

Ending Homelessness & Preventing Evictions in Toronto

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), Canadian Centre for Housing Rights (CCHR), Centre for Independent Living in Toronto, Colour of Poverty – Colour of Change, Federation of Metro Tenants' Associations (FMTA), Jane Finch Housing Coalition, Maytree, West Scarborough Community Legal Services, and housing advocates Joy Connelly and Ingrid Palmer.

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Torontonians continue to face housing instability, insecurity and homelessness. In 2021, the City's latest Point in Time Count found that on a given day, nearly 7,500 people were experiencing homelessness¹, an amount that is nearly 3,000 more than the number of homeless people captured via a similar study in Chicago around the same time, which is a city of comparable population size.² In fact, the number of people who have accessed the shelter system in a three-month period – known as those who are actively homeless – exceeded 10,000 people as of December 2022, the highest that the City has ever experienced.³ Meanwhile, recipients of rent relief through the City of Toronto's Rent Bank program have doubled from 1,150 in 2020 to 2,300 in 2022.⁴ As economic uncertainty looms large, the risks of people facing various forms of housing precarity will remain significant.

For those who experience homelessness or housing instability, the negative effects on these individuals range from deteriorating mental and physical health to an increased risk of being exposed to violence.⁵ People living in such conditions are usually facing financial hardship as well, which may mean that they are facing some combination of food insecurity and precarious employment. Put simply, an individual's dignity and sense of security are threatened by experiences of homelessness and housing instability. The persistence of homelessness and housing instability in Toronto also reveals how far the municipality is from progressively realizing the right to adequate housing, a commitment that it made in 2019 in its HousingTO 2020-2030 Action Plan.⁶

Indeed, chronic underinvestment in affordable housing has contributed significantly to perpetuating and worsening homelessness and housing instability. Inadequate income levels stemming from the growth of precarious jobs and limited income supports add to these problems.⁷ Other factors such as discrimination in the housing market and limited access to mental health supports for those experiencing mental health and addiction challenges have a detrimental impact on people's housing status.⁸

Clearly, there is a need to rebuild a housing and social support system that better meets the needs of all Torontonians in a sustainable manner. However, the investments needed to make such transformations will take time to show meaningful results. In the meantime, for those who remain housed but are at risk of being displaced, all available resources need to be used to ensure their security of tenure is protected. Such interventions are much more cost effective⁹ than having to provide emergency relief through the shelter system if a person is displaced.¹⁰ However, because the housing system is dysfunctional and because this, in turn, leads to experiences of homelessness, existing emergency shelters must also be made available to all those who need them at adequate standards.

1

The Shelter System

Toronto's shelter system offers temporary accommodation generally in the form of overnight respite services as well as transitional facilities that provide residents with housing for a longer period. On a daily basis, the shelter system can serve about 9,000 people today.¹¹ While this indicates a recent increase in capacity, such provisions do not appear to be sufficient. The capacity limit of the shelter system has consistently remained close to 100% over the last few years, far exceeding the acceptable standards of 90%.¹²

In part, the constraints stem from a lack of permanent housing options such as supportive housing; the wraparound supports incorporated into such homes are a more suitable and cost-effective way to serve people with more complex needs. The shelter system makes up for this shortfall in permanent housing solutions; nearly half of shelter residents are considered chronically homeless in that they depend on the system for over six months in a year (or over 546 nights over the course of 3 years).¹³

Other shelter residents enter the system for a variety of reasons. Evictions contribute significantly to shelter applications – on a given day, a study found about 15% of applicants cite this form of displacement as reason for seeking shelter.¹⁴ Refugees also tend to settle in cities with a denser cluster of social services such as Toronto – when they cannot secure permanent housing, shelters offer a temporary alternative. Often women and gender-diverse people who are fleeing violence also look for relief through the shelter system¹⁵ while previously incarcerated people may be forced to seek out such options after failing to find permanent housing options.¹⁶

The social makeup of the shelter system is therefore diverse. Sixty per cent of residents are men while about 38% are women with the remaining residents identifying as non-binary.¹⁷ People from Black and Indigenous populations are over-represented in the shelter system, reflecting a broader pattern of deep-rooted and systemic racism.¹⁸ People with disabilities also tend to make up a significant share of shelter residents. Meanwhile, some residents are families while others have experiences with intimate partner abuse or other forms of violence in the home.

