



Implementing a human rights-based approach to housing in the City of Toronto

Submission by Maytree to the City of Toronto Housing Secretariat regarding the development of HousingTO

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July 2019

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Maytree has been dedicated to creating solutions to poverty since 1982. We work with governments, researchers, the non-profit sector, and community organizations to build strong and vital communities. We see the right to housing as central to achieving an inclusive and prosperous Toronto. For this reason, we have made housing a priority in our work to identify policy solutions that reduce poverty and promote equity and opportunity. We believe that protecting this right means ensuring that everyone in Toronto has access to quality housing that is affordable and secure.

1. Context

There are three critical circumstances in Toronto that provide the city with an imperative and an opportunity to reset the way it approaches housing, and deliver better outcomes for all its residents.

The first is Toronto's continuing housing crisis. Our current approach has not been able to stem the tide of growing housing need. As the City's own briefing¹ to councillors for the 2018-2022 term says:

Despite progress over the past decade to ramp up federal, provincial and local measures, residents continue to struggle to secure and maintain affordable, suitable and stable housing. Particularly hard hit are homeless and vulnerable residents, and lower-income tenants.

The scale and severity of the city's housing problem is significant. For example, 37 per cent of Toronto households spend more than 30 per cent of their income on housing.² There are approximately 97,000 active households on Toronto's social housing waitlist with an average wait time of 10-12 years.³ On a single night in April 2018, an estimated 8,700 people experienced homelessness in Toronto.⁴

The second is that the federal government has committed long-term funding for housing policies and programming that support the right to housing through the

1 City of Toronto. (2018). *Affordable Housing – Housing Affordability, Availability and Repair*. (City Council Issue Notes 2018-2022). Retrieved from <https://www.toronto.ca/city-government/council/2018-council-issue-notes/torontos-housing/housing-affordability-availability-repair/>

2 Ibid.

3 Ibid.

4 City of Toronto. (2018). *Street Needs Assessment 2018: Results Report*. Retrieved from <https://www.toronto.ca/wp-content/uploads/2018/11/99be-2018-SNA-Results-Report.pdf>

National Housing Strategy. This commitment reflects the growing consensus in Canada that the ability to access quality, affordable, secure housing is an essential part of our social contract, inseparable from our other human rights.

The National Housing Strategy was accompanied by legislation recognizing that “adequate housing is a fundamental human right” and that it is federal government policy to “further the progressive realization” of that right. Through the strategy and legislation, the federal government has set out a series of mechanisms that will support the realization of the right to housing over time, accompanied by a long-term investment in policies and programming that support this objective.

However, the federal government will not be successful in curbing the growing housing need alone. Our capacity to respond effectively to the housing crisis will depend on all levels of government working together.

This is where the City of Toronto’s role lies. As the third factor reshaping how Toronto approaches housing, the City is developing HousingTO, a ten-year action plan for housing in Toronto. Through HousingTO, Toronto has the opportunity to reset its housing policy.

With the recognition of the right to housing from the federal government and the development of a ten-year action plan, both in the context of a serious and growing housing problem, the City has an opportunity to change the way it approaches housing for the better.

Maytree is pleased to provide comments and recommendations for HousingTO. Our advice is focused on how the City can implement a human rights-based approach that will support the progressive realization of the right to housing for all Torontonians. Our submission outlines what a human rights-based approach to housing means, and goes on to provide practical examples of the processes, policies, and programming that the City can put in place to achieve the right to housing. This submission is not merely an aspirational vision, but a series of achievable, practical actions.

2. What does a human rights-based approach to housing mean for Toronto?

2.1 RECOGNIZING THE RIGHT TO HOUSING

Housing advocates have long been calling for governments to recognize the right to housing, but for policy-makers, bureaucrats, and private sector partners the concept is less familiar. Through HousingTO, the City has an opportunity to be explicit about what the right to housing is and what a human rights-based approach means. This will help ensure that the ideas underpinning the right to housing are understood by everyone, and that all partners involved in addressing Toronto's housing crisis know what their role is in helping realize the right to housing.

