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THE NATIONAL  
**RIGHT TO HOUSING**  
NETWORK



**Canadian  
Centre for  
Housing Rights**



UNIVERSITY OF SASKATCHEWAN  
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THE SHIFT <sup>INC</sup>

**Canada**



# Preventing Youth Homelessness & Evictions in Canada

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Submission to the Federal Housing Advocate on  
behalf of the Canadian Centre for Housing Rights  
and the National Right to Housing Network

## **Land acknowledgement**

Much of the research upon which this submission is based took place in Saskatoon, Saskatchewan, and Toronto, Ontario. Saskatoon is located on Treaty Six Territory and the Homeland of the Metis. Toronto is located on the traditional territory of many nations including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples and is now home to many First Nations, Inuit and Metis peoples. Toronto is covered by Treaty 13 which was signed with the Mississaugas of the Credit, and the Williams Treaties signed with multiple Mississaugas and Chippewa bands. We pay our respects to the First Nations and Metis ancestors of these places and reaffirm our relationships with one another.

## **Acknowledgements and Dedication**

We extend our deep thanks to the youth who participated in the workshops in Saskatoon and Toronto in the Spring of 2024. They shared their time, expertise, and ideas with us and this project would not have been possible without their participation. This submission is dedicated to them.

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## **Research Team**

Sarah Buhler, University of Saskatchewan College of Law

Alex Nelson, National Right to Housing Network

Michèle Biss, National Right to Housing Network

Misha Khan, National Right to Housing Network

Jessica Tan, National Right to Housing Network

Jonella Evangelista, Canadian Centre for Housing Rights

Annie Hodgins, Canadian Centre for Housing Rights

Bonnie Hughes, University of Saskatchewan College of Law

## **Advisory Committee**

Elder Joseph Naytowhow

Stan Tu'inukuafe

Lisa Wolfe

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# Introduction: Context on Youth Evictions in Canada

In Canada, youth are one of the groups most likely to experience eviction from their homes.<sup>1</sup> Youth who are Indigenous, newcomers, 2SLGBTQQIA+, have been involved in the child welfare system, or have disabilities, are at an even greater risk of eviction.<sup>2</sup> Eviction from rental housing is a common pathway to youth homelessness. One Canadian study reported that almost half of homeless youth had experienced at least one previous eviction.<sup>3</sup> Youth who do manage to secure alternate housing following an eviction will rarely experience improved living conditions. Rather, eviction is associated with increasingly unstable housing experiences for youth.<sup>4</sup>

**This submission, made on behalf of the Canadian Centre for Housing Rights and the National Right to Housing Network, calls on the Federal Housing Advocate to launch an Advocate-led review on security of tenure for youth in Canada under her authority under s. 13.1 (1) of the National Housing Strategy Act.**

There is ample evidence of the detrimental impacts of evictions for youth.

Besides its association with homelessness, eviction is associated with a myriad of highly negative social, economic, and health outcomes for those who experience it, and can be particularly harmful for youth and children.<sup>5</sup> Eviction involving youth and children is associated with worse educational outcomes and poorer prospects for future employment and financial security.<sup>6</sup> This provides the foundation for a cycle of poverty. Additionally, the financial stress of

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1 See generally Stephen Gaetz et al, Report 4: Eviction Prevention for Youth, Ed by Amanda Buchnea, (Toronto: Canadian Observatory on Homelessness Press, 2018).

2 (Gaetz et al, 2018; Youngbloom et al, 2022).

3 Stephen Gaetz, Street Justice- Homeless Youth and Access to Justice (Toronto: Justice for Children and Youth, 2002) at 23.

4 Sarah, Buhler, Keeping Youth Housed: Law and Legal System Reform for Youth Eviction Prevention (National Right to Housing Network, 2024) at 7.

5 Ibid.

6 See generally Matthew Desmond, Evicted: Poverty and Profit in the American City (New York: Crown Publishers, 2017); Anna Kahlmeter, "Does Housing Instability Matter for Youths' Educational Attainment? Findings from Swedish Longitudinal Register Data" (2020) 64:2 Acta Sociologica 215.

eviction and its aftermath can strain a family's resources, potentially limiting youth's access to opportunities, such as higher education, extracurricular activities, or quality health care.

Evictions are also associated with negative mental and physical health consequences.<sup>7</sup> Evictions often cause one to move away from a familiar neighbourhood, friends, and schools. This sudden shift can disrupt a young person's sense of belonging and community, triggering feelings of isolation and exclusion. The chronic stress associated with housing instability can also have long-term impacts on youth's emotional and cognitive development.