For many women and gender-diverse people who are seeking out shelter, a lack of dedicated spaces for them has made alternative shelters unviable because of issues related to safety and health. Indeed, the broader population of shelter residents often find living conditions in these settings to be inadequate. For example, the system can be overly regulated and isolating at the same time, in turn exacerbating issues that individuals with mental health and addiction challenges may face. Meanwhile, congregate living conditions can bring about health risks. For example, during the pandemic, infections spread rapidly among many residents in congregate settings and contributed to deaths as well.¹⁹

Capacity constraints and inadequate living conditions in the shelter system have forced many to seek out other living options. For example, the share of invisible homelessness is reflected in the choices made by many to couch surf or seek out temporary housing from their friends and family members or to shelter in public facilities or unoccupied and unsafe buildings.²⁰

Meanwhile, others choose to live outdoors in encampments. Over the course of the pandemic, the

estimated number of encampment residents spiked to approximately 1,000 to 2,000 residents.²¹ This became a shelter option for a larger share of the population in part because of a general sentiment that the shelter system posed a threat to their health and safety and the fact that newly introduced social distancing norms restricted the number of spaces available in existing shelters. In fact, a recent study found that 83% of interviewed encampment residents chose this shelter option for the first time during the pandemic.²² Many also reported that they found a sense of community in such settings, a quality that was missing in the indoor shelter system.²³

However, the City has primarily viewed encampments as a problem. Over the course of the last two years, they have taken a generally punitive approach to dealing with residents of encampments. This culminated over the summer of 2021 when many encampment residents were removed from their homes by City staff and Toronto Police. Several media reports captured instances of forced evictions often resulting in violent altercations in Trinity Bellwoods Park, Lamport Stadium and Alexandra Park.²⁴ Out of those who were evicted, only a small portion of encampment residents have been housed subsequently.²⁵

Key considerations and recommendations

The Right to Housing Toronto (R2HTO) network documented the management of the [shelter system](#) as well as the City's handling of [encampments](#) at the height of the pandemic through a set of Rights Reviews. Some key recommendations and considerations from the report continue to offer useful reference points for making the system more effective and for engaging with shelter and encampment residents as rights holders.

1. Adequate capacity must be created in the shelter system to serve all those who seek relief

Over the course of the pandemic, the City moved rapidly to purchase spaces in 48 hotels in an attempt to make up for shortfalls in shelter spaces resulting from social distancing measures. Today, about 40% of shelter spaces are available through this initiative. However, City Council recently approved a Shelter Transition and Relocation Plan that winds down this initiative in 2023, committing about \$200 million to keep the program going for this period.²⁶

The transition strategy essentially consists of returning units back to the hotels while investing in permanent housing solutions, particularly in the form of supportive housing, to make up for the loss. This shift is in line with the City's 2-year Housing and Homelessness Plan and has been, in part, funded by higher orders of government. The City appears to be on track to meet its target of creating more hous-

ing opportunities including producing 150 new supportive homes this year.²⁷

This strategy holds some promise insofar as providing housing options that are suited to the needs of people with complex needs, a significant number of whom currently rely on the shelter system. However, the transition process risks leaving many who need emergency relief without the support offered through the shelter system. Already, overall daily figures of people experiencing homelessness tend to exceed shelter capacity. Reports of people being turned away from the shelter system validate such numbers.²⁸ These pressures will likely continue as the housing affordability crisis persists. In addition, provincial discharge policies from prisons and mental health facilities are not linked to housing services in the City, and the number of refugees seeking emergency shelter will continue to rise as social services remain concentrated in the city.²⁹