The International Covenant on Economic, Social and Cultural Rights, to which Canada is a signatory, makes clear that the right to housing means more than just access to shelter. While there are seven components that underpin the right to housing⁵, at Maytree, we frame them into three overall dimensions:

1. Affordability – housing that residents can pay for without sacrificing other basic needs;
2. Security – housing that offers security of tenure, freedom from the threat of eviction; and
3. Quality – housing that is both habitable as well as appropriate to the specific needs of the resident (such as household size, proximity to services, accessibility, and cultural practices).

Through HousingTO, the recognition that all Torontonians have a right to access quality housing, with security of tenure at a price they can afford, would signal clearly and publicly that the City unequivocally believes that all of Toronto's residents have an inherent right to housing by virtue of being a human being, and not because of how much money they make. This would establish the principles guiding the City's approach to housing policy, and would demonstrate that the City sees itself as a partner in the federal government's National Housing Strategy commitment to human rights.

5 UN Committee on Economic, Social and Cultural Rights (CESCR). *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*, 13 December 1991, E/1992/23, available at: <https://www.refworld.org/docid/47a7079a1.html> [accessed 15 July 2019]

Affirming the right to housing in the City’s HousingTO plan would not require the City to provide every resident with a home, nor would it mean that inadequately-housed residents could take the City to court. A human rights-based approach would mean making a commitment to **progressively realize** the right to housing – recognizing that achieving this right will take time.

Moving forward requires the City to develop and implement a plan that uses its maximum available resources to increase access to housing, while **prioritizing those in greatest need**. The City would not be starting from scratch but would build on the many aspects of the Housing Charter and the current Housing Opportunities Toronto Plan which support the right to housing, as we refer to below.

2.2 ACCOUNTABILITY

A human rights-based approach requires a robust two-way accountability framework. In one direction, the City publicly reports on its progress. In the other, residents identify housing barriers which the City is required to take action on.

In Canada, it is now common practice for governments to publish strategies about a key issue area containing **specific targets, and periodically report on their progress** towards those targets. Just as this is seen as good practice in policy-making, it also supports the accountability aspect of a human rights-based approach. The City is already in the practice of this through the existing Housing Opportunities Toronto Plan.

To support **transparency and accountability**, HousingTO’s targets should be specific and quantifiable. But to be human rights-based they should also recognize the full range of housing need in Toronto, and bring attention to the most severe incidences of housing need. In addition, to understand and mitigate the impact of housing policies that inadvertently exclude or disadvantage particular groups (e.g., programs aiming to lower street homelessness that often exclude women fleeing domestic violence), the indicators used to monitor HousingTO’s progress should disaggregate the data as much as possible.

Human rights-based accountability cannot rely solely on the City periodically reporting on progress it has or hasn’t made on housing through annual reports. A human rights-based approach also requires **mechanisms through which residents can draw attention to systemic housing barriers for the City to respond to**. Although this would not require the involvement of the court systems, it would

require an independent body that groups can report to about the systemic barriers they face with regard to housing. This body would then assess those claims and advise the City on how it can respond.

The City has a number of examples of accountability mechanisms from which to develop a made-in-Toronto process that works for both residents and City Council. For example, the City currently has a similar function with the Office of the Ombudsperson. Meanwhile, at the national level, the federal government is establishing an independent review panel whose role will be to hold hearings into selective systemic issues and make remedial recommendations to a designated minister.

2.3 HUMAN RIGHTS-BASED DECISION-MAKING

Currently, decisions about housing are made in light of fiscal matters or Official Plan guidelines without reflecting on human rights implications. As a result, the decisions made are not necessarily in the best interests of city residents.

In a human rights-based approach, the impact on people is the primary consideration for decision-making. This would mean the City would implement protocols for city staff and officials to **review the impact of any decisions on the right to housing**, considering how those decisions prioritize those in greatest need and how they affect different groups.

