

Submission to the National Housing Council's Review Panel on the Role of Corporate Investment in Housing

GENDERED EVICTIONS IN FINANCIALIZED HOUSING MARKETS ACROSS CANADA:

**The Case for Human Rights
Intervention and Oversight**



THE NATIONAL
RIGHT TO HOUSING
NETWORK



WOMEN'S NATIONAL
HOUSING & HOMELESSNESS
NETWORK

MARCH 2023

Introduction

Canada is in the midst of a vast housing crisis. Rents have skyrocketed since the onset of the COVID-19 pandemic, and the market has shifted steeply, undergirded by logics that view housing primarily as a tool for generating profit for owners and shareholders. Renters in this market have little power, and those who do hold power face few regulations or limitations. In this context, many women, girls, and gender-diverse people continue to live in insecure or unsafe housing due to poverty, inequity, and discrimination.¹ There is a severe lack of affordable and appropriate housing that meets the needs of diverse women and women-led families, exacerbated by systemic issues that keep this group trapped in poverty and struggling to obtain housing assistance. Amid few housing options and overwhelmed emergency shelters, many women and gender-diverse people rely on informal networks for housing or engage in dangerous survival strategies to access shelter and meet their basic needs.

The housing crisis in Canada, particularly for women and gender-diverse individuals, is a two-fold challenge underpinned by the increased financialization of housing and deepening poverty for those on low incomes or social assistance. Financialization is “marked by the increasing penetration of financial practices, logics, and strategies into non-financial sectors.”² In effect, the financialization of housing positions governments as primarily accountable to investors rather than rights-holders, including marginalized women and gender-diverse persons. In this context, we are increasingly seeing evictions in our communities. Evictions faced by women, girls, and gender diverse people represent one node of a much larger ecosystem – one characterized by extensive and systems-wide policy failure that enacts extreme harm for women and gender-diverse people – in settings both specific and large-scale. While the home can unquestionably be a site of extreme violence for many women and gender-diverse people, the loss of housing can remove an important buffer from other forms of harm, exploitation, and marginalization.

It is within this context that the *National Housing Strategy Act* (NHSA) was adopted in 2019. Advocates and human rights experts have argued that this new legislation provides an opportunity to transform our response to gender-based inequities within the Canadian housing system. The NHSA affirms housing as a human right and brings it into domestic legislation, recognizing “housing is essential to the inherent dignity and well-being of the person and to

¹ Schwan, K., Versteegh, A., Perri, M., Caplan, R., Baig, K., Dej, E., Jenkinson, J., Brais, H., Eiboff, F., & Pahlevan Chaleshtari, T. (2020). *The State of Women’s Housing Need & Homelessness in Canada: Literature Review*. Hache, A., Nelson, A., Kratochvil, E., & Malenfant, J. (Eds). Toronto: Canadian Observatory on Homelessness Press. <http://womenshomelessness.ca/wp-content/uploads/State-of-Womens-Homelessness-Literature-Review.pdf>

² Farha, L., Freeman, S., Gabarre de Sus, M., Perucca, J., & McMurty, A. (2022). *The Shift Directives – From Financialized to Human Rights-Based Housing*. Ottawa, ON: The Shift. <https://make-the-shift.org/wp-content/uploads/2022/05/The-Directives-Formatted-DRAFT4.pdf>

building sustainable and inclusive communities.”³ If well-implemented, this legislation, with its explicit commitment to improving housing outcomes for persons in greatest need, represents a tremendous step towards addressing the disproportionate levels of housing need and unique housing rights violations experienced by women, girls, and gender diverse people. Further, as articulated in *Homeless on Homelands*,

“Ensuring the right to housing for Indigenous women, girls, and gender-diverse people must not only affirm principles of housing as a human right as iterated under NHSA and international law, but it must also reckon with the indivisibility of housing as a human right from inherent Indigenous rights and other human rights iterated under historic treaties and international agreements. Upholding housing as a human right for Indigenous women, girls, and gender-diverse people is thus an exercise in upholding Indigenous People’s rights as asserted in treaties and engaging with rights inherent to Indigenous people as they understand and articulate them.”⁴

In light of this new legislation, a team of researchers and advocates from the Women’s National Housing and Homelessness Network and the National Right to Housing Network undertook a project to explore the intersection of financialization and evictions in the lives of women and gender-diverse people. In the context of financialization, we asked: what does it mean to face an eviction? And in particular: what does it mean for women, girls, and gender-diverse people to face an eviction – an experience compounded by the feminization of poverty and gender-based exclusion from labour markets, as well as other kinds of marginalization and discrimination? This Submission to Canada’s first ever Review Panel on a systemic violation of the right to housing explores our findings from this research, drawing on data from our primary research, an extensive literature review, case law review, and testimony shared by our lived expert peers and colleagues.

We offer this Submission for consideration by the [National Housing Council’s Review Panel on Corporate Investment in Housing](#). Here, we identify four systemic issues which warrant priority attention. We urge the Review Panel to consider the gendered intersection of these issues across Canada, and to provide an assessment of, and suggested remedy for, the role that the financialization of housing plays in the denial of substantive equality for marginalized women and gender-diverse people.

³ Government of Canada. (2019, June 21). *National Housing Strategy Act*. <https://lawslois.justice.gc.ca/eng/acts/N-11.2/FullText.html>

⁴ National Indigenous Feminist Housing Working Group, 2021. p. 10.

