

**Right to
Housing**

in Toronto



**A Human Rights-Based Approach
to HousingTO 2020-2030**

**Submission from
the Right to Housing
in Toronto Campaign**

Submission from the Right to Housing in Toronto Campaign, to City of Toronto consultation process for HousingTO 2020-2030

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The Right2HousingTO Campaign is a group of individuals and organizational supporters that have come together to advocate for a rights-based approach to housing in Toronto. As part of this larger group, the Right2HousingTO Campaign includes ACORN Canada, Advocacy Centre for Tenants Ontario (ACTO), Centre for Equality Rights in Accommodation (CERA), Emily Paradis (Independent Researcher), Federation of Metro Tenants' Association (FMTA), Joy Connelly (Housing Consultant and Advocate), and Maytree.

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A Rights-Based Approach to HousingTO 2020-2030

Through the National Housing Strategy Act passed June 21 2019, the Government of Canada has recognized adequate housing as a fundamental human right. The legislation affirms that housing is “essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities.” The new law requires the federal government to maintain a National Housing Strategy that takes a rights-based approach to housing.¹

Toronto is developing its new HousingTO Plan for 2020-2030. This housing and homelessness plan, like the National Housing Strategy, should be based in human rights.

1. Adequate Housing Is A Fundamental Human Right

Home is at the centre of human rights. Without a safe, affordable, secure, and accessible home, our other rights—such as privacy, freedom of expression, equality, liberty, security of the person, dignity, and even life—are threatened.

1.1. Social and Economic Rights

International covenants signed by Canada guarantee a right to adequate housing as a component of the right to an adequate standard of living.² These are part of a class of human rights known as “social and economic rights.” They are less well-known than civil and political rights, such as

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- 1 See the full text of Bill C-97 here: <https://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=10404016>
See the amended text of the National Housing Strategy Act here: <https://nhs.socialrights.ca/wp-content/uploads/2019/05/National-Housing-Strategy-Act-Amentments-May-31.pdf>
 - 2 Examples include: Universal Declaration of Human Rights; United Nations Convention on Economic, Social, and Cultural Rights; Convention to Eliminate Discrimination Against Women.

freedom of expression, the right to vote, and protection from arbitrary imprisonment. But they are fundamental to human dignity, and they provide a necessary foundation for access to all other rights.

Whereas civil and political rights generally require states to refrain from interfering with individual freedoms, social and economic rights require states to take an active role in ensuring collective access to social entitlements such as health, education, income security, and housing. To meet their obligations, states must demonstrate “progressive realization” of social and economic rights – that is, steady progress towards realizing the right for all, over time, beginning with those most in need.

Recognizing that nations have vastly unequal means to realize social and economic rights for all, international law dictates that states have a duty to dedicate the “maximum of their available resources” to meeting these obligations. Impoverished nations are understood to have fewer resources to dedicate to realizing these rights, while wealthy nations like Canada are in breach of their duties under international law if they allow systemic violations of these rights, such as homelessness, to persist. The same holds true at the sub-national level: more prosperous jurisdictions are held to a higher standard than those with limited resources.

1.2 The Right to Adequate Housing

In elaborating on the human right to adequate housing, the United Nations Committee on Economic, Social and Cultural Rights explains:

...[T]he right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity.³

3 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), 13 December 1991, E/1992/23, available at: <https://www.refworld.org/docid/47a7079a1.html> [accessed 3 July 2019]

The Committee identifies seven necessary components of adequate housing:

- **Affordability** The cost of housing must not interfere with households' access to other basic needs such as food.
- **Security of tenure** Residents must have legal rights and be protected from arbitrary eviction.
- **Accessibility** People of all abilities, and members of disadvantaged groups, must have access to housing that accommodates their needs.
- **Habitability** Housing must be in good repair, provide a safe, secure, and healthy environment in which to thrive, and be of an appropriate size for the household.
- **Location** Housing must be situated in an appropriate location, with access to employment, education, and services.
- **Availability of services, materials, facilities & infrastructure** Housing must be equipped with necessary infrastructure such as safe drinking water, adequate sanitation, and affordable heating.
- **Cultural adequacy** Housing must respect and provide for the expression of cultural identity.

Everyone must have equitable access to adequate housing, without discrimination on the basis of race, gender, faith, ability, sexual orientation, place of birth, or other grounds.

1.3 Canada' Rights-Based National Housing Strategy Act

With the passage of the National Housing Strategy Act, the Government of Canada has recognized the human right to housing for the first time in law. In declaring that it is the federal government's housing policy to "further the progressive realization of the right to adequate housing," this Act sets out a framework for a rights-based approach to housing in Canada.

The new legislation imposes an obligation on the federal government to develop and maintain a National Housing Strategy that must set a long-term vision for housing in Canada; establish goals relating to housing and homelessness; determine timelines and actions for the achievement of these

goals; focus on improving outcomes for those most in need; and ensure the ongoing engagement of diverse stakeholders, including people with lived experience of homelessness and inadequate housing.

