

Access to Justice

FOR THE RIGHT TO HOUSING

RIGHTS
REVIEW

Right to
Housing
in Toronto



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Right to Housing Toronto (R2HTO) is a network of individuals and organizational supporters that are working to ensure that the City of Toronto takes a rights-based approach to its housing planning and policy.

The work of R2HTO is guided by a Steering Committee that consists of ACORN Canada, Advocacy Centre for Tenants Ontario (ACTO), Centre for Equality Rights in Accommodation (CERA), Centre for Independent Living in Toronto, Colour of Poverty – Colour of Change, Federation of Metro Tenants' Association (FMTA), Jane Finch Housing Coalition, Maytree, West Scarborough Community Legal Services, and housing advocates Joy Connelly and Ingrid Palmer.

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1

Right to Housing Principles

Our recommendations for the City of Toronto are based on the following right to housing principles:

1 Everyone must have equal access to legal supports to challenge evictions.

2 The City must ensure individuals and communities have access to supports and programs to exercise their right to security of tenure in all circumstances.

3 The City must ensure that tenants, precariously housed individuals and those experiencing homelessness can meaningfully participate in rights-based decision making, including the design and implementation of policies that improve their access to justice and strengthen their security of tenure in compliance with the right to housing in the Toronto Housing Charter.

4 The City must not allow the present housing crisis to result in the evictions of low income tenants, and must provide tenant households living on lower incomes with supports and programs that stabilize their tenancies to remain housed.



A Rights-Based
Approach to
Access to Justice
for the Right to
Housing in
Toronto

In 2019, the government of Canada recognized the right to housing in legislation by passing the National Housing Strategy Act (NHS Act). The NHS Act commits the federal government to the progressive realization of the right to housing as it is defined under the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), and requires the adoption and maintenance of a National Housing Strategy in line with this commitment. The NHS Act also establishes a Federal Housing Advocate, a National Housing Council and Review Panels to ensure access to justice for affected communities and groups.¹

While the NHS Act is federal legislation, the right to housing under international human rights law applies to all orders of government in Canada, including municipalities. Indeed, municipal governments can provide effective and localized solutions that best meet the needs of those who are most impacted by violations of the right to housing. Five months after the adoption of the NHS Act, the City of Toronto became the first municipality in Canada to formally recognize the right to housing and commit to progressively realizing it in its revised Housing Charter. The new Toronto Housing Charter commits the City to establishing a housing strategy for the realization of the right to housing with goals and timelines for the elimination of homelessness, to ensuring that all City decisions, policies, services and programs are consistent with the right to housing, and to “allocating the maximum available resources within the City’s means and jurisdiction” to support the progressive realization of the right to housing.²

A central component of the right to housing under international law is the requirement that rights-holders have access to justice – that is, mechanisms through which they can hold governments accountable to their commitment to the right to housing and secure effective remedies for violations. The Toronto Housing Charter recognizes this by committing to “providing opportunities for organizations and affected communities to advance a human-rights based approach to housing and participate in decisions that affect it.”³ The Housing Charter also commits to reviewing the establishment of a Housing Commissioner to provide for independent monitoring and assessment of the City’s compliance with the right to housing under international human rights law.⁴

The City of Toronto engages in a wide range of actions that can advance the right to housing for its residents. The Housing Charter and the HousingTO 2020-2030 Action Plan commit the City to providing a variety of eviction prevention services, eliminating homelessness, increasing supportive housing and shelter supports, to name a few. The Action Plan provides new strategic investments that the City will direct to enhancing eviction prevention measures, to build more affordable rental housing and supportive housing, and to maintain and sustain the Toronto Community Housing Corporation. Ensuring the adoption and implementation of these and other measures in accordance with the right to housing and based on the new rights-based approach affirmed in the Toronto Housing Charter requires meaningful access to justice for those whose right to housing is being violated.

This Rights Review is part of a series of reviews that together assess the City of Toronto’s housing framework and programs that can advance access to justice for its residents. It will assess the state of

1 For a description of the National Housing Strategy Act: National Right to Housing Network. *Right to Housing Legislation in Canada*. <https://housingrights.ca/right-to-housing-legislation-in-canada/> (Accessed Jan. 24, 2022).

2 See: City of Toronto. *Toronto Housing Charter - Opportunity for All*. December 18, 2019. <https://www.socialrights.ca/2022/Toronto%20Housing%20Charter%202019.pdf> (Accessed Jan. 24, 2022).

3 City of Toronto. *Toronto Housing Charter - Opportunity for All*, implementation action 9.

4 City of Toronto. *Toronto Housing Charter - Opportunity for All*, para 6.

access to justice in the context of eviction prevention and housing stabilization programs at the City of Toronto, as well as supports it provides to tenants to learn and exercise their legal rights.

The Right to Housing and Access to Justice

Access to justice is critical and relevant to all aspects of the right to housing but perhaps most obviously to the security of tenure. It is critical to the success of the new Toronto Housing Charter and the Action Plan that organizations and affected communities have meaningful access to justice in order to ensure their right to housing is realized.

A major component of the right to adequate housing is having security of tenure and freedom from forced eviction. This means that everyone must feel secure in their home, with the legal right to remain there, without arbitrarily facing an eviction. In other words, access to justice for security of tenure should address any threat to the security and dignity of a person's home or the preservation of a person's community, a principle that applies to all Toronto residents, irrespective of where they live. The Toronto Housing Charter recognizes this by committing to "prevent arbitrary eviction, homelessness and other threats to human security and dignity, ensuring that City policies and programs are designed to avoid residents from being made homeless."⁵

Often access to justice is understood to apply only to unjustified evictions. However, governments have much broader obligations to ensure access to justice in all circumstances related to evictions. A thorough approach to access to justice for security of tenure that reflects international human rights law means that governments should be held accountable for any failure to take appropriate measures to address systemic issues leading to evictions such as affordability, poor maintenance or disrepair, discrimination, or housing developments that lead to displacement.

There are three elements to access to justice in the context of evictions. First, those affected by a proposed eviction must have access to courts or another adjudicative body like a tribunal, and evictions should never be carried out without an order from an independent court or tribunal. Second and equally important, is that when courts or tribunals are considering whether an eviction is justified, they should apply a standard of justice that is in accordance with international human rights laws.

Evictions should only be permitted in exceptional circumstances, when all feasible alternatives have been explored, when authorities have engaged in genuine consultations with those affected, and when adequate and reasonable notice have been provided to those affected. Affected individuals must also have access to legal aid or other effective representation if they cannot afford representation and should be provided with compensation for any loss of property. Evictions should never result in homelessness or making an individual vulnerable to other violations of their human rights.