We know that youth renters are vulnerable to discrimination and exploitation in the housing system.<sup>8</sup> Youth report having difficulty accessing affordable and decent rental housing due to age and income-based discrimination.<sup>9</sup> Youth may also be stereotyped as irresponsible and therefore deserving of eviction.<sup>10</sup> This disadvantage is intersectional with other social identities, including Indigeneity, race, immigration, status, ability, and gender identity, which all contribute to one's housing prospects and outcomes.<sup>11</sup>

Youth also face challenges in securing living wages and accessible services, meaning they may not be able to afford rent.<sup>12</sup> As a result, they may be more likely to reside with others as co-tenants, making them vulnerable to eviction due to the actions of their roommates.<sup>13</sup> Thus, in addressing youth eviction, it is also important to address youth's financial vulnerability, as rent arrears are a major reason for evictions in Canada.<sup>14</sup>

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7 Hatch, M & Yun, J. (2021). Losing Your Home is Bad for Your Health: Short and Medium-term Health Effects of Eviction on Young Adults. *Housing Policy Debate* 31, 469-489.

8 Buhler, supra note 4 at 6.

9 See generally Jeff Karabanow et al, *Leaving the Streets: Stories of Canadian Youth* (Halifax: Fernwood Basics, 2010).

10 See generally Lynn McDonald, "Examining Evictions through a Life-Course Lens" (2011) 37:1 *Can Pub Pol'y* 115.

11 See generally Kaitlin Schwan et al, *The Pan-Canadian Women's Housing and Homelessness Survey* (Toronto: Canadian Observatory on Homelessness, 2021).

12 See generally Abe Oudshoorn & Jessica Justabro, "Structural Violence in the Lives of Youth Experiencing Homelessness" in Helene Berman et al, eds, *Everyday Violence in the Lives of Youth* (Halifax: Fernwood, 2020) 109.

13 See generally Karabanow, supra note 9.

14 Federation of Canadian Municipalities, *Quality of Life in Canadian Communities: Trends and Issues in Affordable Housing and Homelessness. Theme Report #4* (Ottawa: Federation of Canadian Municipalities, 2008).

To develop this submission to the Federal Housing Advocate, the authors have applied a youth-centred approach to eviction law and practice, meaning we centre the ideas and insights of youth.

***Using human rights-based and youth-centred lenses, our project has focused on three aspects of eviction law and practice affecting youth: access to justice, eviction decision-making, and eviction policy and legislation.***

Our goals are to support the development of a re-imagined and transformed approach to eviction and eviction legal systems rooted in commitments to prevention, human rights, and the perspectives and knowledge of youth.

The following submission outlines the methodology of our rights-based workshops with youth, the application of international human rights law, an analysis of existing protections as youth proceed through an eviction process, and finally recommendations developed by youth, for consideration in an Advocate-led review.

# Methodology: Background on the MtS Project and Workshops

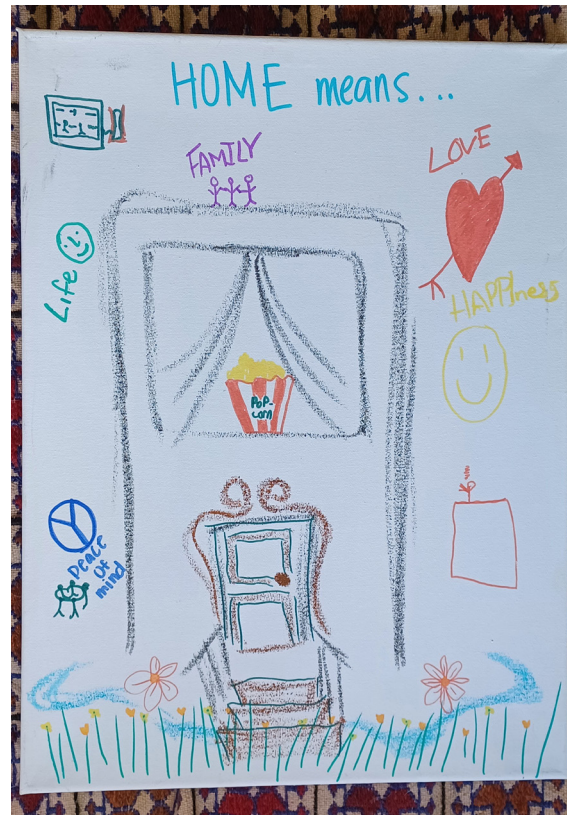
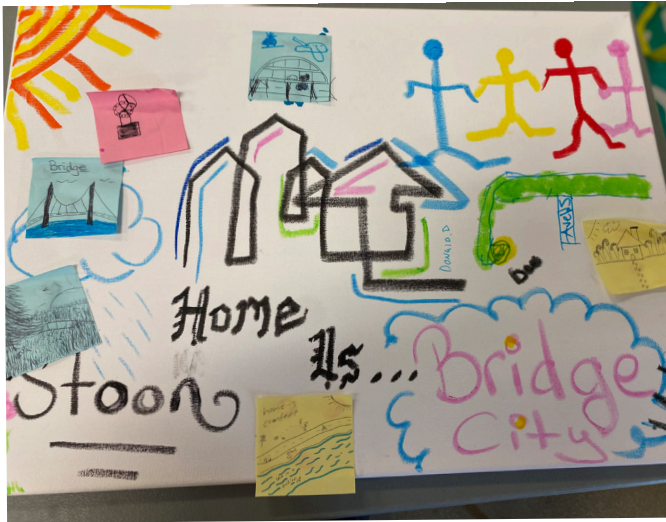
In the Spring of 2024, authors of this submission held two in-person workshops. These workshops brought together youth with lived experience of precarious housing and eviction to discuss various topics relating to eviction and housing systems. We asked participants to collaboratively imagine what a human rights-centred and prevention-oriented approach to eviction law and processes could look like. The first workshop was held in Saskatoon, Saskatchewan and had 27 participants. The second workshop was held in Toronto, Ontario, and had 14 participants.