The Act also establishes mechanisms for monitoring and accountability. A National Housing Council will be appointed to advise the Minister on the effectiveness of the National Housing Strategy, and on other issues related to housing and homelessness. Among other stakeholders, it will include members of communities directly affected by inadequate housing, and people with lived expertise on homelessness. A Federal Housing Advocate will evaluate the impact of the federal government's programs on housing and homelessness, monitor the progress of the housing strategy, conduct research into systemic housing issues, and receive information from communities about barriers to adequate housing. The Advocate will have the power to order hearings into important systemic issues within federal jurisdiction. Hearings will be presided over by a panel of three National Housing Council members, including at least one member with lived experience of homelessness or inadequate housing.

1.4 Rights and the City

All levels of government, including municipal governments, have the ability and obligation to respect, protect, and fulfill the human rights set out in international agreements, including social and economic rights, in their areas of jurisdiction⁴. The National Housing Strategy Act provides a foundation for Toronto's implementation of a rights-based approach to housing.

Cities are increasingly embracing their role in human rights. Social and economic rights, in particular, are made real at the local level: the benefits of realizing these rights, and the consequences of failing to do so, literally "hit home" in our streets and neighbourhoods. Municipal governments often find themselves in the paradoxical position of being most directly

4 For more on the human rights obligations of sub-national governments with respect to housing, see the report of the United Nations Special Rapporteur on the Right to Adequate Housing: <http://www.unhousingrapp.org/user/pages/04.resources/Thematic-Report-7-Responsibilities-of-Local-and-SubNational-Governments.pdf>

accountable to rights-holders, while having the least access to the revenues and powers required to fulfill rights.

In the Canadian context, an understanding of rights and the city begins with the recognition of cities as Indigenous territories, governed by treaties and covenants that predate the UN by centuries. As the University of Toronto First Nations House Elders' Circle reminds us,

[This] territory was the subject of the Dish With One Spoon Wampum Belt Covenant, an agreement between the Iroquois Confederacy and Confederacy of the Ojibwe and allied nations to peaceably share and care for the resources around the Great Lakes.⁵

This covenant offers an enduring model for the equitable and sustainable governance of shared resources.

Cities are the paradigmatic form of human settlement for the twenty-first century, with unprecedented rates of urbanization around the world. Cities are successful because they bring diverse people, ideas, skills, and resources into close proximity, fostering prosperity and dynamism. But they also enable concentration of wealth, and accelerate environmental degradation.

Global movements, such as the Right to the City movement, have set out a rights-based agenda for the collective claims of urban inhabitants to the social, economic, and cultural wealth they help to create.⁶ Meanwhile, movements for gender, racial, disability, and environmental justice have increasingly focused on cities. Whether the issue is women's and girls' safe movement through urban space, racialized discrimination in housing, barrier-free access to public places and services, or the disproportionate impacts of environmental harms for low-income neighbourhoods, struggles for rights and justice are often urban. From Seoul to Barcelona, cities around the world have declared themselves "human rights cities," in which local

5 Land acknowledgement prepared by University of Toronto First Nations' House Elders' Circle, <https://studentlife.utoronto.ca/fnh>

6 See the Mexico City Charter for the Right to the City http://www.hic-gs.org/content/Mexico_Charter_R2C_2010.pdf

charters enshrine the rights of residents, and local mechanisms monitor and enforce those rights.⁷

Since the 1980s, global cities have encountered similar patterns in relation to housing. Rapidly escalating land prices and rents, neighbourhood polarization into zones of wealth and poverty, displacement of low-income workers and migrant households into overcrowded and deteriorating neighbourhoods far from services and amenities, inability to attract and retain key workers, and the emergence of mass homelessness, are all global phenomena. The US foreclosure crisis, and the international financial crisis that followed, brought home the extent to which local housing challenges are connected by global economic trends. The growing financialization of economies, and the commodification of residential real estate, have unhooked housing from its social function as a dwelling-place, and reshaped it into an asset traded on world markets, without regard for the needs and rights of its inhabitants.

Though these trends are driven by global economic forces, the power to transform them is often within municipal jurisdiction. Cities around the world are taking steps to address the root causes of homelessness and housing precarity, by ending the criminalization of homelessness, investing in affordable housing, incentivizing development that meets residents' needs, and curbing harmful speculative demand that distorts local housing markets. Cities are leading the way in housing policy innovation through movements like The Shift, a new alliance of world cities brought together by the United Nations Special Rapporteur on Adequate Housing to re-establish housing as a human right.⁸

7 To learn more about Human Rights Cities, see the United Cities and Local Governments Committee on Social Inclusion, Participatory Democracy & Human Rights at <https://www.uclg-cisdg.org/en> and the Human Rights Cities Network (US) at <https://humanrightscities.net/>

8 Learn more at <http://www.unhousingrapp.org/the-shift> and <https://citiesforhousing.org/>

1.5 The Crisis in Access to Adequate Housing in Toronto

Like other global cities, Toronto is facing a housing crisis. Often, discussions of this crisis focus on the fact that the cost of purchasing a home is out of reach for many households, even those with incomes at or above Toronto's average. A rights-based analysis shifts our focus to the issue of *adequate* housing, and the barriers faced by low- and moderate-income households in attempting to fulfill this basic right.