Equally important is that when courts or tribunal adjudicators are dealing with an eviction matter, they must consider the circumstances of the individual who is at risk of eviction, the circumstances of the landlord, and the systemic issues that lie behind these. When considering if an eviction is justified, con-

5 City of Toronto. *Toronto Housing Charter - Opportunity for All*, para 4.

sideration of the proportionality of the eviction to the objectives of the eviction must also be considered and alternative means to meet that objective should also be explored.

The City of Toronto's Role in Advancing Access to Justice and Preventing Evictions

In Ontario, the Landlord and Tenant Board (LTB) is the provincial tribunal with jurisdiction over eviction matters. But municipal governments also have a major role to play in ensuring access to justice for the right to security of tenure and freedom from forced eviction. As recognized in the Toronto Housing Charter, all orders of government have responsibilities to prevent unnecessary evictions and when evictions are unavoidable, all levels of government have an obligation to ensure that the evicted households will have access to appropriate housing. The City of Toronto has important obligations in both of these respects.

When considering if the City has complied with its obligations in the context of an eviction, its actions can be assessed, at minimum, on the following considerations⁶:

- Is the affected individual or household unable to provide housing for themselves? If not, the government should take all appropriate measures, to the maximum of its available resources, to ensure adequate alternative housing is available.
- Have a variety of policies been utilized to ensure access to alternative housing? These may include rental assistance, access to social housing units and assistance with securing housing in the private market. It's important to consider that these measures must be deliberate and targeted.
- Do the policies adopted on alternative housing in cases of eviction correspond to the needs of those impacted, in response to the urgency of the situation, and respecting the dignity of those impacted?
- If it is impossible to offer a permanent housing solution, has the temporary accommodation provided to the affected individual(s) protected their dignity and met safety and security requirements?
- If a temporary accommodation has been provided, is this a step towards obtaining adequate housing that is permanent? Temporary housing should not become a permanent solution in and of itself.

⁶ These criteria have been applied in multiple cases but are summarized in: United Nations (UN). *Views adopted by the Committee under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, concerning communication No. 48/2018* *. August 16, 2018. [Soraya Moreno Romero and Children v Spain Communication, \(E/C.12/69/D/48/2018\)](#) (Accessed Jan. 24, 2022).

- Are the responsible orders of government adopting consistent and coordinated measures to address the structural causes of rent arrears, evictions, displacement, homelessness, and lack of housing?

The City's obligations with respect to evictions, however, also require that all appropriate measures within the maximum of the City's available resources be applied to eviction prevention and to addressing the structural causes of evictions. The UN Special Rapporteur on the Right to Adequate Housing has provided guidelines that outline requirements of access to justice for security of tenure.⁷ These guidelines clarify various requirements of access to justice for security of tenure, many of which are related to the powers of municipal governments like those of the City of Toronto. Some of these requirements relate to the implementation of programs to prevent eviction, such as rent stabilization and controls, rental assistance, and the adoption of preventative measures that eliminate the cause of eviction such as speculation in land, real estate and housing.

In this regard, the City of Toronto has the ability to regulate landlords and developments, renovations and upgrades to housing that may lead to displacements or the evictions of renters from their homes. In addition, it is important to understand security of tenure broadly, including the protection of existing affordable housing and communities in which low-income tenants live. This is a critical component of access to justice for security of tenure.

In 2020, the structural causes of housing issues faced by many renters around the globe came to the surface amid a global pandemic, when staying home was central to public health advice offered to curb the spread of the COVID-19 virus. These issues were exacerbated by the ensuing social and economic crises that emerged through the pandemic. In response, the Special Rapporteur also recommended that groups subjected to systemic discrimination and marginalization benefit from recovery measures as they acutely experienced the negative effects of the pandemic, that governments enact rent caps and provide subsidies for tenants and small-scale landlords, that adequate supplemental income be provided so no one is paying more than 30 per cent of their income for housing, and that governments constrain the role of private equity firms acquiring housing to use primarily as an investment vehicle and instead improve the rights and protection of renters.⁸

7 United Nations General Assembly. *Guidelines for the Implementation of the Right to Adequate Housing*, A/HRC/43/43. December 26, 2019. <https://www.ohchr.org/EN/Issues/Housing/Pages/GuidelinesImplementation.aspx> (Accessed Jan. 24, 2022).

8 Report of the Special Rapporteur on Adequate Housing, *COVID-19 and the right to adequate housing: impacts and the way forward A/75/148*. UN General Assembly. July 27, 2020. <https://ohchr.org/Documents/Issues/Housing/COVID19andHousingReportSummary.pdf> (Accessed Jan. 24, 2022).



Toronto's
Policies and
Strategies:
Access to Justice

Toronto City Council adopted the HousingTO 2020-2030 Action Plan in December 2019 as part of the City of Toronto's efforts to align its policies and programs with its human rights obligations. The Action Plan outlines the City's strategies for the progressive realization of the right to adequate housing, including security of tenure and freedom from forced evictions.⁹ It does this through 13 strategic actions, three of which are directly linked to strengthening access to justice and security of tenure for renters:

- Action 3 – “Prevent homelessness and improve pathways to housing stability.”
- Action 5 – “Maintain and increase access to affordable rents.”
- Action 7 – “Ensure well-maintained and secure homes for renters.”¹⁰

These strategic actions reflect an all-encompassing interpretation of security of tenure that recognizes its interconnectedness with, access to, and maintenance of affordable housing stock and tenant empowerment, in addition to eviction prevention.

Since the adoption of the Action Plan, the City has developed a detailed implementation plan outlining measurable “action areas” that will be advanced to achieve the Plan's broader strategic actions.¹¹ To date, the City has released two progress reports, the most recent of which was released in November 2021.¹² The City has initiated and advanced a number of programs that contribute to advancing access to justice and preventing evictions, such as:¹³

- Providing eviction prevention services through the City's Eviction Prevention in the Community (EPIC) program.
- Advocating for the provision of a portable housing benefit.
- Continuing to provide housing allowances to households.

The Action Plan also prioritizes the allocation of affordable housing and housing stabilization initiatives to women and girls, including female-led households.¹⁴ To advance this objective and ensure security of tenure for survivors of abuse and trafficking, the City has signed a memorandum of understanding (MOU) with the Violence Against Women (VAW) sector with the aim of strengthening collaboration and consultation with VAW organizations to improve housing and homelessness service delivery.¹⁵

The relevant City programs, which will be explored in detail in the forthcoming section, can be organized into two broad categories: (1) eviction prevention and housing stabilization; and (2) tenant education and supports.