It is therefore imperative that the City of Toronto consider a more iterative and flexible approach that continues to explore alternative options for more shelter spaces and keeps options open to prolong contracts with hotels. As the City has also acknowledged, such considerations are justified and may also involve more partnerships with non-profit organizations that can provide both temporary and permanent shelter options.³⁰ The City's new dashboard can also be refined to match shelter options more efficiently with the needs of applicants to reduce the rate of rejections when people apply for shelter.

2. Shelters must guarantee security of tenure

While shelters are supposed to function as temporary relief for residents, the structure and scheduling of the system imposes significant limitations on the extent of respite that residents can get. For example, many shelters usually allowed only for overnight stays after which residents would have to move out, leaving many at risk of being turned away if they return later and find the shelter to be at capacity. Over the course of the pandemic, the City revised respite service rules to allow 24-hour access, an arrangement that mitigated housing insecurity and helped improve tracking residents and using the information to transition residents into more permanent housing options.³¹

The City must take a more comprehensive look at its shelter options, including its warming centres during the winter, and work to make living arrangements more flexible so that people who access this system have the time needed to find permanent housing options that meet their needs. In addition, the City must continue to enhance its efforts to track the entirety of its shelter users and their whereabouts so that they can be adequately housed. More staffing resources and coordination with service providers are also needed to facilitate the process of ensuring tenure security.

3. Shelters and supports to transition into permanent housing must be made available to residents of all abilities and needs

Effective shelter policies consist of shelter standards that meet the needs of all residents as well as effective supports to help people quickly transition into permanent housing options. In the current system, those who are independently able to apply for available services to transition through the shelter system benefit the most. For people with more complex needs, more dedicated supports are often needed to enable the transition. In fact, the limitations in staffing to assist with the process, coupled with the current lack of permanent supportive housing options, has forced many such residents to keep living in the temporary system for prolonged periods.³²

While the City's shift towards creating more permanent housing options and more granular collection of data of shelter residents has helped meet the needs of some residents, the gains need to be sustained. The success of these initiatives is also contingent on continued financial support from the province which is primarily responsible for financing supportive housing. Given the threats of economic contraction over the coming year, the fiscal tightening that may follow could also result in a slowdown in funding. The City of Toronto must continue to coordinate with the province to ensure such commitments are maintained while also buttressing personnel and other resources within the shelter system to provide better and more dedicated care for people with complex needs.

4. More shelter spaces should be made available to women and gender-diverse people

Women and gender-diverse people also have a distinct experience with homelessness and with accessing the shelter system. For example, a Canada-wide study found that 75% of unhoused women and gender-diverse people had experienced violence and trauma in their lifetimes.³³ Many seek out shelter because they have experienced violence while others experience more trauma once they enter the shelter system, in large part because many of the available options are co-ed.

While there are several shelters dedicated to adult women, both run by the City of Toronto and non-profit shelter providers, the prevalence of women in encampments and others left to choose co-ed shelters suggests that more needs to be done. If national trends are any indication, the 13% of shelters dedicated to women³⁴ do not match up with the approximately 40% of women that make up the proportion of shelter applications in Toronto.³⁵ In addition, until recently when a new transitional shelter opened to house gender-diverse people, none were previously available for this group.³⁶ Instead, they were left to avail themselves of co-ed options where shelter standards nonetheless continue to require operators to ask a person their gender to determine accommodation needs.³⁷

More broadly, there is a need to strengthen integration of trauma-informed approaches to developing

shelter standards and spaces to better accommodate survivors of gender-based violence. This involves training service providers and case management workers to refine supports to shelter residents based on developing an understanding of each individual's trauma as well as its broader implications. Similarly, physical spaces should be created to enhance safety including reviewing factors such as lighting and visibility through a client-centric lens. For these efforts to be realized, they need to be adequately funded.