The City has made progress in this area through its gender-based intersectional analysis of recent city budgets. Intersectional equity analysis allows the specific barriers faced by different equity-seeking groups to be considered, as well as the specific needs of these groups. Identifying these barriers can prompt the development of mitigation strategies, inform decision-making, and guide the allocation of resources. Such a tool can be used to support human rights-based decision-making in the development and ongoing implementation of HousingTO by showing to what extent housing, planning, and zoning policies impact the ability of different groups to access housing. This kind of insight can in turn be used to determine how resources should be allocated and plans amended to prioritize those in greatest need of housing.

The City has already identified HousingTO as one of the three strategies that will apply an explicit gender analysis to inform its development, implementation, and evaluation. Taking a human rights-based approach to HousingTO is an opportunity to build on the current iteration of the City's gender-based

intersectional equity lens by adding in dimensions that explore how policies and programs impact the right to housing of different groups. It is hoped that these learnings are then applied to future policy decisions so that the right to housing is progressively realized.

It is important that this approach to decision-making touch all areas that affect housing rights. This requires **coordinated governance and action**. With over ten city divisions and connected agencies involved in housing and homelessness work, coordination of activities has appeared to be limited. This lack of coordination is most visible in consultation processes with residents, most recently with competing consultations involving the HousingTO plan, inclusionary zoning, HousingNow, and property standards and building maintenance. While many of these consultations now report to a common committee of council, it is not uncommon for housing and homelessness items to be dispersed amongst several committees of council, with what appears to be little connection made between them to ensure that issues, resources, and community engagement are aligned and complementary.

Because their work is interrelated, these four consultations, as well as the ongoing work of the numerous divisions and agencies, would benefit from more intentional coordination and planning of staff. This would break down the silos that often occur, and use collective resources to maximize the impact. Greater coordination would also ensure that all divisions and agencies are working within a human rights-based approach.

The newly established Housing Secretariat is a step in the right direction and could provide the coordination role necessary to connect the divisions and agencies directly and indirectly related to housing and homelessness. This coordinated role would also benefit from reporting to a single committee of council to create a clear line of accountability, and to ensure that the decisions made by members of council are complementary.

2.4 PARTICIPATION

If both the accountability and decision-making aspects of the HousingTO plan are to be human rights-based, then it needs to include ongoing participation from a range of stakeholders with living/lived experience of inadequate housing and homelessness who can provide insights and advice on its ongoing implementation.

For a process to be truly participatory, the UN requires that it include active, free, and meaningful participation, rather than mere consultations with stakeholders or participation in advisory bodies. People with living/lived experience do not make up a homogeneous or monolithic group; they include people who have faced a diversity of experiences and challenges in accessing safe, affordable housing. The mechanisms built to enable participation of people with living/lived experience must thus recognize and accommodate many voices and distinct needs.

Fulfilling the principle of participation in HousingTO will require time and investment. At one end, there is a need to increase the receptive capacity of government, to shift the culture of the public service to routinely include people with living/lived experience of inadequate housing and homelessness. At the other end, there is a need to invest in the capacity of individuals and communities to participate in this work so that living/lived experience groups with minimal advocacy capacity or access are just as able to engage as better resourced stakeholder organizations.

In its consultations for HousingTO, the City has expanded its consultation process to be more inclusive of the experiences of living/lived experts and has begun to build examples of good participation practices. The inclusion of a range of members on the advisory council, the direct involvement of a range of city staff in the consultations, the production of material accessible to a range of stakeholders and ongoing support for local groups to engage in the process on their own terms have all contributed to a practice that moves from a purely consultative exercise to one that can support ongoing meaningful engagement that will ultimately inform decision-making within the City. It is important that the culture of engagement and the relationships developed during the consultation phase of HousingTO continue to evolve through to the implementation of the plan and that the City evaluates this engagement in order to adjust its engagement strategies moving forward.

