



Right to Housing

in Toronto

Thursday September 10, 2020

Dear Minister Clark, Minister Phillips and Attorney General Downey,

Right to Housing in Toronto (R2HTO) is a network of individuals and organizational supporters that are working to advance the right to housing of Torontonians. We are writing to urge the Government of Ontario to implement a COVID-19 Eviction Prevention Plan as emergency supports phase-out to prevent a surge in evictions and homelessness.

The human right to adequate housing is defined in international treaties to which Canada is a signatory. Under international law, security of tenure is a central component of adequate housing, alongside components of affordability, habitability, accessibility, necessary infrastructure, appropriate location, and cultural appropriateness. All orders of government are obligated to protect, respect, promote, and fulfill this fundamental human right. In June 2019, through the National Housing Strategy Act, the Government of Canada committed to implementing the human right to adequate housing as recognized in international law. In December 2019, Toronto followed suit with its human rights-based HousingTO Plan, founded on the Toronto Housing Charter. Ontario's Human Rights Code prohibits discrimination in housing on the basis of gender, race, disability, and other protected grounds.

The Government of Ontario acted swiftly to protect tenants' right to housing and ensure that shelter in place orders could be followed. The closure of the LTB for all but essential business, and ceasing the enforcement of evictions by the sheriff in March, provided tenants struggling to make rent payments with time to apply for financial assistance. In addition the Social Services Relief Fund allowed municipalities to support tenants in the most acute need. With these measures in place, many tenants were reassured that they could weather the lockdown knowing that they were not at risk of losing their home.

However, these temporary measures are coming to an end while the health threat and the economic hardship continue. We have heard from renters across Ontario who fear eviction and homelessness because they do not know how they will continue to pay their rent and what will happen if they can't.

Recent research from the Wellesley Institute shows that lower-income, new-comer, and Black tenant households are more likely to be threatened with an eviction. These communities have been worst hit by the COVID-19 pandemic, and lack the financial capacity to endure a prolonged income shock. Evictions resulting from the economic impacts of COVID-19 are likely to exacerbate existing inequalities.

While it is necessary for the courts to resume their business, and temporary measures to phase-out, tenants continue to live in economic precarity due to COVID-19. New medium-term supports are needed to ensure the continued success of Ontario's COVID-19 response in ensuring people remain housed.

To support tenants to remain housed as the economy restarts and to prevent a spike in evictions in the coldest months of the year, we call on the Government of Ontario to provide:

- A temporary housing benefit to help renter households struggling financially due to COVID-19 stabilize their tenancies during this time of uncertainty.
- Earmarked funding for municipalities to provide eviction prevention support directly to tenants with COVID-19 related rent arrears.
- Additional funding to Legal Aid Ontario to inform tenants and landlords of their rights and responsibilities, and to support parties to settle rent arrears independently of the courts without eviction.

We were encouraged to see that the Government of Ontario plans to bring forward legislation to prevent the vast majority of tenants from seeing a rent increase next year. To ensure that this legislation supports tenants to remain safely housed during the pandemic the legislation should also include:

- Measures to ensure that Landlord and Tenant Board adjudicators consider COVID-19 income loss in assessing section 83 considerations in eviction application matters.
- A requirement that landlords pursuing an eviction for non-payment of rent demonstrate to the Landlord Tenant Board that all other avenues of resolution have been exhausted.
- A requirement that repayment agreements registered with the Landlord and Tenant Board do not impose financial hardship on tenants or require them to assume unsustainable debt.
- Measures to implement vacancy control to remove the financial incentive landlords have to pursue an eviction order and to ensure that lower cost rental units continue to be available during the pandemic.
- A requirement that landlords inform the Landlord Tenant Board when an N4 and L1 are issued so that the data could be tracked and shared with municipalities. This would enable the Board to anticipate future caseloads and municipalities to target supports where they are needed.

We thank you for your attention to these urgent calls for action, and are available to discuss how the province can protect tenants' rights to adequate housing, and ensure Ontarians remain housed for the duration of the COVID-19 pandemic.

Sincerely,

On behalf of the Right to Housing in Toronto

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