

The homeless are not Other. They are Us.

After Waterloo: Charter Rights, Canada's National Housing Strategy, and the Path to Ending Homelessness

Submission to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities on Study re: Homelessness in Canada

Submitted by the
National Right to Housing Network

June 2026

National Right to Housing Network

The National Right to Housing Network (NRHN) is a civil society network of over 2,300 organizations and individuals working to realize the right to housing in Canada. NRHN acts as convener and provider of rights-based analysis, collaborating with governments in Canada to ensure commitments in the *National Housing Strategy Act* are meaningfully realized.

1. Canada's National Housing Strategy and Homelessness

In 2017, the Government of Canada launched the country's **first National Housing Strategy (NHS)**—a significant and long-overdue step forward since that recommendation from the UN Human Rights Committee. After the federal government's withdrawal from housing policy in the 1990s, responsibility had largely shifted to provinces, territories and other levels of government, leaving a fragmented system and deep gaps in access to adequate housing.

The 2017 Strategy marked a renewed federal commitment to housing as a fundamental human right that was subsequently formalized as explicit legislative commitments and requirements in the *National Housing Strategy Act* (NHSA) of 2019, which establishes a legislative framework for implementing the right to housing in Canada and imposed clear obligations on the Government of Canada to develop and maintain a National Housing Strategy based on human rights principles. Reaching Home was similarly launched in 2019, to support the goals of the 2017 NHS.

With the current Strategy set to expire in the 2027–28 fiscal year, the Minister of Housing and Infrastructure, Gregor Robertson, has begun the process of developing a new NHS in compliance with the NHSA.

There is much to learn from the past nine years of the NHS. Experts have long critiqued the inconsistent affordability criteria across housing strategy programs for example. Similarly, there was an inconsistent purpose across past NHS programs – with some programs (like the Rapid Housing Initiative) effectively housing people with low incomes and experiencing homelessness, while others simply aimed to create new supply without ensuring that it was affordable and accessible to those in need.

Another key development over the past years was the launch of Build Canada Homes (BCH). As this Committee has no doubt heard from other witnesses, only \$1 billion (of the \$13 billion) has been committed in this new program to build transitional and supportive housing.

Another challenge is that **Canada cannot simply build its way out of the housing and homelessness crisis through the new NHS or with tools like Build Canada Homes without other measures that protect existing affordable housing stock, protecting renter rights (i.e. enforcing the Renters' Bill of Rights), addressing inadequate incomes, the lack of accessible housing, and making sure that housing built by the federal government is genuinely affordable (i.e. though community housing).**

Between 2011 and 2021, Canada lost 15 deeply affordable homes for every one that was created. In cities like Ottawa, 31 affordable homes are lost for every unit built.¹

That is why the National Housing Council, Federal Housing Advocate, and rights holders across the country have been urging the federal government to take a different, rights-based approach with the

¹ Canadian Human Rights Commission, "Federal Housing Advocate Urges Government to Prioritize Non-Market Housing," accessed May 1, 2026, <https://www.chrc-ccdp.gc.ca/resources/newsroom/federal-housing-advocate-urges-government-prioritize-non-market-housing-new>.

renewed NHS in compliance with the NHTA, specifically one that sets “clear, measurable, outcomes-focused objectives grounded in the right to adequate housing.”²

The new NHS is a key opportunity for the federal government to reset its investment in housing and homelessness programs and policies – and frame these efforts in an overall commitment end homelessness, against which all progress should be measured. The requirement to maintain a NHS for Canada, is also a legislative requirement under the NHTA.

There are disproportionate impacts of Canada’s housing crisis on the north, and specifically for Indigenous Peoples. In 2023, experts Janine Harvey and Lisa Alikamik undertook research on Indigenous housing realities and solutions in northern, remote communities, and issued recommendations including culturally appropriate units, application processes, and policies for housing – as well as Indigenous-led housing.³ We echo those recommendations and encourage the federal government to embed the pillar of cultural appropriateness (as a part of the 7 elements of the human right to adequate housing) in the revamped National Housing Strategy.

2. The Human Right to Housing and National Housing Strategy

Canada’s historic NHTA, adopted in 2019, reaffirms Canada’s international obligations to the right to housing and **commits the Government of Canada to implementing housing as a fundamental human right** throughout its programs, policies, and budgetary decisions—including through its spending power for housing programs in federal and other jurisdictions.