5. Shelter spaces must contain adequate services and provide safe, comfortable and dignified spaces to live in

The pandemic revealed pre-existing inadequacies in the shelter system that required more urgent resolution as the public health crisis worsened. Notably, the lack of privacy and risks to health and safety in congregate settings were brought to light.³⁸ Social distancing and related health measures that were introduced at the time to address such problems continued to influence how shelters should be arranged and managed as the City began transitioning away from its pandemic era restrictions. More space and stringent safety standards were expected to be part of new shelter operations and management practices. However, the unprecedented demand for shelters in the height of winter this year has forced officials to reduce spaces between beds to increase capacity, exposing the chronic challenges the City faces in meeting demand at adequate standards.³⁹

In addition, deaths in shelters have risen at alarming rates over the last few years.⁴⁰ In large part, this is to do with the opioid crisis. The impacts have been traumatic for all residents and the related hazards of living in such environments push many to seek out alternative living arrangements.

To address this growing problem, Toronto Public Health has been working with the City of Toronto's Shelter, Support and Housing Administration (SSHA) department more consistently to develop more comprehensive harm reduction programs. However, the services require a considerable amount of staffing increases, particularly in suburban settings where a general lack of supports has pushed many to seek out alternative housing options.⁴¹ Other innovations underway include training residents to approach harm reduction on a peer-to-peer basis while transitioning some into permanent supportive housing to reduce such risks. However, the persistently high number of deaths suggests the interventions need more resourcing.

6. The City must also recalibrate its approach to engaging with encampment residents

6.1 Residents of encampments must be recognized as rights holders

City by-laws prohibiting encampments show how the City of Toronto's orientations are at odds with the notion that encampment residents have basic rights and freedoms. In addition, encampment policies are typically shaped based on a rationale that encampments are unsafe even though alternative spaces made available through the City's shelters are considered by many encampment residents to be unsafe.⁴²

In practice, encampment residents are routinely threatened with notices of evictions and in other instances residents report that they have been evicted with limited available recourse or housing options.⁴³ Financial commitments to policing encampments also illustrate how the City falls short in upholding the rights of encampment residents. For example, the City spent \$2 million on clearing encampments in Lamport Stadium, Trinity Bellwoods Park and Alexandra Park. Additional funds amounting to \$1 million were disbursed to contract out security services to patrol encampment sites.⁴⁴

The public outcry emanating from encampment clearings and the perception that the City's actions were unfair and harming some of Toronto's most vulnerable residents also provoked the City's Ombudsman to open an investigation. In its recently published interim report, the Ombudsman found that protocols on how the City should engage with encampment residents need to be updated so that it is human rights compliant.⁴⁵ In fact, it found that the City has no plans to make such changes even after some recognized the plan is outdated. Meanwhile, others noted that the existing protocol was not used consistently when proceeding with encampment clearings. The Ombudsman also raised concerns about staffing shortages in a newly constituted Encampment Office and questioned whether its operations within the Emergency Management Department was appropriate given that the Shelter Department has staff who are better trained to work with encampment residents.⁴⁶

While the investigation continues, the Ombudsman has recommended that roles and responsibilities must be clarified, a plan must be in place if protests do erupt, and a more consistent notification procedure must be in place to communicate with encampment residents. It notably recommends that any protocol must be revised based on proactive consultations with encampment residents and other community representatives.⁴⁷

Indeed, recognizing encampment residents as rights holders means that they must be engaged in the decisions that affect them. They must also be protected from forced evictions and be offered adequate living conditions in encampments for as long as these options remain the most viable. The Ontario Court of Justice also ruled recently that municipalities' moves to remove encampments when there is no adequate indoor alternative would violate encampment residents' Charter rights.⁴⁸