The compelling need for this project emerged from the submission of two significant and precedent-setting human rights claims to the Federal Housing Advocate: [*Homeless on Homelands*](#), by the National Indigenous Feminist Housing Working Group (NIFHWG), and [*The Crisis Ends with Us*](#), by the Women's National Housing and Homelessness Network (WNHHN). Evidence gathered by the National Right to Housing Network (NRHN) also laid the foundation for this Submission, and the NRHN provided guidance and insight into human rights-based responses to the financialization of housing. With generous funding from the [*Law Foundation of B.C.*](#), WNHHN and NRHN partnered to undertake this timely and urgent work. We hope that this work will contribute to the advancement of the right to housing for marginalized women and gender-diverse people across the country who are suffering in increasingly financialized housing markets.

Methodology

Phase One

In Phase One of this research project, the project team focused on desk research to determine the scope and nature of the work. This initial research has focused on the following questions:

- What is the scale and scope of evictions faced by diverse women across Canada?
- How do gender and other intersecting identities shape the experience of eviction for women in Canada?
- What trends are evident with respect to women's experiences of eviction?
- How can access to justice be increased for women, girls, and gender-diverse persons and their dependents facing eviction?
- What policies and programs have been shown to prevent eviction for women and their dependents, and what are their key characteristics?
- Leveraging the *National Housing Strategy Act*, how can the federal government intervene in policy affecting eviction prevention given Canada's constitutional division of powers?

To support this desk research, we hired a law student from the University of British Columbia, Emma Smyth, to work alongside the research team at the NHRN and WNHHN. Through this desk research, the team reviewed academic and grey literature, national surveys, eviction datasets, public policies, and human rights claims from both the Women's National Housing and Homelessness Network and the National Right to Housing Network. Research analyzed included the following:

- Data from the [Pan-Canadian Women's Housing & Homelessness Survey](#) (a survey of 500 women and gender-diverse people) that highlighted gendered experiences of eviction, housing need, and homelessness;
- Qualitative interviews from the Human Rights Task Force of the WNHHN, including recorded conversations and interviews with rights claimants, which were also encompassed in the recent [Submission to the Federal Housing Advocate entitled "The Crisis Ends with Us"](#);
- Data on housing policy and practice from the [Housing Assessment Resource Tools](#) (HART), a key partner on WNHHN and NRHN activities;
- A recent [Research Brief](#) and [Literature Review](#) on violations of the right to housing experienced by transgender, non-binary, and Two-Spirit persons, which speaks to the

compounded depth and complexity of housing precarity and eviction for gender-diverse communities;

- Recent data from the Pan Canadian Voice on Women’s Housing;
- [“This is Not Home,”](#) a study on gender-focused supports and services for women and gender-diverse people experiencing homelessness, which includes qualitative interviews on discrimination and exclusion in the housing system;
- NRHN work on the rights of youth and eviction prevention, as well as UN Submissions regarding the Rights of the Child; and
- NRHN interventions on access to justice under Canada’s Federal mechanisms, including the *National Housing Strategy Act* (NHTSA), and expertise in building policies that are reflective of International Human Rights Law standards and frameworks.

In addition, desk research involved an extensive scoping review of the literature and analysis of relevant policy and case law. Emma Smyth assembled and reviewed 80 articles and provided in-depth annotations as to their significance to the issue of gendered experiences of eviction and the financialization of housing. Both our existing and novel research provided the conceptual framework that grounds our recommendations and is reflected throughout the content of this Submission to the Review Panel on Corporate Investment in Housing.

In addition to the project team and researchers, this project was guided by an Expert Working Group, composed of four subject matter experts from Community Legal Assistance Society, Homeless Services Association of BC, and Keepers of the Circle. The Advisory Committee provided strategic guidance to the research and helped to identify key areas for exploration and consideration, as well as reviewed preliminary findings.

Phase Two

In Phase Two of the project, the research team finalized our analysis of the research findings, presented preliminary findings to key stakeholders for feedback, and completed writing up our findings. After identifying preliminary findings from the desk review, we engaged the Expert Working Group for their feedback and guidance. Initial research findings were brought to a virtual meeting to develop solutions to challenges in identifying relevant datasets – including a further methodology to address the lack of provincial/territorial data on evictions faced by women, gender-diverse persons, and their dependents. More broadly, we provided the Expert Working Group with preliminary themes and human rights issues we had identified through our review for their consideration and feedback.

We also worked with the First Voice Advocacy Working Group at the NRHN and a working group of women and gender-diverse lived experts at WNHHN to ensure that Phase Two of the

project adequately addresses the experiences of rights claimants facing eviction – input provided through these groups was critical towards developing the Submission to the National Housing Council’s Review Panel.

Throughout our research analysis process, we continued to face the challenge of the lack of data on women and gender-diverse people’s experience of eviction, particularly over the life course. Gaps in data included, for example: the experiences of individuals and their dependents in exiting from financialized housing; evictions from transitional housing; violence against women and gender-diverse people within financialized housing; the unique experiences of eviction for Indigenous women, gender-diverse, and Two-Spirit people; and evictions from the foster care and child welfare contexts. We know from research findings that opportunities for access to justice are particularly poorly articulated during these junctures, but little data exists to demonstrate these experiences and their gendered realities. Similarly, we navigated additional challenges in getting access to provincial/territorial data on evictions, particularly feminist data that is disaggregated based on gender. To overcome this challenge, we triangulated our data sources to confirm initial findings and preliminary data, and to identify and scope gaps in knowledge. When findings were limited or unavailable, we also engaged with our Expert Working Group, and other expert colleagues, who were able to provide further input into where there are key issues that remain unexplored in the research but are evident in practice at the community level.

