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UN HUMAN RIGHTS  
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**FOR:**  
THE LIST OF ISSUES PRIOR TO REPORTING  
FOR CANADA'S 7TH PERIODIC REVIEW

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# THE RIGHTS TO LIFE, PROTECTION OF THE HOME & NON- DISCRIMINATION IN CANADA

Assessing the Housing  
& Homelessness Crisis  
in Accordance with  
Articles 2, 6, 17 &  
26 of the ICCPR

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MAY 2021



Centre for Equality Rights in Accommodation  
Centre pour les droits à l'égalité au logement



THE NATIONAL  
**RIGHT TO HOUSING**  
NETWORK

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# Introduction

The Centre for Equality Rights in Accommodation is one of Canada's oldest not-for-profit charities working to advance the right to adequate housing. Founded in 1987 by a small group of Ontarians who were deeply concerned about discrimination in housing, CERA has worked tirelessly for over thirty years at the intersection of human rights and housing and is one of Canada's leading NGOs working in the area of social and economic rights.

The National Right to Housing Network (NRHN) is a group of key leaders, experts and people with lived experience of housing precarity and homelessness, with a mission to fully realize the right to housing for all in Canada. The NRHN is made up of a Steering Committee and membership of over 350 organizations and individual advocates committed to the meaningful implementation of the right to housing in Canada.

CERA and the NRHN submit this report to the Human Rights Committee prior to the Committee's list of issues prior to Canada's review under the International Covenant on Civil and Political Rights (ICCPR) for the 132nd Session.

# Part 1: Good Practices and Ongoing Implementation of the Covenant

A decade after the Human Rights Committee urged Canada to implement positive measures to address homelessness, Canada adopted the 2019 *National Housing Strategy Act* (NHSA), recognizing that “housing is essential to the inherent dignity and well-being of the person” and that “the right to housing is a fundamental human right affirmed in international law.” The legislation requires a National Housing Strategy to progressively realize the right to housing and provides opportunities for affected individuals and groups to make submissions to a Federal Housing Advocate on systemic issues. The Federal Housing Advocate will submit findings and recommended measures to Canada’s Minister of Families, Children, and Social Development, or may refer issues to a Review Panel which will then hold hearings and submit findings and recommended measures to the Minister. The Minister is required to respond to these findings and recommendations from the Federal Housing Advocate or the Review Panel within 120 days.

Canada’s legislated NHSA has not yet been fully implemented. If the government complies with it in good faith, however, it should represent an important step in implementing obligations under articles 6, 17 and 26 of the ICCPR.

## Part 2: Issues of Particular Relevance

### Article 6: The Right to Life and Homelessness

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In 1999, the Human Rights Committee expressed unprecedented concern at the extent of homelessness in Canada and made it clear for the first time that the right to life under article 6 required that Canada adopt positive measures to address this crisis. In concluding observations, the HRC noted that “The Committee is concerned that homelessness has led to serious health problems and even to death. The Committee recommends that the State party take positive measures required by article 6 to address this serious problem.” The Committee's concerns about widespread homelessness in so cold a climate, in a country with ample resources to address it have been echoed by most other treaty monitoring bodies.

Canada's failure to adopt measures to reduce and eliminate homelessness not only violates the right to life under article 6, it also violates the right to non-discrimination. The loss of life and health impacts disproportionately affect those groups protected under article 26 of the ICCPR, including persons with disabilities, racialized groups, young people, migrants, children, and women.

For more than a decade after the Committee clarified obligations to take measures to address homelessness pursuant to the ICCPR, Canada failed to implement multiple recommendations to adopt a national housing strategy, with severe consequences for the rights of those affected. A 2009 study in Toronto demonstrated that life span may be reduced by as much as 40% due to homelessness.<sup>1</sup> The consequences for the health and lives of increasing numbers of people became even more severe over the last decade. From 2010 to 2017 the number of unique homeless individuals visiting emergency departments more than doubled in Ontario.<sup>2</sup>

In 2017 four Special Rapporteurs submitted an allegation letter to Canada regarding its failure to address the homelessness crisis and its continued failure to implement a national