9 The Charter sets out that the City of Toronto will, “Take action to prevent arbitrary eviction, homelessness and other threats to human security and dignity, ensuring that City policies and programs are designed to avoid residents from being made homeless.” City of Toronto, *Toronto Housing Charter - Opportunity for All*, p. 3

10 City of Toronto. *HousingTO 2020-2030 Action Plan*. December 2019. <https://www.toronto.ca/wp-content/uploads/2020/04/94f0-housing-to-2020-2030-action-plan-housing-secretariat.pdf> (Accessed Jan. 24, 2022), p. 31-40, 45-52 & 61-68.

11 City of Toronto. *HousingTO 2020-2030 Action Plan Implementation Plan*. PH16.5 Attachment 1. September 2020. <https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-156646.pdf> (Accessed Jan. 24, 2022).

12 See: City of Toronto. *HousingTO 2020-2030 Action Plan: 2020-2021 Progress Update*. November 2021. <https://www.toronto.ca/legdocs/mmis/2021/ph/bgrd/backgroundfile-173154.pdf> (Accessed Jan. 24, 2022).

13 City of Toronto. *HousingTO 2020-2030 Action Plan*, p. 12-13 & 47.

14 City of Toronto, *HousingTO 2020-2030 Action Plan*, p.43.

15 City of Toronto, *HousingTO 2020-2030 Action Plan: 2020-2021 Progress Update*, p. 30.

Eviction Prevention and Housing Stabilization Programs

The City of Toronto provides various programs and supports that can help tenants who are facing the threat of eviction. These are important ways that the City can support tenants to advance their right to housing by accessing justice beyond the provincial tribunals and courts. The programs discussed in this section all advance access to justice for people in the context of their right to housing, by providing them with information and supports to understand their legal rights, as well as programs that help them stabilize their housing as an alternative to experiencing eviction.

Rent-Geared-to-Income (RGI) Subsidized Housing

The City of Toronto provides Rent-Geared-to-Income (RGI) subsidies to eligible low-income tenants, calculated based on ensuring that eligible tenants pay no more than 30 percent of their household total monthly income on housing. The aim of the program is to support low-income and marginalized households to access deeply affordable rental housing, ensuring that their housing is stable, and reducing the risk of arrears-related evictions. Access to housing subsidies and increasing housing affordability for lower income tenants are critical ways in which a municipal government can advance tenants' access to justice and prevent evictions, helping to stabilize their housing.

Applicants are selected to receive the RGI subsidy from the City's Centralized Waitlist for subsidized housing, with priority access given to survivors of domestic or family abuse and human trafficking, terminally ill applicants, and current RGI recipients who need to move to a smaller unit. Households receiving an RGI subsidy must comply with a set of requirements to keep their subsidy, which include participating in an annual household income review, abstaining from giving false information about income or RGI eligibility, and ensuring that all members of the household are not absent from the unit for more than ninety days. Households must also notify their housing provider of any changes to their situation (i.e. in the number of people who live in the unit; a household member's migratory, employment and student status; a permanent increase in income; or if a member of the household stopped receiving social assistance) within 30 days of the change occurring.

The majority of RGI units are managed by Toronto Community Housing Corporation (TCHC), the largest provider of subsidized housing in the City of Toronto (and Canada) where 90 percent of households living in TCHC units are recipients of an RGI subsidy.¹⁶ In order to stabilize housing and prevent evictions for TCHC tenants, the City has implemented an Eviction Prevention Policy for Non-Payment of Rent. The Policy outlines the steps and mitigation measures that TCHC must undertake to keep arrears-related evictions to a minimum and ensure that tenants are equipped with the information, resources and

¹⁶ Toronto Community Housing, *Who we are*, TCH Website, <https://www.torontohousing.ca/who-we-are> (Accessed Jan. 24, 2022).

supports to avoid this type of eviction, keeping tenants housed.¹⁷ The remaining subsidized units are provided by housing co-operatives, private non-profit housing corporations (PNP), and certain market rentals. All RGI subsidies are tied to specific units, meaning that a household cannot use the subsidy to cover rent in another unit if they move.

Due to extremely high demand for affordable housing in Toronto, there is a long waitlist to gain access to subsidized housing. There are currently 78,791 applicants on the waitlist, which represents a decrease from 2020 when there was a total of 81,664 applicants on the waitlist.¹⁸ An applicant can wait up to seven years or more for a bachelor unit, twelve years or more for a one-bedroom unit, and ten years or more for units with two bedrooms or more.¹⁹ In 2021, 2,136 RGI applicants were housed, of which 1,722 were in TCHC units and the remaining 414 were in co-operative housing, PNP or market rentals. The City is planning to simplify access to social and affordable housing through the MyAccess-to-HousingTO portal, which is an adaptation of the existing Centralized Waitlist. In 2022, City staff are expected to present recommendations on the concept and design of an enhanced online portal to further facilitate access to all housing subsidies and benefits for eligible households in the city.²⁰

The provision of RGI subsidies can prevent evictions due to inability of households to pay market rents and stabilize housing, which advances access to justice for these residents. However, the long waitlists reflect the gap between needs and program reach, a major shortcoming of the effectiveness of this initiative which has left many households in precarious situations without receiving the RGI subsidies they need to remain housed. The City can also use other policy tools to prevent eviction, such as the eviction moratoria it implemented during the pandemic for TCHC residents.

Commercial Rent Supplement Program for Subsidized Housing

Another way the City of Toronto can enhance tenants' access to justice and stabilize their housing is through providing housing subsidies for tenants living in the private rental market so that they can remain in their homes rather than face eviction when affordability is at issue. The Commercial Rent Supplement Program is a City-run program that provides RGI subsidies to eligible low-income households through subsidized units in the private rental market. The subsidy is a housing stabilization and eviction prevention program which increases the affordability of rents for eligible individuals. Eligibility rules for the program are the same as for accessing RGI subsidized housing in the social or co-operative housing sector, as set by the *Housing Services Act*. Like other forms of RGI, the subsidy is tied to the unit rather than the tenant.

17 Toronto Community Housing, *Eviction Prevention Policy for Non-Payment of Rent*, TCH Website (July 2014), [https://www.torontohousing.ca/about/policies-programs/policies/tenant-transfers-relocation/Pages/Eviction-Prevention-Policy-for-Non-Payment-of-Rent-\(Arrears\).aspx](https://www.torontohousing.ca/about/policies-programs/policies/tenant-transfers-relocation/Pages/Eviction-Prevention-Policy-for-Non-Payment-of-Rent-(Arrears).aspx) (Accessed Jan. 24, 2022).

18 City of Toronto. *Social Housing Waiting List Reports*. City of Toronto Website. Nov. 2, 2021. <https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness-research-and-reports/social-housing-waiting-list-reports/> (Accessed Jan. 24, 2022).

