

Addressing the Evictions and Arrears Crisis

Proposal for a
Federal Government
Residential Tenant
Support Benefit



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



THE NATIONAL
RIGHT TO HOUSING
NETWORK

RÉSEAU NATIONAL
DU DROIT
AU LOGEMENT



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OVERVIEW

This proposal is presented to the federal government as a submission under the National Housing Strategy Act (2019) (NHSA), addressing the systemic issue of unaffordable rent and accumulated arrears or debt among residential tenants as a result of the pandemic. In accordance with the rights-based approach adopted in the NHSA and the legislative commitment to the right to housing, this proposal is based on consultations with rights-holders, stakeholders, and experts regarding what measures are required from the federal government to address this systemic issue and to further the progressive realization of the right to housing as required under international human rights law.

The measure that is proposed is a “Federal Government Residential Tenant Support Benefit” for low and moderate income tenants who have faced heightened rent affordability challenges as a result of income loss during the pandemic. The benefit will provide what amounts to a retroactive rent subsidy to ensure that rent would make up the same percentage of income in 2020 as in 2019, prior to the pandemic. For tenants in arrears, some or all of the benefit can be directed to their landlords to cover arrears owing and prevent any eviction.

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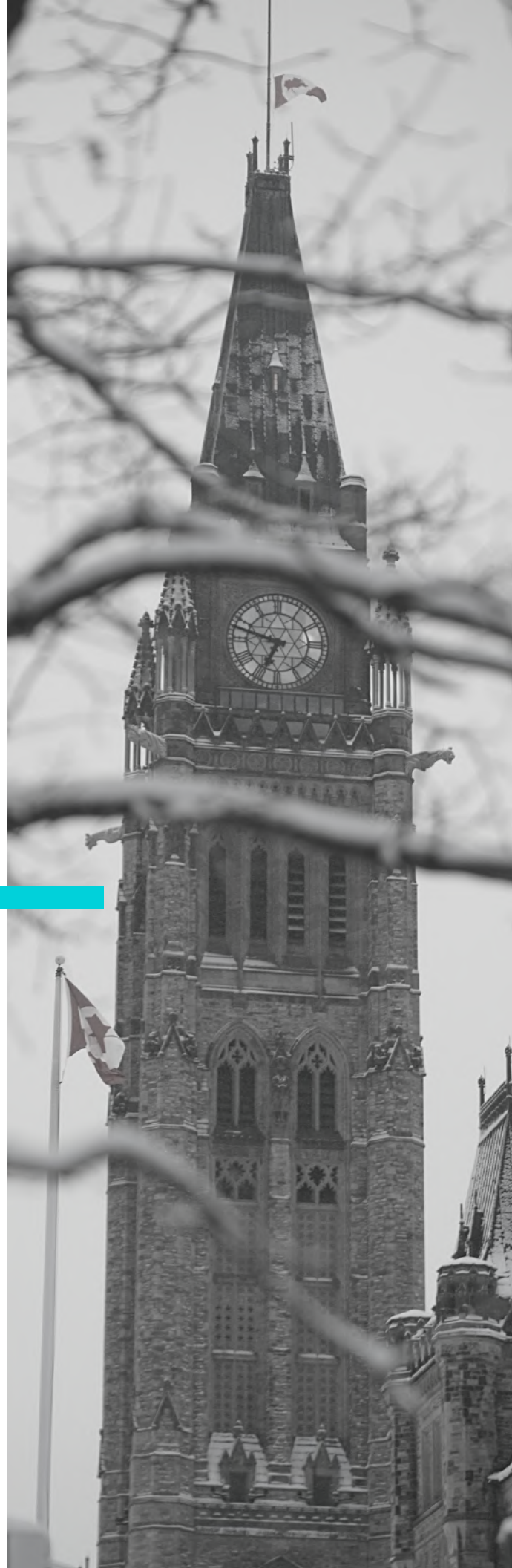
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1

BACKGROUND

**The National Housing
Strategy Act (2019):
What it Means for
Claiming the Right to
Housing and
Addressing the Arrears
and Evictions Crisis**





A) THE NATIONAL HOUSING STRATEGY ACT

In July 2019 the National Housing Strategy Act (NHSA) came into force, affirming for the first time in legislation that the government of Canada commits to “further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights.”

To understand exactly what this historic legislative commitment means, we need to look at the International Covenant referred to in the legislation. According to the International Covenant on Economic, Social and Cultural Rights (ICESCR) that Canada signed onto in 1976, all governments in Canada – federal, provincial/territorial and municipal – are committed to using “all appropriate means” and applying “the maximum of its available resources” to “achieving progressively the full realization” of the right to housing.