*Photo: Workshop participants sitting at their discussion tables in Saskatoon.*

The average age of the participants was 23. However, individuals of various ages participated in the workshops, with the youngest participant at 16 years old and the oldest participant at 39 years old. 54% of participants identified as female, 44% identified as male, and 2% identified as Trans Male. Participants identified as belonging to some of the social identities most disadvantaged in the housing system. Specifically, 20% of participants identified as 2SLGBTQQIA+, 54% of participants identified as Indigenous, and 27% identified as having a disability (see accompanying [workshop report](#) for further details).

The workshops consisted of five sessions that participants moved through in smaller groups. Four of the sessions encouraged discussion through several prompts, with each session addressing a different theme in the housing system. At each of these sessions, there was a facilitator and notetaker. The fifth session encouraged participants to express their opinions on the housing system and evictions through art (see below).



Photos of the art created by workshop participants highlighting what "home" means to them.

**What emerged from the workshops was a vision of a housing system grounded in a commitment to the human right to housing and the needs of the most vulnerable members of society. Youth reminded us that at its core, housing is human and relational, and decisions around housing must centre human needs and account for human struggles.** Participants were clear that current approaches to housing and eviction fall short in this regard, and there is a mismatch between the reality of housing as a deeply human need, and practices that position housing as a commodity and eviction as a routine byproduct of landlord business goals. Participants offered a vision of a housing system and an approach to eviction that instead prioritizes human care, responsibility, and justice.

A notable theme that emerged from the workshop was education. **All of the workshops' smaller groups indicated they did not think people their age knew their housing rights.** There was an overwhelming desire from the participants to increase education of the housing system and tenants' rights. The participants suggested implementing this education in schools and having community play an active role in educating youth on their rights. Participants also noted the **need for landlords to be better educated and trained** and that youth want more understanding of the fact that "people have a lack of experience/ understanding with the system."

Both workshops also discussed humanizing the housing system, the need for better landlord and tenant relationships, and for housing to be viewed as "[c]ommunity oriented instead of a business." Participants discussed the issues of corporations in the housing system and wanting "[l]ess big corporations, more one-on-one renting, better communications." One participant noted they felt "[t]he right to housing is at the top of the list for human rights." The rental of a home to a person is much more than a contractual relationship and is tied up inextricably with that person's human rights and human need for a place to call home. Youth reminded us that "[e]veryone deserves a home" and "[p]eople should have a home before someone can have multiple." Participants emphasized the importance of community, and the role community can have in shaping the housing system. Participants noted the need to "[p]etition the needs of different communities" and to have "more community organizations to enforce rights."

**There was a noted need for eviction prevention to be prioritized, such as through introducing “compassionate clauses” into rental agreements, where tenants would be given time, support, and assistance to get through their situation.** Participants also noted the need for flexibility with rent payments and the need for landlords to work with tenants to make a payment plan and avoid late fees. Participants stressed a need for a much greater emphasis on diversion, mediation, and negotiation in eviction hearings. They urged that hearing officers, landlords, and others should work collaboratively to brainstorm and document possible resolutions. Further, participants noted the **need to make hearings more of a “conversation” rather than an “intimidating process.”**

Participants noted the need to address the discrimination and lack of fairness in the housing system. Several groups emphasized the importance of **promoting diversity among adjudicators and that we should be “putting people in those roles who care about keeping people in their homes.”** Various ideas were suggested including the need for adjudicators who are renters, and the possibility of having multiple hearing officers present at a hearing in order to ensure diverse opinions and perspectives, and to help eliminate bias. As one participant said: “Hearing officers should know the whole picture.”

There was consensus in our workshops that preventing evictions is an important and worthwhile goal, and that landlords, lawmakers, eviction adjudicators, tenants, and society at large all have a role to play. Participants agreed that eviction prevention would mean lower rates of homelessness, would lead to better health outcomes, would help to keep families together, and would “bring back a sense of community,” thereby making neighbourhoods safer.