6.2 Meaningfully engage with encampment residents in the design and implementation of policies, programs and practices that affect them

While the City’s approach to dealing with encampment residents has, on balance, been punitive and counter-productive, it nonetheless piloted a more measured approach in the encampments at Dufferin Grove Park following the public pushback that was provoked by the mass clearings in the summer of 2021.⁴⁹ Here, a more deliberative and calibrated approach was adopted to better understand residents’ needs. More harm reduction, counselling and related supports have been offered to help encampment residents transition into more permanent housing options. A significant portion of residents appear to have taken up the offer made by the City. Recently, Council also adopted a motion to incorporate lessons from the pilot into future practices.⁵⁰

At the same time, a recent community-based research report found that encampment residents were often anxious to interact with City workers because they were unable to disentangle the City’s dual role as support provider and enforcer.⁵¹ Instead, outreach efforts made by community workers appeared to be more beneficial for residents than staff-led endeavours. While the findings of the study were from before the encampment clearings, the insights remain instructive. For example, residents found that the community workers were present more consistently and frequently, in turn creating the conditions to build trusting relationships with residents while offering a variety of supports that met their needs. Meanwhile, the City’s approach to engagement did not always meet residents “where they were at.” Instead, staff often entered into negotiations with the goal of moving residents into shelter spaces. The form of communication was also not transparent.⁵² Such flaws in the process need to be noted and refined in order to ensure future engagements carried out by the City are indeed meaningful and deliver more positive outcomes for encampment residents.

6.3 Ensure basic adequacy standards are met in encampments

City Council also directed the Shelter Support and Housing Administration (SSHA) department and the Encampment Office to build on the model piloted at Dufferin Grove Park and to bring encampment residents a comprehensive suite of social and health services. They also recommend that these lessons be incorporated into the development of the protocol to deal with encampments, which the Ombudsman identified is in need of updating.⁵³

While this move shows the City belatedly adopting some rights-based measures when managing encampments, effective support also entails addressing complex health and safety challenges that require an integrated harm reduction approach. The efficacy of such interventions is predicated on the City building more productive relationships with community-based outreach workers who have the requisite capabilities and relationships to work with encampment residents. Because the relationships between these workers and residents also appear to be deeper, they likely have a better sense of other needs of residents ranging from food to other social supports.

The quality of encampment living conditions is therefore contingent to a significant degree on the viability of these organizations and the strength of their relationships with the City. As such, these typically underfunded organizations must be provided with more financial support. For example, more reliable funding for coordination specific roles can help these organizations better match services with resident needs.

Past aggressive actions by the City in managing encampments have also eroded trust with community groups. More effort therefore needs to be invested to rebuild these relationships to better serve encampment residents.

6.4 Prohibit forced evictions, recognizing that encampments may be the best available emergency shelter option for some residents

The City is also faced with the challenge of balancing the needs of encampment residents and the broader community. Specifically, it is primarily tasked with managing parks and other public spaces to ensure they are suitable for recreational and other social uses for the community at large. This is also an expectation from many residents of Toronto, a few who have complained about the rise of encampments inhibiting people's ability to use these spaces because of health and safety risks.⁵⁴

At the same time, the current lack of affordable housing options and inadequate shelter options suggests that encampments may likely remain the preferred option for some. Indeed, a moratorium on encampments during the pandemic indicated that the City acknowledged and understood this fact.⁵⁵ Plus, an Ontario Court recently ruled that evicting encampment residents without adequate indoor options would be a violation of Charter rights.⁵⁶

In such circumstances, the City must expand on rights-based approaches which means coming up with more agile and effective responses that adequately meet the needs of Toronto's most vulnerable residents, some of whom happen to be encampment residents. In practice, this could involve exploring how both residential and recreational functions of a park or other public spaces can coexist more harmoniously. For example, some public spaces could allow and regulate the use of encampments in a way where the City can also use oversight over such spaces to ensure that they are safe and adequate. In fact, municipalities, such as the Region of Waterloo, have been looking into options where in designated spaces, additional services such as water and sanitation can be made available.⁵⁷