Over the last 25 years, UN human rights bodies in Geneva, as well as the UN Special Rapporteur on the Right to Housing have reviewed whether Canada is meeting these commitments. They have expressed grave concern about the extent of homelessness, inadequate housing, evictions, and other violations of the right to housing in Canada. They have told Canada that it should recognize housing as a human right in legislation and implement a national housing strategy based on the right to housing. Finally, after more than two decades, the federal government has responded by adopting the National Housing Strategy Act (NHSA) which recognizes the right to housing as a fundamental human right and requires the responsible Minister to adopt and maintain a rights-based National Housing

Strategy and appoint a National Housing Council. The NHSA also creates an independent Federal Housing Advocate, at the Canadian Human Rights Commission. The Advocate is empowered to receive and investigate submissions from affected groups on systemic issues and report to the Minister on findings and recommended measures for the progressive realization of the right to housing. The Housing Advocate may also refer particularly important systemic issues to a Review Panel comprised of three members of the National Housing Council which will hold hearings and report its findings and recommendations to the Minister and to parliament.

This historic commitment to realizing the right to housing through a rights-based approach relies on affected groups to bring their circumstances to light, identify critical systemic issues, and make submissions to the Housing Advocate. It does not address individual housing rights issues such as an eviction of a particular household or access to a particular apartment. Individual human rights claims and landlord and tenant issues must still be addressed through courts or tribunals. However, when many people are facing similar problems,

such as the threat facing thousands of tenants facing eviction for arrears that accumulated during the pandemic, or the need for financial assistance to pay unaffordable rents, that is a “systemic” problem that engages the commitments of the federal government under the National Housing Strategy Act and can be taken to the Housing Advocate or to a Review Panel to determine how the right to housing applies and what needs to be done.

B) THE CERA/NRHN INITIATIVE

The Centre for Equality Rights in Accommodation (CERA) and the National Right to Housing Network (NRHN) are working together with affected communities to use the new mechanisms under the NHSA to address systemic issues affecting the right to housing as it is defined under the NHSA and international human rights law. We are currently focusing on the urgent arrears and evictions crisis that has emerged with the pandemic.

Two workshops were held in the fall of 2020, with over 120 participants from across Canada, including persons with lived experience and advocates who spoke about their experience. Participants learned about the situation facing people across Canada, reviewed relevant obligations under international human rights law and considered what actions are required.

Since the NHSA applies to the federal government, and given the urgency of the arrears and evictions crisis, the consultations and meetings have concluded that the federal government should adopt measures within its own jurisdiction, pursuant to the federal spending power to provide necessary assistance, similar to the way in which it acted to address needs in the commercial rental sector.

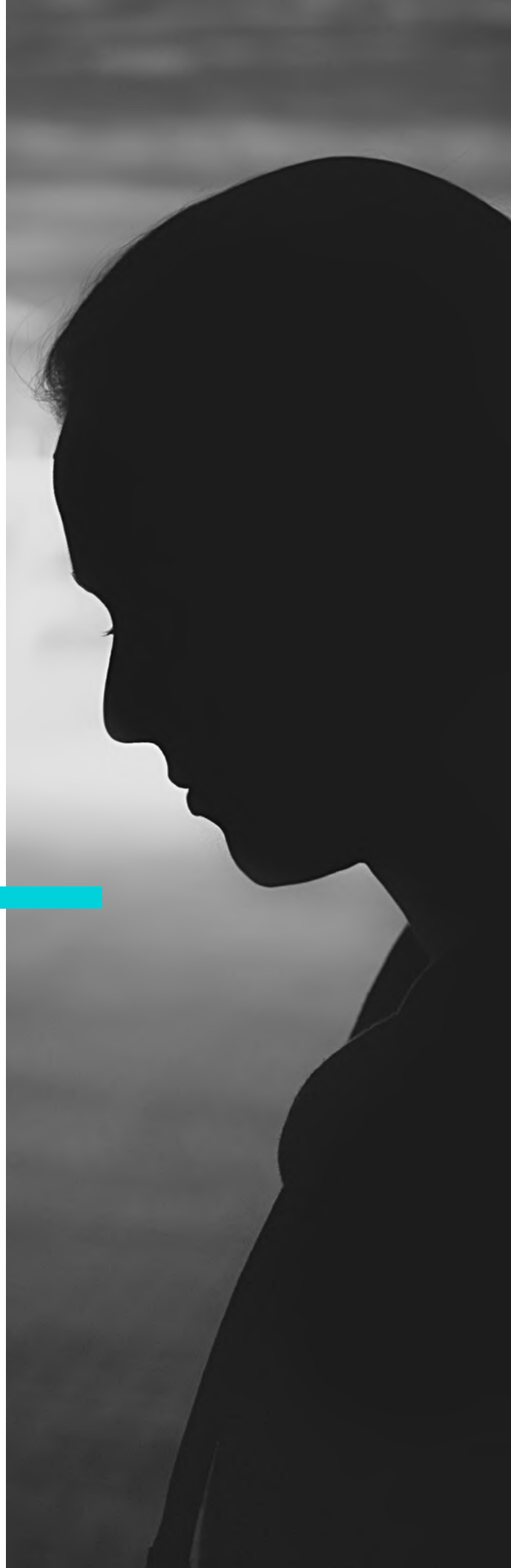
We see no reason why provinces and territories would not support an urgent federal initiative that avoids the necessity of time-consuming inter-governmental negotiations.