## **Why Preventing Youth Evictions Matters**

The discussion at the two workshops echoes much of the research surrounding the impacts of eviction on youth, including the negative economic, social, psychological, and physical consequences associated with eviction. The negative economic consequences of evictions are exacerbated by the quick timeline of many eviction processes, which do not give tenants enough time to move or save for a security deposit. If youth are not given enough time to move or save for a security deposit, it will be challenging for them to secure new housing prior to their eviction. This provides context for the research showing how evic-

tion can be a direct pathway to homelessness. **Once one is unhoused, they will face difficulties trying to improve their circumstances. As one youth stated, “[i]t’s hard to do better when you don’t have a fixed address.”**

**Rent prices are unaffordable** and tenants will opt for roommates to assist with rent, which can cause overcrowding in homes. However, according to the youth in the workshops, the right to housing includes freedom, independence, and having one’s own space to practice self-care, which helps youth develop maturity and makes them excited for their future and adulthood. Therefore, overcrowding in order to pay unaffordable rents diminishes the full benefit of the right to housing.

The right to housing also includes safety, security, stability, freedom, and independence. Evictions can be dangerous and there is a lack of safety in being unhoused, including the detrimental impacts from the weather, especially with Canada’s cold climate. One participant pointed out: **“What about the safety of the renter being evicted?”** Evictions cause anxiety and housing instability, forcing people into survival mode rather than being able to focus on living. When people are unhoused, they can have negative interactions with police, however youth in our workshops emphasized that “police shouldn’t arrest [people] for sleeping or just existing.”

Evictions greatly impact children. Evictions can separate families, play a role in child apprehensions, and cause children to move schools, which affects children’s sense of stability, mental health, social lives, and education. There is a lack of housing for families, and this contributes to child apprehension. Further, child apprehension can cause one to lose their child benefit, which then makes it harder for a parent to secure housing and a stable environment to regain custody of their child. As one youth stated, “[i]f [a] child is apprehended, you shouldn’t lose childcare benefits that allow you to pay rent.” This creates a cyclical relationship, where evictions can lead to child apprehension, and child apprehension can lead to evictions. Further, in the words of another participant, “[t]he government sends kids to foster homes because they say parents can’t take care of [them], but yet give foster parents the money to help take care of kids. Doesn’t make sense.” Parents should be given special consideration in the housing system and “[i]mmediate eviction should not be allowed if children live there.” Research supports the discussions in our workshops about child apprehension. Researchers have shown that the child welfare system often leaves

young people vulnerable to housing insecurity and youth who have been involved with the child welfare system face some of the highest risk of eviction.<sup>15</sup>

Evictions also impact the sense of community for youth. Youth explained that preventing evictions would reintroduce a sense of community and better allow people to connect with their neighbours and community. People do not have the ability to build strong relationships with their neighbours when they are fearing eviction. Further, evictions can cause people to feel alone, and their pride may prevent them from seeking help.

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<sup>15</sup> See generally Youngbloom, Amy J, Farnish, Krystan A & Schoenfeld, Elizabeth A, "Characteristics Associated with Housing Loss Among Youth in a Rapid Rehousing Program" (2022) 39(4) Child & Adolescent Soc Work J 471.

# Relevant International Human Rights Norms under the National Housing Strategy Act

Participants at the workshops explained that the right to housing meant to them, “independence, security, and decency.” Every year, too many people living in Canada grapple with the grim reality of eviction into homelessness (i.e., eviction with no alternative housing immediately available), an event that propels an individual or a family into a spiral of social, economic, and psychological turmoil, often exacerbating their existing disadvantages. These severe, disproportionate impacts are especially true for young people, homeless youth, and those in precarious housing situations who often face the brunt of eviction-related issues due to no education on tenant rights, power imbalances between youth tenants and landlords, and a lack of comprehensive support from social workers, counsellors, and other professionals.

To address the pressing issue of youth evictions in Canada, we turn to Canada’s international law obligations. This means recognizing that all people have the “right to live somewhere in security, peace and dignity.”<sup>16</sup> It requires the government to implement reasonable policies and programs to ensure the right to housing for all within the shortest possible timeframe. It also means priority must be given to vulnerable groups and those in greatest need of housing.

As a signing body to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), Canada is bound by and must uphold its obligations within the ICESCR. Article 2(1) of the ICESCR says that States must take steps “with a view to achieving progressively the full realization of the rights recognized” in the Covenant—including the right to adequate housing. Progressive realization means that governments have an obligation to take deliberate, concrete, and targeted steps towards fulfilling economic, social, and cultural rights like the right to adequate housing in the shortest possible time.

Canada introduced the National Housing Strategy Act (NHTSA) to integrate housing as a human right from international law obligations into the Canadian

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<sup>16</sup> Committee on Economic, Social and Cultural Rights, General Comment No 4, (1992) online: <<https://www.refworld.org/legal/general/cescr/1991/en/53157>> at para 7.

domestic legal system. This legislation affirms that the government’s housing policy is based on the recognition of the right to housing as it is understood in international human rights law. In fact, the NSHA specifically cites the authority of the ICESCR, and notes in s. 4 of the NSHA that, “[i]t is declared to be the housing policy of the Government of Canada to... further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights”.<sup>17</sup>

A repeating theme among the participants in the Saskatoon workshop was the desire to have more support and compassion in the housing process. According to the UN Committee on Economic, Social and Cultural Rights, adequate housing is more than a physical dwelling. This has been articulated by the Committee on Economic, Social and Cultural Rights through the seven key components identified in General Comment 4 (see graphic below). Critically, human rights experts have noted that this criteria is not exhaustive and should also include elements such as access to justice for tenants and regulation of private actors.