19 City of Toronto. *Rent-Geared-to-Income Subsidy*. City of Toronto Website. <https://www.toronto.ca/community-people/employment-social-support/housing-support/rent-geared-to-income-subsidy/> (Accessed Jan. 24, 2022).

20 City of Toronto, *HousingTO Action Plan: 2020-2021 Progress Update*, p. 36.

The program partners with private market landlords to secure rental supplement units. Landlords retain ownership and management responsibilities for the units, while the City administers the ongoing RGI eligibility of tenants. There are approximately 2,500 units in the Commercial Rent Supplement program in Toronto that are secured through agreements with 200 landlords.

Selection of households for the program is done through the City's Centralized Waiting List, which covers all rent supplement units. Tenants pay their rent directly to the landlord and the City pays landlords the RGI subsidy, which is the difference between actual market rent and the RGI tenant's rent.²¹

The Canada-Ontario Housing Benefit (portable housing benefit)

The Canada-Ontario Housing Benefit (COHB) is a provincially mandated benefit that was created in December 2019 to assist low-income households with rental costs. The program is part of the federal government's provision of the Canada Housing Benefit through the National Housing Strategy. It aims to provide direct affordability support to households in housing need through federal and provincial/territorial partnerships.²² Ontario has confirmed the City of Toronto's funding allocation for the first two years of the program (2020-2021 and 2021-2022), which will be administered by the City of Toronto's Shelter, Support and Housing Administration (SSHA).²³

Unlike RGI subsidies, the COHB is a portable benefit, meaning that it is tied to the household and can be applied to any rental unit, paid directly to recipient households. The COHB pays the difference between 30 per cent of the household's income and the average market rent in the area. For recipients of social assistance receiving the COHB, the benefit will pay the difference between a household's shelter allowance and their rent and utilities costs.

The COHB is available to eligible priority groups who are on the Centralized Waiting List. Priority groups include survivors and families of domestic and gender-based violence or human trafficking, Indigenous people, and people with disabilities requiring modified units. If a household receives the COHB they must agree to be removed from the wait list in order to receive the benefit.

The provision of the COHB can enhance access to justice for lower income tenants by helping them to pay their rent and stabilize their housing. According to the City's progress report, from April 2020 to March 2021, 1,162 households received the benefit, while 250 additional households have begun to receive the benefit in year 2 (April 2021-March 2022).²⁴ The COHB program is expected to end March 31, 2029.

21 City of Toronto. *Commercial Rent Supplement Program for Subsidized Housing*. City of Toronto Website. <https://www.toronto.ca/community-people/employment-social-support/housing-support/rent-geared-to-income-subsidy/rent-supplement-program/> (Accessed Jan. 24, 2022).

22 Government of Canada. *Canada's National Housing Strategy: A Place to Call Home*. <https://www.placetocallhome.ca/what-is-the-strategy> (Accessed Jan. 24, 2022), p. 15.

23 City of Toronto. *Report for Action: Authority to Implement the New Canada-Ontario Housing Benefit*. Item CC20.5. April 27, 2020. <https://www.toronto.ca/legdocs/mmis/2020/cc/bgrd/backgroundfile-147153.pdf> (Accessed Jan. 24, 2022).

24 City of Toronto, *HousingTO Action Plan: 2020-2021 Progress Update*, p. 35.

Housing Stabilization Fund

The Housing Stabilization Fund (HSF) provides supports to renters with emergency housing needs who are recipients of financial assistance through Ontario Works (OW) and the Ontario Disability Support Program (ODSP). The aim of this fund is to help people move into a home, to stabilize housing, prevent evictions, or support those experiencing homelessness. The HSF is a critical program that advances access to justice for low-income Torontonians, by not only helping to stabilize their housing but also providing supports that can help people find permanent housing. The HSF supports social assistance recipients to establish or retain their housing and refers clients to internal and external support services to further contribute to housing stability. Eligible residents can be housed or unhoused and exiting the shelter system at the time of receiving the fund.²⁵ The City may issue the HSF to help renters pay their last month's rent, pay down their rental arrears or energy arrears, and moving costs.

The HSF was launched in January 2013 as part of the City's Community Homelessness Prevention Initiative (CHPI) which was established by City Council in October 2012. CHPI combined provincial funding from five existing homelessness programs into a single initiative administered by the Ministry of Housing and delivered by Service Managers. The initiative leveraged existing provincial funding to establish the HSF (previously the Community Start-up and Maintenance Benefit), which is administered by Toronto Employment and Social Services.

In 2020, Toronto City Council approved changes to the HSF to expand eligibility. The HSF was permanently expanded to cover last month's rent and moving costs within Ontario for residents of Toronto and temporary measures were introduced (until December 31st, 2021) to provide additional assistance to people receiving social assistance whose housing stability was impacted by the COVID-19 pandemic. For example, clients were eligible to receive HSF, up to the maximum payment, one additional time in 2021 to cover eligible housing costs.²⁶

The HSF supports some of Toronto's most vulnerable tenants with access to housing supports and funding to remain in their homes.

Toronto Rent Bank

Another major way that the City of Toronto can advance access to justice for tenants is by supporting those at risk of eviction by providing rent supports through the Toronto Rent Bank so that they can remain in their home. Since its establishment in 1998, the Toronto Rent Bank has provided interest-free loans to low-income tenants who are experiencing rental arrears or who require support for a rental deposit to avoid eviction. The City of Toronto was the first municipality in Ontario to offer a rent bank program to residents. The Rent Bank was created through a partnership between the City of Toronto and Neighbourhood Information Post (NIP), which works in collaboration with seven local access centre

²⁵ City of Toronto. *Housing Stabilization Fund*. City of Toronto Website. <https://www.toronto.ca/community-people/employment-social-support/support-for-people-in-financial-need/assistance-through-ontario-works/policies-and-procedures/housing-stabilization-fund/> (Accessed Jan. 24, 2022).

²⁶ City of Toronto. *Housing Stabilization Fund*. City of Toronto Website.

partners throughout Toronto to administer and coordinate the Rent Bank program. Both the NIP and the local access centre partners undertake outreach activities to promote the program.

Tenants must reside in Toronto, pay market rent with a tenancy covered by the RTA, fall within low-income eligibility requirements in accordance with Household Income Limits, and satisfy Rent Bank application requirements, including providing the required documentation and consent to information collection to be eligible for the program. Household Income Limits (HILs) establish upper annual income limits depending on household size.²⁷ Recipients of Ontario Works (OW) or the Ontario Disability Support Program (ODSP) are not eligible for the program but are referred to the Housing Stabilization Fund by NIP-managed call centres.