2

APPLICATION

What the
Commitment in the
NHSA to the Right to
Housing Under
International Human
Rights Law Means for
Evictions and Arrears
During the Pandemic





International human rights law recognizes that being evicted from one's home is a serious assault on dignity, security and may place health and life at risk.[1] All levels of government are required under international law to adopt appropriate measures to prevent evictions wherever possible.[2] While many of the legal protections of security of tenure fall within provincial/territorial jurisdiction, obligations to take appropriate measures to prevent evictions, particularly where they are caused by the economic consequences of a pandemic, also apply to the federal government.

The following elements of international human rights law are applicable and relevant to the obligations of the federal government in the current context of significant arrears and looming evictions:

- 1)** Governments must adopt all appropriate means to ensure that housing is affordable. Where increased or significant numbers of households are unable to afford their rent, governments must address the structural causes of unaffordable rents or lack of affordable housing, including through financial assistance to tenants to pay arrears and increased access to and supply of affordable and social housing.[3]
- 2)** Evictions can only be justified under exceptional circumstances after "all feasible alternatives are explored."[4] No eviction should be permitted where it would result in the violation of any human rights, such as the right to health or the right to life. No one should be evicted into homelessness.[5]
- 3)** In instances of rent arrears, evictions should only occur as a last resort and after a full exploration of alternative means to resolve outstanding debt, such as through emergency housing benefits, debt rescheduling or, if required, relocation to more

affordable housing units meeting adequacy standards.[6]

4) During the pandemic in particular, moratoriums on evictions should be implemented, but these should be accompanied by financial assistance to pay arrears and other necessary measures to ensure housing affordability.[7]

5) Particular attention must be directed to marginalized groups and those facing systemic discrimination, including women, racialized groups, Indigenous Peoples, persons with disabilities and sole support parents. The best interests of children and the protection of the family must always be ensured.[8]

6) Those at risk of eviction must have the opportunity for “genuine prior consultation” with the relevant authorities.[9]



3

THE SYSTEMIC ISSUE

Accumulated Arrears
and Threat of Eviction
Facing Vulnerable
Tenants





A) THE EVICTIONS AND ARREARS CRISIS FACING TENANTS FROM COAST-TO-COAST-TO-COAST

The pandemic has caused an unprecedented assault on the right to safe and secure housing for tenants who were already paying unaffordable rents in many cities and towns.

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.[10] During May-June 2020, 67 percent of food bank users went at least a full day without eating.[11] In March 2020, women accounted for two-thirds (63 percent) of all job losses and among workers aged 25 to 54 years, women represented 70 percent of all job losses.[12] 1.5 million women lost jobs over March and April, a 17 percent drop in employment from February levels.[13]

Income loss and job losses have been disproportionately experienced by women and lower income workers who predominantly rely on rental housing.[14] More than 20,000 women left the workforce between February and October, while about 68,000 men joined it.[15] Young women and 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.[16] 80 percent of those losing jobs in the accommodation and food service sector in October were women.[17] 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.[18] 53 percent of queer households have faced layoffs or reduced employment as compared to 39 percent of non-queer households.[19] 31 percent of persons with disabilities experienced decreased household income because of the shutdown.[20]

B) FEDERAL GOVERNMENT ACTION IS URGENTLY NEEDED

At two workshops hosted by CERA and the NRHN in the fall of 2020, participants heard from lived experts about the experience of living with arrears and the constant threat of eviction. Eviction is an unacceptable assault on dignity and security even in the absence of a pandemic, traumatizing children and throwing those affected into homelessness to face punishing rental markets in which a record of eviction and debt makes it impossible to find an affordable place to call home. As one participant noted in the session:

“I am a person who has not only experienced lengthy homelessness. I also suffered housing loss 2 years later while also having the responsibility of caring for my partner who suffered with mental health disabilities, the trauma is over-whelming. The anguish and guilt and loss of self-worth is so soul draining... Loss of housing is terrifying beyond belief. Loss of housing while responsible for someone, like a vulnerable partner or child is so traumatic that years later I still carry a deep internal fear of that



happening again. Today I work as an advocate in the homeless sector, everyday working for the homeless, poor and vulnerable, but the trauma of that time of eviction and following consequences, set back my recovery for several years. One cannot underestimate the terror that eviction brings.”

In the pandemic, eviction is an unacceptable risk to health and life. One workshop participant noted that the impact of an eviction, particularly in Canada’s north, has profound consequences on health:

“In the north temperatures can reach down to -50 or more. There needs to be another solution so that we are not evicting people and causing more homelessness in Canada’s Arctic! We live in the coldest climate. We do not have much choice for landlords in the north, remote communities especially. Homelessness contributes to poverty, poor hygiene, social issues such as suicide, and a lack of interest for education and work.”

These experiences are the result of severe economic inequality, failures of governments to regulate

housing markets and years of inadequate funding for social and affordable housing in Canada. Yet those affected are stigmatized and made to feel as if their situation is the result of personal failure and irresponsibility rather than systemic and structural failures.