17 National Housing Strategy Act, SC 2019, c 29, s 313.

One of the components – **security of tenure** – declares the right of all persons to legal protection against forced evictions, and the right to genuine consultation with affected persons and groups. **Affordability** is another key component, addressing the right to housing costs at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. This directly relates to the youths’ desire to have more flexibility in their rental payment arrangements. As youth suggested in the workshop sessions, it could be important for renters to have the ability to choose their rental payment day, for example.

Above all, the participants in youth workshops wanted to feel secure enough to call their dwellings a home. **Cultural adequacy** is another key component of the human right to housing. Cultural adequacy means that housing must appropriately enable the expression of cultural identity and diversity. When young people, especially Indigenous and racialized youth, face discrimination in public places and institutions, a place to call home is even more important.

**International human rights law recognizes eviction as more than a mere contractual issue between a landlord and tenant, framing it instead as a potential infringement of fundamental rights.** It also underscores the role of the state as not merely a regulator of landlord-tenant relations, but as a guarantor of human rights. The *United Nations Committee on the Conventions on the Rights of the Child (CRC)* is particularly salient on this point.

The *CRC* Committee reviews of Canada in both 1991 and 2021 recommended that Canada “[c]onsider revising the provincial and territorial laws governing evictions to ensure that the best interests of the child are given primary consideration in all eviction matters and that **all avenues for eviction prevention are pursued prior to termination of tenancy.**”<sup>18</sup> The *CRC* further includes provisions that underscore the rights of children to be heard, to have their best interests considered, to benefit from the highest attainable standard of health, and to have a standard of living adequate for their physical, mental, spiritual, moral, and social development.

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18 Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Canada, (2022) online: <<https://digitallibrary.un.org/record/3978336?ln=en&v=pdf>>.

# Pan-Canadian Analysis of the lack of Protection from Eviction for Youth

To better understand the landscape of existing policy and law across provinces and territories, the authors conducted research to compare how Canadian provincial and territorial residential tenancies legislation deals with youth evictions and the right to housing. A number of criteria were selected to determine how each province or territory stacked up in relation to a youth's right to housing.

First, the most up-to-date versions of provincial and territorial residential tenancies legislation were gathered from provincial websites or from the Canadian Legal Information Institute (CanLII). Second, each piece of legislation was examined to determine which provisions dealt with evictions or residential tenancies and youth. Third, a "scoresheet" was created with criteria for a genuine youth and rights-based approach. Fourth, the previously identified criteria were used to determine how each province or territory "scored" in relation to a youth's right to housing.

The scoresheet criteria was influenced, in part, by the American Bar Association's "Ten Guidelines for Residential Eviction Laws"<sup>19</sup> and the reports subsequently released by the Notre Dame Clinical Law Centre<sup>20</sup> and the Georgia State University's Centre for Access to Justice.<sup>21</sup> Those reports analysed how the residential tenancies laws of Indiana and Georgia, respectively, compared to the criteria established by the American Bar Association. The following criteria were used to evaluate Canadian provincial and territorial residential tenancies legislation:

- Acknowledgement that housing and eviction engages human rights;
- Prohibition of eviction into homelessness;

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19 American Bar Association, ABA Ten Guidelines for Residential Eviction Laws, (2022) online: <[https://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defense/sclaid-task-force-on-eviction--housing-stability--and-equity/guidelines-eviction/](https://www.americanbar.org/groups/legal_aid_indigent_defense/sclaid-task-force-on-eviction--housing-stability--and-equity/guidelines-eviction/)>.

20 University of Notre Dame, Notre Dame Clinical Law Center publishes report on shortcomings in Indiana eviction laws, (2023), online: <<https://law.nd.edu/news-events/news/the-notre-dame-clinical-law-center-publishes-report-on-shortcomings-in-indiana-eviction-laws/>>.

21 Georgia State University College of Law, Center For Access to Justice, ABA Guidelines For Residential Eviction Law: How Georgia Stacks Up, (2023), online: <[https://law.gsu.edu/document/aba-guidelines-how-georgia-stacks-up/?wp\\_pdm=214004&masterkey=64b9491e441db](https://law.gsu.edu/document/aba-guidelines-how-georgia-stacks-up/?wp_pdm=214004&masterkey=64b9491e441db)>.

- Adjudicator must consider the best interests of the youth when determining whether eviction is an appropriate remedy;
- Landlord must demonstrate eviction prevention measures taken;
- Landlord must show that the tenant understood the eviction notice;
- Adjudicator must consider alternatives to eviction;
- Recognition of unique challenges faced by youth when renting;
- The availability of a procedure to appeal an eviction, and, if available, ease of access, and;
- Opportunity to cure or remedy a breach once an eviction notice has been served.
- Availability of youth-centred legal assistance and rental assistance programs\*

This research was restricted in scope to the legislation and their regulations. Outside sources, such as policies, procedures, common practices, and legal assistance programs, did not inform the research completed at this stage.

