



Summary - The Right to Adequate Housing & COVID-19: A Human Rights Response to the Pandemic for the City of Toronto

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COVID-19 and Human Rights

In June 2019, Canada's National Housing Strategy Act affirmed the human right to adequate housing in Canadian law for the first time. In December 2019, the City of Toronto followed suit with a 10-year housing and homelessness plan based in human rights. By these commitments, our federal and municipal governments pledge to progressively realize the right to adequate housing for all over time, and to provide immediate relief to those in urgent need.

Only months later, those commitments are being put to the test with the global coronavirus pandemic. As UN High Commissioner on Human Rights Michelle Bachelet reminds us, the pandemic is not only a threat to health but a threat to human rights - and it demands a human rights-based response.¹

Toronto's commitment to the right to adequate housing is just the tool the City needs right now. The Toronto Housing Charter should serve as a roadmap to guide the City's actions and decisions as it navigates this crisis, and whatever lies ahead.

The Human Right to Housing in Toronto

The new Toronto Housing Charter included in the *HousingTO 2020-2030 Action Plan* recognizes housing as a fundamental human right. The Charter stands on a foundation of provincial, federal, and international law on the right to adequate housing.

In order to be compliant with the human right to adequate housing, homes must be affordable, accessible, safe, and culturally appropriate; residents must have security of tenure and be protected from arbitrary eviction; and

¹ Bachelet, M. (2020). Informal briefing to the UN Human Rights Council, 9 April 2020.

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25785&LangID=E>

housing must be located in proximity to employment and services, and equipped with necessary infrastructure such as heat, water, sanitation, and information and communications technologies. Homelessness violates all of these rights, and is considered a prima facie violation of fundamental human rights such as dignity and security of the person. The City has a duty to protect, respect, promote, and fulfill the right to housing.

[A Four-Stage Human Rights Response to COVID-19 in Toronto](#)

Even as Toronto implements measures to address the immediate crisis, we must also plan to mitigate the near-term economic and social impacts of the pandemic, and to rebuild a human-rights-based housing system in the recovery period. This crisis starkly reveals the consequences of past failures to implement human rights. Instead of returning to “normal,” we can learn from past mistakes and create a future in which everyone’s human rights are upheld.

[1. Immediate Crisis Response – Protect Life and Health in the Pandemic](#)

Public health directives to “stay safe, stay home” have made everyone more aware of the vital importance of a safe, secure place to live for every person in our city. In its response to the immediate crisis, Toronto must prioritize the life and health of people facing homelessness, vulnerable tenants, and other groups at increased risk.

- a. [Protect residents of shelters, respites, and other City-administered facilities](#)
 - Uphold the duties set out by the Ontario Human Rights Commission in relation to persons living in government-administered institutions.²
 - Immediately implement public health directives in all shelter settings, including physical distancing requirements, screening, testing, cleaning, disinfection, and protective measures for staff.
 - Uphold the duty to protect the health and life of those who rely on City services for shelter, by dedicating the maximum available resources to the acquisition and operation of self-contained spaces to replace congregate shelter settings.
- b. [Protect persons sleeping outside and residents of encampments](#)
 - Expand and improve City-provided portable toilets and handwashing facilities in all areas across the City.
 - Dedicate additional resources to outreach and support, and provide necessary equipment and supplies including tents, sleeping bags, food, and harm reduction supplies, to enable people to sleep outside safely.
 - Revise the City’s policy on patrolling parks and issuing fines to recognize that people who reside in shelters or encampments together are members of the same household, and that those resting on park benches in public areas have no private space in which to “isolate at home.”³
 - Toronto’s moratorium on clearing encampments, and its provision of necessary services, are in line with human rights requirements, and should continue beyond the immediate crisis period.

² Ontario Human Rights Commission. (2020). Actions consistent with a human rights-based approach to managing the COVID-19 pandemic. <http://www.ohrc.on.ca/en/actions-consistent-human-rights-based-approach-managing-covid-19-pandemic>

³ When asked about reports of by-law officers harassing homeless people in public spaces during an April 14 press conference, the director of Shelter, Support and Housing Administration responded, “My expectation is that homeless people will be treated the same as any other member of the public” and that they should expect to be “moved along” by authorities if sitting on a park bench.