The arrears and evictions crisis facing low-income tenants, particularly women and members of vulnerable groups, is a systemic issue resulting in potentially widespread violations of the right to housing, and as such should be addressed in a manner consistent with the National Housing Strategy Act. Indeed, the failure to address the needs of tenants falling into arrears has resulted in “retrogression” or backward movement, toward increasing marginalization and inequality, particularly for women, racialized households, Indigenous households, young people, and other vulnerable groups. This is contrary to the commitment to progressively realize the right to housing under international human rights law, affirmed in the NHSA. Additionally, the federal government has not ensured meaningful consultation with affected residential tenants, nor has it ensured that all alternative means are explored so that eviction is only employed as a last

resort, that no one is evicted into homelessness and that no one is evicted where this would result in the violation of other human rights or undermine the protection of the family – all of which are required by the NHSA.

While the CERB provided adequate income replacement for some low-income tenants, others, particularly those with dependents renting larger apartments in high rent areas, have had their income reduced dramatically and have often been unable to pay their rent, with many falling into arrears and facing the threat of eviction while others have borrowed money and are facing unmanageable debt going forward. Only one province (British Columbia) stepped up to provide a temporary rent supplement during the pandemic, which ended many months ago. Without further, prompt intervention from the government, vulnerable Canadians face eviction, displacement and personal catastrophe. Of note, those at risk are some of the most vulnerable individuals and households: low-income individuals, many of whom are the “front-line heroes” praised by all levels of government throughout the pandemic, persons with

disabilities, Black, Indigenous and other persons of colour, newcomers to Canada and other individuals, often with intersecting barriers to the full participation in Canadian society.

According to data from the Federation of Rental Housing Providers (FRPO), by October 2020 approximately \$80 million in monthly rent arrears had been incurred during the COVID crisis in Ontario. Available data on the scale of the problem throughout Canada on a provincial and territorial basis is included in the appendix. Without intervention, the loss of tenancies and the ensuing displacement of renters in Canada could be unprecedented. The Canadian Housing Policy Roundtable[21] (CHPR) notes that CERB helped to avert a national evictions crisis, but arrears have become concentrated in the communities with relatively high rents and, as such, targeted support of rental assistance is required where rents are exorbitant. CHPR also notes that accumulated debt often affects tenant’s right to access future housing and may hinder a tenant’s ability to change their housing by choice. The need for action is well understood and a number of organizations and networks have developed



proposals of their own, including FRPO and CHPR, in recognition of the significance of this crisis.

Finally, jurisdictional concerns should not be a barrier to a federal government solution. While the regulation of contracts and landlord tenant relationships is within the purview of the provinces & territories, the federal government has the jurisdiction to provide financial assistance to tenants who had difficulty paying rent because of COVID-related income loss during the pandemic. Commercial tenancies also fall under provincial/territorial jurisdiction and this has not stopped the federal government from providing direct relief to commercial tenants and landlords, initially through the Canadian Emergency Commercial Rent (CECRA) and then through the Canada Emergency Rent Subsidy (CERS). The focus on commercial tenants instead of the most vulnerable tenants who may lose their homes is inconsistent with the obligation to prioritize the needs of those who are most vulnerable and to ensure the right to housing as a priority in the allocation of resources.

C) INTERNATIONAL COMPARISONS

One of the advantages in the NHSA's reliance on international human rights is that it allows for comparisons between Canada and other countries. Such comparisons are useful not only for exchanging good practices but also in assessing what can be reasonably expected of governments within their available resources.

The reluctance of governments in Canada to take action

to address the looming crisis of arrears and evictions stands out in comparison to governments elsewhere. Even the U.S. federal government, which has not recognized the right to housing under international law, acted under the Trump administration to extend the moratorium on evictions through a CDC order, until the end of 2020, and President Biden has extended the moratorium until the end of March 2021.[22] Almost all European countries have instituted bans on evictions for arrears, as have many other countries around the world. [23] The federal government of Canada, by comparison, has acted to prevent eviction of commercial tenants but has taken no action to address the plight of residential tenants.



4

PROPOSAL

A Federal Government
Residential Tenant
Support Benefit



Having convened two cross-Canada workshops to discuss this topic with over one hundred participants including advocates, individuals with lived experience and leading organizations working with vulnerable tenants, we propose a federally-funded residential tenant support program to achieve the policy objective of preserving tenancies during the COVID pandemic to ensure that no one loses their home during this period or suffers other consequences of paying rent that they are unable to afford because of lost income.

Tenants who, even after receiving income support through programs such as CERB or EI, experienced a decrease in affordability of their rent, as evidenced by an increase in their rent to income ratio during the pandemic, would qualify for a benefit payment to return them to the same position that they would have been in but for the change to their rent to income ratio during the pandemic.

Qualifications

1) Income Cap: Tenants would qualify where their gross income for 2020 is less than CMHC's Housing Income Limit. This would

allow for benefits to be calculated in consideration of the varying rent levels across the country and in a manner responsive to individual circumstances.

2) Change to rent to income

ratio: Where the 2020 rent to income ratio is greater than the 2019 rent to income ratio, the individual would qualify for assistance. Otherwise, the tenant would not be eligible.

Amount of benefit

The amount of assistance provided to tenants would be calculated based on an increase in shelter to income costs. The amount of assistance would be equal to the difference in the rent to income ratio, multiplied by the individual's 2020 gross income, which would have the effect of reducing the 2020 rent burden back to the level that the individual was paying prior to the pandemic.