After consultations on our preliminary findings from our review of the literature, we finished analyzing and organizing data collected from the desk review into key human rights issues impacting women and gender-diverse people at the intersection of evictions and financialization. These formed the basis of our Submission.

Background: The Right to Housing for Women and Gender-Diverse People in the Context of the Financialization of Housing in Canada

In recent years, the Canadian housing market has been increasingly shaped by the financialization of housing. As defined in [The Shift Directives – From Financialized to Human Rights-Based Housing](#):

“The ‘financialization of housing’ refers to structural changes in housing and financial markets and global investment whereby housing is treated as a commodity or asset, a means of accumulating wealth and often as security for financial instruments that are traded and sold on global markets. It refers to those institutional investors in housing who cater predominantly to their shareholder or investor clients and in the process – inadvertently or not – cause harm to tenants. It refers to the way capital investment in housing increasingly disconnects housing from its social function of providing a place to live in security and dignity and hence undermines the realization of housing as a human right.”⁵

Given its emphasis on deregulation and profit-generation, financialization leads to a concentration of wealth and power that reinforces gender, socio-economic, and race-based inequities.⁶ Increased house prices and rental costs that result from financialization have a gendered effect because of women’s disadvantaged position in the workforce, their lower wages, and the greater care burdens they face.⁷ The financialization of housing thus leaves marginalized women and gender-diverse persons in a uniquely vulnerable position because of economic inequities they face – inequities deepened in financialized housing markets.

As articulated in the Women’s National Housing and Homelessness Network’s (WNHHN) [Human Rights Claim](#), Canada’s failure to regulate the financialization of housing is a failure of equality rights for women and gender-diverse people. The Claim states:

“Marginalized women and gender-diverse people disproportionately suffer the effects of financialized housing markets and the resultant loss of affordable housing. While

⁵ Farha et al., 2022.

⁶ *Ibid.*

⁷ Schwan, K., Vaccaro, M., Reid, L., & Ali, N. (2021). *Implementation of the Right to Housing for Women, Girls, and Gender Diverse People*. Prepared for the Canadian Human Rights Commission of Canada. Toronto, ON: Women’s National housing & Homelessness Network. https://womenshomelessness.ca/wp-content/uploads/EN_CHRC_13-1.pdf

every segment of the Canadian economy depends on our labour – paid and unpaid – we do not share in the profits of financialization, nor do we share in decision-making power about it. We disproportionately face unsustainable rent increases, evictions, renovictions, and demovictions – often alongside our children – only to enter overheated housing markets where we cannot afford any housing that is safe, accessible, or adequate. By deepening our poverty and narrowing our housing options, the financialization of housing creates the conditions for increased violence against us by landlords, property-managers, co-inhabitants, and partners.

At an ever-increasing pace, financial actors and real estate developers continue to dispossess Indigenous women, girls, and Two-Spirit people of their lands and homes, extracting profit while creating intergenerational poverty and homelessness. These actors are often aided by federal housing policies, rather than constrained by them. Further, the financialization of housing contributes to climate emergencies that inequitably impact us and destroy the planet for generations to come.”⁸

The financialization of housing exacerbates and expedites evictions, in many cases. [The Shift Directives – From Financialized to Human Rights-Based Housing](#) presents an apt analysis on this impact, noting: “Governments often compromise tenant protections to facilitate profit-making for owners of residential real estate, including by enacting legislation that allows rents to be raised without limits or with tenant turnover, and permitting the exploitation of legal provisions like no-cause or expedited eviction proceedings as a means of increasing rents.”⁹ This is well-documented across Canada. For example, the Advocacy Centre for Tenants Ontario (ACTO) recently released a report citing a major rise in no-fault eviction applications in Toronto, with an 84% increase in private landlords filing for ‘own use’ claims and a 294% increase in ‘renovictions’ since 2016.¹⁰

The victims of these increased evictions are often marginalized women and gender-diverse people, as well as their children. Perhaps most importantly, financialization squeezes affordability from the housing stock, making it very challenging for those who experience an eviction to find appropriate and affordable housing. Since evictions particularly impact those who are already vulnerable and have lower incomes, inability to find affordable housing can mean further destabilization of living conditions, exposure to violence, and ongoing housing

⁸ Women’s National Housing and Homelessness Network. (2022). *The Crisis Ends with Us: Request for a Review into the Systemic Denial of the Equal Right to Housing of Women and Gender-Diverse People in Canada*.

<https://womenshomelessness.ca/wp-content/uploads/WNHHN-Claim-15-June-2022.pdf>

⁹ Farha et al., 2022.

¹⁰ Advocacy Centre for Tenants Ontario. (2019). *We Can’t Wait: Preserving Our Affordable Rental Housing in Ontario*.

https://www.acto.ca/production/wp-content/uploads/2019/11/FINAL_Report_WeCantWait_Nov2019.pdf

precarity.