Affordability Housing in our city is unaffordable: Almost half of Toronto's renters are paying more than they can afford for rent. Ownership is far out of reach for low- and moderate-income households. We are seeing unprecedented rates of development, yielding huge increases in our housing supply, yet prices to own or rent a home continue to escalate, and more Torontonians are homeless than ever before.

Security of Tenure Many tenants are not secure in their homes: over 19,000 eviction applications are filed each year in Toronto⁹, and renovictions are increasing. Even people who are homeless are being turned away from shelters and evicted from public spaces, with nowhere else to go.

Accessibility Housing is not accessible to those who need it: people are waiting 10-14 years for rent-geared-to-income housing; 5-7 years for supportive housing; and even longer for units accessible to people with disabilities.

Habitability All too often, rental housing doesn't meet basic standards of habitability. Many tenant households are overcrowded. Toronto's purpose-built rental buildings are aging and in need of repairs to address unsafe and unhealthy conditions, including Toronto's own social housing stock.

Location As development and speculation increase land prices in the city core and around rapid transit lines, low- and moderate-income households are forced to move to neighbourhoods located far from employment,

9 City of Toronto, Eviction Prevention Framework p. 4 <https://www.toronto.ca/wp-content/uploads/2017/10/96e5-SSHA-Eviction-Prevention-Framework.pdf>

services, amenities, and transit. In the process, communities and the precious supports they provide are torn apart.

These trends disproportionately impact equity-seeking groups. Indigenous people are over-represented among shelter users and those living outdoors; racialized, immigrant, and refugee households experience higher rates of overcrowding; lone-mother-led families and persons with disabilities face severe affordability challenges. This growing socio-spatial inequality is threatening the diversity, inclusion, and vitality that make Toronto one of the world's best places to live.

2. Housing Opportunities Toronto 2010-2020

Like other world cities, Toronto can best address its housing crisis by adopting a rights-based approach. Fortunately, we have a strong foundation to build on.

2.1 What is Toronto Doing about Housing Rights?

Toronto has already taken steps to recognize the right to adequate housing. *Toronto's Housing Charter - Opportunity For All*, enacted in 2010 to guide Council decisions and the City's actions, affirms that:

"All residents should have a safe, secure, affordable and well-maintained home from which to realize their full potential.

All residents should be able to live in the neighbourhood of their choice without discrimination.

All residents, regardless of whether they rent or own a home, or are homeless, have an equal stake and voice in Toronto's future.

All residents have a right to equal treatment in housing without discrimination as provided by the Ontario Human Rights Code, and to be protected from discriminatory practices that limit their housing opportunities.

All housing in Toronto should be maintained and operated in a good and safe state of repair."

The Charter was the foundation for *Housing Opportunities Toronto: An Affordable Housing Action Plan 2010-2020* (known as the HOT Plan), framing its goals and actions - making the HOT Plan a strong first step towards a rights-based housing strategy.¹⁰

2.2 Toronto's HOT Plan 2010-2020

The HOT Plan 2010-2020 aimed to meet the aspirations set out in Toronto's Housing Charter. It provided a framework to improve Torontonians' access to adequate housing and address homelessness. It identified eight strategic areas for action, and produced annual progress reports.¹¹ The Plan's accomplishments in six action areas are summarized below.

i. Create housing opportunities in all neighbourhoods

This first action area aimed to improve access to a full range of housing options in every neighbourhood, including affordable, supportive, and shared housing, and to address housing discrimination. Policies and programs initiated in this area included:

- Good Homes - Good Neighbours, a toolkit to help Councillors promote affordable housing development in their wards;
- Elimination of exclusionary zoning requirements for shelters, and implementation of the Engagement and Service Planning Process for opening new shelters in neighbourhoods across the City;
- The Toronto for All campaign to address discrimination and stigma;
- The Rooming House Review and draft Rooming House Strategy to enhance licensing and regulation of multi-tenant homes;
- RentSafe TO, a new program for licensing and monitoring rental apartment buildings.

