

Workshop series: Claiming the Right to Housing in the GTA

Evictions and the Right to Housing

- *RECAP* -

Workshop #3
August 17, 2021



Centre for Equality Rights in Accommodation
Centre pour les droits à l'égalité au logement



Who, what, where, when...





**75 participants
gathered from across
the Greater Toronto
Area...**

**...to discuss how to
address evictions
using the right
to housing...**

**...on August 17, for the
third workshop in a
series taking place in
the spring, summer &
fall of 2021...**

**...hosted by
the Centre for Equality
Rights in Accommodation
and the Right to
Housing Toronto.**

**We heard about forced
evictions in international law...**



Forced evictions in international law

The right to adequate housing in international law requires that renters have security of tenure.

Security of tenure means legal protection against forced evictions, harassment and other threats.

Forced evictions may be a gross violation of human rights.

International law says that evictions may be justifiable in limited circumstances. They should be carried out as a last resort, and must be reasonable and proportional.

No eviction should be permitted where it would result in the violation of human rights, such as the right to health or the right to life. No one should be evicted into homelessness.

Governments have to put procedural protections in place to protect renters from eviction, such as:

1. Providing opportunities for “genuine prior consultation”
2. Providing adequate and reasonable notice
3. Making legal remedies available, such as legal aid

**We heard about the right
to housing and evictions
in Canada...**



The right to housing and evictions in Canada

With the passing of the National Housing Strategy Act (NHSA) in 2019, Canada recognized and committed to the right to housing domestically.

The NHSA includes the key principles of a human rights-based approach to housing and recognizes that:

the right to adequate housing is a fundamental human right

housing is essential to the inherent dignity and wellbeing of a person

Canada is obliged to progressively realize the right to housing

The right to housing includes protecting tenants from forced evictions.

Click the image below to read:

[The National Housing Strategy Act](#)
- A Primer -



**We heard about legal
protections against evictions
in Ontario...**



How tenants are protected from evictions in Ontario

In Ontario, the Residential Tenancies Act (RTA) protects tenants against evictions. The Landlord and Tenant Board (LTB) is the body that resolves disputes between landlords and tenants and has the power to order evictions.

The RTA specifies three ways tenancies can be terminated:

1. By an agreement between the landlord and tenant
2. By a notice of eviction
3. By an eviction order issued by the LTB

To get an eviction order, a landlord must file an eviction application and go through the hearing process at the LTB.

Eviction applications can only be based on the following grounds:

1. Non-payment of rent
2. Interference with others or damaging a unit
3. Illegal acts or misrepresenting income in social housing units
4. Causing serious problems in the unit or the residential complex
5. For landlord's own use
6. Demolition and renovation that requires a unit to be vacant

**We heard about issues at
the LTB during the pandemic...**



Issues at the Landlord and Tenant Board (LTB)

During the pandemic the LTB shifted from in-person to online hearings.

This shift has hindered tenants' access to a fair process in several ways:

1. Lack of accommodation for tenants with mental health disabilities or language barriers.
2. Lower income households with limited access to technology faced difficulties accessing their hearings and were either unable to participate or had to participate by phone rather than by video.
3. Tenants experienced drawbacks at hearings because they often could not appear by video. These included not being able to see evidence presented on screen, and not being able to make a human connection with other participants.
4. Tenants were represented less often than landlords and experienced difficulties accessing free legal advice from Tenant Duty Counsel.

The image features a background collage of Canadian banknotes. The notes are in various denominations, including 10, 20, and 50. The colors range from blue and green to yellow and red. The word "CANADA" is visible on several notes. The notes are scattered and overlapping, creating a textured, financial-themed background. In the center, there is a dark grey rectangular area containing white text.

We heard about financial supports for renters during the pandemic...

Financial supports available to renters

A pressing right to housing issue in Canada during the pandemic was the threat of mass evictions as many renters were unable to pay their rent in full.

Many renters live in unaffordable cities with skyrocketing rents and may be evicted into homelessness.