Importantly, evictions, and their long-term consequences are disproportionately felt by Indigenous women, girls, and 2SLGBTQIA+ peoples. Foundational to settler colonization has been the attempted removal and forced dispossession and dislocation of Indigenous Peoples from their lands, languages, and cultures. The legacy of this violence – as well as its ongoing manifestations – is known and felt by Indigenous Peoples in many forms, and eviction and housing loss is just one. The entirety of the colonial housing system is rooted in and benefits from the longstanding occupation of Indigenous territories. As outlined in the [*Homeless on Homelands Human Rights Claim*](#), authored by the National Indigenous Feminist Housing Working Group (NIFHWG), the “over-representation of Indigenous Peoples in cycles of poverty, homelessness and housing insecurity is not just a result of extractive commodification of housing, rather the very function of it.”¹¹ Despite this clear and present reality, which has long been demonstrated by Indigenous communities, there is little formal data on what the implications are of evictions for First Nations, Métis, and Inuit peoples. The *Homeless on Homelands Claim* further establishes the financialization and commodification of housing as central to the ongoing colonial project:

“Colonial conceptualizations of land, ownership and housing as commodities that are bought, sold and are subject to financial speculation disrupt the relationship of mutuality and reciprocity. It commodifies land and positions housing development as a tool of extracting wealth and profits. The current increased financialization of housing that we are experiencing in Canada deeply relies on disruption and elimination of Indigenous ways of knowing and living. Thus, any exercise of Indigenous housing rights in Canada must be informed by attempts of colonial governments to eliminate Indigenous ways of living and knowing.”¹²

The research presented in this Submission to the Review Panel reveals this to be an intersectionally gendered phenomenon that has significant human rights implications. Human rights accountability and oversight is sorely needed in order to redress the systemic harm currently occurring across the country.

¹¹ National Indigenous Feminist Housing Working Group. (2021). *Homeless on Homelands: Upholding Housing as a Human Right for Indigenous Women, Girls, Two-Spirit and Gender-Diverse People*. p. 10. <https://womenshomelessness.ca/wp-content/uploads/Indigenous-Housing-Claim-June-15-2022.pdf>.

¹² *Ibid*, p. 10.

Human Rights Standards and the *National Housing Strategy Act*

The newly adopted *National Housing Strategy Act* establishes housing as a human right in domestic legislation. This legislation is grounded in international human rights law, including the *International Covenant on Economic, Social and Cultural Rights*, which guarantees that the right to housing “will be exercised without discrimination of any kind” and guarantees the equal right of women and gender-diverse people to “the enjoyment of all economic, social and cultural rights.”¹³ This commitment to substantive equality is foundational to addressing the gendered housing crisis in Canada, including with respect to the role of corporate investment in housing inequality and homelessness.¹⁴

It is critical to understand that the right to housing under international human rights law has a distinctive meaning for women, girls, and gender-diverse persons. It must be interpreted and applied in light of their particular intersectional experiences of violence, oppression, marginalization, and exclusion. The commitment to the right to housing as affirmed in the *National Housing Strategy Act* includes the obligation to take all necessary measures to address structural and systemic inequalities that deny women, girls, and gender-diverse persons the full enjoyment of their right to housing. Both international and national law guarantee substantive equality, including in the area of housing, requiring governments to prevent both formal discrimination and substantive discrimination. This means that governments must not only remove policies and practices that are explicitly discriminatory, but they must also ensure *the equal enjoyment of rights* for women, girls, and gender-diverse people. This includes in the context of financialized housing markets, where corporate investment in housing continues to override the right to housing for those pushed to the margins of society.

“The right to housing must be recognized as a central component of women’s right to substantive equality, which requires that laws, policies and practices be altered so that they do not maintain, but rather alleviate, the systemic disadvantages that women experience.”

- UN Special Rapporteur on the Right to Adequate Housing

Some aspects of the right to housing are subject to “progressive realization,” requiring governments to use “all appropriate means” and the “maximum available resources” to realize the right to housing “in the shortest possible time.”¹⁵ The obligation to ensure that all policies and programs are consistent with both formal and substantive equality is an “immediate” obligation. This is particularly compounded by the dire consequences that rights holders face

¹³ UN General Assembly (1966). *International Covenant on Economic, Social and Cultural Rights*. <https://www.refworld.org/docid/3ae6b36c0.html>

¹⁴ Schwan et al., 2021.

¹⁵ A/HRC/31/54, para. 4.

when a denial of rights which could result in threats to life, safety, or health. While some of the systemic issues identified in this Submission may require some time to adequately address, others identify existing policies that discriminate by denying substantive equality within the Canadian housing system, including as a result of financialization. These issues must be corrected immediately.

The *National Housing Strategy Act* provides new procedures and mechanisms through which to hold Canadian governments accountable for the progressive realization of the right to housing, including with respect to addressing the deleterious effect of the financialization of housing on the human rights of women and gender-diverse people. It is in relation to this legislation, and international human rights standards, that this Submission identifies key human rights issues at the intersection of the financialization of housing, evictions, and gender.

Key Human Rights Issues

Issue 1: Evictions, Gender-Based Violence, and the Right to Life

The financialization of housing across Canada exacerbates the conditions under which Intimate Partner Violence results in eviction, housing precarity, increased exposure to violence, and cycles of marginalization for women and gender-diverse people. These experiences are linked to gendered security of tenure issues across the country, underpinned by policies and practices that contravene human rights standards.

