

Implementing the Right to Housing in Canada

A Toolkit for Tenant Leaders



About us

The Canadian Centre for Housing Rights (CCHR) is Canada's leading non-profit organization working to advance the right to housing. Founded in 1987, CCHR has worked tirelessly for 35 years at the intersection of human rights and housing. We advance the right to housing by serving renters to help them stay housed, providing education and training about housing rights, and advancing rights-based housing policy through research, policy development, advocacy and strategic litigation.

About this toolkit

This toolkit offers tenant leaders with a range of practical information to support their advocacy work to claim the right to housing in their communities. It provides an overview of the main principles of the right to housing, Canada's obligations to implement this right, and policies at different levels of government that can help advance it. It also outlines what a human rights-based approach to housing can look like, examples of systemic housing issues experienced in Canada, and practical tools that can help tenants mobilize their communities and effectively participate in decision-making processes.

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The Right to Adequate Housing in International and Domestic Law

Housing is more than four walls and a roof. Housing is a human right that provides a stable place for people to live in peace, security and with dignity.

International level

The right to adequate housing is a social and economic right that is found in various international laws including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Universal Declaration of Human Rights and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). There are several minimum conditions that need to be present for housing to be considered adequate. These conditions are:

- 1 Legal security of tenure

- 2 Availability of services, materials, facilities, and infrastructure

- 3 Affordability

- 4 Habitability

- 5 Accessibility

- 6 Location

- 7 Cultural adequacy

There must be legal and policy solutions that ensure individuals can enjoy the freedoms and entitlements contained in the right to adequate housing and that the conditions of adequate housing are met.

Every level of government has frameworks that address the right to adequate housing.

Federal level

The right to adequate housing has been recognized in the National Housing Strategy Act (NHSA), and the Canadian Human Rights Act (CHRA) which protects against discrimination in access to housing services. The United Nations Declaration on the Rights of Indigenous Peoples Act commits the government to “implement an action plan to achieve the objectives of UNDRIP” which include developing and implementing Indigenous-led housing programs and institutions to administer them.

Provincial, territorial and municipal levels

Provincial Residential Tenancies Acts and Human Rights Codes can be used to uphold some of the principles and standards that are aligned with the right to housing. Provinces can also mandate municipal governments to establish bylaws to address housing standards.

No province or territory in Canada has committed to housing as a human right, and it is only through the combination of policy and legal instruments, from the municipal to the federal level, that the right to adequate housing can be advanced in Canada.

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Canada's National Housing Strategy Act

In 2019, Canada domestically committed to advance the right to housing by passing the National Housing Strategy Act (NHSA) as a result of decades of advocacy by tenants and housing rights groups. It is the first piece of legislation that explicitly identifies housing as a fundamental human right affirmed in international law and declares it as part of Canada's housing policy.

Before passing the NHSA, the government adopted its 10-year housing strategy in 2017, the National Housing Strategy, to invest in housing. This is important as it brought the federal government back into supporting housing outcomes, which resulted from the successful advocacy initiatives of tenants and housing rights advocates.

However, the government must make efforts to bring the National Housing Strategy's programs in line with the rights-based commitments made in the NHSA.

Canada has the obligation to protect, respect and progressively realize the right to housing. This means that it must take steps to make sure that the right to housing is implemented over time through:



**Long-term
planning**



**Allocating
maximum
available resources**



**Prioritizing those
in greatest
housing need**

To ensure that the government advances the right to housing over time, three new federal mechanisms were created by the NHSA to monitor the government's progress and to hold it accountable. These mechanisms are:

- 1.** The National Housing Council
- 2.** The Federal Housing Advocate
- 3.** The Review Panel

[Learn how to make a submission to the Federal Housing Advocate.](#)

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A Human Rights-Based Approach to Housing

A rights-based approach is a conceptual framework that frames poverty as the non-realization of human rights, resulting from marginalization, discrimination, and inequality. A central dynamic of a rights-based approach is about identifying the root causes of housing problems, recognizing who has been left out and who should do something about it.

A rights-based approach requires that individuals participate in housing decision-making processes by empowering them to claim their rights and developing the capacity of institutions to fulfill their obligations. The ultimate objective of a rights-based approach is always the realization of human rights. To that end, a rights-based approach helps answer four critical questions:



Who has been left behind?



Which rights are at stake?



Who must do something about it?



What do they need to act?

To identify specific groups who are most at risk of seeing their rights denied and prioritize them, a rights-based approach is guided by the human rights principles of participation and inclusion, accountability, non-discrimination and equality, empowerment and legality.

[Learn more about a human rights-based approach to housing.](#)

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Systemic Housing Issues

A systemic housing issue is when many communities face a similar housing problem. These are the only types of issues that the Federal Housing Advocate can address. Homelessness, arbitrary evictions, systemic discrimination and maintenance and repair issues are all examples of systemic housing issues facing communities across Canada.

Homelessness

Homelessness is considered a violation of the right to adequate housing, and other human rights in international law. A vast number of people experience homelessness in Canada because there is not enough adequate and affordable housing available, and not enough housing that meets the needs of vulnerable groups. This can be considered a systemic issue.