Recognizing that tenants employed a variety of survival strategies during the pandemic period, this program would allow for funds to be transferred directly to tenants, to landlords or to both depending on the circumstances.

Sample calculation using average tenant income and average rent for a one-bedroom apartment in Toronto

An average income tenant paying the average rent for a one-bedroom apartment in Toronto pays \$17,000 in rent annually, and the rent is unchanged between 2019 and 2020. In 2019, they had an income of \$48,000, which dropped to \$2,000 per month in March 2020 when the pandemic hit, and they lost their job and relied on the CERB for the remainder of the year.

- 2019 Gross rent paid/2019 gross income =
 $\$17,000 / \$48,000 = 35\%$
- 2020 Gross rent paid/2020 gross income =
 $\$17,000 / \$28,000 = 61\%$

Since $61\% > 35\%$, this individual would qualify for assistance.

The amount of the rental assistance to cover 12 months in 2020 would be calculated as follows: $(61 - 35) \% \times (\$28,000) = \$7,280$.

If the benefit was extended into 2021, it could be calculated on a monthly basis in order to provide support to renters in real time. This could be achieved by comparing the current rent burden to pre-COVID rent burden in a similar calculation as above but using the monthly rent burden.

Many tenants are currently facing significant arrears which threaten their ability to stay in their homes as governing legislation allows landlords to evict tenants with arrears balances, even where they are minimal. Tenants in these

circumstances may opt to have the government transfer all or part of the funds, in the amount of arrears owed, directly to their landlords in order to clear their arrears balances. In that case, landlords would be required to

sign an attestation that, in receiving the funds, they consent to waive their right to evict their tenant for any arrears incurred during the qualifying period, and also that they would be prohibited from using the existence of the arrears incurred during the period as evidence in any subsequent eviction proceeding (such as to demonstrate persistent late payment of rent).

However, in many cases, tenants have done everything they can to preserve their tenancies, terrified of losing their homes during a global pandemic. Many have gone without food, have borrowed money from family, friends or payday lenders, and are facing significant financial consequences, including not being able to make rent in the coming months, all of which they are not in a position to bear. In this case, funds would be transferred to tenants directly.

Application process and required documentation


Participating tenants would be required to obtain and retain documentation of the rent they were required to pay for the

qualifying period and any income for the period, including CERB or other income support. For the purposes of facilitating access to the program and to reduce administrative barriers, the program should be administered using a simple and barrier-free application process that prioritizes getting people the help they need on an expedited basis.

Anticipated uptake of the program

Given the variation of rental rates across the country and the wide availability of the CERB, which was structured as a flat benefit regardless of individual financial circumstances of the recipients or their housing costs, we anticipate the primary beneficiaries of this program will be individuals with higher than average rental rates, particularly households with children, which were not adequately covered by the CERB or EI (i.e. individuals in large urban centres and other areas where rental rates are particularly high).

Such a program would provide retroactive benefits to the date of the eligible income loss, in order to ensure that affected tenants



are able to pay any accumulated arrears, as well as continue to pay their rent going forward.

A) PROVINCIAL/ TERRITORIAL RESPONSIBILITY

It is the responsibility of provinces and territories to address the needs of tenants on social assistance and others in arrears because of ongoing affordability challenges. In our stakeholder and expert consultations, considerable concern was expressed that many tenants may have fallen into arrears during the pandemic because of an ongoing problem of rent affordability rather than because of pandemic related income loss. Income for those on social assistance may not be affected by the pandemic, however there is a persistent affordability crisis that predates the pandemic and threatens those tenancies. International human rights obligations summarized above require that these tenants also be assisted and that all appropriate measures be adopted to prevent evictions.

Some programs have been implemented by different levels of government to address Canada's affordability crisis for tenants, including the Canada Housing Benefit, rent bank programs, and other benefits. However, as expressed by participants, implementation and outreach for these programs must be increased. Roll-out of the Canada Housing Benefit, for example, is taking a long time to reach tenants in need due to extremely lengthy negotiations between provinces/territories and the federal government. Provinces and territories are well placed to provide the

necessary assistance, particularly to social assistance recipients in this category. This does not mean that the federal government's commitment under the NHSA to apply all appropriate means to prevent arrears and evictions does not apply. The bilateral housing partnership agreements, negotiated with provinces and territories require those governments to adopt plans to "provide support for those in greatest need" and "help advance the progressive realization of the right to housing under the International Covenant on Economic, Social and Cultural Rights (ICESCR)."[24]

In conjunction with the federal benefit plan described above, we recommend that the federal government ensure that all provinces and territories have put in place a plan to prevent evictions and provide necessary assistance with arrears for tenants who have been unable to pay the rent because of ongoing affordability issues.

B) OBLIGATIONS GOING FORWARD

Another concern expressed during consultations was that while the pandemic has brought to the fore particularly urgent issues of unaffordable rent and unjustified, unnecessary evictions that must be addressed in accordance with the NHSA, these systemic issues are longstanding and the NHSA also requires longer term solutions. We wish to clarify, therefore, that our recommendation is that the government implement the above proposal as a first step in implementing a longer-term strategy to address the affordability and evictions crisis, and that this issue be given the highest priority in the National Housing Strategy.