In April 2020, SSHA invested an additional \$2 million in the Rent Bank in response to the COVID-19 pandemic. Several enhancements were also made to the program, including increasing the maximum allowable loan from \$3,500 to \$4,000 that covers up to 3 months in rental arrears; automatic deferral of all loan repayments for up to a period of 12 months; elimination of the requirement that households must demonstrate a steady income to continue receiving assistance; and moving to electronic document verification.

In April 2021, Toronto City Council approved the suspension of all Rent Bank loan repayments and the implementation of a Rent Bank grant program model pilot until March 31, 2022. The Economic and Community Development Committee (ECDC) is expected to report back on the results of the conversion of the Rent Bank to a grant-based program and determine whether to propose a permanent conversion sometime before the pilot project ends at the end of March 2022. According to the ECDC's March 2021 Rent Bank report, the changes made to the program have had a positive impact on residents by helping an additional 750 households access loans and grants to secure their homes in 2020.²⁸

A temporary Rent Bank Pre-Screening Call Centre was established through a partnership between SSHA, NIP, and Toronto Employment and Support Services (TESS) to address an expected increase in call volumes to the Rent Bank in response to the conversion of the program to a grant model.²⁹ The call centre pre-screens callers to determine whether they are eligible to submit a Rent Bank application. It also redirects eligible callers to the HSF and offers callers information on additional community resources and other support services such as OW and ODSP. In 2021, the City approved an additional \$3 million to the Rent Bank given the increasing demand for financial supports for those unable to pay their rent in full due to the COVID-19 pandemic. The City's Progress Report indicates that 1,200 houses were supported to maintain their housing through the Rent Bank in 2021,³⁰ while a total of 1,060 households received loans for rental arrears and 90 received loans for rental deposits in 2020. The program's reach

27 City of Toronto. *Report for Action: Toronto Rent Bank and Eviction Prevention in the Community Programs – Update*. November 23, 2020. <https://www.toronto.ca/legdocs/mmis/2020/ec/bgrd/backgroundfile-158769.pdf> (Accessed Jan. 24, 2022).

28 City of Toronto. *Toronto Rent Bank and Eviction Prevention in the Community Programs – Update*. March 11, 2021. [Toronto Rent Bank and Eviction Prevention in the Community Programs - Update](https://www.toronto.ca/legdocs/mmis/2021/ec/bgrd/backgroundfile-164896.pdf) (Accessed January 24, 2022).

29 City of Toronto. *Toronto Rent Bank and Eviction Prevention in the Community Programs - Update*. March 11, 2021. <https://www.toronto.ca/legdocs/mmis/2021/ec/bgrd/backgroundfile-164896.pdf>. (Accessed Jan. 24, 2022)

30 City of Toronto, *HousingTO Action Plan: 2020-2021 Progress Update*, p. 23.

in 2020 represents a 34% increase from 2019.³¹

Eviction Prevention in the Community (EPIC) program

In addition to the rent supports provided by the Toronto Rent Bank, the City of Toronto also provides intensive wraparound eviction prevention supports, through the Eviction Prevention in the Community program (EPIC), to marginalized individuals facing evictions. The EPIC program was first launched as a pilot program in March 2017 by SSHA to provide wraparound eviction prevention services for low-income tenants facing eviction. Based on the program's eligibility criteria, clients are referred to the program through several pathways including the Landlord and Tenant Board (LTB) and the Central Intake.

The EPIC program provides qualifying clients with the following services: wraparound case management supports; mediation with landlords to stabilize housing; referrals to community legal supports; navigation/accompaniment to the Landlord and Tenant Board; assistance securing income supports, trusteeship, or money management programs; system navigation and referrals to other services and supports; rehousing supports and shelter diversion where the existing tenancy cannot be sustained.³² EPIC clients may also access community-based financial supports like the Housing Stabilization Fund or the Rent Bank, and direct SSHA supports including receiving the Housing Allowance, the Bridging Grant, and the Homelessness Prevention Fund. During its first three years of operation (2017-2020), the EPIC Program assisted 980 households to remain housed and avoid homelessness.³³

The SSHA's March 2021 "EPIC Program Updates Report" demonstrates that the number of households who were referred to the EPIC program from the LTB and the City's Central Intake was lower than expected, something they attribute to the provincial moratorium on evictions put in place in response to the COVID-19 pandemic, and the temporary closure of the LTB between March and August of 2020 and the resulting backlog in case hearings.

In 2021, the City invested a total of \$2.03 million in EPIC, which is projected to help an additional 500 households stay housed. The program improves housing stability for some of the most vulnerable renters or those experiencing homelessness, preventing evictions and improving access to justice. The City's 2021 Progress Report states that enhancements are being made to expand partnerships with private market landlords and community agencies to increase referral sources for EPIC, while maintaining existing eligibility requirements.³⁴

31 City of Toronto. *Report for Action: Toronto Rent Bank Update*. March 11, 2021. <https://www.toronto.ca/legdocs/mmis/2021/ec/bgrd/backgroundfile-164896.pdf> (Accessed Jan. 24, 2022).

32 Ecker, J.; Holden, S., & Schwan, K. *An Evaluation of the Eviction Prevention in the Community (EPIC) Program*, (Toronto: Canadian Observatory on Homelessness Press, 2018), p. 3, https://www.homelesshub.ca/sites/default/files/attachments/EPIC_Summary_Report.pdf

33 City of Toronto. *Toronto Rent Bank and Eviction Prevention in the Community Programs – Update*, p. 6.

34 City of Toronto. *HousingTO Action Plan: 2020-2021 Progress Update*, p. 99.

Tenant Supports and Education

In advancing access to justice, the City of Toronto has provided various avenues for tenants to learn about their rights and to come together as a community to exercise their right to housing. The following programs and supports are critical in helping tenants in Toronto enhance their knowledge about their housing rights and build their capacity to advocate for themselves.

Tenant Defence Fund

The Tenant Defence Fund (TDF) is a program that offers support grants and outreach services for legal representation for eligible tenant groups and provides telephone information service for tenants in the private rental market. The TDF was created in 2000 to help tenants fight Above Guideline Rent Increases (AGIs) following the enactment of the provincial *Tenant Protection Act* in 1997 but has since expanded to include funding to dispute a broader set of landlord applications, including repairs and renovations, and to make or dispute an application at the Local Planning Appeal Tribunal (LPAT), formerly known as the Ontario Municipal Board (OMB).

In November 2017, Toronto City Council made significant changes to the Fund by broadening its capacity and scope and increasing funding for the Tenant Support Grant. Since 2017, eligible tenant groups can apply for a three-tiered Tenant Support Grant that includes a basic grant for landlord applications and two additional grants for professional legal services, judicial reviews of LTB decisions and disputes before the LPAT. These changes were codified in the Toronto Municipal Code through amendments made to Chapter 797, Tenant Support Grant Program, that established the grant's requirements.