The rights-based approach outlined in the NHTA mandates that federal investments in housing programs and policies must use a “**maximum of available resources**” and “**all appropriate means**” (including legislative and other measures) to ensure adequate housing.

Investments must **target and prioritize those in greatest housing need** with an aim of “progressively realizing” the right to housing using clear **targets, timelines, and monitoring** processes to track progress. United Nations authorities have identified **homelessness as an urgent priority** demanding action in the **shortest possible time**.

The right to adequate housing outlined in the NHTA and international law recognizes that all people are entitled to adequate housing. The United Nations has outlined seven elements of the right to adequate housing: **Security of tenure; Availability of services; Affordability; Habitability; Accessibility; Location; Cultural adequacy**.⁴

Housing must also enable a life of dignity, well-being, and opportunity. A rights-based approach to housing also requires that housing decisions, policies, and investments be rooted in meaningful engagement with affected communities (i.e., people with lived and/or living experience of homelessness or inadequate housing), human rights experts and advocates, and civil society.

Under section 5(1) of the NHTA, the Minister of Housing and Infrastructure must, “develop and maintain a national housing strategy to further the housing policy, taking into account key principles of a human rights-based approach to housing.” Importantly, the NHS came two years before the NHTA.

² National Housing Council, “Charting the Course.”

³ Janine Harvey and Lisa Alikamik, *Stark Truths: Indigenous Housing Realities & Solutions in Northern, Remote Communities*, August 10, 2023, accessed June 10, 2026, <https://housingrights.ca/wp-content/uploads/Stark-Truths-2023-National-Right-to-Housing-Network.pdf>

⁴ United Nations Office of the High Commissioner for Human Rights, “The Human Right to Adequate Housing,” accessed May 1, 2026, <https://www.ohchr.org/en/special-procedures/sr-housing/human-right-adequate-housing>.

Section 5(a) of the NHSA, as articulated below, articulates the required components for Canada's NHS to be aligned with the legislative requirements under Canada's NHSA.

National Housing Strategy Act

s. 5 (2) The National Housing Strategy is to, among other things,

- (a) set out a long-term vision for housing in Canada that recognizes the importance of housing in achieving social, economic, health and environmental goals;
- (b) establish national goals relating to housing and homelessness and identify related priorities, initiatives, timelines and desired outcomes;
- (c) focus on improving housing outcomes for persons in greatest need; and
- (d) provide for participatory processes to ensure the ongoing inclusion and engagement of civil society, stakeholders, vulnerable groups and persons with lived experience of housing need, as well as those with lived experience of homelessness

The renewed NHS is an opportunity to adhere to these legislated obligations that similarly ensure better outcomes for those most in need.

The NHSA also establishes the roles of the Federal Housing Advocate, National Housing Council, and Review Panels.

So far, three review panels have occurred, or are in the process of unfolding. **The first two review panels have provided a clear and evidence-based picture of how systemic housing failures are being experienced across Canada - and what policy change is required to improve outcomes.** The first review panel, on the **financialization of purpose-built rental housing** (concluded), documented how the increasing role of large financial actors is driving up rents, displacing tenants, and undermining long-term housing security.

The second review panel, of great importance to the HUMA committee is Neha, which focused on **homelessness among women, Two-Spirit, trans, and gender-diverse people**, further highlighted how these structural dynamics intersect with gender-based violence, discrimination, and gaps in the shelter system, leaving many without access to safe and adequate housing. The current review panel is focused on the lack of **accessible housing** in Canada – where we expect several submissions on the experience of homelessness for persons with disabilities (including women and gender-diverse persons with disabilities).

3. The Context of Homelessness, Positive Obligations of Government and the Right to Life in Canada

It is widely agreed that one of the most egregious systemic violations of human rights in Canada is widespread homelessness and housing precarity among the most disadvantaged groups.

It was in the context of the review of Canada by the UN Human Rights Committee in 1999 that the UN first recognized that homelessness has severe consequences, including death, and affirmed that the right to life in article 6 of the International Covenant on Civil and Political Rights (ICCPR) requires positive measures to address this systemic violation – a position that was subsequently reaffirmed in General Comment 36. Canada was reviewed by the Committee again in 2026, where members of the Committee reiterated these concerns during questioning.