\*We note that some of the metrics in our scorecard (for example, legal aid for tenants or rental assistance programs for youth) would not necessarily be expected to be found within current residential tenancies legislation. However, we kept these criteria in with the idea that provinces and territories could make related policy changes and include reference to them in future legislation.

Regarding the above criteria, the following was found:

### **Acknowledgement that housing and eviction engages human rights**

Overall, with the exception of the Preamble to Prince Edward Island’s residential tenancy legislation, none of the provincial or territorial residential tenancies acts acknowledge that housing and eviction engages human rights.

Some provinces do acknowledge that the Human Rights Codes take primacy over residential tenancies legislation (see for example Ontario’s Act), while others acknowledge that Human Rights legislation applies to tenancy agreements (see for example, the Acts of Nunavut and The Northwest Territories). Others state that tenancy adjudicators do not have the jurisdiction necessary to apply Human Rights legislation (Yukon), or that matters engaging human rights can be referred to a superior court (Alberta’s Dispute Resolution Service Regulation).

### **Prohibition of eviction into homelessness**

None of the Canadian provincial and territorial residential tenancies legislation prohibits eviction into homelessness.

### **Adjudicator must consider the best interests of the youth when determining whether eviction is an appropriate remedy**

None of the Canadian provincial and territorial residential tenancies legislation requires that the best interests of the youth be a mandatory consideration when determining if eviction is an appropriate remedy. However, it may be a broader consideration under an equitable analysis, which is mandated in some provinces and territories. Legislation in Ontario, Saskatchewan, Quebec, and Northwest Territories explicitly allows adjudicators the discretion to consider alternatives to eviction. Court and tribunal decisions have confirmed that adjudicators also have that discretion in Alberta, New Brunswick, and Manitoba, and in some cases in Yukon. The law gives adjudicators little to no discretion in British Columbia and is unclear in the remaining provinces and territories.

**Landlord must demonstrate eviction prevention measures taken**

It is not a mandatory requirement for eviction that the landlord demonstrate eviction prevention measures taken in any province or territory. However, in some provinces and territories, the legislation does provide for a remedy period in which the tenant is provided with the opportunity to remedy a breach that would otherwise lead to eviction.

**Adjudicator must consider alternatives to eviction**

This is not a mandatory consideration in any Canadian province or territory. However, in some jurisdictions, alternatives to eviction could be considered in a broader fairness analysis that an adjudicator may go through in determining whether or not to evict. All provinces and territories have a provision in their legislation outlining the powers of an adjudicator.

**Landlord must demonstrate that tenant understood eviction notice**

Given the vulnerability of tenants who are subject to eviction, more needs to be done to ensure that tenants are given meaningful notice of eviction. While there are basic rules about service, no province or territory mandates that a tenant understand the eviction notice.

**Free legal assistance is provided to youth facing eviction**

Some regions or provinces, for example, Ontario, have Tenant Duty Counsel, or legal support in provincially funded legal clinics available for tenants facing eviction. Most jurisdictions do not have legal aid assistance for youth facing eviction.

**Youth-centered rental assistance programs**

While it would not be necessarily expected to find reference to rental assistance programs in legislation, such programs could be established and supported across the country to assist youth who are struggling.

**Recognition of unique challenges faced by youth when renting**

This is not recognized in any residential tenancies legislation.

**The availability of a procedure to appeal an eviction, and, if available, ease of access**

Every province and territory has a procedure in their legislation for appeals of decisions made pursuant to their residential tenancies legislation. However, appeals are often expensive and significant access to justice barriers exist for tenants who seek to appeal eviction orders.

**Opportunity to cure or remedy a breach once an eviction notice has been served**

The majority of Canadian provincial and territorial residential tenancies legislation provides for a remedy period, though this is often dependent on the nature of the breach.

Our review shows that many aspects of a youth’s right to housing and protection against eviction are not explicitly recognized or protected. The unique challenges faced by youth in relation to housing are not acknowledged. As such, Canadian provincial and territorial residential tenancies legislation could go much further in order to truly reflect and embrace Canada’s international human rights obligations.

One tool to help protect youth against eviction is proportionality, which is a legal framework based in international law for deciding whether an eviction is necessary. Under a proportionality framework, a household can only be evicted if all of the following are true:

- The eviction must have a legitimate objective.
- Eviction must be necessary to achieve the objective, and there must be no reasonable alternative.
- The consequences of eviction must be proportionate to the objective.<sup>22</sup>

The proportionality framework requires that an adjudicator consider all the circumstances of the case, including the interests of both the tenant and the

<sup>22</sup> For more on proportionality, see Canadian Centre for Housing Rights, “Proportionality: A legal framework to make eviction a last resort in Canada” (2023) online: <<https://housingrightscanada.com/proportionality-legal-frame-work-to-make-eviction-a-last-resort-in-canada/>>

landlord. In some parts of Canada, but not others, adjudicators have the authority to avoid unnecessary evictions by considering reasonable alternatives. For example, Saskatchewan's Residential Tenancies Act states that "a hearing officer may make any order the hearing officer considers just and equitable in the circumstances." However, no Canadian law requires that adjudicators follow a proportionality framework in eviction decisions. Hence, while adjudicators are often allowed to choose alternatives to eviction, they are not required to refuse eviction in cases where reasonable alternatives are available.