Some financial supports were provided by municipal, provincial and federal governments, including:

1. Expanded services under the Housing Stabilization Fund
2. Expanded services under the Toronto Rent Bank
3. The Canada-Ontario Housing Benefit
4. Canadian Emergency Response Benefit (CERB)

While these supports were helpful during unprecedented times, for many tenants paying unaffordable rents, these supports were inadequate and many fell into deep levels of debt or rent arrears (i.e. were unable to pay their rent in full).

We heard about a proposal for a Federal Residential Tenant Support Benefit...

It is agreed that the lessor grants to the tenant full and exclusive possession and use of the premises for use as a dwelling for the term of the tenancy agreement (including the 100 terms of the tenancy under the heading "Terms of Tenancy").

Parties

A This agreement is made between:
the Lessor _____ of _____
and the Tenant _____ of _____

Premises

B The Lessor lets to the Tenant _____
_____ fittings, appliances and goods listed in _____

Rent

C The rent is \$ ~~100~~ *Too Much!!!* per month payable in _____
Lessor.

D Duration of the tenancy

A Federal Residential Tenant Support Benefit

CERA in collaboration with the National Right to Housing Network and Social Rights Advocacy Centre developed a rent relief program proposal for the federal government to help renters stay in their homes.

The proposal was submitted as part of the National Housing Strategy Act (NHSA), Canada's right to housing legislation, urging Canada to secure tenancies and address the threat of mass evictions into homelessness.

The NHSA creates new opportunities for communities impacted by housing issues to exercise their right to housing through making submissions on systemic housing issues to the Federal Housing Advocate once they are appointed.

Click the image below to read:

Addressing the Evictions and Arrears Crisis



What we heard...

Evictions during the pandemic

Participants at the workshop met in small groups to discuss experiences and stories of eviction. Some common themes were identified as issues that surround evictions...

Financial impacts

Impacts on employment HOMELESSNESS

Unfair laws Destabilizing communities

Marginalized communities most affected

Gentrification Unjust LTB processes

MENTAL & PHYSICAL HEALTH IMPACTS

Trauma

Click the image below to read:

Evictions during COVID-19:
Stories from lawyers



What we heard...

Impacts of eviction on individuals & societies

- Evictions are dehumanizing and create lots of insecurity for tenants
- Financial cost on tenants who can't find another affordable place to live
- Tenants' physical and mental health is impacted
- Economic impacts on society at large (i.e when tenants are evicted, they may lose employment opportunities)
- Those who are evicted may become homeless and forced into shelters or couch-surfing
- Tenants are forced to leave their communities and their lives are disrupted
- People may lose access to services
- As communities change it leads to more gentrification of neighborhoods
- Children and families experience trauma as a result of eviction
- Children's education is disrupted due to eviction
- Some tenants may lose custody of their children, some tenants may no longer be eligible for certain government benefits

What we heard...

How the right to housing protects people from eviction

- Financial supports for tenants who are unable to pay their full rent due to arrears
- Improve the process at the Landlord and Tenant Board (LTB)
- Increase tenants' access to legal information and legal support
- Publicize resources that advocate for tenants like Tenant Duty Counsel (TDC) and legal aid clinics
- Improve the quality of the training provided to LTB adjudicators
- Increase the number of subsidized units so that more tenants have affordable rents
- Educate people about the Federal Housing Advocate and the right to housing
- Create structures to protect the right to housing at the municipal and provincial levels
- Increase knowledge about Canada's international obligations to protect tenants from eviction
- Improve rent regulations to preserve affordable rents
- Provide resources at the LTB so that tenants can access digital eviction hearings

What we heard...

How we can address evictions through the right to housing

- The Government of Ontario must adopt the right to housing
- Provide better subsidies to low-income tenants that are more reflective of actual housing costs
- Look at intersections with other rights such the rights of refugees and their access to housing
- Adopt a definition of affordability that reflects economic realities
- Tenants to mobilize to advocate for their rights and support grassroots level advocacy
- Communities to advocate for their rights and needs to the City of Toronto to help develop more effective policies and programs
- Make submissions on systemic issues to the Federal Housing Advocate and vote for governments that will commit to the right to housing

Stay tuned for the
next workshop
in this series:



Check out more
resources from
this series:



Centre for Equality Rights in Accommodation
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EqualityRights.org



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