Despite these clear recommendations, the reality is that governments in Canada have failed to take adequate action, and in recent years, the impacts of homelessness have intensified. Hundreds of homeless people in Canada die each year and data the health consequences, including frost bite, hypothermia and chronic disease are severe.⁵

A growing body of research demonstrates the life-shortening impacts of homelessness. In 2024, Toronto Public Health reported that people experiencing homelessness died at significantly younger ages, with a median age of death of 50 for men and 36 for women—representing a further decline compared to previous years.⁶ These findings underscore the direct and ongoing threat to the right to life posed by Canada’s failure to address homelessness in a comprehensive and rights-based manner.

In spite of this evidence, Canadian governments have refused to recognize their shared obligations to protect the right to life of those experiencing homelessness. The question of whether the right to life in section 7 of the Canadian Charter imposes positive obligations to address homeless remains unsettled by appellate courts in Canada, but lower courts have largely agreed with governments that the right to life does not apply to those whose life is at risk because of homelessness.⁷

Homeless encampments represent one of the most visible and urgent manifestations of the housing crisis. Rather than adopting rights-based responses consistent with its human rights obligations, government authorities have largely responded to encampment residents through forced evictions, the denial of adequate services, and degrading and inhumane treatment. In 2024, more than 67,000 people experienced homelessness on a single night across 87 communities in Canada, representing a 107 per cent increase in the number of people remaining unsheltered, compared to 2022.⁸

It is notable that, following a human rights report by the Federal Housing Advocate on government responses to encampments, the federal government introduced the Unsheltered Homelessness and Encampments Initiative, which was originally presented in 2024 as a fund that would support community action plans at the local level that were human rights and housing first based.⁹ However, the federal government has made no report on how community action plans are being assessed, and whether human rights principles remain at the centre of selected projects.

⁵ BC Coroners Service. (2025, February 25). Deaths of individuals experiencing homelessness in British Columbia, 2016–2023 (Report). Government of British Columbia. <https://www.toronto.ca/community-people/health-wellness-care/health-inspections-monitoring/monitoring-deaths-of-homeless-people/>

⁶ City of Toronto. (2025, February 3). Toronto Public Health releases updated data for deaths of people experiencing homelessness in Toronto. <https://www.toronto.ca/news/toronto-public-health-releases-updated-data-for-deaths-of-people-experiencing-homelessness-in-toronto/>

⁷ Tanudjaja et al. v. Canada (Attorney General), 2014 ONCA 852 (Ont. C.A.). <https://www.canlii.org/en/on/onca/doc/2014/2014onca852/2014onca852.html?autocompleteStr=tanud&autocompletePos=1>

⁸ Tanudjaja et al. v. Canada (Attorney General), 2014 ONCA 852 (Ont. C.A.). <https://www.canlii.org/en/on/onca/doc/2014/2014onca852/2014onca852.html?autocompleteStr=tanud&autocompletePos=1>

⁹ Housing, Infrastructure and Communities Canada. (2025, October 31). Unsheltered Homelessness and Encampments Initiative. Government of Canada. <https://housing-infrastructure.canada.ca/pd-dp/seea-eees/uhei-ilihrc-eng.html>

Government's continued failure has had a disproportionate impact on protected and marginalized groups, including Indigenous Peoples, persons with disabilities, Black and racialized communities, young people, migrants, children, and women and gender diverse people. Available data indicate that while making up only 5% of the Canadian population according to the 2021 census¹⁰, 35% of homeless individuals identified as Indigenous during the 2020-2022 national Point-in-Time count.¹¹

4. The Waterloo Decision and the Constitutional Significance of the Right to Housing

The significance of the NHSA extends beyond its status as federal legislation. In the landmark decision of *The Regional Municipality of Waterloo v. Named Respondents and Persons Unknown*, released in May 2026, the Ontario Superior Court of Justice confirmed the growing constitutional significance of the principles reflected in the NHSA and Canada's recognition of housing as a fundamental human right.