3. Tools/processes that would support a human rights-based approach to housing in Toronto

A human rights-based HousingTO would mark a new way of working for the City. Our understanding of what is required to fulfill a human rights-based approach will develop over the ten-year action plan. As the plan is implemented, it is inevitable that gaps will appear that require city divisions, policies, and programs

to work differently. The action plan should thus establish processes that support the principles and ongoing improvement of a human rights-based approach.

As there is no single tool/process that can fully support a human rights-based approach, multiple tools are needed. Below we have outlined some options based on what we think would work for Toronto, and also highlighted which elements of a human rights-based approach they address.

Elements of a human rights-based approach as introduced in Section 2



3.1 HOUSING OMBUDSPERSON

HousingTO could establish the role of a Housing Ombudsperson responsible for investigating systemic barriers to accessing housing faced by Toronto residents, similar to the National Housing Advocate at the federal level. Given the City’s role as service manager with responsibility for funding and administration of all social housing, the Ombudsperson’s mandate could extend beyond services directly delivered by the City to include all housing and homelessness programs, services, and providers in Toronto; within the City’s work, it could extend beyond the decisions of the Housing Secretariat to planning and zoning.

The specific issues explored by the Ombudsperson would be informed directly by those with experience of inadequate housing or homelessness and there would be clear mechanisms through which the Ombudsperson could receive claims. Investigations into these claims would result in advice for the City on how it can establish or adapt processes, policies, or programs to address systemic barriers to adequate housing.

The Ombudsperson could also consider how these barriers are affected by the federal and Ontario governments, and provide advice on opportunities to work in partnership on these issues. They could write a chapter to be included in

HousingTO monitoring reports which would summarize their activities from the year and their advice to the City (including a section in which the City responds). In the same way that the City would respond to the Ombudsperson's work, the Ombudsperson would comment on the City's planned actions and their expected effects on the right to housing.

Elements of a human rights-based approach: Progressive realization
 Prioritizing those most in need Accountability Participation

3.2 RIGHTS-CENTRED TARGETS ACCOMPANIED BY A RISK ANALYSIS

A human rights-based approach would set targets that focus on the housing outcomes of those most in need. Achieving these targets would contribute towards the overall goal of eliminating homelessness and, in the longer term, adequate housing for all residents. In addition to targets that are development-based (e.g., the number of units completed or the number of new units charging below market rents), there would also be human rights-based targets (e.g., the number of households in need moving into secure, affordable, quality housing, the number of units designated for those in greatest need with rents they can afford). These targets would be accompanied by a description of how the City will act to achieve them, and the timelines for expected progress.

In recognition that the City is not the sole actor in realizing the right to housing, the targets could be accompanied by a risk analysis highlighting external factors that could change the expected progress (such as budget constraints, federal and provincial policies, interest rate changes, and resource costs), and how the City plans to mitigate these. This would add accountability and transparency and also allow external stakeholders to understand the various factors that are shaping policy considerations.

Elements of a human rights-based approach: Accountability
 Progressive realization Prioritizing those most in need

3.3 ANNUAL MONITORING REPORTS

Similar to the Housing Opportunities Toronto plan, a human rights-based HousingTO would produce an annual report on how the City is progressing towards targets, where it has been successful, and where it has fallen behind. It would refer to activities from the past year and update plans for the next one.

However, the crucial difference here would be that the human rights-based report would also go deeper — it would disaggregate data on how outcomes varied by race, gender, age, income, and other variables to show the City’s progress on advancing the housing outcomes of equity-seeking groups. This would help inform how resources could be better allocated to prioritize those in greatest need. The reporting process should also include a meaningful role for the participation of people with living/lived experience of housing precarity to inform both the analysis of activities undertaken and the work going forward.