A prominent factor that shapes women and gender-diverse people's¹⁶ experiences of evictions is vulnerability to gender-based violence (GBV) and intimate partner violence (IPV). [Intimate partner violence](#) (IPV), [often used synonymously with the term “domestic violence,”](#) refers to some form of violence or abusive behaviour by one person upon another individual in a past or current relationship. The term “intimate partner violence” acknowledges that abusive dynamics occur across the gender spectrum and regardless of marital status. This violence or abuse can manifest in many forms, including physical, verbal, emotional, economic, and sexual abuse. Research also demonstrates the [intersectional nature](#) of this issue, revealing that people who face multiple forms of marginalization are at increased risk for experiencing IPV and face additional barriers to obtaining help. For example, research shows that [Indigenous women](#) in Canada are at increased risk of experiencing IPV, as well as violence more generally. The cycle of abuse is extremely challenging to break without external support systems and interventions, as well as legislation which supports the rights of survivors.

Research indicates that experiencing IPV puts survivors at a higher risk of eviction, including due to the financial abuse that is often intertwined with physical and psychological abuse. In [The Hidden Homeless: Residential Tenancies Issues of Victims of Domestic Violence](#), Gander and Johansson note that “The biggest legal problem that victims of domestic violence appear to face in obtaining and maintaining rental accommodation is dealing with the financial

¹⁶ Research concerning pathways into evictions for gender-diverse people experiencing violence is extremely scarce. While we know that gender-diverse people also disproportionately experience violence due to their gender, studies surveyed lack inclusive and disaggregated data for this population.

obligations that have arisen with respect to the accommodation.”¹⁷ Key financial challenges include:

- Financial penalties or threats of legal action due to breaking a lease;
- Lack of access to funds, bank accounts, or credit cards in the survivor’s name or under their control;
- Securing the funds for first and last month’s rent, as well as security deposits, for new rental housing;
- Costs associated with moving (e.g., storage, moving of belongings); and
- Costs associated with setting up a new home (e.g., purchasing new furniture).

Importantly, it is often the survivor that the landlord pursues for overdue rent and damages, rather than the abuser. This means that the survivor may be left with such poor tenancy records and poor credit ratings that obtaining new rental accommodation is extremely difficult.¹⁸ Further, a review of the literature also indicates that when women lose their housing due to fleeing violence, they often suffer significant financial losses, including property, savings, and access to free or affordable services, supports, or transportation.¹⁹ These financial losses make it significantly more difficult to afford housing post-abuse. In a [2023 report](#) on market rental housing experiences of survivors of gender-based violence, respondents reported that, for up to 5 years after leaving an abusive relationship, they had trouble affording or paying their housing costs.²⁰

Studies show that when it comes to evictions, the law, legal processes, and housing policies are stacked against victims of violence and are often implicated in what can “quickly become a downward slide into homelessness.”²¹ For example, one study notes:

“The cascading and calamitous effect of the law often begins when someone complains to the landlord about noise emanating from an apartment. The landlord may then evict both the victim and the abuser for breaching the covenant that prohibits interfering with the rights of other tenants. Should the victim or someone concerned about the victim call the police, the landlord may take the mere presence of the police on the

¹⁷ Gander, L., & Johannson, R. (2014). *The Hidden Homeless: Residential Tenancies Issues of Victims of Domestic Violence*. The Centre for Public Legal Education Alberta and The University of Alberta. p. 5 <https://www.cplea.ca/wp-content/uploads/2015/01/FINAL-Report-The-Hidden-Homeless.2014Jun05.pdf>

¹⁸ Novac, S., Darden, J., Hulchanski, D., Seguin, A., & Bernèche, F. (2002). *Housing Discrimination in Canada: The State of Knowledge*. Canadian Housing and Mortgage Corporation (CMHC). http://www.hnc.utoronto.ca/pdfs/home/Novac_Discrimination-Lit-Re.pdf

¹⁹ Schwan et al., 2020.

²⁰ WomanACT. (2023). *Successful Tenancies: Exploring Survivors Experiences in the Private Rental Market in Toronto*. Toronto, ON: WomanACT. p. 5. <https://womanact.ca/wp-content/uploads/2023/03/WomanACT-Successful-Tenancies-Report.pdf>

²¹ Gander & Johannson, 2014. p. 6.

premises as grounds for terminating the lease. The prospect of being evicted may discourage a victim from reporting an incident, exposing her to the very real risk that the violence will escalate.”²²

A survey of studies on causes of evictions indicates that the law is more likely to keep women in violent situations or put them at risk of housing insecurity, rather than to create pathways towards safety. Even a simple noise complaint can lead to a landlord-forced eviction for both the victim and the abuser for “for breaching the covenant that prohibits interfering with the rights of other tenants.”²³ Landlord bias and zero-tolerance ordinances are widely quoted in research as being rationales for evictions served to women experiencing violence. A recent study, [Pandemic precarity and everyday disparity: gendered housing needs in North America](#), notes: “Due to zero-tolerance and other nuisance ordinances, along with landlord bias, many landlords will evict domestic violence survivors because of the perceived or real damage their abusers inflict in the apartments they rent or because they do not want to contend with disturbances.”²⁴

Even when a woman has not taken any action for herself or caused any “disruption” in her unit, just her experiencing violence can be grounds for eviction. In their [recent research](#), Buhler and Tang (2019) document many such narratives that paint a stark picture of women’s experiences of violence and eviction.²⁵ One participant details the reason she was threatened for eviction by her landlord was because other people in the building were afraid when they would hear her being beaten or stabbed. Her landlord also pursued her for unpaid rent, even though her partner would tell her that he had paid rent. In another instance, a participant detailed that she and her partner were evicted for “fighting.”²⁶ Importantly, research also shows that various efforts women take to protect themselves from violence can actually become the grounds for their own eviction. In one study, a woman's attempt to protect herself and change her locks after dealing with a break-in became grounds for her landlord applying for an eviction.²⁷ Such instances are examples of how particular policies and practices by landlords force women to choose between their safety and risking eviction.