The National Right to Housing Network intervened in the Waterloo case alongside the Charter Committee on Poverty Issues because of its profound implications for the rights of persons experiencing homelessness across Canada. The case is the first in which a court has considered, in a comprehensive way, how governments' obligations toward people experiencing homelessness should be understood in light of the recognition of housing as a human right and the increasing body of law and policy developed since the adoption of the NHS and the NHSA.

Justice Gibson wrote: **"The homeless are not Other. They are Us. They are rights bearers no less entitled than any other Canadian citizens to the full benefit and protection of the Charter."**

The decision represents a significant development in Canadian constitutional law because it recognizes that persons experiencing homelessness are entitled to equal protection and benefit of the law under section 15 of the Charter and because it draws extensively on Canada's recognition of housing as a fundamental human right in interpreting Charter protections.

A key reason Justice Gibson was able to conclude that homelessness constitutes an analogous ground under section 15 of the Charter is the growing body of Canadian law, policy, and practice recognizing housing as a fundamental human right. The Court relied on the NHSA, the work of the Federal Housing Advocate, Canada's international human rights commitments, and rights-based housing initiatives at the local level. Justice Gibson specifically noted that Canada's obligations under international human rights law have been incorporated into domestic law through the NHSA and are relevant to understanding the scope of Charter protections for persons experiencing homelessness.

The broader significance of the decision is that it demonstrates that the principles reflected in the NHSA are not merely policy preferences or statutory commitments. They are increasingly relevant to the interpretation and application of Charter rights to life, security of the person, and equality. The decision provides an important constitutional framework for implementing the right to housing in Canada.

¹⁰ Government of Canada, Statistics Canada. (2023, February 1). *Indigenous peoples – 2021 Census promotional material*. <https://www.statcan.gc.ca/en/census/census-engagement/community-supporter/indigenous-peoples>

¹¹ Housing, I. a. C. C. (2023, April 28). *Housing, Infrastructure and Communities Canada - Everyone Counts 2020-2022: Preliminary Highlights report*. <https://housing-infrastructure.canada.ca/homelessness-sans-abri/reports-rapports/pit-counts-dp-2020-2022-highlights-eng.html>

a. Correcting Misunderstandings of the Waterloo Decision

Public discussion of the Waterloo decision has frequently misunderstood its implications. Far from preventing governments from addressing encampments or managing public lands, the decision provides a practical and constitutionally compliant framework for responding to homelessness while governments work toward longer-term housing solutions.

b. The Decision Does Not Prevent Municipalities from Managing Public Land

Justice Gibson held that although adequate shelter and housing options still do not exist for the Region's homeless population, the Region may close the encampment if it provides a lawful alternative site or adopts a safe tenting protocol.

The decision therefore does not stand for the proposition that municipalities cannot close encampments or recover possession of public land needed for public purposes. In fact, the decision provides municipalities with greater flexibility than existed under the legal framework established by the Court's earlier decision in 2023.

Under the previous decision, the Region could not close the encampment while there remained insufficient accessible shelter spaces available for the homeless population. Justice Gibson's framework permits governments to close encampments where necessary, provided that people are not left with nowhere lawful to shelter themselves.

The reasoning is straightforward. Where governments have failed to provide sufficient shelter or housing options, people who are forced to live outdoors must have somewhere they can lawfully shelter themselves. The constitutional problem in Waterloo was not the Region's desire to use the land for another purpose. The constitutional problem was the attempt to remove people from the site without providing any lawful alternative.

c. The Decision Does Not Institutionalize Encampments as a Solution to Homelessness

Justice Gibson was equally clear that encampments are not a solution to homelessness and are not consistent with the realization of the right to adequate housing.

Encampments are a symptom of governments' failure to provide adequate housing and supports. They exist because housing systems have failed to meet the needs of those experiencing homelessness.

The Court recognized that temporary lawful sites, safe tenting protocols, and related measures may be necessary to protect life, dignity, and equality while governments work toward more durable housing solutions. However, these measures are interim protections. They do not replace governments' obligations to address homelessness through adequate housing, supports, and coordinated housing strategies.

d. The Decision Establishes a Rights-Based Framework for Responding to Homelessness

The most important contribution of the Waterloo decision is that it provides a practical framework for governments seeking to comply with both Charter obligations and the right to housing commitments reflected in the NHSA.