- c. Promote the rights of residents of rooming houses and rental buildings
 - The City has taken important action to impose public health safety measures in rental housing and licensed rooming houses; however, tenant organizations report that in many rental buildings, these requirements are not being met.
 - Implement effective monitoring and enforcement of public health requirements in rental buildings, including, where necessary, directly implementing necessary measures and including costs on owners' property tax bill.
 - Review all buildings' cleaning plans mandated under RentSafe to ensure that they adhere to public health requirements.
 - Work with community partners to ensure tenants living in unlicensed multi-tenant homes are aware of their rights and have access to necessary supplies and equipment to maintain safety in common spaces.
 - Proactively inform tenants about their rights, and work with community partners and tenant associations to ensure tenants have access to legal information and advice.
- d. Strengthen human rights accountability and oversight
 - Include human rights experts and persons with lived expertise in Emergency Response and Recovery Planning teams, to ensure that City decisions and actions are compliant with its human rights obligations.

2. Near-Term – Prevent Eviction and Promote Housing Security

As Toronto and Ontario “flatten the curve” of community transmission, the City must act quickly to mitigate immediate threats to housing security.

- a. Protect security of tenure and prevent eviction
 - Work with the provincial and federal governments to improve income benefits so that they are easier to access, and cover rent for all tenants, including those who don't qualify for emergency benefits.⁴
 - Broaden access Toronto's Rent Bank program for tenants who don't currently qualify, and convert loans to grants for tenants in arrears.
 - Continue to work with community partners to ensure that Torontonians have access to information and support to navigate income benefits programs.
 - Work with community organizations and tenant associations to develop and implement a comprehensive plan to preserve tenants' security of tenure, including the roles of other orders of government.
- b. Protect tenants by supporting small landlords
 - Implement measures to prevent the loss of secondary suites.
 - Require that landlords benefiting from property tax relief and other protections respect tenant rights, and maintain affordability and good repair.

3. Recovery Period – Build a Rights-Based Housing System

Our current housing system generates housing insecurity that disproportionately affects Indigenous people, members of racialized communities, women, persons with disabilities, and other marginalized groups. Improvements to income security programs, health care, and housing implemented in the crisis response

⁴ McIsaac, E. (2020). First things first: Help people pay their rent. *First Policy Response*, 12 April 2020.

<http://policyresponse.ca/first-things-first/>

should become the scaffolding for a new system that fulfills the human rights to adequate housing, standard of living, and health.

- a. [End homelessness](#)
 - Adapt and expand emergency measures to make them permanent features of the City's response to homelessness.
 - Implement rapid re-housing for everyone who enters a shelter.
 - Repurpose hotels and rental buildings acquired during the crisis as permanent supportive housing, with long-term operating funding provided by the Province.
 - Fast-track and expand modular housing development.
 - Repair social housing units and bring them back on-line as quickly as possible.
 - Prioritize short-term rentals that have been returned to the standard rental market for an expanded housing allowance program.
 - Return shelters to their intended emergency function, and ensure that episodes of homelessness are rare, brief, and non-recurring.
- b. [Promote equity through fiscal stimulus measures](#)
 - Channel City investments, and those from other orders of government, to benefit disadvantaged households, neighbourhoods, and communities.
- c. [Prevent predatory acquisition and financialization of housing](#)
 - Work with other levels of government to prevent speculation and financialization through measures including planning regulations and taxation policies.
 - Place the right to adequate housing at the centre of economic recovery plans.
- d. [Acquire land and properties, and build new housing](#)
 - Work with the federal government and non-profit housing operators to develop and administer an affordable housing acquisition, renovation, and development program, in which "affordable" is defined in relation to tenants' incomes.
 - Heed the lessons of failed mid-century public housing projects, and implement participatory planning processes to create thriving, diverse, equitable, and complete neighbourhoods.

4. [Never Return to "Normal" – Learn from the Past, Change the Future](#)

The crisis offers the chance to reconsider what we will accept as "normal," and create a just future.

- a. [Implement human rights oversight and accountability mechanisms](#)
 - Implement an effective and well-resourced Toronto Housing Commissioner Office to redress the human rights violations that have left Torontonians vulnerable in the current crisis, and help guide responses to future crises.
 - Be accountable to the ongoing participation and leadership of communities directly affected and persons with lived experience.
- b. [Address the root causes of disproportionate risk](#)
 - Permanently improve the shelter and long-term care systems so that they protect life and health.
 - Stand up for essential workers' rights to wages, job security, and working conditions commensurate with the importance and risk of their work.
 - Build a housing system that protects households in times of economic insecurity.