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<sup>1</sup> S. W. Hwang, R. Wilkins, M. Tjepkema, & J. R. Dunn. (2009, June 8). Mortality among residents of shelters, rooming houses, and hotels in Canada: 11 year follow-up study. *BMJ*. <https://www.bmj.com/content/339/bmj.b4036.full>

<sup>2</sup> Statistics Canada. (2021). Time series of unique people experiencing homelessness based on visits to all emergency departments in Ontario by year of visit and gender. <https://www150.statcan.gc.ca/n1/pub/82-003-x/2021001/article/00002/c-g/c-g01-eng.htm>

housing strategy. The Special Rapporteurs referred to the concluding observations on Canada of the Human Rights Committee in 1999, noting that Canada's failure to implement the recommended measures had led to significant increases in homelessness and death.<sup>3</sup>

In the past year, the connection between the right to life and homelessness has become even more apparent. A study released in 2021 found that people experiencing homelessness in Ontario were 76% more likely to test positive for COVID-19, 20 times more likely to be hospitalized with COVID-19, and over 5 times more likely to die within 21 days of a COVID-19 infection.<sup>4</sup> This is profoundly concerning as Canada has one of the highest per capita Gross Domestic Products in the world and yet an estimated 235,000 people experience homelessness each year—35,000 on any given night.<sup>5</sup>

General Comment 36 recognizes the duty of State parties to protect life by taking appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity, including deprivation of indigenous peoples' land, territories and resources and extreme poverty and homelessness. The measures called for include, where necessary, measures designed to ensure access without delay by individuals to shelter, electricity, sanitation, and other measures designed to promote and facilitate adequate general conditions, such as social housing programs.

Canada's homelessness crisis disproportionately affects First Nations, Inuit, and Métis people, and equity-seeking groups. Across Canada, 28-34% of those accessing homeless shelters identify as Indigenous, while they constitute less than 5% of the population.<sup>6</sup> Persons with disabilities, lone-mother-headed families, refugee claimants, older adults, and youth are also over-represented among those who are homeless.

In urban centres, Indigenous persons make up the largest group of those sleeping rough, living outside even in Canada's harsh winters. People who use drugs, those with mental health and developmental disabilities, survivors of trauma, and people with physical

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<sup>3</sup> AL CAN 1/2017 (2017, May 16), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23071>. Followed up with Communication to Canada (2018, June 22), available at: <https://www.ohchr.org/Documents/Issues/Housing/OL%20CAN%2022.06.18.pdf>.

<sup>4</sup> ICES. (2021, January 12). People experiencing homelessness are more likely to be infected with and die of COVID-19 than the general Ontario population. <https://www.ices.on.ca/Newsroom/News-Releases/2021/People-experiencing-homelessness-are-more-likely-to-be-infected-with-and-die-of-COVID-19>

<sup>5</sup> Gaetz, S., DeJ, E., Richter, T. & Redman, M. (2016). State of Homelessness in Canada 2016. *Homeless Hub*. [https://homelesshub.ca/sites/default/files/SOHC16\\_final\\_20Oct2016.pdf](https://homelesshub.ca/sites/default/files/SOHC16_final_20Oct2016.pdf)

<sup>6</sup> *Ibid.*

disabilities and chronic medical conditions, often face barriers to access the homeless shelter system. Instead, they must seek shelter in last-resort, “low-barrier” services that are inconsistently available, and in which standards of service and support are extremely low, often failing to meet international standards for emergency shelter. The Missing and Murdered Indigenous Women and Girls crisis in Canada has been similarly connected to homelessness.<sup>7</sup> Most jurisdictions lack appropriate, accessible, and safe shelters for members of sexual and gender minority communities including lesbian, gay, bisexual, trans, queer, non-binary, and two-spirit people who face overt violence and daily discrimination in the shelter system.

For women with or without children in their care, visible homelessness and shelter use pose threats to safety, and increase the risk of child apprehension. As a result, many women without a home are forced into “hidden homelessness,” staying temporarily with acquaintances or family members, remaining in dangerous or substandard conditions, unable to leave abusive relationships, and /or trading sex and companionship for a place to stay.