More people began to experience homelessness during the COVID-19 pandemic resulting in the increase of encampments across the country. The issue of encampments is one that the Federal Housing Advocate is investigating.

Arbitrary evictions

There must be laws and supports in place to protect renters' security of tenure and prevent unnecessary evictions.

During the COVID-19 pandemic, many renters struggled to pay their rent in full due to job and income loss. Rising rents and growing income inequality has also made it difficult for households to pay their rent in full. With insufficient government supports, many households across Canada are falling into rent arrears and are at risk of eviction. Because this issue is being faced by communities across the country, it can be considered systemic.

Systemic discrimination

Many renters in disadvantaged groups experience discrimination at various stages of the housing process. Discrimination can be direct or what is referred to as “adverse effect” discrimination.

To know when discrimination is systemic:

- Look at how many people from particular groups are impacted by housing policies.
- Look at how the policies, practices, and decision-making processes adopted by housing providers can discriminate against certain groups.
- Look at trends in the behaviour of an organization or housing provider towards certain groups.

Maintenance and repair issues

The principles of the right to housing require that renters live in well-maintained homes that are safe and in a good state of repair, and that there is a process through which they can make complaints about maintenance and repair issues.

In many communities, legal remedies such as municipal property standards and provincial landlord maintenance and repair obligations are not effectively enforced. The lack of enforcement of these standards and obligations can be considered a systemic housing issue as it leaves many communities living in poor and unsafe conditions.

The following table outlines which element of the right to housing is impacted by these systemic issues.

Systemic housing issue	Which element of the right to housing is impacted?	Why is this a systemic issue?
Homelessness	All of them	The lack of adequate and affordable housing, and housing that meets the needs of vulnerable groups, causes many to experience homelessness across Canada.
Arbitrary evictions	Security of tenure	Insufficient support for renters who are struggling to pay high rents, especially during an emergency, leads to many households being at risk of eviction, which can be prevented if there are better support programs in place.
Systemic discrimination	Accessibility	Discrimination is systemic when it affects a large number of people, when discriminatory policies are in place, or when organizations behave in a different way towards certain groups.
Maintenance and repairs	Habitability, and availability of services, infrastructure and materials	Lack of enforcement of property standards and landlord repair obligations, leads to many communities living in inadequate and unsafe housing.

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Towards Rights-based Housing Policy

Canada's commitment to the right to housing through the NHSA means that all levels of government – including federal, provincial, territorial and municipal – are responsible to advance the right to housing over time. Each level of government can implement laws and policies to advance the right to housing.

Laws and policies that can advance the right to housing

FEDERAL

National Housing Strategy Act

Canadian Charter of Rights and Freedoms

Human Rights Act

Accessible Canada Act

PROVINCIAL

Human Rights Acts and Codes

Residential Tenancies Acts

Accessibility Acts

Building Codes

Housing Strategies and Action Plans

MUNICIPAL

Zoning bylaws

Taxation and revenues

Property maintenance standards

Property acquisition programs

Eviction prevention programs



Policy interventions at the federal level

National Housing Strategy (NHS)

Canada launched the NHS in 2017 and created a number of funding streams to address housing needs by investing in supporting people experiencing homelessness, building new housing units and repairing existing housing units. To date, it is unclear to what extent the Strategy has reduced core housing need, and whether affordable units created through public funding is affordable for those in greatest need.

Policy responses at the provincial and territorial level

Provincial and territorial commitments to rights-based strategies

Provincial and territorial housing policies can help complement legal instruments by providing strategies and mechanisms to support housing-related laws and regulations. Usually, provinces will be required to develop a three-year action plan identifying housing needs, issues, and priorities as part of their bilateral agreement with the federal government under the NHS.

Rental subsidies

Rental subsidies are offered by the government to help renters pay a portion of their rent. Each province and territory has their own set of rules, regulations and programs that govern rental subsidies and how they are calculated. Local municipalities are often responsible to administer the subsidies. Rental subsidies are crucial in helping stabilize housing for renters living on low or fixed incomes, ensuring that their rent is affordable.

Rent control

Rent control policies can be adopted by provincial and territorial governments to set limits on how much landlords can increase the rent each year. Without rent control, landlords are allowed to increase the rent by any amount each year, although there may be regulations that specify how and when a landlord can issue a rent increase. Only Ontario, British Columbia, Prince Edward Island and Manitoba have a permanent rent control.

Housing task force

As part of their long-term housing strategies and policies, provinces can set up a task force to help identify housing challenges and make recommendations on how to address them.

Policy responses at the municipal level

Municipal monitoring mechanisms

Some municipalities have adopted a rights-based housing strategy, aligned with the NHSA. It is helpful for municipal governments to have an independent body that can monitor progress in implementing the right to housing and provide rights-based housing recommendations. It could take the form of a housing secretariat, a housing commissioner, a permanent advisory body or a local housing advocate.

Responsive definition of housing affordability

Although the federal government recommends a definition of affordability that is tied to income, most provinces have adopted a definition of affordability based on the average market rent. As rents continue to rise in many cities, average market rents may not reflect what lower income households can afford. Municipalities have the jurisdiction to adopt their own definitions of affordable housing. This gives them the

opportunity to respond to local housing needs and adopt an income-based definition of affordability.