Eviction Prevention

People usually face eviction because they have been unable to pay their rent in full, a challenge that stems from a variety of shocks that range from unaffordable rents, unemployment and rent hikes that are permitted by provincial policies to facilitate building upgrades. Others may be evicted because of disputes with their landlord, while some landlords may evict tenants because they want to renovate or sell the place or want it for their own use. Landlords may also evict tenants on fragile grounds or harass them to move out in anticipation of accommodating a newer tenant who can pay higher rents, which is incentivized through vacancy decontrol policies at the provincial level.⁵⁸

Coming up with the necessary supports and interventions to ensure that people in such precarious conditions remain housed is a significantly more cost-effective option than letting them move into the shelter system, an intervention that requires greater investments in staffing, infrastructure, and administration.⁵⁹ By extension, eviction prevention helps protect resident's security of tenure, ensuring that rental homes are a secure form of housing.

Preventive measures can largely be achieved by introducing legal and regulatory protections along with financial supports. Much of these responsibilities fall within the jurisdiction of the province. For example, the provincial Residential Tenancies Act (RTA) sets out the rights and obligations of landlords and tenants as well as the terms and conditions that determine their relationship. It is in this context that tenants' protections are laid out including specific instances when they can be evicted and any requirements on the part of landlords to compensate tenants in such instances.

Any disputes that emerge between a landlord and tenant are resolved by the adjudicative body in Ontario, the Landlord and Tenant Board (LTB). Over the course of the pandemic, the LTB shifted the hearings of such disputes online which created barriers for many lower income tenants from attending their hearings. The backlog of cases at the LTB has continued to delay decisions over several disputes, leaving many tenants in limbo.⁶⁰

The RTA also creates the parameters for how rents are regulated. Here, options exist for landlords to increase rents in ways that make it impossible for a tenant to pay. For example, above guideline rent increases (AGIs) permit landlords to raise rents above the annual rate if they are able to demonstrate that significant investments need to be made in repairs. In addition, vacancy decontrol essentially allows a landlord to significantly increase the rent for a new tenant when an existing tenant moves out. These policies provide incentives for landlords to often push out existing tenants. For example, renovations may not be necessary but are nonetheless used as an excuse to proceed with "renovictions" or a landlord may, in bad faith, claim that they plan to move into the unit to evict an existing tenant.⁶¹ Landlords are able to deploy these tactics because many tenants are unaware of their rights and obligations, and for those who are aware of their rights, the lack of resources and available legal supports means that they simply move out. In other instances, regular maintenance and repairs of a rental unit may be intentionally neglected by the landlord so the tenant eventually moves out because of uninhabitable conditions. Others may relentlessly harass their tenants. These pressures are more intense in a housing market such as Toronto where there is high demand for limited supply of housing options.

The province also provides rent supplements to help alleviate financial burdens and reduce the risk of evictions for lower income households. In fact, financing such initiatives has been a greater priority over investing in more public and nonprofit housing construction at the provincial level over the last couple of decades. However, the province’s own Financial Accountability Office has concluded that existing commitments fall well short of households that are projected to be in core housing need.⁶²

The City of Toronto’s responses are supposed to complement provincial measures to prevent evictions and plug shortfalls as well. Many of the levers are financial. For example, a Housing Stabilization Fund offers top-ups for people on income supports.⁶³ For others with rental arrears, the Toronto Rent Bank provides relief through loans and grants.⁶⁴ A more targeted Eviction Prevention in the Community (EPIC) program offers wraparound supports to people with complex health needs.⁶⁵ In addition, a Tenant Defense Fund was set up to help finance and support tenant groups who were seeking out legal representation to fight evictions and instances of violations of the RTA and other related laws.⁶⁶

Many of these interventions were refined over the course of the pandemic, and function as necessary tools to combat the pressures faced by residents living in an increasingly unaffordable city. Indeed, these options will remain crucial for as long as the City of Toronto struggles to create more permanent and deeply affordable housing options that would alleviate the pressure on residents to stay put in one place even when it does not suit them practically. The success of eviction prevention measures is also contingent on a network of community legal clinics, other legal housing organizations, housing advocates and tenant support groups who build tenants’ awareness of their rights and obligations, provide legal information and advice, and support efforts to organize against exploitative landlord practices that may lead to displacement.