# Analysis and Recommendations

We urge the Federal Housing Advocate to consider the following **youth-driven recommendations** – all of which emerged at our workshops, to the Minister of Housing, Infrastructure, and Communities, aimed at addressing systemic gaps in security of tenure that contribute to youth homelessness.

The timing for implementation of these recommendation is particularly key as the federal government releases the first iteration of Canada’s Renter Bill of Rights.

We know that many of these recommendations engage areas of provincial and territorial jurisdiction. However, we urge the Federal Housing Advocate to consider how to engage provinces and territories and urge them to embrace human rights-compliant approaches in their respective jurisdictions.

## Youth Recommendation 1: Regulate Landlords through Education / Qualification

**This means:** Implementing training or a qualification for landlords. The education should include anti-discrimination training, so landlords do not perpetuate stereotypes or discrimination in the housing system. A “school for landlords” is needed to ensure landlords understand their obligations and relevant human rights standards.

*An example of this is in [ACORN’s model of Landlord Licensing](#).*

ACORN advocates for a landlord licensing system similar to restaurants, where landlords would pay a small fee for a license and all buildings with 3 or more units would have an annual inspection. If the landlord failed the inspection, they would be given a financial penalty.

This licensing system can be built upon by implementing a training component in order to obtain a landlord license.

## Youth Recommendation 2: Provide Free Mandatory Mediation Prior to Eviction Hearings and Provide Free Tenant Duty Counsel

Implement a mandatory mediation program for landlords and tenants to try to resolve issues prior to eviction hearings. Landlords and tenants would discuss what changes are needed and make agreements to resolve issues. This would include a mediator's help to implement payment plans to resolve rent arrears. Tenants would also be given free tenant duty counsel to assist them in the mediation.

It would be strongly recommended that tenants obtain legal advice or representation (for example with representation from Tenant Duty Counsel) to participate in any mediation.

*An example of this (though with significant flaws), is the mediation process offered at some Ontario's Landlord and Tenant Board procedures. See [Mediation at the Landlord and Tenant Board - Landlord's Self Help Centre](#).*

## Youth Recommendation 3: Increase Financial Assistance

**This means:**

### A) Implementing a federal Rent Bank

Provide emergency financial assistance to those at risk of eviction due to rent arrears as rent arrears are a major reason for evictions in Canada.<sup>23</sup> Introducing a rent bank would protect tenants from a change in circumstances causing an eviction.

<sup>23</sup> Federation of Canadian Municipalities, supra note 14.

**B) Aligning social assistance rates with cost of living, including rent rates, and indexed to inflation**

Social assistance rates are already woefully inadequate. Youth from the workshop sessions recommended that, as rental prices increase, social assistance benefits need to be reevaluated to ensure people are still able to afford their rent.

*More on social assistance rates can be found in Maytree's 2024 Welfare report in Canada: <https://maytree.com/changing-systems/data-measuring/welfare-in-canada/>*

**C) Rent should be well regulated so that rent increases are moderate and predictable, both throughout tenancies (rent control) and between tenancies (vacancy control)**

All provinces and territories need policies that control rent increases of the rental units. Currently, rents are not regulated at all in Alberta, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nunavut, and Saskatchewan. Rents are regulated to varying degrees in British Columbia, Ontario, Nova Scotia, Yukon, Manitoba, Prince Edward Island, and Quebec, with the latter three provinces also having vacancy control policies.<sup>24</sup> The vacancy control model of rent control promotes eviction prevention by not incentivising landlords to evict tenants to increase the rent for new tenants.

*Rent control has been a central point of advocacy by ACORN Canada for National Tenant Rights Standards that apply to all provinces and territories: <https://acorncanada.org/news/renters-bill-of-rights-blueprint/>*

<sup>24</sup> There are longstanding rent regulation systems in British Columbia and Ontario. Nova Scotia and Yukon presently have temporary caps on rent. Manitoba, Prince Edward Island, and Québec are the only provinces that regulate a unit's rent when renters change (vacancy control). However, Manitoba and Prince Edward Island legislation have several restrictions that limit their use for tenants. There is no rent regulation in Alberta, Saskatchewan, New Brunswick, Newfoundland and Labrador, Nunavut, and Northwest Territories. See: <https://housingrightscanada.com/how-weak-rent-regulations-are-failing-to-provide-secure-homes-for-renters/>

## Youth Recommendation 4: Increase Opportunities for Tenant Education

**This means:**

### A) Mandating tenant rights education be added to the school curriculum

Mandate the school curriculum to include housing education, including tenant rights, landlord entry rights, the basics of housing and leases, and financial education, such as budgeting and taxes.

