Ms. Macdonald to apply for funds through CARE Mobility instead.

A CARE Mobility application to address identified safety issues was not completed

Needs identified in 2016

In addition to the project scope identified in the CARE PM agreement, Ms. Macdonald identified other concerns with her home, in particular the height of her steps. In June of 2016, an NWT HC program advisor wrote to Ms. Macdonald acknowledging her concern with the steps and indicating that it could be addressed through the CARE Mobility program. The letter said that she would require a “Dr. or physio letter of recommendation outlining this is a medical concern and hinders your mobility and a stair replacement would improve your quality of life.” The letter concluded, “It is suggested you contact a medical professional to get an evaluation and recommendation.”

October 2017 follow-up

Over a year later, during a visit to Ms. Macdonald’s home in October 2017, District Office staff noted that the living room and second bedroom floors were “soft/rippled” and that this was a subfloor issue that needed to be addressed as it was a slip/trip hazard. They suggested that this could also be addressed through the CARE Mobility program, along with grab bars for the bathroom and other items. They asked Ms. Macdonald about whether she had ever followed up with a medical professional, and she said that nobody at the hospital had gotten back to her. Ms. Macdonald asked NWT HC staff to contact the hospital for her because she was not sure what to say. NWT HC staff told Ms. Macdonald that she had to be the one to call, and that she should contact the occupational therapist.

Ms. Macdonald also raised concerns at that time about leaking toilets and lack of insulation of the skirting. NWT HC staff told her that they were not part of the CARE-PM scope of work. They also said that the skirting insulation was not necessary because there was a sufficient barrier and an insulated floor system. However, they said they would return during the winter to check on drafty areas. They reported that Ms. Macdonald was satisfied with that. There is no record of whether that follow up ever happened.

January-April 2018

In January 2018, Ms. Macdonald contacted her MLA’s office again, saying that her house was freezing. We did not find any record of whether NWT HC took any steps afterward to reassess or make recommendations about the heating in Ms. Macdonald’s home. Her MLA’s office helped her get an appointment with an occupational therapist to look at her floor, bathroom and steps.

The occupational therapist provided NWT HC with a letter dated April 17, 2018, which included recommendations for increasing home accessibility and safety for Ms. Macdonald, who was at a higher risk for falls. The recommendations included replacing the current steps and railings, installing grab bars in the bathroom, and levelling the flooring. The occupational therapist described the living room floor as “very unlevel”.

Ms. Macdonald passed away eleven days later.

Finding #4 The NWT HC did not make reasonable efforts to assist Ms. Macdonald with her CARE Mobility application or to follow up on her concerns.

NWTHC staff discussed a CARE Mobility application with Ms. Macdonald as early as 2016. In June of 2016, they advised her, in writing, to contact a medical professional for an assessment to support her application. There is no evidence that anyone followed up with her before October 2017, when she asked NWTHC staff for help making an appointment for an assessment because she did not know what to say. NWTHC did not provide this help, and Ms. Macdonald did not get an appointment with an occupational therapist until she contacted her MLA's office in January of 2018.

The NWTHC District Office was aware that Ms. Macdonald was a vulnerable person who needed help to make her home safe. It would have been reasonable for NWTHC to take the initiative to follow up with Ms. Macdonald within a few months of the June 2016 letter when she did not provide a note from a medical professional.

No one should have to go to their MLA's office for help making an appointment. NWTHC staff missed another opportunity to help Ms. Macdonald when they visited her in October 2017. For example, they could have offered to make the call with her while they were there or given her something written in plain language to explain why she needed the appointment that she could show to medical staff or refer to when making her appointment. These would have been more client-centred approaches than simply telling her she had to make the appointment herself.

NWTHC staff had difficulty communicating with Ms. Macdonald

The complainant told us that her mother had hearing problems and was also a survivor of residential school trauma. Both factors made it difficult for her to communicate at times, especially about matters that brought up strong emotions, such as her concerns about her safety and well-being in her home. The complainant was also aware that her mother could be verbally abusive.

The file includes notes from NWTHC staff about difficulties in communicating with and understanding Ms. Macdonald. In some cases they attribute the difficulties to Ms. Macdonald being very emotional. Some interactions with Ms. Macdonald were considered abusive and were upsetting to District Office staff. Staff sometimes had difficulty scheduling appointments to visit Ms. Macdonald's home, which may have contributed to delays in completing needs assessments, project work, and inspections of work carried out by contractors.

The overall impression from the project file and our interviews with NWT HC staff was that they wanted to help Ms. Macdonald, found it challenging and sometimes upsetting to deal with her and did not always know how to handle that, and had a heavy workload to balance that they managed in part by being more reactive than proactive in response to client needs, for example by waiting for clients to contact them rather than initiating follow up calls or visits.

Nearly all communication from the NWT HC to Ms. Macdonald was verbal. We were unable to determine whether and how the NWT HC kept Ms. Macdonald updated between August and December 2016 on the delays in finding a contractor to complete the work on her home.