Like with many of the City's tenant support programs and policies, the outbreak of the COVID-19 pandemic brought along a set of challenges that the TDF was ill-equipped to address given their scale and complexity. In late 2020, City Council adopted the recommendations made by SSHA to update the Tenant Support Grant Program by repealing Municipal Code Chapter 797 and giving SSHA discretionary powers to update and adapt the program to meet tenants' needs during the pandemic. City Council also directed SSHA to submit a report in the second quarter of 2021 outlining opportunities for aligning existing tenant support programs over the medium and long-term with current economic conditions. In 2020, Toronto City Council also approved \$75,000 in additional funding for the Tenant Defence Fund's expanded role in the wake of the COVID-19 pandemic due to the impact of provincial lockdowns that resulted in the loss of income for many residents who are facing difficulties with paying rent. During the first half of 2021, SSHA undertook a review of the TDF to better support eviction prevention for low-income tenants and, in May 2021, SSHA submitted a program review recommending the expansion of the scope and flexibility of the TDF. Conducted in collaboration with the Tenant Advisory Committee (TAC), the program review has resulted in the development of a new Toronto Tenant Support Program (TTSP), which will be launched in the first half of 2022. The TTSP will feature more streamlined access to legal support for tenants and tenant groups, expanded outreach for tenant organizing, and capacity

building for mobilizing tenants to protect rental affordability and stability.³⁵ The TTSP is also expected to expand free tenant supports and will include a research and policy stream to help bridge information gaps related to the program's operation.³⁶

Free Tenant Supports

The City of Toronto funds various programs that provide tenants with free supports to exercise their right to housing, and advance access to justice. The Federation of Metro Tenants' Association (FMTA) and the Centre for Equality Rights in Accommodation (CERA) both offer information and supports to tenants by telephone. Tenants can call these organizations to get information about rental housing, their rights and several related topics, including the Residential Tenancies Act (RTA), the LTB, maintenance and repairs issues, AGIs, tenancy agreements, and discrimination. Both organizations can answer general questions on tenants' legal rights in Ontario, provide information on what the law says, explain how the system works, and in some cases, outline options that tenants might have in dealing with a housing situation. Staff may also refer tenants to community legal clinics that can provide legal advice, non-profit organizations providing legal services, and city agencies that provide other housing services.

Eviction Prevention Handbook

In 2021, the City of Toronto developed and published a free Eviction Prevention Handbook through input from tenants and other stakeholders, which is available online in multiple languages. This handbook is intended to help tenants navigate the eviction process, providing an overview of what to look out for, templates to use and information about tenants' legal rights. It describes each stage of the eviction process, outlining actions that tenants can take at each stage and linking them with other necessary resources. The handbook is one tool in the City's efforts to help tenants know about their legal rights and increase their access to justice.

Tenant Advisory Committee

To advance access to justice, it is also important that tenants are included and consulted in the City's decision-making process. The Tenant Advisory Committee (TAC) is a permanent consultative body that is made up of 10 members, including people with lived experience of housing precarity, tenant advocates, tenant associations, right to housing advocates and community legal clinics. TAC was created to provide guidance and advice to the City of Toronto on actions that can be taken to better support

35 City of Toronto, *HousingTO Action Plan: 2020-2021 Progress Update*, p. 99.

36 City of Toronto. *Toronto Tenant Support Program Implementation*. May 31, 2021. <https://www.toronto.ca/legdocs/mmis/2021/ph/bgrd/backgroundfile-168282.pdf>. (Accessed Jan. 24, 2022).

vulnerable tenants and make recommendations on improving the City's tenant supports. The TAC was proposed by the Planning and Housing Committee in December 2020 to replace the Protection of Affordable Rental Housing Advisory Group that was established in December 2019 to support the implementation of the HousingTO 2020-2030 Action Plan.³⁷ Members are selected for a two-year term through an annual call for participants and at least three members must be people with lived experience.³⁸ To provide continuity, half of the TAC's initial members are from the previous Advisory Group.

The TAC was given a mandate by Toronto's Planning and Housing Committee to work with City staff to develop annual work plans to advance the protection of affordable housing and tenancies; provide advice and feedback on policy and program development aimed at preserving affordable housing; and support City divisions involved in the development of renter-related services, policies, programs and consultations.³⁹ Although right to housing advocates are to be considered for membership, the mandate of the TAC makes no reference to the City's commitment to the right to housing or other elements of the Toronto Housing Charter.

The Committee's priorities for its 2021-2022 work plan⁴⁰ are based on three focus areas that will guide the TAC's work until March 2022: Preservation of Affordable Rental Housing, Tenant Rights, and Ensuring Well-Maintained Homes for Renters. To advance these priorities, the TAC has engaged with the City on key issues including proposals on Inclusionary Zoning, enhancements to SSHA's tenant support services, the City's Multi-Tenant Houses framework and RentSafeTO initiatives. The TAC also provided key recommendations for expanding the Tenant Defence Fund's scope through the creation of the Toronto Tenant Support Program. City staff and TAC are currently working on updating and redesigning the RentSafeTO building evaluation tool, while the City has committed to continue to support the TAC to effectively engage with City divisions and other stakeholders to address issues affecting tenants moving forward.⁴¹

An advisory committee like TAC allows direct engagement and participation by impacted groups and housing advocates to advance access to justice for renters across the city and prevent evictions. However, it lacks a framework for rights-based decision-making and accountability through which compliance with the Toronto Housing Charter and the right to housing under international law could be assessed and appropriate action taken.

37 City of Toronto, *HousingTO 2020-2030 Action Plan*, p. 67.

38 City of Toronto. *2021 Work Plan on the Preservation of Affordable Rental Housing*. Item PH19.8. November 9, 2020. <https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-158950.pdf> (Accessed Jan. 24, 2022).

39 City of Toronto. *Tenant Advisory Committee Updates and 2021-2022 Work Plan*. Report for Action. May 31, 2021. <https://www.toronto.ca/legdocs/mmis/2021/rh/bgrd/backgroundfile-167335.pdf> (Accessed Jan. 24, 2022).

40 City of Toronto. *Tenant Advisory Committee Updates and 2021-2022 Work Plan*.

41 City of Toronto. *HousingTO 2020-2021 Progress Report*, p. 114.

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Reports from the Ground

Housing advocates say that the COVID-19 pandemic has exacerbated the risk of eviction for many low-income and vulnerable residents of Toronto who have suffered job and income losses that resulted from widespread business closures in 2020 and 2021. According to CMHC’s 2020 Rental Market Report, up to 10% of all purpose-built rental units in the Toronto Census Metropolitan Area (CMA) may be in arrears.⁴² With the lifting of a province-wide evictions moratorium on June 21, 2021 many tenants are now facing possible eviction and require additional support to avoid losing their homes.

