



WORKSHOP RECAP :

Claiming the Right to Housing in British Columbia

**THROUGH THE
NATIONAL
HOUSING
STRATEGY
ACT**

Who, what, where, when...

On March 15, 2021, 45 participants gathered from British Columbia to identify systemic housing barriers and how to claim the right to housing through the National Housing Strategy Act.

The event was part of a regional workshop series hosted by the Centre for Equality Rights in Accommodation, the National Right to Housing Network, and the Social Rights Advocacy Centre.

In partnership with:

Community Legal Assistance Society (CLAS). CLAS is a non-profit law firm that has served people in British Columbia since 1971, by providing legal assistance and advancing the law to address the critical needs of those who are disadvantaged or face discrimination.

An aerial photograph of a city, likely Montreal, showing a dense urban landscape with numerous buildings and trees. In the background, a range of mountains is visible under a clear sky. The image is overlaid with a dark blue horizontal band containing white text.

**We heard about the right
to housing in Canada...**

The right to housing in Canada

Canada has recognized the right to housing under international human rights law by ratifying the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other human rights treaties.

Canada has agreed that the Covenant obligations apply to all levels of government – municipal, provincial and federal.

Under the ICESCR, States are committed to:



"achieving progressively the full realization of the rights recognized in the Covenant, to the maximum of its available resources ... by all appropriate means, including particularly the adoption of legislative measures."

The National Housing Strategy Act

The National Housing Strategy Act (NHSA) is Canada's housing policy.

It includes the key principles of a human rights-based approach to housing and recognizes that:

**the right to
adequate housing
is a fundamental
human right**

**housing is
essential to the
inherent dignity
and wellbeing
of a person**

**Canada
is obliged to
progressively
realize the right
to housing**

3 key mechanisms under the NHSA

Three key mechanisms have been created under the NHSA to hold the federal government accountable to implement the right to housing.





Federal Housing Advocate

The Federal Housing Advocate is responsible to receive and review submissions brought forward by communities who are impacted by systemic housing issues.

Its role is to promote and ensure compliance with the federal government's policy to progressively realize the right to housing over time through various mechanisms and processes.

After reviewing submissions, the Advocate submits its findings and recommendations for the federal government to address the issues, and the government is obliged to respond within a set period of time.

The Office of the Federal Housing Advocate is located within the Canadian Human Rights Commission.

A large teal circle with a slight drop shadow, containing the text 'National Housing Council' in bold black font.

National Housing Council

The National Housing Council advises the Minister responsible for housing issues in Canada about the effectiveness of Canada's National Housing Strategy and to ensure consistency of the Strategy with the right to housing (as articulated in the National Housing Strategy Act).

The Council is also responsible to promote the participation and inclusion of vulnerable groups and people with lived experience of housing need or homelessness, in housing policy development.

The Council consists of 15 appointed members, both individuals and government representatives. The NHSA requires that its membership include representation from people who are impacted by housing issues, as well as people with human rights expertise.



Review Panel

The Review Panel hears selected cases of systemic housing issues that are identified by the Federal Housing Advocate.

The Panel is responsible for holding hearings to review systemic housing issues, with participation from people who are affected by the issue, as well as organizations with expertise in the right to housing.


Once a hearing has concluded, the Panel will submit a report with its recommendations to address the issues to the responsible Minister.

The Minister must then respond within 120 days, outlining the measures that will be taken to resolve the issues raised by the impacted groups.