Key Considerations and Recommendations

The fact that a significant portion of shelter applicants seek out this option because they have been evicted from their homes suggests that such eviction prevention measures need to be strengthened. [Past recommendations](#) and [considerations](#) made by the [Right to Housing Toronto](#) continue to serve as helpful guideposts to understand what the City of Toronto must do to sustain its gains.

1. Ensure Toronto tenants are not evicted because of affordability issues beyond their control

The variety of rent relief measures that the City has provided has helped dent the levels of evictions. Notably, the Rent Bank program has seen a doubling of beneficiaries over the last two years.⁶⁷ Recently, City Council reviewed the evidence and voted to make the program a permanent feature that would

be grant-based.⁶⁸ As opposed to the former loan-based approach, the new model accounts for the fact that those struggling to pay off arrears are likely facing financial hardships that inhibit their ability to meet other needs as well. A grant would therefore offer more effective relief and strengthen security of tenure.

While such gains are significant, there is likely a need to expand the eligibility criteria for prospective beneficiaries. Given the cost to the City's budget is negligible, with the province funding two-thirds of the program, an expansion is likely fiscally manageable. The enhancements may help reduce the proportion of people who apply for shelter because of evictions. Such considerations are also important because of economic headwinds that may leave more people in precarious housing situations. In light of such concerns, eligibility criteria and funding of complementary initiatives such as the Housing Stabilization Fund should also be reviewed to see how the program can be expanded.

2. Ensure tenants have equal access to legal supports to challenge evictions

The Tenant Defense Fund was notable in building up the capacity of tenant groups to organize and challenge evictions. The fund has since been replaced by the Toronto Tenant Support Program (TTSP) which directs tenant groups to access legal services from the Canadian Centre for Housing Rights (CCHR) to address issues related to evictions and affordability matters.⁶⁹

The broader network of community legal clinics, housing organizations like the Federation of Metro Tenants' Associations (FMTA) and housing advocate groups continue to play an important role in building the awareness of tenants of their rights and obligations. More opportunities should be created by the City for such actors to come together to share best practices and identify unresolved matters related to eviction prevention. For example, there is likely room to develop an advocacy and support strategy to help tenants who continue to face delays at the LTB. Other mechanisms such as the Tenant Advisory Committee can also help ensure that the collective efforts of all entities result in enhanced legal supports.

3. The City must implement comprehensive and rights-based policies and strategies for preventing residential evictions

The suite of preventive financial, operational and coordinative measures all point to a rights-based strategy that helps prevent residential evictions by mitigating flaws in provincial policy and buttressing other provincial interventions that are effective. The introduction of a policy framework to prevent re-evictions was an important addition to these interventions.⁷⁰ The framework consists of a by-law

that would require landlords to obtain a permit from the City of Toronto to demonstrate the need to renovate before they can move forward with the process. Tenants must also be notified of their rights and obligations by the landlord. Such measures are meant to minimize the prevalence of landlords giving out eviction notices to tenants based on bad faith claims that they need to renovate their units. Complementary elements of the policy include strategies to build awareness amongst tenants of their rights as well as the creation of an ad-hoc assessment group to share data and create a better picture of renovations in the city.