The decision recognizes that homelessness engages fundamental rights to life, security, dignity, and equality. It also recognizes that governments must respond in a manner consistent with the recognition of housing as a fundamental human right.

The Court accepted that where adequate shelter spaces or housing options are unavailable, governments must ensure that homeless individuals have a lawful place to shelter themselves. At the same time, governments must work toward ending homelessness through longer-term housing and support strategies. The decision therefore links immediate protections for life and dignity with longer-term obligations to progressively realize the right to adequate housing.

e. A Framework for All Orders of Government

Another important aspect of the Waterloo decision is its recognition that municipalities cannot realize the right to housing on their own.

Municipalities are on the front lines of the homelessness crisis, but they do not possess the fiscal capacity, legislative authority, or policy tools necessary to address its root causes. Justice Gibson recognized that local governments require support from provincial and federal governments if they are to meet their obligations toward persons experiencing homelessness.

The decision therefore provides municipalities with a stronger legal basis for seeking the resources, legislative measures, and policy supports necessary to implement rights-based housing plans and respond effectively to homelessness. It also reinforces the responsibilities of provincial and federal governments to ensure that municipalities are not left to manage the consequences of systemic housing failures without adequate support.

Most importantly, the decision confirms that homelessness cannot be treated solely as a local land-use or public order issue. It must be addressed as a human rights issue requiring coordinated action by all orders of government.

Justice Gibson emphasized that adequate housing and necessary supports are required by all persons experiencing homelessness, not only those residing in encampments. The constitutional principles articulated in Waterloo therefore extend beyond encampment management and speak directly to the design of housing policy itself.

The decision aligns with the recognition of the right to adequate housing and the requirement for a rights-based housing strategy contained in the NHSA. It reinforces the need for governments to establish measurable targets, timelines, accountability mechanisms, and coordinated investments directed toward ending homelessness and ensuring access to adequate housing for all.

The Waterloo decision therefore provides an important constitutional framework for the development of the next National Housing Strategy. The challenge is no longer simply whether governments should adopt a rights-based approach to housing. Parliament has already required that through the NHSA. Waterloo confirms that these commitments are also increasingly relevant to the protection of Charter rights to life, security, and equality. The renewed National Housing Strategy should therefore be designed to ensure compliance with both the statutory requirements of the NHSA and the constitutional principles articulated by the Court.

1. Protecting Existing Affordable Housing for Tenants

This study should also consider not just how to build units – but the prevention of evictions into homelessness that increase inflow.

Rents are historically very high. 23% of renters are in core housing need vs. 5% of owners.¹² As the government of Canada recently reported, “far too many Canadians continue to struggle to find homes they can afford.” Across the country, tenant protections remain a patchwork: for example, some provinces and territories offer protections like rent control and free legal clinics for low-income renters, while others leave significant gaps that expose tenants to housing insecurity.

In 2024, the federal government took a significant step to engage with renter rights with the introduction of the **Renters’ Bill of Rights** and **Tenant Protection Fund**. The Renters’ Bill of Rights outlined conditions for provinces and territories to receive Canada Housing Infrastructure Funds, with an annual reporting requirement. There is opportunity for the Minister of Housing to further operationalize this tool through the renewed National Housing Strategy, so that the federal government can provide leadership on how to protect tenants and existing affordable housing stock.

Similarly, to protect existing affordable housing, we recommend that the federal government take measures to address financialization,¹³ including **restricting no-fault evictions—including renovictions—particularly by corporate and financialized landlords and explore a moratorium on no-fault eviction notices during economic emergencies**.

The **Federal Community Housing Initiative (FCHI)** and the **Canada Community Housing Initiative (CCHI)** provide critical rental assistance to co-operatives and non-profit housing providers. As Co-operative Housing Federation of Canada’s (CHF Canada) submission notes, “both FCHI and CCHI are scheduled to end in March 2028. Without renewal, thousands of low- and moderate-income households risk losing affordability support, increasing pressure on an already strained housing system.” We support the CHF Canada recommendation that the federal government renew rental assistance for at least ten years.