Elements of a human rights-based approach: Accountability
 Progressive realization Prioritizing those most in need

3.4 HUMAN RIGHTS-BASED IMPACT ASSESSMENTS

For the City to adopt a human rights-based approach to housing, it needs better tools for rights-informed decision-making. One option is to provide council with a short assessment for every decision they make that summarizes how the decision before them would impact the right to housing. For example, a new development seeking planning approval would have to be accompanied by an assessment of how it would impact the right to housing. Much like the City’s equity impact assessment tool (“Equity Lens”)⁶ developed for city budgeting, human rights-based impact assessments could answer the following questions:

- Who would benefit from this proposal?
- How would this proposal benefit those experiencing inadequate housing and homelessness?
- How has the proposal been adapted to support the right to housing?
- Would the proposal create new housing barriers or reinforce existing ones?
- How will negative impacts on the right to housing be mitigated?

Providing council with this information would give them a deeper understanding of the trade-offs of the decisions they make, and how the options before them can provide better housing outcomes for those in greatest need.

⁶ City of Toronto. (2018). *Report for Action: Supporting Equity Goals with Disaggregated Data*. (EX34.10). Retrieved from <https://www.toronto.ca/legdocs/mmis/2018/ex/bgrd/background-file-114840.pdf>

Elements of a human rights-based approach:

- ☑ **Human rights-based decision-making**
- ☑ **Prioritizing those most in need**

3.5 HOUSING ADVISORY COUNCIL

The City could establish a long-term Housing Advisory Council to help inform the implementation of HousingTO. The Housing Advisory Council should include members with a range of different experiences of inadequate housing. Regardless of housing background, members should represent Toronto's diversity for example in race, gender, Indigenous identity, immigrant status, and disability, and be offered the necessary training and capacity-building to fulfill their role. Recognizing that experiences of housing precarity are diverse and difficult to represent on an advisory group, the City should put mechanisms in place to support the inclusion of living/lived experts not on the Housing Advisory Council. This will facilitate the participation of people with living/lived experience in policy development.

Having an ongoing advisory council will provide the City with a panel of stakeholders primed to provide feedback on the City's housing policy ideas; the feedback could range from which metrics to include in progress reports to how best to communicate city activities to the general public. These stakeholders can also draw on their own housing experiences or expertise to propose new ideas for how the City can address long-standing or arising issues.

This Housing Advisory Council would also build on the City's learnings from forming an advisory committee for the development of HousingTO, which included a range of stakeholders, many with living/lived experience of inadequate housing and homelessness.

In general, to develop more meaningful and impactful advisory committees, the City should consider building on its successes with existing advisory committees by challenging some of the unspoken biases and power dynamics that can exist in multi-sectoral and experiential groups. Advisory committees are often skewed to value traditional academic and professional expertise. Participants with these kinds of expertise have more opportunities to be involved in deep discussions. People with living/lived experience of inadequate housing and homelessness are often not accorded this same value, rendering their participation and feedback irrelevant to policy development. As a result, people with living/lived experience of inadequate

housing and homelessness end up being engaged solely as storytellers and not as experts in policy discussions.

The City will need to develop equitable structure and processes for the Housing Advisory Council that challenge the status quo and develop capacity-building opportunities for all members. Treating all people with dignity and respect, and as people bringing their own expertise to the table, will ensure that everyone is able to engage in a variety of discussions that impact every stage of policy from identification and development to implementation and ongoing evaluation.

Elements of a human rights-based approach: **Accountability**
 Progressive realization **Participation**

3.6 RESOURCES COMMITTED TO ENGAGEMENT AND EDUCATION

A human rights-based HousingTO would support neighbourhood-based organizations and grassroots groups typically excluded from the consultation process, particularly those inadequately housed. The specifics of this would need to come down to policies and programming, but a framework is needed to create a space for this to happen. One option would be for HousingTO to set out parameters and resources for two priority areas with the specific aim of reaching those who experience inadequate housing and homelessness, and are typically excluded from city processes:

- Public education – supporting people in knowing their rights and responsibilities (e.g., in the tenant/landlord relationship) and in knowing how residents can access recourse mechanisms if their right to housing has been violated, either by an individual or institutions. The City currently resources some of this work through the Federation of Metro Tenants' Associations (FMTA) and could build on the successful programs and services they offer.
- Engagement – providing resources that would support grassroots and neighbourhood organizations in responding to consultations and offering feedback, but also in being actively involved in setting the agenda for housing work at the City (e.g., supporting feedback mechanisms for residents to report on the conditions and concerns in their neighbourhoods).