10 View the HOT Plan at https://www.toronto.ca/wp-content/uploads/2018/12/94f8-hot_actionplan.pdf

11 View Annual Progress Reports, and HOT Targets & Completions, at <https://www.toronto.ca/community-people/community-partners/affordable-housing-partners/housing-opportunities-toronto-affordable-housing-action-plan-2010-2020/>

By creatively mobilizing across City divisions, including Shelter Support and Housing, Social Development and Finance, and Municipal Licensing and Standards, these new programs made progress in ensuring habitability for tenants, addressing neighbourhood opposition to supportive and affordable housing, and creating new shelter sites in neighbourhoods across the City.

ii. Help homeless and vulnerable people find and keep homes

This action area aimed to end homelessness in Toronto through a Housing First approach, in which people facing homelessness are moved as quickly as possible into permanent housing with appropriate supports. Initiatives included:

- Expansion of the Streets to Homes Program, which provides outreach and follow-up supports to help people move from the street into permanent housing;
- Street Needs Assessments—point-in-time counts of Toronto’s homeless population—conducted in 2013 and 2018¹²;
- The creation of 24-hour drop-ins for women and trans persons, people with pets, substance users, and others who face barriers to accessing shelters;
- The Coordinated Access to Housing and Supports Pilot, which tested a model of coordinated referrals to housing allowances and support services for people who are homeless.

These programs created safe and low-barrier spaces for people on the streets, and helped thousands of single adults, youth, and families move from homelessness into permanent housing.

¹² See Street Needs Assessment reports at <https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness-research-and-reports/>

iii. Assist families and individuals to afford rents

Policies and programs under this action area aimed to keep tenants housed, support opportunities for social housing tenants, and transform the social housing waiting list. Initiatives included:

- The My Choice Rental Pilot, which tested a choice-based system for social housing;
- Investments in housing allowances, provided to low-income households to help bridge the gap between incomes and rents;
- Eviction Prevention in the Community, to protect low-income households from eviction by delivering financial and social supports.

These programs and investments empowered tenants, decreased the time required to fill vacant social housing units, enabled women fleeing violence and people facing homelessness to obtain housing in the private market, and helped prevent homelessness.

iv. Preserve and repair rental housing

Actions in this area aimed to ensure that existing rental housing remains affordable and well-maintained, while reducing carbon emissions and lessening the burden of energy costs for low-income households. They also aimed to protect the sustainability of social housing by accelerating capital repairs in Toronto Community Housing and supporting non-profit and co-operative housing providers. These included policies and programs such as:

- Tower Renewal, which supports repairs and upgrades in Toronto's vast stock of 1,200 purpose-built rental towers, both privately owned and social housing;
- The Social Housing Improvement Program, Toronto Renovates, and other programs to fund repairs in rooming houses and non-profit supportive and affordable housing;
- The Mayor's Task Force on Toronto Community Housing to review the operation and governance of Toronto Community Housing;

These actions have led to Tenants First, an ambitious plan to transform Toronto Community Housing (TCH); and the coordination of federal,

provincial, and municipal investments totaling hundreds of millions of dollars for affordable housing repair.

v. Revitalize neighbourhoods

Priorities for action in this area focused on the revitalization of some TCH neighbourhoods into mixed-income neighbourhoods; the creation of new complete neighbourhoods on surplus publicly- and institutionally-owned land; and the use of the City's planning and zoning tools to create affordable housing. Actions included:

- The ongoing revitalization of Regent Park, and initiation of other public-private redevelopment partnerships in other TCH neighbourhoods;
- The creation of a Community Hub and new affordable homes for arts workers in Weston;
- Inclusion of affordable units in other City regeneration and revitalization areas and in the Pan-Parapan Am Athlete's Village.

When completed, the Toronto Community Housing revitalizations will yield 3,900 replacement rent-g geared-to-income homes, 700 new affordable rental homes, 470 refurbished affordable homes, and 12,500 new market-cost home in TCH neighbourhoods. Other projects, including Tippett Road, Emery Village, Weston Community Hub, and Pan-Parapan Am Athlete's Village, provided a total of 705 affordable rental units and 176 affordable ownership homes.

vi. Create new affordable rental homes

The HOT Plan set a target to create 1,000 new affordable rental homes and 400 new affordable ownership homes each year, through direct investment, activation of City land, and planning and regulatory changes to incentivize the inclusion of affordable rental units within private developments.

The key action in this area was the Open Door Initiative, which coordinates incentives including expedited planning processes, fee and tax waivers, access to public land, direct capital investments, and contributions from Section 37 requirements. The first round of this program enabled the City

to approve 1,200 new affordable rental homes in 2017, surpassing its annual target for the first time.

2.3 A Rights-Based Assessment of the HOT Plan

The HOT Plan offers important lessons as Toronto looks ahead to the next decade. The Toronto Charter provided a necessary rights-based framing for the Plan's strategic priorities. The Plan's key action areas remain as relevant today as they were ten years ago, and form a coherent basis for the new plan.

In its concluding section, the HOT Plan states,

How difficult will it be to find and keep decent and affordable housing in Toronto in ten years? The answer to this fundamental question will depend in part on the success of implementing the HOT Action Plan.¹³

In spite of its many achievements, by this measure the HOT Plan has not delivered on its promise. Ten years later, our city finds itself in a more urgent housing and homelessness crisis than ever before. Overall, the HOT Plan did not meet its affordable housing targets, with only 4093 affordable rental units completed, and 7993 projected to be approved, by the end of 2019.¹⁴ While considered "affordable," rent for most of these units is set at 80 to 100 percent of average market rent, far out of reach for low-income households. The affordability requirement for new units in private developments is not perpetual: within 25 years or less, their rents can increase to full market price. Meanwhile, more people are facing homelessness, and they remain in shelters longer, in spite of access to the City's housing allowance.