In other alarming instances, landlords exploit women based on their gender and intersectional identities, in some cases threatening them with eviction. Studies detail landlords exploiting

²² *Ibid.*

²³ Gander & Johansson, 2014. p.6.

²⁴ Parker, B., & Leviten-Reid, C. (2022). Pandemic precarity and everyday disparity: gendered housing needs in North America. *Housing and Society*, 49(1), p.22

²⁵ Buhler, S., & Tang, R. (2020). Navigating power and claiming justice: tenant experiences at Saskatchewan's housing law tribunal. *Windsor Yearbook of Access to Justice*, 36, 210-230.

²⁶ *Ibid.*

²⁷ *Ibid.*

marginalized women and gender-diverse people's vulnerability to eviction by requesting sexual favors in exchange for not evicting them. For example, [a recent report](#) on discriminatory housing practices against Indigenous women in Vancouver found reported building staff who extort sex in exchange for maintenance services, as well as illegal entries into suites and evictions without cause.²⁸

For many women and gender-diverse people experiencing violence, the financialization of housing also limits their ability to escape abuse and find safety on their own terms because it removes affordable housing from the market. Research demonstrates that women will often remain in abusive situations for years because they cannot afford any other housing in their community, or available housing does not meet their children's needs (e.g., proximity to transportation, schools), and/or they fear for their children's safety in the care of their partner.²⁹ Mothers who do leave situations of IPV with their children often experience housing need and profound systemic challenges in accessing supports and regaining housing stability.³⁰

Gendered Security of Tenure Issues

Of particular concern regarding violence and eviction is that women and gender-diverse people's housing is often dependent upon relational and familial ties, putting their security of tenure in jeopardy in financialized housing markets. For example, the [Pan-Canadian Women's Housing & Homelessness Survey](#) indicates that amongst women and gender-diverse persons experiencing homelessness, their most recent housing loss was because of a breakup (47% reported this experience).³¹ This reason outpaced all affordability issues, concerns about safety, experiences of violence, loss of income or subsidies, or poor housing conditions (although these were frequently co-occurring). Importantly, almost half of this group (45.6%) also reported some form of violence in their current or most recent home, illustrating how violence undermines security of tenure for women and gender-diverse persons.

More broadly, women and gender-diverse people are less likely to have leases under their name when co-living with a partner, which makes them more vulnerable to eviction in the event of a relationship breakdown. A vivid example of this was illustrated in Collins et al.'s

²⁸ Martin, C. M. & Walia, H. (2019). *Red women rising: Indigenous women survivors in Vancouver's downtown eastside*. Vancouver, BC: Downtown Eastside's Women's Centre. <https://dewc.ca/resources/redwomenrising>

²⁹ Schwan et al., 2020; Schwan, K., Vaccaro, M., Reid, L., Ali, N., & Baig, K. (2021). *The Pan-Canadian Women's Housing & Homelessness Survey*. Toronto, ON: Canadian Observatory on Homelessness. <https://womenshomelessness.ca/wp-content/uploads/EN-Pan-Canadian-Womens-Housing-Homelessness-Survey-FINAL-28-Sept-2021.pdf>

³⁰ Vecchio, K. (2019). *Surviving abuse and building resilience – A study of Canada's systems of shelters and transition houses serving women and children affected by violence*. Report of the Standing Committee on the Status of Women. <https://www.ourcommons.ca/DocumentViewer/en/42-1/FEWO/report-15/>. See also Gulliver-Garcia, T. (2016). *Putting an end to child homelessness in Canada*. <http://www.raisingtheroof.org/wpcontent/uploads/2015/10/CFReport-Final.pdf>

³¹ Schwan et al., 2021.

(2018) study, which detailed the experiences of a 46-year-old Indigenous woman, ‘Eileen’, living with her partner in a Vancouver building for 2 years. Because she wasn’t on the lease, when her partner kicked her out, she was immediately removed and barred from the building.³²

Further, research also indicates that the actions of co-inhabitants are frequently the cause of housing loss (and pathways into homelessness) for women and their children, even within public housing.³³ A recent analysis of illegal act evictions within housing provided by the Toronto Community Housing Corporation – one of the largest housing providers in North America – found that “90% of people threatened with eviction for the actions of third parties are women,” indicating “women are far more likely than men to be evicted for actions that they did not personally commit.”³⁴ The report concluded: “Any policy targeting leaseholders and holding them culpable for the actions of others in their homes will by its very nature disproportionately impact women ... illegal act evictions have a devastating impact on women, punishing them harshly for actions that they have not committed.”³⁵

Such studies illuminate that security of tenure is a deeply gendered issue. A woman’s access to housing still depends in large part upon her relationship with a man, as well as whether that man engages in criminalized activities or violence against her, her children, or others. This dependence is part of broader patriarchal patterns that undermine women and gender-diverse people’s economic stability more broadly. For example, available research indicates that women experience a more dramatic decrease in income loss following divorce or separation (a 23% decrease, compared to 10% for men),³⁶ undermining their ability to access housing – especially in tight housing markets. While these may appear to be interpersonal issues, underpinning these outcomes are policies and public system failures that create, foster, and enforce women’s dependence on men for housing and income.