Elements of a human rights-based approach: **Participation**
 Prioritizing those most in need

4. Policy and programming that would support a human rights-based approach to housing in Toronto

The specific policies and programming that come through HousingTO will be developed after the high-level action plan is announced, and evolve throughout its ten years. This section of our submission highlights some practical examples of how a human rights-based approach to housing could be implemented in Toronto through policies and programming, as well as which dimensions of the right to housing they would reflect.

Dimensions of the right to housing as introduced in Section 2



4.1 CHOICE-BASED SYSTEM

The implementation of a choice-based system at the City is the ideal example of how policy around the allocation of affordable housing could support human rights-based values. Under the current system of housing allocation, those on the waiting list have very little choice in where they get to live, and the proposed changes to Ontario Regulation 367/11 will remove choice almost completely. If the regulations are implemented as they are proposed, households are more likely to have to move somewhere that, while affordable, is not adequate for their needs (e.g., a unit that is not accessible to the child care facility where the child is enrolled, or a unit that is in the same building as an abusive ex-partner). A choice-based system would prevent this by allowing tenants to decide which of the units available is suitable for their needs.

A choice-based system was piloted in Toronto in 2014 with successful results,⁷ and the Shelter, Support and Housing Administration Division is in the process of

⁷ The number of phone calls required to fill a vacancy decreased from 9 to 1.6, the number of days a unit was vacant decreased from 45 to 20, the acceptance rate for units increased from 24 to 73 per cent.

implementing it citywide. Given the forthcoming provincial regulations, a human rights-based approach would make this a priority area, and would allocate housing in a way that promotes choice and self-determination, and increases the number of people in both affordable and adequate housing. In the meantime, the City could provide training to service managers on the right to housing, including how they can use their discretionary powers to support the right to housing.

Elements of the right to housing: Quality

4.2 AFFORDABILITY TARGETS

The right to housing includes being able to live somewhere without having to sacrifice other basic needs because of housing costs. Unlike the existing Housing Opportunities Toronto plan which aimed to build 10,000 affordable-rent homes and 2,800 affordable-ownership homes over ten years, a human rights-based HousingTO would set multiple affordability targets grounded in the diversity of need in the City.

While we consider households to be in need of affordable housing if they have to spend more than 30 per cent of gross income on shelter costs, a new rental unit in Toronto is considered “affordable” if the rental cost is at or below the Average Market Rent (AMR) measured by CMHC, regardless of the income of the household residing in it.