### B) Simplify housing rights information:

1. Update housing legislation to be more reader friendly and better understood by everyone. Remove unnecessary legalese and confusing statute language.
2. Mandate leases need to come with a “cheat sheet” of simplified housing rights information.

## Youth Recommendation 5: Promote the De-Financialization of Housing

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 renovations, unaffordability, poor maintenance, displacement of communities, and discrimination, financialization has hugely damaging impacts on the right to housing in Canada.

Landlords need to take ownership of the rental unit and care for it as a home, not as a business. Landlords need to understand tenants’ relationship with their rental unit and that for tenants, housing is more than just a financial transaction, it is their home.

**This means:** Increasing and prioritizing investment in non-market community housing development and preservation.<sup>25</sup>

<sup>25</sup> For additional context, see: Canadian Centre for Housing Rights, Policy Brief: Preserving Affordable Homes in the Private Rental Market. Online: <<https://housingrightscanada.com/reports/policy-brief-preserving-afford->

## Youth Recommendation 6: Decrease Discrimination in The Housing System

**This means:**

**A) Implementing national standards to ensure provinces and territories protect from the following forms of discrimination:**

1. Rental application questions regarding age, immigration status, or criminal record

2. Evictions because of one's addiction

**B) Automatically assigning social assistance to be paid directly to the landlord and providing tenants the option to opt out of this program.**

**C) Increasing funding to organizations that provide legal assistance to tenants submitting complaints to Human Rights Tribunals**

**D) Improving processes at Human Rights Tribunals to expedite access to justice for tenants facing discrimination**

## Youth Recommendation 7: Increase Fairness in the Adjudicator System

**This means:**

**A) Increasing the diversity of housing adjudicators**

The housing adjudicator system needs to become more diverse to better address biases:

1. Create a youth adjudicator position for housing hearings. As noted by youth in workshop sessions, there is a generational disconnect between adjudicators and youth. Having youth represented in the ad-

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[able-homes-in-the-private-rental-market/](#).

judicator system would provide more understanding of the youth perspective.

2. Increase the number of adjudicators who are tenants themselves. As noted by youth in workshop sessions, adjudicators being homeowners or landlords can create a conflict of interest. To address this potential bias, there should be more adjudicators who are tenants.

## **B) Increasing the number of adjudicators at hearings**

Having multiple adjudicators at hearings could help decrease the impact of biases on the adjudication as there would be more perspectives available. The multiple adjudicators could act as a panel that considers life experience, backgrounds, and culture.

## **C) Increasing the focus of the tenant's perspective at hearings**

**This means:**

### **1. Mandated tenant duty counsel**

Mandate tenant duty counsel, who provide representation in hearings. The tenant duty counsel would also act as an advocate to help adjudicators better understand the tenant's situation and provide context through helping the adjudicators understand the tenant's life experiences/circumstances, such as grief, break-ups, disabilities, illness, children, animals, mental health, addictions, police interactions, and other life struggles.

2. Mandate that tenant's have the ability to provide testimony from witnesses to help adjudicators better understand the tenant.

## **D) Requiring proportionality in eviction decisions**

This means: having a legal framework, established by provinces and territories, to ensure that eviction is always treated as a last resort. Provinces and territories can implement the framework by:

1. Amending their residential tenancies laws to ensure that adjudicators have the authority to choose alternatives to eviction.
2. Amending their residential tenancies laws to direct that adjudicators must choose alternatives to eviction, except in cases where eviction is the only reasonable solution.
3. Training adjudicators to treat eviction as a last resort.
4. Ensuring that tenants have full, fair access to legal advice and to tribunal proceedings so that they can participate in eviction decisions.

## **Youth Recommendation 8: Increase Youth Housing Advocacy (Individual and Systemic)**

### **This means:**

1. Implementation of funding programs to support youth advocates, provide peer support to educate youth on their housing rights, help youth tenants understand their leases, and provide support to help them remain housed.
2. Develop a youth advocacy advisory committee to attend decision making discussions and provide a youth perspective to policy makers

**Recommendation 9: Provide more funding to community organizations providing shelters and programming, including free legal assistance.<sup>26</sup>**

*The Tenant Protection Fund, launched in the federal government's Budget 2024, promised \$15 million in funding over 5 years for Public Legal Education and Information, and Legal Information and Advice Services – which includes tenant organizing.*

*This is a welcome program, but tenant advocates have noted concerns that the fund will not spread far enough across the country. It should also be noted that in 2023, the federal government canceled a previous program to support tenant organizing, the Community Based Tenant Initiative.*

See: <https://www.justice.gc.ca/eng/fund-fina/tenant-locataire.html>

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<sup>26</sup> This has been implemented by the federal government (to some extent) through the recent [Tenant Protection Fund](#), and by some provinces and territories. Funding for these programs is limited, and are implemented in a patchwork across the country.