Eviction prevention and housing stabilization programs

Municipalities can have eviction prevention and housing stabilization programs that provide financial and other wraparound supports to tenants to remain in their homes. These programs can help protect tenants' security of tenure.

Enforcement of property standards

Every municipality has bylaws that set out minimum standards for the safety, maintenance and repairs of a property, and the responsibilities of landlords and tenants, along with an enforcement mechanism. Programs can be introduced to ensure landlords maintain their rental buildings and proactively enforce building maintenance standards.

Zoning and licensing bylaws for low-income housing

Multi-tenant housing (also known as rooming houses or single-room occupancies) represent a deeply affordable housing option for low-income households. Many municipalities have zoning bylaws that either prevent or limit the development of rooming houses to certain areas in the city, and make it difficult to enforce licensing, property and safety standards for residents of these homes. When zoning regulations are inclusive to allow rooming houses, it increases housing security and safety for tenants.

Property acquisition programs

One of the ways that local governments can help preserve affordable units is by helping community housing providers buy and preserve affordable housing units through property acquisition programs. These programs are meant to provide funds to help community housing providers buy

private buildings at risk of loss and operate them as permanent affordable housing.

Municipal land reserves for affordable housing development

Municipalities can increase the stock of affordable housing through public land transfer programs. Public land is made of parcels owned or managed by a municipality and every municipality has a “land bank” with surplus land that it does not have the funds to develop. After adequate sites are identified, developers, including private developers and non-profit housing providers, can submit applications detailing how they plan to meet the requirements for creating affordable housing. Non-profit applicants will be expected to build and manage a project with a majority of affordable units. The goal of municipal land reserves is to increase affordable housing stock, especially for non-profit housing providers.

City development plans

A city development plan is a document that guides the urban development of a city. It is based on a long-range vision which identifies anticipated growth and explains the projected land use, zoning regulations, infrastructure development, environmental, social, and economic strategies. It is a dynamic “soft” tool that can address all the elements of the right to adequate housing and provides long-ranging objectives to customize specific housing policy tools. Building a municipal development plan requires a highly participatory process to match growth objectives with the aspirations of a city’s diverse communities.

[Learn more about the responsibilities of each level of government.](#)


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Tools for Community Participation and Advocacy

Participation can be described as a process through which tenant communities and stakeholders can ultimately influence and be part of the decision-making process in housing-related solutions. Participation can be a way to tip the balance against well-resourced and influential lobby groups. It can also provide a space where community members can share their lived experience and examine those issues together.

The ladder of participation

Empowering stakeholders through participation is an incremental process known as the **ladder of participation**, which includes the following stages:

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- 1** **The information stage:** Decision-makers clearly communicate decisions and results to other stakeholders and knowledge is shared in a transparent manner.
 - 2** **The consultation stage:** Decision-makers invite other stakeholders to share their experiences and incorporate their feedback into policy solutions.
 - 3** **Shared decision-making:** Stakeholders have a seat at the table of negotiations, and decision-makers provide ways to increase collaboration between all housing actors.
 - 4** **State of empowerment:** Tenant communities are empowered when all stakeholders can share control over how housing strategies are implemented, and disadvantaged groups can contribute as equals in decisions related to the allocation of resources.
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Key principles for effective engagement

- There should be appropriate levels of participation at each stage.
- Participation should be broad-based and inclusive, and stakeholders should come from different groups.

ACCESSIBILITY AND INCLUSION

A lack of participation in the decision-making process is one of the factors that exacerbate systemic housing issues. Some of the barriers that prevent people from meaningfully participating in the decision-making process are a lack of inclusion of historically disadvantaged groups and the absence of engagement approaches that are accessible to people with diverse needs and capacities. Public engagement approaches should therefore consider the diverse needs of communities, and municipalities can use them to increase accessibility and inclusion of disadvantaged communities in the decision-making process. The best way to ensure that everyone can fully participate is through community-led engagement.

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Right to Housing Leadership in the Community

An increasing number of communities in Canada are coming together to challenge evictions, displacement and exclusion. Effective leadership is essential to the sustainability of these community initiatives. Tenant leaders are chosen by their community based on their leadership qualities, their level of commitment to the community, and their ability to bring together diverse points of view or interests. One of the most effective ways for tenant leaders to organize and mobilize their communities is through the creation of tenant associations.

Resources needed for tenant associations

There are usually five types of resources that tenant leaders will need to organize activities:

Capacity for action



People: Keeping a list of members and supporters, identifying their individual skills or interests and finding ways to involve them in the association's activities.



Time: Creating space for members and supporters to be involved in ways that fit their availability and capacity.



Space: Finding ways to meet in person and ensuring these spaces are physically accessible and easy to get to for members.



Expertise: Reaching out to experts such as non-profit organizations that can provide legal information or representation, like legal aid.



Money: Securing funding to help pay for expenses like photocopying, transportation and food at meetings. This can be done through available funding, donations, fundraising, or membership fees.

[Learn how to empower your community to claim their right to housing.](#)



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