Relevant Human Rights Standards and Norms

Under international human rights law, women must be provided with protection from eviction from their homes due to violence: “In situations of household violence, legislation should ensure that, regardless of whether a woman has title, formal ownership, or tenancy rights, she is able to remain in her own home where appropriate and have the perpetrator removed. States should provide immediate access to emergency shelters and prompt access to front-line

³² *Ibid.*

³³ Smith, L. (2017). The Gendered Impact of Illegal Act Eviction Laws. *Harv. CR-CLL Rev.*, 52, p.537.

³⁴ *Ibid.*, p. 537, p. 556.

³⁵ *Ibid.*, p. 559.

³⁶ Galarneau, D. & Sturrock, J. (1997). *Family Income After Separation*. Statistics Canada.

https://www150.statcan.gc.ca/n1/en/pub/75-001-x/1997002/3073-eng.pdf?st=RQb_qFbs

crisis services. Long-term housing programmes, including those for the allocation of permanent public or social housing, should prioritize women and families escaping violence.”³⁷

Similarly, any application to evict women or women with children must be assessed in the context of its impact, including their experience of violence, disability, and health concerns, and their income status, and whether it places women at risk of homelessness.³⁸ The Committee on ESC Rights has established that evictions should only be carried out as “as a last resort.” The Committee further states “there must be a real opportunity for genuine prior consultation between the authorities and the persons concerned, there must be no less onerous alternative means or measures available and the persons concerned must not remain in or be exposed to a situation constituting a violation of other Covenant or human rights. In particular, evictions should not render individuals homeless.”³⁹

More broadly, the right to security of tenure and protection from forced evictions has a particular meaning for women and gender-diverse people, creating distinct obligations on governments. The [Guidelines on the Implementation of the Right to Housing](#) state that “The independent right of women to security of tenure, irrespective of their family or relationship status, should be recognized in national housing laws, policies and programs.”⁴⁰

³⁷ *Ibid*, para 53(c).

³⁸ CESCR. *Views adopted by the Committee under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, concerning communication No. 52/2018*, Rosario Gomez-Limon Pardo (E/C.12/67/D/52/2018 paras 9.5-9.7.

³⁹ CESCR, *Ben Djazia et al v Spain* (20 Jun 2017) E/C.12/61/D/5/2015, para 15.1-15.2.

⁴⁰ A/HRC/43/43 [Guidelines on the Implementation of the Right to Housing], para 53.

Issue 2: Financialization and Gender-Based Economic Marginalization

Due to the feminization of poverty, recovery from eviction is uniquely difficult for marginalized women and gender-diverse people in financialized housing markets that reduce affordable housing options. As a result, post-eviction consequences are particularly severe for this group, and can include homelessness, chronic housing precarity, health challenges, separation from children, and gender-based violence.

The financialization of housing, and its consequences for women and gender-diverse people, must be understood in the context of the feminization of poverty. The feminization of poverty has been well-documented in Canada,⁴¹ with data indicating women often survive on lower incomes, are overrepresented in minimum-wage and part-time jobs,⁴² assume disproportionate responsibilities for housework and childcare,⁴³ and their employment and income is more likely to be interrupted in the event of pregnancy and/or child rearing.⁴⁴ Income inequality is particularly evident for Indigenous and racialized women, with research indicating that racialized women in Canada earn only 55.6% of the income earned by non-racialized men.⁴⁵ These economic disparities have escalated during the COVID-19 pandemic, with evidence indicating that the pandemic has resulted in disproportionate job losses and evictions amongst low-income women, particularly Indigenous, Black, and racialized women.⁴⁶

Gendered economic inequality, in the context of overheated housing markets, means that many women and their children are forced to remain in situations of violence and/or inadequate housing just to keep a roof over their head.⁴⁷ If they do experience an eviction,

⁴¹ Fotheringham, Walsh, & Burrowes, 2014.

⁴² Canadian Women's Foundation. (2018). *Fact Sheet: Women and Poverty in Canada*. <https://canadianwomen.org/the-facts/womens-poverty/>. See also Moyser, M. & Burlock, A. (2018). *Time use: total work burden, unpaid work, and leisure*. Statistics Canada. <https://www150.statcan.gc.ca/n1/pub/89-503-x/2015001/article/54931-eng.htm>

⁴³ Burt, M. R. (2001). Homeless families, singles, and others: Findings from the 1996 national survey of homeless assistance providers and clients. *Housing Policy Debate*, 12(4), 737-780. See also Fotheringham et al., 2014, p. 834-853.

⁴⁴ Vecchio, 2019.