Shift to Online LTB Hearings

Housing advocates expressed concern over the LTB’s decision to shift from in-person to online hearings and generally agree that the change has been detrimental for low-income and vulnerable tenants due to a lack of access to a reliable internet connection. In Toronto, 38% of all households reported download speeds below the Canadian Radio-television and Telecommunications Commission’s (CRTC) standards of at least 50 Mbps. Among low-income households, 52% reported internet speeds below this standard.⁴³

The shift to online hearings significantly impacted tenant attendance to LTB hearings. The Advocacy Centre for Tenants Ontario’s (ACTO) Digital Evictions report shows that in 2020⁴⁴ tenants must wait for indefinite periods of time for their hearing and often end up missing it if they are unable to stay connected. Housing advocates say that a tenant’s presence at a hearing can be decisive in determining whether the LTB issues an eviction order or not. The report states that LTB board members, however, rarely make inquiries about why a tenant is not present at the hearing.⁴⁵

EPIC staff’s capacity to support tenants has also been affected by the LTB’s shift to online hearings. According to housing advocates, prior to the beginning of the COVID-19 pandemic and the temporary closure of the LTB, EPIC staff would attend in-person hearings with tenants to provide support, but since LTB hearings went online, they have seen very few EPIC workers attend virtual hearings. Advocates say that although EPIC workers were assigned to a specific tenant, many were always willing to help other tenants in separate hearings and provide some immediate assistance. Advocates also claim that EPIC workers have been very effective at working out payment plans with landlords and legal representatives and at providing a wide array of services including follow-up services, career and financial counseling, and voluntary trusteeships.

Advocates also pointed to the need to support tenants through enabling a process through which the Toronto Rent Bank staff are allowed to call into LTB hearing blocks related to rent arrears so that tenants could do preliminary screenings to see if they are eligible for financial assistance to help pay for

42 CMHC. *2020 Rental Market Report*. January 2021. <https://www.cmhc-schl.gc.ca/en/professionals/housing-markets-data-and-research/market-reports/rental-market-reports-major-centres> (Accessed Jan. 24, 2022).

43 Advocacy Centre for Tenants Ontario (ACTO). *Digital Evictions: The Landlord and Tenant Board’s experiment in online hearing*. June 2021. <https://www.acto.ca/production/wp-content/uploads/2021/06/Digital-Evictions-ACTO.pdf> (Accessed Jan. 24, 2022).

44 ACTO. *Digital Evictions: The Landlord and Tenant Board’s experiment in online hearing*.

45 ACTO. *Digital Evictions: The Landlord and Tenant Board’s experiment in online hearing*.

arears and maintain security of tenure over their current residence or be eligible for a first and last month rent deposit to find another dwelling.

Lack of access to real-time information on LTB hearings was another major theme that was brought up by housing advocates and other stakeholders. The City of Toronto does not have access to real-time information on eviction application and landlord applications for AGIs. This lack of information impedes the City from making evidence-based policy decisions to properly address the eviction crisis. City Council has requested that the provincial government share its data on applications submitted to the LTB on several occasions but has so far been unsuccessful.

Informal evictions

The prevalence of informal evictions and the lack of information on the actual extent of the problem were a major concern for many housing advocates and other stakeholders. Informal or illegitimate evictions refer to situations where tenants are forced or coerced into leaving their unit without the issuance of a formal eviction order from the LTB. Advocates say that many informal evictions occur when tenants in vulnerable situations leave their units after a landlord gives them an eviction notice or threatens to do so.

Housing advocates also mentioned the misuse of N12 and N13 notices by landlords as a significant source of informal evictions. N12 notices are submitted when a landlord or purchaser evicts the tenant because they or their family member will occupy the unit, and N13 notices are used when the landlord needs to carry out renovation work that requires the unit to be vacated by the tenant. Advocates and other stakeholders expected to see an increase in N4 notice applications over 2021 but instead saw a prevalence of N12 and N13 notice applications being submitted to the LTB. Tenants' experiences with fraudulent use of these notices, where they claim that their landlord is not acting in good faith, serve as the main source of information on this issue, which advocates agree is extremely difficult to monitor and enforce.

Informal evictions mostly impact low-income and racialized communities where a large number of purpose-built affordable rental housing is located. A recent study on evictions in Toronto shows that the majority of eviction applications are disproportionately concentrated in what the City has designated as Neighbourhood Improvement Areas (NIA). Data from the Ontario Ministry of Health shows that many of these areas have also been most negatively impacted by the COVID-19 pandemic.⁴⁶

46 Mah, J. "Evictions in Toronto: Governance Challenges and the Need for Intergovernmental Cooperation" *IMFG perspectives* No. 32 (2021), https://tspace.library.utoronto.ca/bitstream/1807/107632/1/imfgperspectives_no32_evictionsintoronto_juliemah_october_7_2021.pdf

Renovictions

The prevalent use of N13 forms to evict tenants is an indication of a rise in no-fault evictions, such as renovictions where generally tenants are evicted for landlords to carry out renovations, but there is a lack of data on the extent of the problem. Housing advocates say that obtaining data on LTB hearings is difficult and time consuming. It requires submitting many Freedom of Information (FOI) requests to fill in gaps in the data, but many issues like renovictions are not reflected in the information that is made available.

To address renovictions, advocates say that the City should look to the Port Coquitlam Business By-law which mandates that building owners/operators must provide accommodation for tenants who are evicted because of repairs or renovations to their apartment building or units, in addition to provincial provisions under the Residential Tenancy Act that requires the right of first refusal for these tenants.⁴⁷ These requirements are consistent with the City's obligations under international human rights law and the commitments made in the Toronto Housing Charter. Within the current institutional and legal framework, the City should restrict evictions for any renovations or retrofits that are carried out through the Tower Renewal program. The City could mandate the long-term affordability of units that are renovated under City-funded programs, though it is unclear whether building operators/owners would be willing to commit to the long-term affordability of rental units for access to relatively small loans and grants. Under international human rights law, the City must apply appropriate means to ensure that development proposals do not displace low-income communities, that new housing meets the needs of those communities, that adequate alternative housing is provided to those who must be temporarily displaced, based on engagement with the community, and that those who wish to return to their communities are able to do so without significant increases in rent.