In 2017, the federal government announced Canada’s first National Housing Strategy, which included a commitment to reduce chronic homelessness by 2030. In 2020, after adopting the National Housing Strategy Act, the government of Canada made a further commitment to end chronic homelessness by 2030. However, there has been no measurable progress in reducing homelessness since the National Housing Strategy was announced in 2017 and as noted, the consequences for the right to life and non-discrimination have been exacerbated during the pandemic. Limited information has been provided to demonstrate how the federal government will achieve Sustainable Development Goals target 11.1. In fact, civil society actors and researchers have repeatedly voiced concern that current funding and programs under the National Housing Strategy are inadequate to successfully meet this immediate obligation. Additionally, a focus on “chronic homelessness” only meets a small portion of the population experiencing homelessness and fails to address many of the urgent homelessness issues affecting women and families with children.

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<sup>7</sup> Red Women Rising, Indigenous women Survivors in Vancouver’s Downtown Eastside, <https://online.flowpaper.com/76fb0732/MMIWReportFinalMarch10WEB/#page=5>

We recommend that the Human Rights Committee ask Canada:

- Please provide any available evidence of the effects of homelessness on health and longevity, the number of people for whom these effects were precipitated or exacerbated by their experience of homelessness in recent years and information on representation of vulnerable groups among the homeless, including Indigenous individuals, people with experience in government care, persons with disabilities, LGBT+, migrants and members of racialized groups.
- What progress has been made in reducing homelessness since the adoption of the 2017 National Housing Strategy and what are the annual targets adopted by the federal and the provincial/territorial governments for the reduction and elimination of homelessness by 2030?
- What percentage of those experiencing homelessness in Canada are identified as chronically homeless? What are the plans, targets and timelines for reducing homelessness for those who are not identified as chronically homeless?

## **Article 2(1) in Conjunction with Articles 6 and 26: Violations of the Rights to Life and Non-Discrimination of Persons Experiencing Homelessness**

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Persons experiencing homelessness have experienced a systematic denial of access to justice for violations of their right to life under the ICCPR. While the National Housing Strategy Act provides an innovative model for accountability to progressive realization of the right to housing under the International Covenant on Economic, Social, and Cultural Rights, it does not provide for judicially enforceable remedies to violations of the right to life and non-discrimination. It should not be seen as a substitute for recourse to courts for effective remedies for such violations under the Canadian Charter of Rights and Freedoms.

Persons experiencing homelessness have sought effective remedies to violations of their right to life and non-discrimination in Canadian courts, relying on the rights to life and security of the person in section 7 and the right to equality and non-discrimination in section 15 of the Canadian Charter of Rights and Freedoms. They have provided uncontested evidence that, as found by UN treaty bodies and special rapporteurs, failure to undertake measures to reduce and eliminate homelessness have resulted in long term health consequences including shortened life span and deaths from exposure to harsh weather—consequences that are disproportionately experienced by protected groups.

In all of these cases, Canadian governments have argued that the right to life and non-discrimination do not apply to homeless people even if their lives are at risk. They argue that these rights do not impose positive obligations on governments to take measures to address homelessness—that only a “self-standing” right to housing in the Canadian Charter would require governments to take positive measures to protect the lives of those who are homeless by ensuring access to shelter or housing.

However, the claimants in these cases have not claimed a right to housing. In cases such as *Tanudjaja et al v. Canada et al.*<sup>8</sup> those experiencing homelessness have claimed a right to life and non-discrimination, as guaranteed under the ICCPR and the Canadian Charter, in the context of homelessness and housing policy. Rather than accepting the interdependence of rights to life and non-discrimination with the right to housing under the ICESCR, governments have argued that claimants have no right to effective remedies to the right to life and non-discrimination in such cases, and that their claims are non-justiciable.