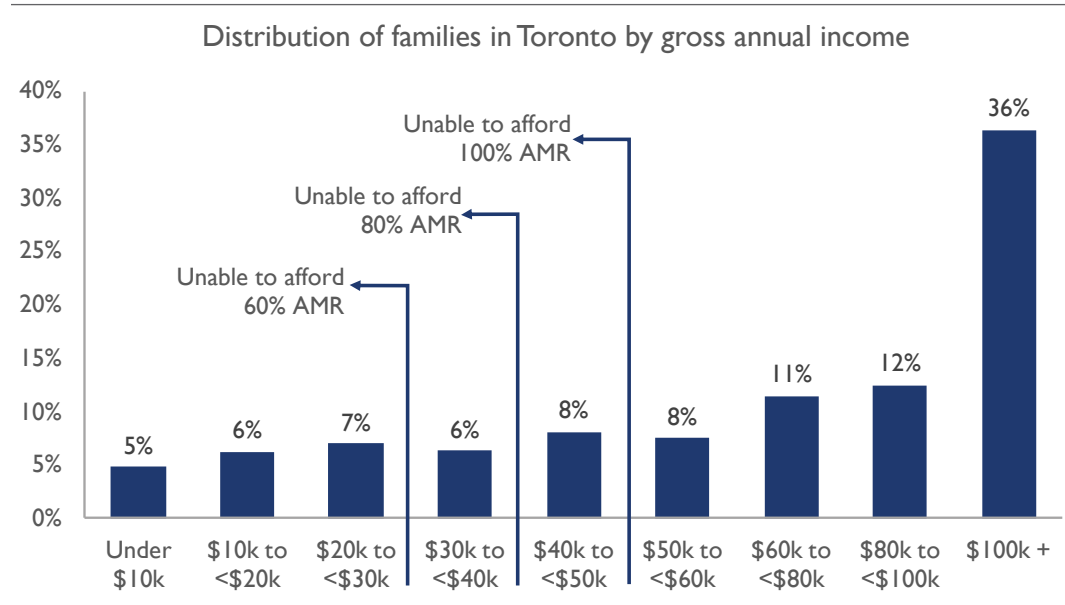
Data from the Canadian Income Survey⁸ shows that in 2017, 32 per cent of households in the city had a gross income of less than \$50,000. These households would spend more than 30 per cent of their income on shelter, even if they were living in housing the City designated as affordable (which in 2017 meant a rental cost of \$1,300 per month).⁹ Moreover, 18 per cent of households in the city have a gross income of less than \$30,000, which is the amount required to afford a housing unit charging 60 per cent of the AMR. The evidence shows the diversity of need for affordable housing in the city and a human rights-based HousingTO would have affordable housing targets to reflect that.

8 Statistics Canada. Table 11-10-0237-01. Distribution of market, total and after-tax income by economic family type, Canada, provinces and selected census metropolitan areas (CMAs).

9 For the sake of this illustration this is the AMR across all property sizes and types in Toronto. See Table 3.1.2 in CMHC (2017). *Rental Market Report: Greater Toronto Area*. Retrieved from https://eppdscrmssa01.blob.core.windows.net/cmhcprodcontainer/sf/project/cmhc/pubsandreports/esub/_all_esub_pdfs/64459_2017_a01.pdf?sv=2018-03-28&ss=b&srt=sco&sp=r&se=2021-05-07T03:55:04Z&st=2019-05-06T19:55:04Z&spr=https,http&sig=b-FocHM6noLjK8rlhy11dy%2BkQJUBX%2BCDKzkjLHfhUIU0%3D

Vancouver’s ten-year housing strategy¹⁰ provides an example of how this can be achieved. It sets housing targets disaggregated by tenure, form, and which household income group it should be affordable for. Toronto has access to more robust and granular data on household incomes and housing needs than is publicly available; it should use this to set a series of affordability targets for HousingTO that would provide for the range of needs in this city.

Elements of the right to housing: Affordability



4.3 INCLUSIONARY ZONING

A human rights-based approach to housing would use all the tools available to deliver housing for those in greatest need. Whether or not those tools sit in the housing department, planning department, or elsewhere in the City, all city departments should see realizing the right to housing as a shared priority. Inclusionary zoning (IZ) is by its very nature a tool that promotes the right to housing — it can be used to ensure that new developments built in the City serve not only those with higher incomes, but those in housing need as well.

If the City took a human rights-based approach to housing it would implement an IZ policy that, insofar as the provincial legislation and market would allow, would seek to provide the maximum number of deeply affordable units and thereby prioritize

10 City of Vancouver (2018). *Housing Vancouver Strategy, 2018-2027*. Retrieved from <https://council.vancouver.ca/20171128/documents/rr1appendixa.pdf>

access to housing for those most in need. In the spirit of progressive realization, it would also periodically assess the potential to increase IZ requirements as the market changes, so that more affordable housing units are developed.