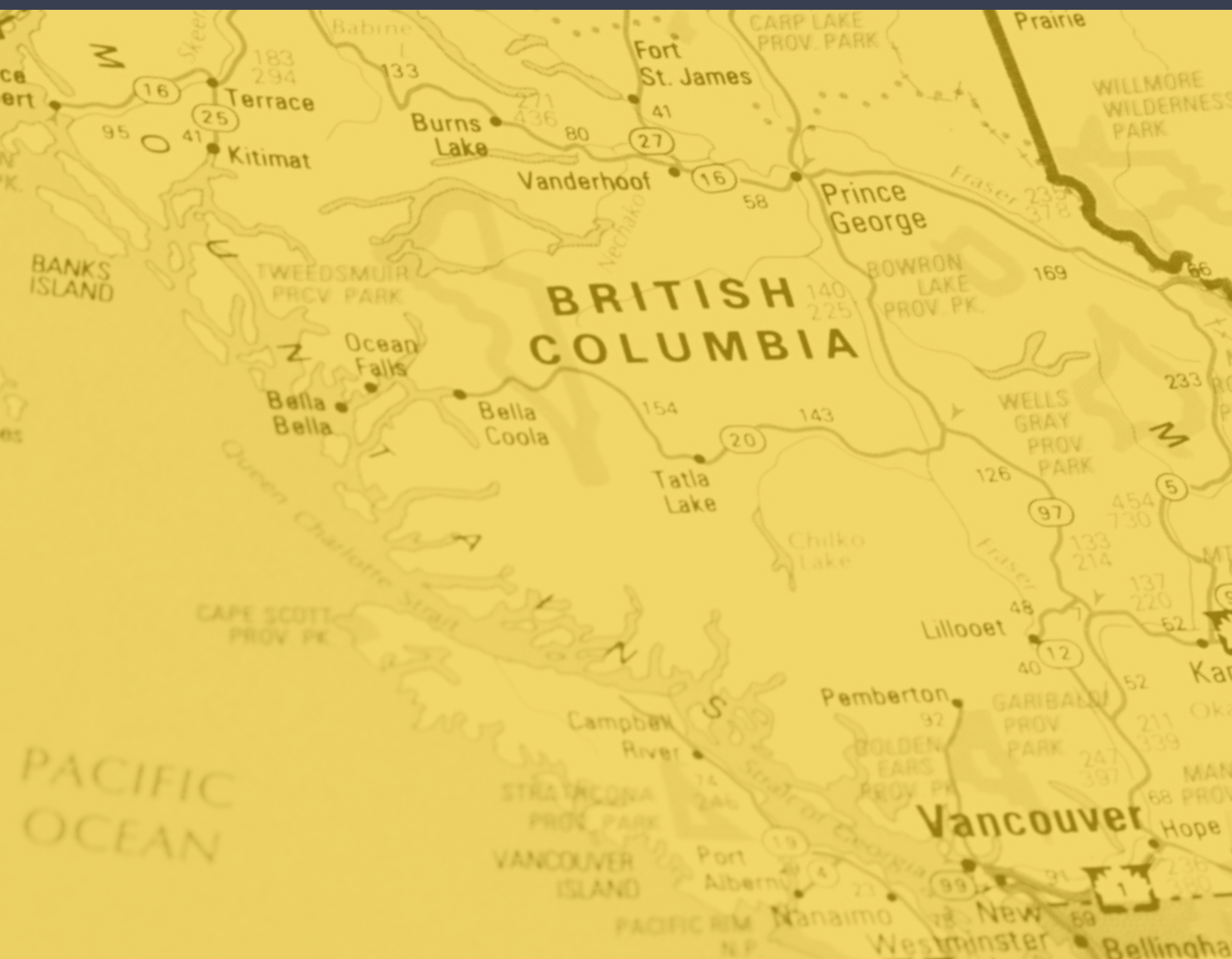
Click below to learn more about the NHSA:

National Housing Strategy Act **- A Primer -**





We heard about the key systemic housing issues in British Columbia



What we heard...

How the pandemic has affected housing

Participants at the workshop met in small groups to discuss the systemic housing issues in the province. They identified the following issues:

Repercussions of the pandemic:

- There are increased economic incentives for landlords to evict tenants.
- Unlawful guest bans caused further displacement and increased overdose deaths.
- People who suffered an impact on their income were in greater need of adequate housing.
- There was a disproportionate impact on marginalized groups, as they experienced more job loss and loss of income, making it difficult for them to pay their rent in full, and putting them at risk of eviction.

What we heard...