List of Recommendations

1. In alignment with the Federal Housing Advocate and the National Housing Council, we recommend that the federal government **anchor the 2027-2037 National Housing Strategy in Canada’s National Housing Strategy Act**, and “target clear, measurable, outcomes-focused objectives grounded in the right to adequate housing.”¹⁴ We recommend committing to the following three long-term goals:

¹² Statistics Canada, “Core Housing Need, by Tenure Including First-Time Homebuyer and Social and Affordable Housing Status,” September 10, 2024, accessed June 10, 2026, <https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=4610008501>

¹³ Financialization of housing refers to the treatment of housing primarily as a financial asset and tool for maximizing investor profit at the expense of human rights among tenants and tenancy-seeking individuals. From unreasonable rent hikes to evictions and renovictions, unaffordability, poor maintenance, displacement of communities, and discrimination, financialization has hugely damaging impacts on the right to housing in Canada.

¹⁴ National Housing Council, “Charting the Course: NHS 2,” accessed May 1, 2026, <https://nhc-cn.ca/publications/post/charting-the-course-nhs2>.

- a. **End homelessness and low-income housing need based on targets and timelines commensurate with the the NHSA commitments**
 - b. **Ensure that everyone in Canada has access to an affordable and adequate home by 2060**
2. We echo the recommendations of the Federal Housing Advocate, National Housing Council, and housing experts to expand the current stock of community housing units (public, cooperative, non-profit and community land trusts) that are genuinely affordable to very low to median income households. Concretely, we recommend at least doubling Canada's current stock of community housing units and point you to **Canadian Housing Renewal Associations' recommendation to produce an additional 750,000 community housing units, roughly 50,000 per year for 15 years**. We note that other human rights experts have recommended a commitment of **2 percent GDP – approximately \$47.4 billion annually—over the next decade to finance two million community housing units**.
3. Undertake **conditional agreements with provinces, territories, municipalities, regions, and Indigenous governments**, as part of the 2027-37 National Housing Strategy, which provides infrastructure funding in return for these governments setting appropriate rights-based targets, creating plans to enable meeting these targets, and providing annual outcome reports to be published by the federal government (for example through the **Canadian Renters' Bill of Rights and Canada Housing Infrastructure Fund agreements**).¹⁵
4. Embed the pillar of **cultural appropriateness** (as a part of the 7 elements of the human right to adequate housing), especially for Indigenous rights holders in the north, in the revamped National Housing Strategy.
5. Deliver on the **Urban, Rural and Northern Indigenous Housing Strategy**, and prioritize this for the 2027-37 Strategy.
6. Release an action plan on how the Minister of Housing and Infrastructure will implement the human rights recommendations of the National Housing Council following the review panel (Neha) examining the **right to safe, adequate and affordable housing for women, Two Spirit, Trans, and gender-diverse people**.
7. Increase investment in the **Tenant Protection Fund to \$30 million over 5 years** to increase access to justice for tenants - including for tenant advocacy organizations to have increased capacity to address systemic tenant legal issues.
8. Amend the **federal building code** and incentivize provincial, territorial, and other jurisdictions to similarly amend their building codes to meet and exceed accepted standards on accessibility.

¹⁵ Homeless Hub, "Rights-Based Intergovernmental Agreements and the National Housing Strategy," March 2026, accessed May 1, 2026, <https://homelesshub.ca/wp-content/uploads/2026/03/Rights-Based-Intergovernmental-Agreements-NHS.pdf>.

9. Require reporting of how projects funded by the federal government (including Build Canada Homes) will respect the rights of tenants, following the elements of the **Renters' Bill of Rights**. Landlord disclosures may be required to demonstrate how these investments are consistent with the NHSA ([SHARE Investors for Affordable Cities](#)).
10. Outline a federal plan to **restrict no-fault evictions—including renovictions**—particularly by corporate and financialized landlords. Explore a moratorium on no-fault eviction notices during economic emergencies.
9. Announce a strategy to **regulate landlords against using Artificial Intelligence Software** to increase rents.
10. Help more low-income renters better afford housing now while we wait for new supply. This could include working with provinces and territories to **increase social assistance benefits**, expanding and making permanent the **Groceries and Essentials Benefit**, and extending existing funding for **Canada Housing Benefits** beyond the current 2028 timeline.
11. **Renew rental assistance**, in alignment with the Co-operative Housing Federation of Canada recommendations, for at least ten years.