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<sup>8</sup> The pleadings and court decisions are available at <http://socialrightscura.ca/eng/legal-strategies-charter-challenge-homlessness-motion-to-strike.html>

The Supreme Court of Canada has affirmed on multiple occasions that the Charter should be presumed to provide at least the same level of protection as is afforded by similar provisions in ratified international treaties and that “courts will strive to avoid constructions of domestic law pursuant to which the State would be in violation of its international obligations.”<sup>9</sup> It is important that in the context of the upcoming review, the Committee clarify for Canada what this would entail in the context of cases where those who are homeless seek remedies to actions or omissions that result in foreseeable risks to life and health, and have disproportionate impacts on vulnerable groups. Canada’s continued resistance to this Committee’s recognition of State obligations to protect the right to life of those who live in extreme poverty or homelessness is resulting in ongoing, widespread systemic violations.

In response to widespread concerns about the fact that the positions taken by the Government of Canada in litigation are contrary to its obligations under international human rights law to protect the right to life in the context of housing and healthcare, the Prime Minister of Canada issued a mandate to the previous Attorney General requiring her to review positions taken in litigation for “consistency with the Charter and with Canadian values.”<sup>10</sup> However, the Attorney General’s [\*Principles guiding the Attorney General of Canada in Charter litigation\*](#), released in 2017 made no mention of the importance of ensuring that positions advanced in Charter litigation are consistent with Canada’s obligations under international law, provide the same level of protection as is required by similar provisions in the ICCPR, or are responsive to concerns and recommendations from the UN Human Rights Committee or other treaty monitoring bodies. The document does not recognize that international human rights reflect Canadian values that should be promoted by the Attorney General in Charter litigation.

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<sup>9</sup> R. v. Hape, 2007 SCC 26 at para 53.

<sup>10</sup> Mandate Letter from the Prime Minister of Canada, the Hon. Justin Trudeau to Ms. Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada. (2015, November 15). Available at: <http://www.davidmckie.com/Ministers%20Mandate%20letters%20Consolidated%20with%20Index%20Nov%2016%202015.pdf>

We recommend that the Human Rights Committee ask Canada:

- Will the current Attorney General of Canada consider revising the [Principles guiding the Attorney General of Canada in Charter litigation](#), adopted by the previous Attorney General in 2017 to commit to ensuring that the federal government will promote interpretations of the Canadian Charter that will provide protection at least as great as that afforded by similar provisions in the ICCPR? In particular with respect to the positive measures required to address homelessness where it gives rise to threats to life or health or prevents individuals from enjoying their right to life with dignity?
- What avenues for redress are available to particular groups if they feel that their lives are at risk because of homelessness or if they believe that governments have failed to take necessary measures to address the disproportionate effect of homelessness on particular groups?

## Article 6 in Conjunction with Articles 17 and 26: Failure to Protect the Right to Life of Tenants Facing Evictions Due to Arrears in COVID-19 Pandemic and Beyond

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The COVID-19 pandemic has caused an unprecedented assault on the right to safe and secure housing in Canada for tenant households who were already paying unaffordable rents in many cities and towns. The risk of eviction, potentially into homelessness and with severe effects on children and families, without intervention by Canadian government in the exploration of all alternative means, directly engages the right to life under the ICCPR. This has additional implications to the right to be protected against unlawful interference with the home and family under article 17. Eviction is a serious assault on dignity and security, may force women into situations where they are more vulnerable to violence, and is particularly traumatic for children.

Through 2020-21 it is estimated that over 250,000 units in Canada have accumulated over \$350 million in arrears since the onset of the pandemic.<sup>11</sup> These numbers are at crisis level and indicate that tens of thousands of tenants will be facing eviction into homelessness without immediate federal support.

Income loss and job losses have been disproportionately experienced by women and lower income workers who predominantly rely on rental housing.<sup>12</sup> The number of tenants in arrears and facing eviction has reached a crisis level as many were already paying unaffordable rents in cities and towns across the country before the pandemic. Statistics Canada has found that 46 percent of tenants in Canada don't have enough money to pay their next month's rent unless they keep working.<sup>13</sup> During May-June 2020, 67 percent of food bank users went at least a full day without eating.<sup>14</sup> In March 2020, women accounted for two-thirds (63 percent) of all job losses and among workers aged 25 to 54 years, women

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<sup>11</sup> R. Tranjan. (2021, March 30). With more than 250,000 households in arrears, it's time for rent forgiveness. *Policy Options*. <https://policyoptions.irpp.org/magazines/march-2021/with-more-than-250000-households-in-arrears-its-time-for-rent-forgiveness/>