Systemic discrimination in housing is widespread

- Racism and discrimination against homeless populations is common.
- Not In My Back Yard (NIMBYism) and prejudice are more pronounced for people experiencing homelessness because they are present in the street and have nowhere to go.
- Even though there are some new housing developments across British Columbia, NIMBYism is blocking people's access to housing.
 - Houses sit empty but people in the community cannot live there.
 - There is nothing for individuals to transition *to* in transitional housing because of low availability of units.
- There is racism within Single Room Occupancy (SRO) companies. Not enough Indigenous workers in SROs.
- Some of the public housing created pursuant to the right to housing is insufficient. "They are more like a jail than a place to live."
 - The rules that residents of the buildings are under are demeaning (e.g. no visitors).
 - Some rooms don't have windows.
 - Presence of latent animosity or fear between the primarily white staff and Indigenous residents of the non-profit buildings.

What we heard...

Marginalized groups are disproportionately affected

- Many women who come into shelters cannot leave because they are informed that the housing that they find does not meet the National Occupancy Standard.
- A profound increase in violence against sex workers with the onset of the pandemic and more precarious housing.
- People living with disabilities have to adhere to over-housing/under-housing rules. Even though an extra bedroom might be needed for support staff, they are compelled to live with their support staff in the same room. This limits their right to privacy by having the support staff around even when they are not needed.
- Lack of diversity in available housing options:
 - People with a low income are forced to live in certain neighbourhoods.
 - Housing providers will deny accessibility to guests due to certain people living within the units.
 - Lack of harm-reductive models with proper mental health supports.
 - People need to have a range of housing options that support their needs.

What we heard...

The housing needs of Indigenous people are not appropriately recognized

- There is a growing Indigenous population in urban areas but many housing benefits are geared to Indigenous people living on reserves. There is a need for an Urban Indigenous Housing Strategy.
- Lack of Indigenous people working in government programs to assist the Indigenous people who use those programs.
- Indigenous people face racism when trying to find housing. For example, a tenant looking for a place to live spoke to a landlord on the phone and was invited to tour a unit. When she arrived and the landlord saw that she was Indigenous, they said the unit was not available.
- The funding for Indigenous housing programs is being administered by non-Indigenous organizations and communities. Indigenous cultural programs are also being administered by non-Indigenous organizations and communities which has caused issues in how the programs are run. For instance, one program put a sweat lodge on a roof, when sweat lodges must be put on the ground.

What we heard...

How the right to housing applies to these issues

1

The complaint process requires individual tenants to make a complaint against landlords based on violations of their rights under the *Landlord and Tenant Act*. This puts their housing security at risk. The right to housing can be used to change this process to allow for “group complaints” to address ongoing issues that affect many tenants.

2

We need to further examine the needs of different groups of people who require housing - for example newcomers, international students, etc. - and understand whether available resources are sufficient and appropriate to address their needs.

3

Governments have made many promises to advance the right to housing, but have not taken sufficient action to realize this right.

4

The *Residential Tenancies Act* is in violation of the articulated aspirations of the right to housing.

5

Credit ratings and requiring a minimum level of credit to qualify for housing can be discriminatory and against right to housing principles.

How the NHSA applies to systemic barriers to housing

Are these systemic barriers to housing?



I can't find an apartment that I can afford.

Yes. Low minimum wages, low social assistance rates, lack of affordable housing, credit check requirements, and intersectional systemic issues are barriers faced by many households in accessing adequate housing.



I'm an Indigenous person living in homelessness in the city. The shelter system does not provide services that I need.

Yes. Indigenous people are overrepresented in the shelter system in urban centres, but there is a lack of culturally adequate services that address the distinct needs of Indigenous communities, such as traumas of Canada's colonial legacy and experiences of racism.



I live in an apartment that is mostly racialized tenants. A new owner took it over and is making unnecessary renovations just to evict tenants and then raise the rents.

Yes. This is a common occurrence that is forcing racialized tenants out of their communities and displacing people.



I believe that my landlord is entering my unit without proper notice.

No. While many tenancy laws require landlords to give 24-hours notice to enter a tenant's home, this is not a systemic issue. It is specific to you and your landlord. Individual contractual issues can be addressed through the Tenancy Laws and Rules and the Residential Tenancy Branch.

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