In order to surpass the achievements of the HOT Plan, and advance progressive realization of adequate housing for all Torontonians, the new Plan must better incorporate three key imperatives.

13 HOT Plan, p. 39. https://www.toronto.ca/wp-content/uploads/2018/12/94f8-hot_actionplan.pdf

14 According to the Affordable Housing Office 2019 Q1 report, available at https://www.toronto.ca/wp-content/uploads/2019/04/8dfa-access_AHO-Summary-for-HOT-TargetsCompletions-Q1-2019-Final.pdf

Address the drivers of homelessness and inadequate housing

Inadequate housing and homelessness are products of an unbalanced housing system, in which there is an insufficient supply to meet the need for housing that is affordable and accessible to all households. While the HOT Plan expanded the City's affordable housing and homelessness programs, it did not adequately address the root causes of unaffordable and precarious housing in our housing system as a whole.

In its next Plan, Toronto must strengthen measures to counter the impact of broader forces that distort our local housing system, such as harmful speculative demand, oversupply of ownership condos whose prices exceed the incomes of most Torontonians, homes deliberately held vacant by investors, and the appropriation of precious housing units for short-term rentals and tourism.

Prioritize the rights and needs of current and future residents

Residential development is crucial to Toronto's economy and way of life: it creates jobs, generates economic growth, and expands the supply of housing to accommodate the 1.03 million new people expected to live here by 2031.¹⁵ But new developments are typically priced far out of reach of the majority of Toronto households - whether owners or renters. Instead, new development brings escalating land values and an influx of higher-income residents, both of which destabilize moderate- and mixed-income neighbourhoods, leading to gentrification-induced displacement of current residents, and exclusion of potential future residents.

Without a clear mandate to prioritize the needs of current and future residents over the interests of investors in the planning and development process, even some of the HOT Plan's initiatives—in particular, those to create housing opportunities in all neighbourhoods, upgrade rental housing, and revitalize low-income neighbourhoods—exacerbated these dynamics rather than preventing them. The next Plan must be centred on developing and preserving affordable housing for the majority of households whose

15 Information about projected growth is drawn from the Toronto Housing Market Analysis prepared for the City's HousingTO planning process at <https://www.toronto.ca/legdocs/mmis/2019/ph/bgrd/backgroundfile-124480.pdf>

right to adequate housing is not currently well-supported by Toronto's housing system.

Use City resources, land, and powers to achieve the most affordable housing possible When complete, revitalizations of Toronto Community Housing neighbourhoods will replace 3,900 rent-geared-to-income homes and refurbish 470 more; but of the 13,200 new private-market units developed on these sites, only 700 (5%) will be affordable rental. In projects where the City re-zones land or allows an exponential increase in density, the returns are equally low. The former Galleria Mall site, for example, will include 2,846 residential units. In spite of Open Door contributions of \$1.5 million in capital funding, and exemption from development charges and property taxes, only 150 of these units (5%) will be affordable.¹⁶

The HOT Plan developed and implemented early mechanisms to leverage City funds, zoning powers, and our most precious resource, land. But in keeping with its obligation to invest the maximum of its available resources to fulfill the right to adequate housing, the City must greatly amplify the impact of these measures in the coming ten years, or risk forever losing the opportunity they represent.

2.4 Key Policies and Programs to Surpass the HOT Plan's Achievements

The HousingTO Plan 2020-2030 can build on the achievements of the HOT Plan while surpassing its shortcomings. While the HOT Plan creates a foundation for action, the HousingTO Plan must incorporate more effective policies and programs to strengthen its key action areas.

i. Create housing opportunities in all neighbourhoods

While actions in this area under the HOT Plan focused on resident discrimination against affordable and supportive housing, the HousingTO Plan must confront the exclusion of the majority of Toronto's households from most new residential development.

¹⁶ Housing Opportunities Toronto Progress Report 2017, p. 23. <https://www.toronto.ca/wp-content/uploads/2018/08/9584-HOT-2017-Progress-Report-final.pdf>

This will require a strong Inclusionary Zoning program that requires affordable, accessible units in all new development across the City. Key elements include: applying IZ across the city, in developments of all sizes; requiring set-asides appropriate to the local market; including levels as high as 30% in rapidly-developing downtown areas; applying IZ to both as-of-right zoning and uplift; ensuring that IZ units are perpetually affordable, and under public or non-profit ownership and management; and prioritizing deeply affordable rental.