APPENDIX A: THE STATE OF EVICTIONS AND ARREARS DURING COVID-19 ACROSS CANADA

PROVINCE/ TERRITORY	DATA ON EVICTIONS & ARREARS	DETAILS ON BAN ON EVICTION	ACTION TAKEN TO LIMIT RENT INCREASES	ANY OTHER ACTIONS ON RENT RELIEF
Alberta	Between March and October, 4,287 applications for non-payment had been filed compared to 5,351 through the same period in 2019,[25] indicating over 1300 eviction applications filed in September and October 2020. The Calgary Housing Company issued 500 eviction notices for the month of August 2020.	End of the eviction ban in Alberta was April 30, 2020.[26]	No rent increases permitted until June 2020.	Landlords and tenants are encouraged to develop payment plans. However, demonstration of a payment plan is no longer required to file an application to terminate a tenancy nor to recover possession due to non-payment of rent.[27] Partial cutoff in provincial assistance or claw back payments dollar-for-dollar by the amount recipients got from CERB.[28]
British Columbia	Around 15 per cent of rental households (approximately 90,000 households across B.C.) have not paid full rent during the pandemic. [29] 12% of tenants have been making partial payments. [30]	B.C. eviction ban ended on Sep 1 2020; tenants have until July 2021 to pay unpaid rent as long as monthly installments are paid. The payments need to be made in equal instalments.	Rent freeze until July 2021.[31]	BC Temporary Rental Supplement Program in place from April to August 2020 for more than 87,000 low- and moderate-income renters who lost income as a result of COVID-19. Rental benefit up to \$500/month paid directly to landlord. Tenants applied for the program and the details are verified with landlord.[32] Landlords have to give tenants until July 2021 to repay any outstanding rent, as long as monthly instalments are paid.[33]

PROVINCE/ TERRITORY	DATA ON EVICTIONS & ARREARS	DETAILS ON BAN ON EVICTION	ACTION TAKEN TO LIMIT RENT INCREASES	ANY OTHER ACTIONS ON RENT RELIEF
Manitoba	Among Manitoba's 60,629 renting households, 5,456 - 7,882 tenants are in arrears and cannot or could not pay all or part of their rent during COVID.	Eviction ban on non-payment of rent during COVID is ended September 30th. [35]	Rent increases are frozen from April 1 until September 30 and late fees are prohibited for failure to pay rent from April 1st.[36]	<p>Rent Assist shelter benefit for low-income tenants in the private market based on income and market rent for their family size.[37]</p> <p>Residential Tenancies Commission postponed all non-urgent hearings. Tenants cannot be evicted unless there is a risk to health and safety or concerns about illegal activity.[38]</p> <p>Partial Cut off in provincial assistance or claw back payments dollar-for-dollar by the amount recipients got from CERB.[39]</p>
Northwest Territories	No data available.	Eviction moratorium on evictions for arrears from April 9, 2020. [40] Tenants must write their landlords explaining significant loss of income or unemployment and outlining a payment plan.	None.	<p>Enacted legislation in April on Rental Agreement Dispute Resolution.[41] Dispute resolution process can be initiated by a landlord or tenant by filing an Application to a Rental Officer.[42]</p> <p>Transitional Rent Supplement Program (TRSP) for private market tenants up to \$500/month in force until end of August 2020.</p>
Nunavut	No data available.	None.	None.	None.[43]

PROVINCE/ TERRITORY	DATA ON EVICTIONS & ARREARS	DETAILS ON BAN ON EVICTION	ACTION TAKEN TO LIMIT RENT INCREASES	ANY OTHER ACTIONS ON RENT RELIEF
New Brunswick	In the first 10 months of 2020, there have been 1,525 requests for evictions in the province, down from 2,518 in the whole of 2019 and 1,688 in 2018. The province had previously put a freeze on evictions from March 19 to June 1st of this year, meaning the 1,525 requests for evictions actually cover just over seven months.[44]	Eviction ban lifted June 1st.	Huge rent hikes are allowed in New Brunswick because the Residential Tenancies Act does not restrict rent increases, as long as the landlord gives three-month notice. [45]	<p>None in particular to rent. Workers emergency benefit was paid as a one-time income benefit of \$900 for residents who have lost their income due to the pandemic.[46]</p> <p>The official opposition plans to table a bill amending the Residential Tenancies Act in the fall session, tying the percentage that a landlord can boost rent to the Consumer Price Index every year, and capping it at 2.5% a year.[47]</p>
Nova Scotia	Investment Property Owners of Nova Scotia, estimated about 1,800 eviction applications had been filed to Access Nova Scotia One week before the ban was lifted.[48]	Eviction ban lifted July 1st.	Government introduced a two per cent cap on rental increases for existing tenants and a ban on renovictions. This rent cap is retroactive to September 1, 2020. These changes are being made under the Emergency Management Act and will be in place until February 1, 2022, or until the state of emergency is lifted, whichever comes first.[49]	People on income assistance receive an extra \$50 per payment during COVID 19 pandemic.