Elements of the right to housing: Affordability

4.4 DWELLING ROOMS

Individuals who live in rooming houses are often vulnerable and may include households with low incomes, seniors on fixed incomes, newcomers to the city and students. They are often unable to afford the rent for a self-contained unit, and without the option of dwelling rooms and other options at the low end of market housing, many of these tenants would not have other market housing options. The City's own study found that over 80 per cent of listed units with an asking rent below Toronto's affordable thresholds were in shared accommodation.¹¹

While rooming houses are only permitted in certain parts of the city, they exist citywide. This means that people living in rooming houses in areas where they are not permitted by zoning cannot claim their rights without putting their housing at risk (e.g., by complaining to the City that their home does not meet minimum safety standards). Where rooming houses are permitted, the stock is being lost as properties undergo redevelopment. When this happens, tenants often require housing support services, and financial assistance to find and maintain new affordable housing.

The City recently adopted policies to address the loss of dwelling rooms. A human rights-based HousingTO could build on this further by developing a city-wide regulatory framework for rooming houses which puts people, not zoning guidelines, at the centre of decision-making, and legalizes and supports the preservation and expansion of multi-tenant housing. This would give rights to people currently living in rooming houses in parts of the city where they are illegal, protect the rights of existing tenants in legal rooming houses, and increase the supply of the most affordable form of market housing. In the absence of such a framework, this important low-end-of-market rental housing stock will likely be lost.

Elements of the right to housing: Security Affordability

11 City of Toronto. (2019). *Inclusionary Zoning Assessment Report: Housing Need and Demand Analysis*. Retrieved from <https://www.toronto.ca/wp-content/uploads/2019/05/981d-IZ-Assessment-Report-Need-and-Demand-formatted-170519-accessiblePAC.pdf>

4.5 TENANT SUPPORTS AND HOMELESSNESS PREVENTION

Tenant supports are a vital component of homelessness prevention by supporting people in remaining in their housing. Providing coordinated and resourced tenant support services is one way HousingTO can take a first step to progressively realize the right to housing.

The City has already made notable improvement in tenant support services through introducing the (now permanent) Eviction Prevention in the Community (EPIC) program, RentSafeTO, and the FMTA's tenant hotline and outreach team. It also developed an Eviction Prevention Framework in August 2016. Going forward, HousingTO should make tenant support services a priority by implementing the actions set out in the Eviction Prevention Framework and expanding EPIC to serve more at-risk tenants as part of developing more comprehensive tenant support services.

Toronto can learn from international examples as well. Wales has adopted a pioneering human rights-based model where municipalities have a “Duty to Assist,” whereby municipalities have a statutory responsibility to help people who are threatened by homelessness. Through legislative instruments, government investment and coordinated community services working in tandem, they have been able to implement a successful right-based approach to homelessness prevention.

Although such a model in Toronto would require the provincial and federal governments to provide a legislative framework, legislation alone will not fix the problem without first increasing the capacity of local services to provide the required support services. Rather than pursuing a sudden shift in policy that the sector would not be able to fulfill, HousingTO could include actions that would move the city towards the progressive realization of a Duty-to-Assist-like model. This would start with coordinated and strategic expansion of existing tenant support services to better reflect the different causes of homelessness and the range of groups at risk (such as youth in care, Indigenous populations and newcomers, to name a few).

Elements of the right to housing: Security Quality

5. Conclusion

Working towards a goal where all Torontonians have access to adequate, affordable, and secure housing is not only a reflection of this city's values, but a practical imperative. Improvements in housing outcomes are associated with better outcomes in health, education, the labour market, and community safety. Good housing is the cornerstone of poverty reduction, strong communities, and inclusive growth.

Adopting a human rights-based approach will require a culture change at the City – new ways of thinking and working to ensure that decisions consider the impact on access to housing, as well as new accountability mechanisms and greater involvement of people with living/lived experience. But the City already has many programs in place that support a human rights-based approach – RentSafeTO, EPIC, Open Door, Toronto For All. A human rights-based HousingTO will simply solidify these commitments and establish an accountable and transparent framework for more programs like these that increase access to affordable, secure, and quality housing for all.

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