The Plan must also introduce measures to curb harmful speculative demand and under-use of our housing supply. It can look to jurisdictions such as Vancouver, where measures to curb speculation, tax empty units, and discourage the commodification of housing are showing success, and yielding new funds for affordable housing.¹⁷

Plans to loosen zoning restrictions in Toronto's "yellow belt" must include affordable housing requirements, and measures to discourage speculation, in order to avoid exacerbating escalating land values and renoviction trends in these neighbourhoods.

Meanwhile, discriminatory zoning, such as the prohibition of multi-tenant housing in some areas of the city, must be eliminated.

And finally, the Plan should improve rights-based engagement and accountability in the planning and development process, so that it is responsive to the needs and priorities of current and aspiring residents of neighbourhoods undergoing redevelopment - particularly under-represented groups such as tenants, young adults, seniors, newcomers, families with young children, and members of racialized and Indigenous communities.

17 See for example: City of Vancouver Empty Homes Tax <https://vancouver.ca/home-property-development/empty-homes-tax.aspx>; City of Vancouver Development Contribution Expectations Policy <https://vancouver.ca/home-property-development/limiting-speculation-in-advance-of-planning-along-broadway.aspx>; Bula, F. (2018). Vancouver sees \$38 Million from vacant homes tax. The Globe and Mail 29 November 2018. <https://www.theglobeandmail.com/canada/british-columbia/article-vancouver-sees-38-million-from-vacant-homes-tax/>

ii. Help homeless and vulnerable people find and keep homes

The housing allowance and coordinated access programs introduced through the HOT Plan have proven critical in enabling people to move out of homelessness. But housing allowance amounts now exceed \$500 per month, and housing workers report that even with access to the allowance, it is increasingly difficult to find appropriate options in the private market.

The HousingTO Plan must maximize the impact of the resources invested through housing allowances, and ensure that permanent, good quality housing is available to vulnerable households facing homelessness. This can be achieved by coordinating a roster of designated landlords, with priority to non-profits, small landlords, and secondary suite owners, who meet City criteria with regards to unit conditions and non-discrimination.

iii. Assist families and individuals to afford rents

The HOT Plan successfully supported tenants through its Eviction Prevention in the Community program.

But with asking rents 50% higher than average rents, landlords continue to push sitting tenants out of rental units using a range of unethical tactics, in order to take advantage of vacancy decontrol. The HousingTO Plan should support tenants' right to security of tenure, by implementing a coordinated strategy to protect tenants facing renovictions, demovictions, excessive above-guideline rent increases, deliberate withdrawal of services, and other methods used to vacate units and increase rents.

The HousingTO Plan should also implement the Choice-Based System that was successfully piloted through the HOT Plan.

iv. Preserve and repair rental housing

The RentSafe Program introduced through the HOT Plan was an important step forward in promoting tenants' rights to healthy homes in good repair - but tenants report that poor conditions in their units continue to go unaddressed. The HousingTO Plan must expand and strengthen the enforcement provisions of RentSafe to better protect tenants.

Likewise, in the coming decade, Toronto Community Housing must expand and improve its program of capital repairs, and meet its obligations as a landlord to the City's low-income tenants.

Finally, the HousingTO Plan must ensure that measures to improve conditions in private and public housing don't lead to gentrification and displacement. Programs such as Tower Renewal must include provisions to support tenants, preserve communities, protect affordability, and maximize the impact of City land and resources, in addition to preserving and improving the housing stock.

v. Revitalize neighbourhoods

Further to the above, the HousingTO Plan should build on lessons learned through TCH revitalizations to date, in order to maximize the provision of new affordable housing, ensure tenant leadership and collective self-determination, and preserve community ties.

vi. Create new affordable rental homes

The HousingTO Plan must do a better job of shaping, directing, and balancing Toronto's housing system. It should set targets not only for affordable housing development, but for all new supply, in order to limit inappropriate supply and ensure adequate new supply in a range of forms and tenures, responsive to the needs of current and future residents, across income groups, household types, backgrounds, ages, and abilities.¹⁸

A good starting point for these targets is to adopt a rights-based definition of "affordable housing" that measures affordability in relation to household income, not average market rent. The Plan's targets for the numbers of units to be developed and preserved should be proportional to the distribution of incomes across Toronto's population, with priority to those whose housing rights are not adequately addressed in our current housing system.

18 Vancouver's 10-year housing targets offer a good model - see page 6 of its 2019 Progress Report for example: <https://vancouver.ca/files/cov/2019-housing-vancouver-annual-progress-report-presentation.pdf>

The Plan should also aim to leverage maximum value from City lands, resources, and zoning changes, to create perpetually affordable housing, owned and operated by public and non-profit entities.

3. A Way Forward: A Rights-Based Approach to HousingTO 2020-2030

A HousingTO Plan based in human rights would create a strong foundation for effective housing and homelessness policies and programs in the coming decade.