PROVINCE/ TERRITORY	DATA ON EVICTIONS & ARREARS	DETAILS ON BAN ON EVICTION	ACTION TAKEN TO LIMIT RENT INCREASES	ANY OTHER ACTIONS ON RENT RELIEF
Newfound- land and Labrador	The Newfoundland and Labrador Housing Corporation confirmed via phone call that the Province practices eviction prevention and there were only 3 evictions in 2019 and that there have been no evictions since the onslaught of COVID-19.[50]	Eviction ban lifted 31 May 2020. Tenants who lost employment income because of the COVID-19 can receive an eviction extension of 30 days from when a notice of eviction was served.[51]	None.	None.
Ontario	10 per cent of renters did not pay rent in April, a ten-fold increase from what is typical (1%). [52] Since March, over 6,000 Ontario tenants have had eviction applications filed against them for rent non-payment.[53] Since the reinstatement of virtual LTB hearings, eviction hearings are happening on a recurring basis all day, every day. Some 7,000 people are facing eviction this winter.[54] 6,500 eviction hearings scheduled for November 2020. This is 21% more than in November 2019. Some regions saw increases of over 300%.[55]	Eviction ban lifted July 31st.	Rent frozen at 2020 levels but rents may still be increased for new tenants.	<p>Between April and September 2020, the Toronto Rent Bank granted 489 loans valued at \$1.9M and 36 rental deposit loans values at \$98K.[56]</p> <p>Toronto is reporting a 32% increase in the number of approved loans for the Toronto Rent Bank between April-October 2020 as compared to January-March 2020, although the City notes that it is not possible to draw a direct correlation between an increase in loan approvals and the impact of COVID-19 on Torontonians.[57]</p> <p>Temporary pause on enforcing Eviction order effective from January 13, 2021.[58]</p>

PROVINCE/ TERRITORY	DATA ON EVICTIONS & ARREARS	DETAILS ON BAN ON EVICTION	ACTION TAKEN TO LIMIT RENT INCREASES	ANY OTHER ACTIONS ON RENT RELIEF
Prince Edward Island	According to Annual report of the Island Regulatory and Appeals Commission (IRAC) in 2020 the number of eviction rose to 531 with 82 over security deposits, 123 terminations, 280 breach of statutory conditions and 46 on rent increases. This is a 54% increase over the previous year. Of these, 90 were withdrawn and 76 were resolved between the parties. Of the rest, 180 were terminations, 55 were due to rent increases.[59]	The Prince Edward Island Housing Corporation had moratorium on evictions until June 2020.[60] No info on private rentals. Rental hearings resumed on May 25, 2020.[61]	The government has approved a 1% increase for January 1, 2021.[62] This is slightly lower than it has been in previous years (1.3% for 2020, 1.5-2% for 2019).	Minister of Social Development and Housing announced a \$1,000,000 Temporary Rental Assistance Benefit to assist Island households that are currently renting and have seen an unexpected loss of income due to COVID-19.[63]
Quebec	In May, at least 15% of Montreal tenants were at least a week late with their rent.[64]	Eviction ban ended on July 20, 2020.	Régie du Logement, suspended all hearings and put a moratorium on evictions and repossessions. Premier François Legault urged landlords to be accommodating, but did not announce any specific measures.[65]	The financial assistance program for tenants for the payment of their rent in the context of COVID-19 was intended to temporarily support tenants who did not have enough cash to pay, in whole or in part, their May rent and/or June due to the loss of their jobs in connection with the COVID-19 pandemic. This program ended on July 15, 2020.[66] Under this program, tenants that have difficulty paying their May and/or June rent could be eligible for an interest-free loan of up to \$1,500 provided by the Société d'habitation du Québec. [67]

PROVINCE/ TERRITORY	DATA ON EVICTIONS & ARREARS	DETAILS ON BAN ON EVICTION	ACTION TAKEN TO LIMIT RENT INCREASES	ANY OTHER ACTIONS ON RENT RELIEF
Quebec (cont'd.)				<p>The Société d'habitation du Québec also offers financial support for temporary accommodation for individuals whose plans to move into their main residence (property or dwelling) have been delayed because of the COVID-19 pandemic. The individuals that are eligible will receive up to \$2,000/month for a maximum of two months to cover the costs of temporary accommodation, and up to \$1,000 for expenses related to moving, transportation, and storage of their movable property.[68] This program also ended on July 15, 2020. Loans under these programs must be repaid to the SHQ by August 1, 2021.[69]</p>
Saskatchewan	<p>Landlord Association reports more than 400 eviction applications for non-payment since August 7, totaling \$30 million in arrears[70] landlords have filed more than 1,000 eviction applications to the Office of Residential Tenancies since Aug. 4 to get a sheriff to remove tenants.[71]</p>	<p>Eviction ban from March 26 until August 7, 2020.[72]</p>	<p>None.</p>	<p>In response to COVID-19, a monthly benefit (Saskatchewan Housing Benefit) is available to Saskatchewan renters (including seniors, families, couples and singles) who:</p> <ul style="list-style-type: none"> • Rent from a community housing provider, such as a non-profit housing provider or co-operative; • Pay more than 50% of household income on rent and utilities; • Have incomes and assets below the program limits; and • Are not receiving another government benefit to help with their housing/shelter costs.