NWT HC records indicate that Ms. Macdonald phoned the District Office a few times in January 2017, and that staff were then instructed to update her on the status of the CARE-PM work. There are also records of phone conversations Ms. Macdonald had in July and August of 2017 with District Office staff about the leaking fan. On some occasions, there are notes in the files that a staff person was going to her home, or was going to speak with her, but there are no records of whether that happened, if not, why, or what the outcome was. On other occasions, as noted in the previous two sections, it is not clear whether NWT HC ever followed up on commitments, such as assessing the heating in her home.

Although it is impossible to know for certain what was in Ms. Macdonald's mind, it is likely that she was unsure of what work the NWT HC was going to be doing on her home and when. The complainant told us that the ongoing issues had caused her mother a great deal of stress and frustration.

Finding #5 The NWT HC did not make reasonable efforts to communicate with Ms. Macdonald about work on her home.

Clients who have trouble explaining their needs, being calm and respectful when upset, remembering or understanding information and/or keeping appointments are often the clients who are the most vulnerable and most need NWT HC's help.

Communicating with those clients can be frustrating and stressful for staff who are also managing many other files. It requires skills to defuse anger, manage one's own emotions, find ways to make sure that clients have the information they need and that their needs are understood by staff, and, when necessary, to respectfully disengage from abusive conversations and find other ways to meet clients' needs. For example, when talking to the person does not work, sometimes other strategies, like writing information down in plain language, can help so that the client has something to refer to later.

Consistency and reliability also help to build trust and improve relationships. Not being kept up to date about delays in work, and long periods when there was no follow up on her concerns would have contributed to Ms. Macdonald's frustration with the District Office staff and the tone of some of her conversations with them.

Recommendations

1. It is recommended that within the next 90 days, NWTTC review all of its mortgage files to identify any unregistered mortgages and ensure those mortgages are registered promptly.
2. It is recommended that within the next 90 days, NWTTC apologize to Ms. Smith for its response to her efforts to resolve her mother's estate, in particular for withholding information about her mother's file before her access to information request and for commencing litigation against her and the estate.
3. It is recommended that NWTTC review its staffing levels in the South Slave District Office to ensure they are adequate to meet its program and service delivery responsibilities in a client-centred manner, and, if necessary, increase staffing levels within one year.
4. It is recommended that within one year, NWTTC provide training to frontline staff on client-centred approaches to service delivery, in particular trauma-informed service delivery, dealing with hostile client behaviour, and communicating with clients with hearing loss or other conditions that may affect their ability to receive or provide information to NWTTC staff.
5. It is recommended that within one year, NWTTC put in place reasonable and proactive service delivery standards, including timelines for: following up with clients who have identified needs but have incomplete CARE applications; responding to client concerns; and keeping clients informed about the progress or status of their CARE applications and/or projects.

Conclusion

The NWTHC provides essential programs and services to Northwest Territories homeowners who rely on them for their safety and well-being in their homes. It is our belief that the recommendations, if adopted, will help avoid future legal difficulties and expenses for both the NWTHC and clients or their estates, and will move the NWTHC toward a more client-centred approach that will prevent vulnerable people from falling through cracks in the system.



June 23, 2021

Ms. Colette Langlois
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Dear Ms. Langlois:

File #2014

Thank you for your report outlining issues encountered in relation to the Northwest Territories Housing Corporation's (NWTHC's) homeownership repair program and service to Ms. McDonald (deceased) and Ms. Smith (executor of her estate).

In reviewing your report and its recommendations, I am of the belief that there is always an opportunity for continuous improvement in our customer service. As such, the NWTHC accepts all your recommendations, which are:

1. It is recommended that within the next 90 days, NWTHC review all of its mortgage files to identify any unregistered mortgages and ensure those mortgages are registered promptly.
2. It is recommended that within the next 90 days, NWTHC apologize to Ms. Smith for its response to her efforts to resolve her mother's estate, in particular for withholding information about her mother's file before her access to information request and for commencing litigation against her and the estate.
3. It is recommended that NWTHC review its staffing levels in the South Slave District Office to ensure they are adequate to meet its program and service delivery responsibilities in a client-centred manner, and, if necessary, increase staffing levels within one year.

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4. It is recommended that within one year, NWT HC provide training to frontline staff on client-centred approaches to service delivery, in particular trauma-informed service delivery, dealing with hostile client behaviour, and communicating with clients with hearing loss or other conditions that may affect their ability to receive or provide information to NWT HC staff.
5. It is recommended that within one year, NWT HC put in place reasonable and proactive service delivery standards, including timelines for: following up with clients who have identified needs but have incomplete CARE applications; responding to client concerns; and keeping clients informed about the progress or status of their CARE applications and/or projects.

I have directed the NWT HC to begin addressing these matters immediately. Thank you again for your review on these matters and for providing an efficient mechanism to address residents' concerns.

Sincerely,



Paulie Chinna
Minister Responsible for the
Northwest Territories Housing Corporation

c. Ms. Eleanor Young
President and CEO
Northwest Territories Housing Corporation

Mr. James Fulford
Associate Deputy Minister
Northwest Territories Housing Corporation