3.1 What Does the Right to Housing Mean for Toronto?

Creating a rights-based HousingTO Plan starts with the recognition of the human right to adequate housing, and a commitment by the City to uphold its human rights obligations. Compared with many other countries including France and South Africa, Canada is new to embracing and implementing the right to adequate housing. And cities have only recently begun to take a leadership role on human rights. So it is understandable that elected officials, City staff, industry, services, and residents may have a number of questions about what the right to housing means for Toronto.

i. Would the City of Toronto be obligated to provide every resident with an adequate home?

No. Governments, including City governments, are obligated to “respect, protect, promote, and fulfill” social and economic rights. That is, the City must avoid directly violating those rights, prevent other actors from violating them, create conditions to enable the realization of rights, and directly fulfill them where possible and necessary. The City would commit to dedicating “the maximum of its available resources,” including its land, funds, and regulatory powers, to ensuring everyone has equitable access to adequate housing.

ii. Would the City end homelessness tomorrow?

Sadly, no. Human rights are not a magic wand that the government can wave to grant social and economic rights. Instead, the City would create and implement a plan to “progressively realize” the right to adequate housing for all, over time, with priority for given to those in greatest need. This includes taking immediate action to address urgent threats to human security and dignity, such as homelessness. The City would also be obligated to respect the rights of people facing homelessness. For example, the City would end the practice of ticketing individuals in public spaces for panhandling and other survival activities. Instead of being served with eviction notices and then bulldozed, informal encampments would be recognized as important sites of collective safety for people without other options, and would not be relocated without an alternative acceptable to the community.

iii. Would individuals be able to take the City to court to claim their housing rights?

Not exactly. Recognizing and committing to a right in policy is not the same as creating a new right in law that can be claimed through the courts. Instead, the City would create mechanisms through which to enforce the right, as discussed below. Democratic, rights-based participation and accountability are also vital for realizing social and economic rights such as the right to housing. This means that the City must meaningfully engage individuals and communities directly affected when developing, implementing, and monitoring policies and programs on housing and homelessness.

iv. Would enacting the right to housing allow the City to interfere with private property rights?

Not any more than it currently does. The right to housing means that the City would use its existing powers—such as planning, zoning, licensing, by-law enforcement, fees, and taxation—to secure residents’ housing rights. Those powers would not, for example, allow the City to force a landlord to rent out a unit against their wishes; but they would allow the City to levy a tax on vacant units, thereby disincentivizing vacancy, and generating resources for affordable housing.

V. Would Toronto have to take responsibility for housing problems outside its control?

A major challenge that municipalities face in realizing the right to housing is that many factors lie outside cities' direct control - such as the workings of global markets, federal funding decisions, provincial planning policies, and landlord-tenant law, to name only a few. A right to housing would not require the City to take responsibility for areas outside its jurisdiction.

It would, however, provide a basis for the City to call upon higher orders of government to fulfill their human rights obligations, and deliver the resources and powers Toronto needs to end homelessness and ensure access to adequate housing for all residents. In addition, the City would take responsibility for areas within its control. This means Toronto would shape its policies, programs, planning decisions, and budgets to promote residents' access to adequate housing, and ensure that its by-laws and regulations protect residents' housing rights. It would also deliver its services—such as shelters, social housing, community services, parks and recreation, and police—in ways that uphold the right to housing. Where these services are delivered by arms-length bodies such as TCHC, or contracted out to third party providers, as in the case of some shelters, the contractors would also be required to abide by the City's human rights provisions.

3.2 What Could a Human Rights-Based HousingTO Plan 2020-2030 Look Like?

A HousingTO Plan based in human rights would include protocols and mechanisms for upholding the right to adequate housing. Leilani Farha, the United Nations Special Rapporteur on the Right to Adequate Housing, has identified key elements for rights-based housing strategies¹⁹. These provide a template for the development of the HousingTO Plan.

19 See the United Nations Special Rapporteur on the Right to Adequate Housing periodic report on Human Rights-Based Housing Strategies at <http://www.unhousingrapp.org/user/pages/04.resources/Thematic-Report-1-Human-Rights-Based-National-Housing-Strategies.pdf>

i. Recognition of housing as a human right

A rights-based housing plan is founded on the recognition of the human right to adequate housing, and the commitment to uphold that right. Toronto's Housing Charter provides a strong foundation for this.

In a rights-based HousingTO Plan, the Housing Charter would be updated with a stronger affirmation of rights (as opposed to aspirations), and an understanding that human rights extend beyond protection from discrimination.

ii. Rights-based decision-making

A rights-based HousingTO Plan would define and implement protocols for city staff and officials to review the impact of any decisions on the right to housing, and ensure that decisions, policies and exercise of discretion are consistent with the realization of the right to housing. This kind of review could be similar to the Intersectional Gender Equity Analysis that the City employs in its budget process.

Rights aren't optional. In rights-based decision-making, human rights are a primary consideration, taking precedence over other factors. Rights-based decision-making processes go beyond consultation, to engage the meaningful participation of individuals and communities directly affected.