PROVINCE/ TERRITORY	DATA ON EVICTIONS & ARREARS	DETAILS ON BAN ON EVICTION	ACTION TAKEN TO LIMIT RENT INCREASES	ANY OTHER ACTIONS ON RENT RELIEF
Saskatchewan (cont'd.)				Clients will receive a benefit based on their household composition.[73] Cut off provincial assistance or claw back payments dollar-for-dollar by the amount recipients got from CERB.[74]
Yukon	No data available.	From June 26 – December 2020 landlords cannot evict tenants for arrears due to COVID-19 income loss between March 26 and June 25, 2020. As of July 1, 2020, an individual must pay rent unless under a health-protection measure and rent arrears from March 26 to June 25, 2020 by December 31, 2020.[75]	None.	<p>Tenants living in private non-subsidized market rental housing in Yukon who have lost 30% or more of their income due to COVID-19 are eligible for a grant for up to 50% of median market rent from April to June 2020. The grant will be paid directly to landlords on behalf of tenants.[76]</p> <p>Eligible households can receive 50% of median market rent based on unit size using the Whitehorse median market rent.</p>

APPENDIX B: COMMUNITY PARTICIPANTS

CERA and NRHN benefited from the insight and feedback of **over 120 people and organizations from across Canada** who participated in public and working group meetings that led to this submission and proposal. These participants included:

- ACORN Canada
- Al Wiebe, Canadian Lived Experience Leadership Network
- Aleksandra Petrovic, Social Development Centre Waterloo Region
- Amanda-Rose Bourget, Brandon Neighbourhood Renewal Corporation
- Anna Micah Irving, Mission Services of Hamilton
- Canadian Alliance to End Homelessness (CAEH)
- Christopher Bell
- Desiree McIvor, Make Poverty History Manitoba
- Douglas Kwan, Advocacy Centre for Tenants Ontario (ACTO)
- Jeff Kozolanka, New Beginnings
- Jeremy Withers, University of Toronto, School of Cities
- Justin Rain, Ryerson University
- Kaitlin Schwan, The Shift
- Larry Neufeld
- Le Front d'action populaire en réaménagement urbain (FRAPRU)
- Lesley Crompton, Social Development Centre Waterloo Region
- Lisa Smith, CHRA Tenant Leadership Group
- Marc Carroll
- Margo Brunner, Voice of Albertans with Disabilities
- Maria Christina Conlon, Davenport Perth Community Ministry
- Marie-Josée Houle, Action-Logement
- Michelle Bilek, Peel Alliance to End Homelessness
- New Beginnings Housing Project of Chatham Inc.
- Nirmal Kaur, NRHN & CERA
- Norman Laforce, RIL (Regroupement, Information, Logement in English : Unity, Information, Housing) Southwest, Montreal
- Rosemary Foulds, affordablehousingaction.org
- Sarah Buhler, University of Saskatchewan College of Law
- Sean Karmali, Osgoode Hall Law School
- Starr Smith, Mimico Estates Tenants' Association
- Steve Pomeroy, Carleton University Centre for Urban Research and Education (CURE)
- Vicky Levack, Nsleo

ENDNOTES

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[2] Under the Vienna Convention on the Law of Treaties (1969), article 27, a state “may not invoke the provisions of its internal law as justification for its failure to perform a treaty.” International Covenant on Economic, Social and Cultural Rights, article 28. “The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.”

[3] General Comment No. 7; Ben Djazia v Spain, para 15.3. CESCR, Concluding observations on the sixth periodic report of Canada E/C.12/CAN/CO/6 (23 March 2016) paras 39-40.

[4] CESCR, General Comment No. 7, para 13.

[5] CESCR, General Comment No. 7, paras 4, 16; CESCR, Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights, E/C.12/2020/1 (6 April 2020) para 15.

[6] Special Rapporteur on the right to housing, Guidelines for the

Implementation of the Right to Housing A/HRC/43/43 para 38(c); Special Rapporteur on the right to housing COVID-19 and the right to adequate housing A/75/148 (27 July 2020) paras 15, 34.

[7] Special Rapporteur on the right to housing, COVID-19 and the right to adequate housing A/75/148 (27 July 2020) paras 15, 34.

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[24] This provision was not included in the bilateral agreement with Quebec. Quebec, however, has affirmed its own distinctive commitment to the right to housing under the ICESCR. When Canada sought approval from provinces and territories for ratifying the ICESCR in 1976, Quebec sent a signed a copy of the Covenant to Ottawa and informed that federal government that it had “ratified” the Covenant. [Bill C-400: An Act to ensure secure, adequate, accessible and affordable housing for Canadians](#), a private member’s bill introduced in 2011, was supported by the Liberals, the NDP, was also supported by the Bloc Quebecois after a provision was added, stating that: “Quebec may, having ratified the International Covenant on Economic, Social and Cultural Rights, use the benefits of this Act with respect to its own choices, its own programs and its own approach related to housing on its territory.” The Act was defeated by the Conservative majority at the time.

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