At the same time, it remains unclear how effective the policy will be given the details of the by-law are yet to be articulated. Of particular concern is the scant attention paid in the preliminary draft to detailing how the policy will be enforced. This may be because the City is cautious about how expansively they can use their levers to prevent renovations because some may tread on provincial jurisdiction.⁷¹ However, the viability of the by-law should instead be reviewed against a rights-based framework, a principle that was referenced in the initial policy proposal, to ensure the best way in which the municipality can protect a resident's security of tenure. Any disputes over jurisdiction can be resolved in the courts.

3

Ways Forward

The City of Toronto's actions and experiences during the pandemic led to the refinement of a range of interventions that ought to be sustained and strengthened while other flaws in the system require fixing as well.

The shelter system is an emergency response to a broader housing system that is deeply dysfunctional. However, as housing shortages will persist into the future, temporary shelter will remain critical for many. While the City transitions to a model that prioritizes permanent housing solutions, temporary shelters must not be neglected. The phased approach via which shelter hotels are being decommissioned must be carried out with caution. The process may very well have to be slowed down.

In fact, given the increase in demand for shelter this year, alternative temporary spaces may need to be sought out. Such measures are also necessary if the City wants to fulfill past commitments made to minimize crowding and enhance shelter standards. As it currently stands, to meet demand, the City has increased capacity in existing spaces by relaxing social distancing norms.

In general, a 90% capacity threshold should be maintained so that the City is never in a situation where they must turn away applicants for shelter. If, in the long term, demand for shelters reduces because of more permanent housing options being made available, spaces that may no longer be needed can be repurposed.

The shelter system also appears to remain dangerous for many whether it is the risk of violence or in enabling deaths caused by the availability of opioids. Significantly more resources need to be invested in harm reduction efforts and greater collaboration with public health and local community workers to mitigate the impacts of a situation that appears to be worsening.

At the same time, encampments must be viewed differently than the current, punitive lens. They remain a part of a continuum of shelter options, a preference for some considering the health hazards and risks of violence in indoor settings. The City must think more creatively by making better use of the established relationships between residents and community workers to ensure that living conditions in encampments remain adequate. Policies related to encampments must be drafted using a rights-based lens. This means engaging meaningfully with encampment residents to better understand their needs and concerns. Encampment residents will likely prefer permanent housing solutions. However, a more consultative approach is needed to create more time for encampment residents to move to a permanent place which they can call home.

Continued investments in the shelter system and complementary measures to assist encampment residents will be costly. As such, upstream eviction prevention measures will remain critical especially as rents remain unaffordable and the economy weakens. Ongoing initiatives such as the Rent Bank program should continue with the possibility of more funds being allocated if the need grows. Complementary efforts such as a strong renovation policy must also be implemented. Lastly, providing residents with options to learn about their rights and resources to challenge evictions can help people remain in their homes.

4

Summary of Recommendations for the City of Toronto

THE SHELTER SYSTEM

- 1 Adequate capacity must be created in the shelter system to serve all those who seek relief.
- 2 Shelters must guarantee security of tenure.
- 3 Shelters and supports to transition into permanent housing must be made available to residents of all abilities and needs
- 4 More shelter spaces should be made available to women and gender-diverse people.
- 5 Shelter spaces must contain adequate services and provide safe, comfortable and dignified spaces to live in.
- 6 The City must recalibrate its approach to engaging with encampment residents.
 - 6.1 Residents of encampments must be recognized as rights holders.
 - 6.2 Meaningfully engage with encampment residents in the design and implementation of policies, programs and practices that affect them.
 - 6.3 Ensure basic adequacy standards are met in encampments.
 - 6.4 Prohibit forced evictions, recognizing that encampments may be the best available emergency shelter option for some residents.

EVICITION PREVENTION

- 1 Ensure Toronto tenants are not evicted because of affordability issues beyond their control.
- 2 Ensure tenants have equal access to legal supports to challenge evictions.
- 3 Implement comprehensive and rights-based policies and strategies for preventing residential evictions.

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