What this would look like: Planning and zoning decisions, for example, would be required to consider the impacts of new development on the housing rights of low-income households in the surrounding community, and take measures to mitigate negative impacts such as displacement and renovictions. Housing rights would be enshrined in the Official Plan, and considered alongside planning principles such as "highest and best use." Community members—particularly those whose right to housing could be directly affected, such as tenants—would have meaningful opportunities to participate in the planning review process, and have real influence in decisions. Staff would provide Councillors with an analysis of housing rights implications when making planning recommendations. Discriminatory zoning, such as the prohibition of multi-tenant housing in some areas of the city, would be eliminated, while inclusionary zoning provisions and democratically-developed community plans would be implemented.

iii. Coordinated governance & action

A rights-based HousingTO Plan would set out structures and bodies to coordinate the City's work on housing and homelessness. Currently, Toronto's housing-related functions are dispersed across multiple City divisions, including City Planning; Shelter, Support & Housing Administration; Municipal Licensing & Standards; Affordable Housing Office; Real Estate Services; and Long-Term Care Homes & Services. Though their functions are interrelated, these divisions report to different Committees of Council, and their activities are not coordinated.

What this would look like: Divisions would work together across silos, and across action areas, to coordinate action and resources in innovative ways that expand the impact of City investments. The HOT Plan, for example, included a new Engagement and Service Planning Process for locating shelters in neighbourhoods across the City. Under a rights-based HousingTO Plan, Shelter, Support and Housing Administration would coordinate with City Planning and the Affordable Housing Office to leverage new opportunities, such as creating temporary modular housing on sites awaiting planning approval, and building affordable housing above new City-owned shelter locations. In order to achieve this coordination, divisions would report to a single Housing and Homelessness "super-committee" of council, and work would be overseen by a Director of Housing.²⁰

iv. Goals, targets, timelines, and mechanisms

A rights-based HousingTO Plan would include goals, targets, and timelines for the reduction and elimination of homelessness and for ensuring adequate housing for all residents, and put in place specific policies, programs, and resources to meet those goals. The Plan would identify the obligations of other levels of government and set out precisely what the City is committed to doing.

What this would look like: The HOT Plan set a target to create 1,000 affordable housing units per year, but this target used a market-based definition of "affordable," and did not identify the specific mechanisms by which the units would be created. A rights-based HousingTO Plan would, instead,

²⁰ The recent creation of the Housing Secretariat is a step in this direction.

employ an income-based definition of “affordable,” and set specific targets for the creation and preservation of units at various depths of affordability, based on need.²¹ Equity-based targets would also be set for the creation and preservation of homes for groups facing other barriers to adequate housing, such as persons with disabilities, lone-mother led families, and newcomers. Finally, the Plan would identify the specific policy and program mechanisms by which these targets would be achieved, and commit the resources necessary to achieve them.

v. Transparent, evidence-based monitoring

In order to ensure it is advancing the right to housing, the HousingTO Plan would be subject to evidence-based monitoring, using high-quality data disaggregated by race, gender, age, income, and other variables, to determine the impacts of the Plan’s policies and programs on the housing rights of priority populations and equity-seeking groups.

What this would look like: As it did for the HOT Plan, the City would publish annual progress reports, and disseminate them to stakeholders and communities directly affected. Progress reports would compile data from a range of sources, supplementing data from the Census and CMHC with data from City-funded services and programs, as well as existing and new City data including property tax data, permit applications, business licensing, and building inspections. The Plan would implement and fund new data collection strategies in partnership with community-based organizations, to track local housing conditions, and shed new light on poorly-understood sectors of the housing market such as secondary suites, rooming houses, and investor-owned condominiums. In order to track and assess its efforts to preserve existing affordable housing, the City would collect data on actual rents from landlords who register through the RentSafe program.

vi. Rights-based participation and leadership

A rights-based HousingTO Plan would be designed, implemented, and monitored with the participation and leadership of diverse individuals and communities directly affected by inadequate housing and homelessness,

²¹ The Housing Vancouver Strategy, for example, breaks out its global targets by building type, housing type, tenure, and depth of affordability.

and civil society organizations. Communities would have opportunities to provide input into decision-making processes.

What this would look like: The HousingTO Plan would establish a standing Advisory Council to oversee the plan, with representatives from diverse communities and organizations. It would allocate resources to support neighbourhood-based organizations and grassroots groups to conduct consultations, monitor local issues, and report back on housing conditions in their neighbourhoods.

vii. Accountability mechanisms

A rights-based HousingTO Plan would include independent mechanisms through which the right to adequate housing can be monitored, claimed, and enforced.

What this would look like: Similar to the National Housing Strategy, the HousingTO Plan would establish recourse mechanisms such as a Housing Advocate to review progress reports, conduct research, and receive “petitions” or “communications” from individuals and groups about failures to comply with the City’s obligations. This could be modelled on the existing Ombudsperson role. Systemic issues affecting the right to housing would be subject to hearings before an independent body, with mechanisms in place to ensure effective responses and follow-up by the City.