

Access to Justice

FOR THE RIGHT TO HOUSING

RIGHTS
REVIEW

EXECUTIVE SUMMARY

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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Executive Summary

Access to justice is a critical aspect of the right to housing, especially as it relates to the security of tenure. This means that people should feel secure in their homes with the legal right to remain there without arbitrarily facing an eviction and by having access to mechanisms that provide them with avenues to exercise their legal rights. In Ontario, the Landlord and Tenant Board (LTB) is the provincial tribunal with jurisdiction over eviction matters but municipal governments can play a major role in ensuring access to justice. Municipalities can support tenant communities and those living in precarious housing by providing eviction prevention programs that help stabilize their housing as well as programs that support tenants to learn about their legal rights and come together to have their needs heard by decision-makers.

In 2019, the City of Toronto adopted its 10-year housing plan, called the HousingTO 2020-2030 Action Plan, and committed to advance the right to housing for its residents in line with the federal government's commitment to the right to housing in the National Housing Strategy Act (NHTSA). This means that the City has committed to align its housing policies and programs to advance the right to housing and to ensure that individuals can live in safe, secure and affordable homes.

This Rights Review examines the City of Toronto's frameworks, programs and supports that advance access to justice for Torontonians. Two categories of relevant City programs are discussed. First, eviction prevention and housing stabilization programs are examined, which are important ways that the City can support tenants to advance their right to housing by accessing justice beyond the provincial tribunals and courts. These include rent-g geared-to-income subsidized housing, housing stabilization and rent supplement programs, and eviction prevention programs. Second, tenant education and legal support initiatives are examined to understand how the City can help people learn about their rights and come together as a community to advance access to justice. Thereafter, this Rights Review delves deeper into the effectiveness of these programs and the various improvements needed to ensure access to justice can be advanced for Torontonians.

A set of practical rights-based recommendations for the City of Toronto are provided which can advance Torontonians' access to justice so they can live with security and dignity in their homes.



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.

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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.

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