<sup>12</sup> *Ibid.*

<sup>13</sup> H. Scoffield. (2020, March 23). COVID-19 is squeezing renters. It's time for Ottawa to step up. *Toronto Star*. <https://www.thestar.com/politics/political-opinion/2020/03/23/covid-19-is-squeezing-renters-its-time-for-ottawa-to-step-up.html>

<sup>14</sup> Daily Bread Food Bank. (2020). Hunger lives here: Risks and challenges faced by food bank clients during COVID-19. <https://www.dailybread.ca/wp-content/uploads/2020/07/DB-COVID-Impact-Report-2020-Final-Web.pdf>

represented 70 percent of all job losses.<sup>15</sup> 1.5 million women lost jobs over March and April, a 17 percent drop in employment from February levels.<sup>16</sup>

More than 20,000 women left the workforce between February and October, while about 68,000 men joined it.<sup>17</sup> Women with children under 6 have been particularly hard hit by the pandemic. Women with children under 6 have represented two thirds of those exiting the labour force during the pandemic.<sup>18</sup> 80 percent of those losing jobs in the accommodation and food service sector in October were women.<sup>19</sup>

Black and Indigenous People are 2.7 times more likely than the overall population to report difficulty making rent payments and urban Indigenous Peoples are 8 times more likely to experience homelessness.<sup>20</sup> 53 percent of queer households have faced layoffs or reduced employment as compared to 39 percent of non-queer households.<sup>21</sup> 31 percent of persons with disabilities experienced decreased household income because of the shutdown.<sup>22</sup>

In February 2021, NRHN and CERA—in collaboration with over 120 tenant groups, academics, housing advocates, and peoples with lived experience of housing precarity and homelessness—released a federal submission and proposal for a Residential Tenant Support Benefit (RTSB) to address Canada’s mounting arrears and evictions crisis as a human rights issue (see Appendix A). In April 2021, the government of Canada released its federal budget with no strategy to address the mounting arrears crisis anticipated to drive tens of thousands of individuals and families into homelessness.

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<sup>15</sup> K. Scott. (2020, April 10). Women bearing the brunt of economic losses: One in five has been laid off or had hours cut. *Canadian Centre for Policy Alternatives*. <http://behindthenumbers.ca/2020/04/10/women-bearing-the-brunt-of-economic-losses-one-in-five-has-been-laid-off-or-had-hours-cut/>

<sup>16</sup> The Canadian Press. (2020, May 23). Feds probing ways to address COVID-19 impact on women. CP24. <https://www.cp24.com/news/feds-probing-ways-to-address-covid-19-impact-on-women-1.4951548>

<sup>17</sup> RBC Economics. (2020, November 19). Canadian women continue to exit the labour force. <https://royal-bank-of-canada-2124.docs.contently.com/v/canadian-women-continue-to-exit-the-labour-force-report>

<sup>18</sup> *Ibid.*

<sup>19</sup> RBC Economics. (2020, November 19). Canadian women continue to exit labour force. <https://thoughtleadership.rbc.com/canadian-women-continue-to-exit-the-labour-force/>

<sup>20</sup> Y. D. Belanger, O. Awosoga, & G. W. Head. (2013). Homelessness, urban Aboriginal people, and the need for a national enumeration. *Aboriginal Policy Studies*. <https://journals.library.ualberta.ca/aps/index.php/aps/article/view/19006/pdf>

<sup>21</sup> Egale & INNOVATIVE Research Group. (2020, April 6). The impact of COVID-19: Canada’s LGBTIQ2S community in focus. <https://egale.ca/wp-content/uploads/2020/04/Impact-of-COVID-19-Canada’s-LGBTQI2S-Community-in-Focus-2020-04-06.pdf>

<sup>22</sup> Statistics Canada. (2020, August 27). Impacts of COVID-19 on persons with disabilities. <https://www150.statcan.gc.ca/n1/daily-quotidien/200827/dq200827c-eng.htm>

We recommend that the Human Rights Committee ask Canada:

- What measures are planned to protect households that were unable to pay their rent from evictions? Please provide information on the financial assistance provided to tenants who lost their jobs during the pandemic and estimate the percentage of these funds required to pay average rent in Toronto, Vancouver, Ottawa, Hamilton and Montreal.
- At all levels of government, what criteria are applied by courts and tribunals to consider whether an eviction for arrears is a proportionate response and what measures are required to ensure that families are not rendered homeless during or as a result of the pandemic?
- Please provide data on evictions per year by province and territory, identifying the number of women, Black and Indigenous peoples, racialized persons, queer households, and persons with disabilities affected and explain whether these result from a systemic problem of inadequate income among these groups to cover the cost of average rent.

## Article 26: Financialization of Housing as a Violation of Equality and Non-Discrimination

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In recent years Canada's housing system has been radically transformed by a phenomenon known as the financialization of housing. This refers to the way in which housing is bought, sold, traded and priced as a portfolio asset for speculation, rather than being produced rented or sold based on its value as a social good, with government oversight, regulation and direct involvement.<sup>23</sup> Canadian housing markets have been dramatically affected by the financialization of housing, as described in the Special Rapporteur's 2017 Report on this issue.<sup>24</sup> Massive private equity firms, offshore investors looking for places to park capital, tax evaders and an increasing number of wealthy investors within Canada treat housing as a commodity through which to accumulate wealth and leverage debt, rendering housing in cities such as Toronto and Vancouver among the most unaffordable in the world.

The financialization of housing both exploits and exacerbates inequality and discrimination in access to housing.<sup>25</sup> Financial investors follow a business model based on buying up low rental housing occupied by racialized, migrant and single parent households in order to dramatically increase the market value by forcing these groups out of their housing and communities, inflating the purchase price or rent, and making it unaffordable for lower- and middle-income households. Residential real estate markets have created unprecedented wealth for investors and other property owners by driving lower income households out of their traditional<sup>26</sup> cities into homelessness, poverty and debt.<sup>27</sup>

In the context of low vacancy rates and stagnant new rental development, purpose-built rental apartment buildings, rooming houses, secondary rental suites and other more affordable housing stock is increasingly the target of acquisition and aggressive rent inflation by investors or is lost to the short-term-rental market (like Airbnb). The financialization of housing also leads to unnecessary evictions and interference with

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<sup>23</sup> L. Farha & B. Porter. (2017). Commodification over community: Financialization of the housing sector and its threat to SDG 11 and the right to housing. *Spotlight on Sustainable Development* (Social Watch), 105.

<sup>24</sup> Special Rapporteur on the right to housing, Leilani Farha. (2017, January 18). Report to the UN Human Rights Council, A/HRC/34/ on the Financialization of Housing.

<sup>25</sup> ACORN Canada. (2021) Rein in the REITS. <https://acorncanada.org/resource/rein-reits>

<sup>26</sup> Special Rapporteur on the right to housing, Leilani Farha. (2017, January 18). Report to the UN Human Rights Council, A/HRC/34/51 on the Financialization of Housing.

<sup>27</sup> Urban Reform Institute & Frontier Centre for Public Policy. (2021). Demographia international housing affordability. <https://urbanreforminstitute.org/wp-content/uploads/2021/02/Demographia-International-Housing-Affordability-2021.pdf>

peoples' homes, including new trends of "renovictions" and "demovictions" which target tenants of lower rent units for redevelopment or upgrading.

A high-profile example of the discriminatory effects of financialization of housing is the community of Herongate, a close-knit and vibrant neighbourhood in Ottawa comprised predominantly of recent immigrants, racial and religious minorities, and persons relying on social assistance. It has the second highest proportion of low-income people in the Ottawa-Gatineau region.<sup>28</sup> In 2013 a multi-billion dollar asset management company named Timber Creek acquired extensive properties in the Herongate community and implemented a phased demolition of some of the existing affordable housing and proposed a massive development of new residential housing. Large numbers of Herongate tenants were evicted, 93% of whom were racialized.<sup>29</sup> The proposed development at Herongate aimed to attract a predominantly affluent, white and non-immigrant community.<sup>30</sup>