RGI Subsidy Loss

Tenants who are in receipt of a Rent-Geared-to-Income (RGI) subsidy must adhere to a set of requirements if they want to continue to receive this support. Unfortunately, many tenants are unable to fully comply with the program's requirements and end up losing their subsidy. Advocates say that many tenants who live in subsidized housing may not fully understand the requirements they are supposed to follow due to language barriers and a lack of information on the program. For many tenants, the loss of this subsidy can increase the risk of eviction and weaken their security of tenure if they are unable to pay for a market rate rental.

According to housing advocates, tenants who lose their RGI subsidy can end up accumulating substantial amounts of debt in arrears if they are unable to pay for the market rate of their unit. Advocates mentioned cases where tenants show up to their LTB hearings with over \$10,000 in rental arrears because

⁴⁷ Residential Tenancy Act. [SBC 2002] Chapter 78. November 26 2002. https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/02078_01. (Accessed Jan. 24, 2022).

they lost their RGI subsidy and accumulated retroactive arrears. Many tenants who are faced with this situation are unable to pay back the arrears they are owing in what the LTB considers a “reasonable amount of time” because they have low incomes or are recipients of social assistance. Tenants can challenge the City’s decision to end their RGI eligibility by requesting a review of the decision, however, this can be a lengthy process during which the tenant must continue to pay the market rate for their unit.

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Key Priorities for 2022

Key Priorities for Improving Access to Justice in 2022

- 1** Expanding and enhancing eviction prevention services
- 2** Making Rent Bank grants permanent
- 3** Improving tenant legal information and supports
- 4** Supporting tenants to navigate the LTB's online hearings
- 5** Expanding and simplifying RGI subsidy eligibility



Recommendations for the City of Toronto

1 Ensure that tenants have equal access to legal supports to challenge evictions

PRINCIPLE 1: Everyone must have access to justice and legal recourse when faced with the loss of their home.

Recommendations for the City of Toronto:

- Continue funding the Toronto Tenant Support Program to support the various legal needs of tenant communities and expand the program in the coming years to meet tenants' needs.
- Improve legal support programs for tenants to challenge AGIs in their buildings and expand programs that build tenant organizing capacity.
- Establish a by-law prohibiting renovictions and that ensures the preservation of affordable housing units, supports tenants' right of return, requires accommodation needs during the renovations, and requires other supports such as moving costs.
- Provide resources and funding for programs that help tenants navigate the Landlord and Tenant Board's (LTB) shift to online hearings, especially people with disabilities or tenants without reliable access to technology.
- Provide advocacy and legal support for affected communities to identify and address systemic violations of their right to housing and establish procedures through which right to housing claims can be heard and recommendations made to ensure compliance with the right to housing as recognized in the Toronto Housing Charter.
- Establish a procedure through which the LTB is able to refer tenants facing eviction to the City's eviction prevention office to explore all possible solutions before any eviction is ordered, and to ensure that in the event of an eviction, affected individuals will not become homeless.

2 Ensure individuals and communities have access to programs and procedures that allow them to exercise their right to housing

PRINCIPLE 2: The City must ensure individuals and communities have access to supports and programs to exercise their right to security of tenure in all circumstances.

Recommendations for the City of Toronto:

- Continue and expand funding to the City-funded resources that provide legal information services to tenants.
- Increase funding for eviction prevention services to expand the provision of housing stabilization and wraparound supports to marginalized tenants.
- Develop alternative procedures to deal with the needs of encampments, informal settlements and individuals living outside to ensure access to water and sanitation, protection from unnecessary evictions and that adequate housing is provided based on dialogue and engagement.
- Provide training in the right to housing as affirmed in the Toronto Housing Charter to all City staff and implement “right-to-housing-analysis-plus” to ensure that all decisions impacting the right to housing are reviewed for compliance with the right to housing as defined in international law.

3 Meaningful engagement and effective participation from tenant residents

PRINCIPLE 3: The City must ensure that tenants, precariously housed individuals and those experiencing homelessness can meaningfully participate in rights-based decision making, including the design and implementation of policies that improve their access to justice and strengthen their security of tenure in compliance with the right to housing in the Toronto Housing Charter.

Recommendations for the City of Toronto:

- Establish procedures for hearing from low to moderate income renter communities and persons with lived experience of homelessness to ensure that all decision-making at the City is consistent with the right to housing, to identify issues that need to be addressed and to participate in the development and implementation of required measures.
- Continue to work with the Tenant Advisory Committee to improve City policies and programs in accordance with the Toronto Housing Charter and the right to housing.
- Creating a new Right to Housing Community Engagement Committee to make recommendations for action.
- Expand public education programs on the City's new commitment to the right to housing for communities living in inadequate or precarious housing and provide ways to bring their lived experience to the decision-making tables so as to clarify the responsibilities of the City.
- Facilitate and encourage joint or collaborative responses by other orders of government and assist rights claiming groups in having their right to housing considered by other orders of government, including by facilitating public hearings.
- Adopt and implement the role of the Housing Commissioner to engage with communities to assess compliance with the right to housing, ensure that goals and timelines for the elimination of homelessness are met, identify the responsibilities of various orders of government and advance housing policies that meet the needs of communities and uncover systemic housing issues facing communities and groups denied the right to housing.
- Communicate the City's willingness to consider and respond to any recommendations from the Federal Housing Advocate on measures needed within the City's authority to address systemic issues.

4 Ensuring that Toronto tenants are not evicted because of affordability issues beyond their control

PRINCIPLE 4: The City must not allow the present housing crisis to result in the evictions of low income tenants and must provide tenant households living on lower incomes with supports and programs that stabilize their tenancies to remain housed.

Recommendations for the City of Toronto:

- Appoint a panel to review all existing programs providing assistance with rent or rent subsidies in order to assess compliance with the requirements of the right to housing under international law and develop recommendations for the City and other orders of government on how to address the affordability crisis facing low income tenants so as to ensure their right to housing.
- Extend the additional supports provided by the Housing Stabilization Fund, especially for those at greatest risk of losing their homes due to rent arrears or at risk of housing loss due to impacts of the COVID-19 pandemic.
- Continue to fund and expand the Toronto Rent Bank and make grants a permanent fixture of the program.
- Expand RGI subsidy eligibility in response to increasing housing prices and simplify eligibility criteria.
- Reduce instances of RGI subsidy loss by enhancing tenants' knowledge about program requirements, supporting tenants with repayment plans for rent arrears that are realistic, and making the process of RGI subsidy loss decision reviews less onerous on tenants.
- Adopt all appropriate means to counter the financialization of housing and the destruction of affordable housing communities.

Access to Justice

FOR THE RIGHT TO HOUSING

RIGHTS
REVIEW

Right to
Housing
in Toronto