Canadian law and practice in relation to evictions and displacement of vulnerable communities is at odds with international human rights norms. Communities are redeveloped without meaningful engagement with residents; residents are evicted without the provision of alternative accommodation; and affordable housing is replaced by unaffordable housing, making it impossible for residents to return to their communities after they have been redeveloped. Residents of the Herongate community have filed an application before the Ontario Human Rights Tribunal, arguing that developers should be required to consider and address the needs of disadvantaged groups relying on housing slated for redevelopment, in order to prevent or mitigate the discriminatory effects of the proposed development on disadvantaged groups that have relied on the community for affordable housing and access to cultural life.

Article 17.1 of the ICCPR recognizes the right to be protected against "arbitrary or unlawful interference" with one's home or family. The Human Rights Committee recognized in *Liliana Assenova Naibidenova et. al. v. Bulgaria*<sup>31</sup> that displacement and eviction of vulnerable communities without due consideration to the consequences of the eviction, such as the risk of becoming homeless, in a situation in which satisfactory replacement

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<sup>28</sup> *Yusuf et al v Timbercreek Asset Management, Mustang Equities, TC Core LP, TC Core GP and The City of Ottawa* HRTO File No. 2019-36509-I.

<sup>29</sup> *Ibid.*

<sup>30</sup> Delamont, K. (2019, August 29). How the fight for this immigrant neighbourhood became the fight for all immigrant neighbourhoods. TVO. <https://www.tvo.org/article/how-the-fight-for-this-immigrant-neighbourhood-became-a-fight-for-all-immigrant-neighbourhoods>.

<sup>31</sup> UN International Covenant on Civil and Political Rights. (2012, November 27). CCPR/C/106/D/2073/2011. <https://www.undocs.org/CCPR/C/106/D/2073/2011>

housing is not immediately available, constitutes a violation of Article 17. Canada has not protected groups facing widespread discrimination in housing from the discriminatory effects of displacement and forced evictions and evictions are permitted without due consideration to their consequences for affected households. Canada has therefore has not met its obligations under articles 6, 17 and 26 of the ICCPR to properly regulate private development in order to protect the rights of residents of affected communities.

We recommend that the Human Rights Committee ask Canada:

- Please provide any available information on the effect of the financialization of housing on groups facing systemic discrimination and inequality in access to housing, including racialized communities, urban Indigenous populations, single parent households, low-income households and recent immigrants and explain what measures are being adopted to address speculation, vacant housing, short-term rentals, and the loss of affordable housing stock.
- What legal requirements exist to ensure that new developments provide housing that is affordable to current residents and will not have discriminatory consequences for disadvantaged groups?
- What protections are afforded under human rights legislation from development and displacement that disproportionately impacts protected groups?
- How is the right to protection from interference with one's home under article 17 given effect in Canadian law in the context of development-based displacement?

# Endorsements

- Alliance to End Homelessness Ottawa
- Action-Logement / Action Housing
- ACORN Canada
- Advocacy Centre for Tenants Ontario
- Campaign 2000
- Canadian Alliance to End Homelessness
- Canadian Feminist Alliance for International Action
- Canadian Housing and Renewal Association
- Canadian Housing and Renewal Association Indigenous Caucus
- Canada Without Poverty
- Canadian Association of Social Workers
- Canadian Observatory on Homelessness (Homeless Hub)
- Canadian Poverty Institute
- Citizens for Public Justice
- Community Legal Assistance Services For Saskatoon Inner City Inc
- Community Legal Assistance Society
- Co-operative Housing Federation of Canada
- Council of Canadians with Disabilities
- Daily Bread Food Bank
- le Front d'action populaire en réaménagement urbain
- Keepers of the Circle
- Maytree Foundation
- Ontario Children's Advancement Coalition
- Oxfam Canada
- Public Interest Alberta
- Safe at Home Society
- Women's National Housing and Homelessness Network
- Women's Shelters Canada
- Yukon Anti-Poverty Coalition
- Yukon Status of Women Council

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**CERA - EqualityRights.org**

**NRHN - HousingRights.ca**

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