⁴⁵ Block, S., Galabuzi, G. E., & Tranjan, R. (2019). *Canada's Colour Coded Income Inequality (Report No. 978-1-77125-478-6)*. Canadian Centre for Policy Alternatives. <https://policyalternatives.ca/publications/reports/canadas-colour-coded-income-inequality>

⁴⁶ Centre for Equality Rights in Accommodation & National Right to Housing Network. (2021, Feb 18). *Addressing the Evictions and Arrears Crisis: Proposal for a Federal Government Residential Tenant Support Benefit*. <http://housingrights.ca/wp-content/uploads/CERANRHN-2021-Addressing-the-Evictions-and-Arrears-Crisis.pdf>

⁴⁷ Schwan et al., 2021.

marginalized women and gender-diverse people are least likely to be able to find housing that is affordable and meets their needs because of their low purchasing power. As Zell and McCullough (2020) articulate, many people facing eviction are vulnerable and high-need, so they require affordable housing - but this is the very housing that is often targeted for redevelopment in financialized housing markets, which increases their vulnerability to eviction and reduces their ability to compete in the housing market once evicted.⁴⁸ In this context, it is critical to note that while evictions in financialized housing markets affect all low-income groups, it is critical to understand that marginalized women and gender-diverse persons are more likely to be vulnerable to some of the most negative consequences of eviction due to their deeper forms of poverty and their greater care burden for children.⁴⁹ These consequences include violence, homelessness, and parent-child separation.

A key consequence of eviction for women and gender-diverse people is an increased vulnerability to exploitation and violence linked to the disproportionate poverty they experience. Insofar as the financialization of housing deepens poverty and narrows access to affordable housing for this group, marginalized women and gender-diverse people seeking housing are often exposed to harassment, violence, and exploitation that they might not have experienced otherwise. For example, the financialization of housing worsens the conditions wherein desperate women and gender-diverse persons are forced to rely on dangerous survival strategies to pay rent, or trade sex or labour for housing.⁵⁰ An illuminating indication of this is the scale of housing ads on websites like Craigslist that advertise “free rent” for sex acts and/or ongoing sexual relations (sometimes referred to as sex-for-rent arrangements).⁵¹ Craigslist and other similar platforms in most major Canadian cities display ads such as “Nice room available for Hot Young Female” or “Free Rent for Female Student,”⁵² often with specifications regarding appearance (e.g., weight and height) and the labour expected (including emotional labour, domestic labour, and the performance of a relationship (e.g., cuddling)).⁵³ While undoubtedly these types of exploitative arrangements pre-date the rise of financialized housing markets in Canada, it is the case that the financialization of housing has deepened gendered poverty and

⁴⁸ Zell, S., & McCullough, S. (May 2020). *Housing Research Report: Evictions and Eviction Prevention in Canada*. Ottawa, ON: Canada Mortgage and Housing Corporation.

https://eppdscrmssa01.blob.core.windows.net/cmhcprodcontainer/sf/project/archive/research_6/evictions-and-eviction-prevention-in-canada.pdf

⁴⁹ Schwan et al., 2020.

⁵⁰ Misra, S., Baig, K., Raza, S., August, M., Farha, L. (2021). *A Feminist Perspective on the Financialization of Housing*. Feminist Alliance for International Action. <https://www.youtube.com/watch?v=RGj5ks5IAf0>

⁵¹ Schwarz, B. & Neff, G. (2019). The gendered affordances of Craigslist “new-in-town girls wanted” ads. *New Media & Society*, 21(11-12), 2404-2421.

⁵² See Daflos, P., & Mangione, K. (29 April 2016). Shortage of affordable housing behind some sex-for-rent schemes. *CTV Vancouver*. <https://bc.ctvnews.ca/shortage-of-affordable-housing-behind-some-sex-for-rent-schemes-1.2881502>. See also Saltman, M. (29 April 2016). Men on Craigslist offering Vancouver women free rent in exchange for sex. *Toronto Sun*. <https://torontosun.com/2016/04/29/men-on-craigslist-offering-vancouver-women-free-rent-in-exchange-for-sex>

⁵³ *Ibid.*

tightened housing markets considerably, putting marginalized women in impossible situations in their efforts to access housing.

Exposure to evictions and their consequences are even more severe for multi-marginalized women and gender-diverse people as well, particularly given the deeper forms of poverty they experience. This is especially vivid for women and gender-diverse people with disabilities, with evidence from [The Pan-Canadian Survey](#) indicating a heightened risk of eviction for this group, alongside increased housing affordability problems. The Survey indicated that difficulties with finding a place because of affordability issues was significantly higher for women and gender-diverse people with mental health disabilities (73.0% vs. 40.3%), substance use problems (77.0% vs. 49.8%), cognitive/intellectual disabilities (77.7% vs. 55.2%), and physical disabilities (65.0% vs. 53.0%) compared to those who are homeless but not disabled. This means that when women and gender-diverse people experience evictions, they are much less likely to be able to find affordable housing in tight housing markets and more likely to fall into homelessness. Once homeless, women and gender-diverse persons face a profound lack of emergency shelters and services as well. A DAWN Canada study reports that only 75% of homeless shelters have a wheelchair accessible entrance, 66% provide wheelchair accessible rooms and bathrooms, 17% provide sign language, and 5% offer braille reading materials.⁵⁴

It should be noted that these evictions are occurring in a national context wherein federal investments in housing through the [National Housing Strategy](#) are often not reaching the most marginalized and vulnerable women and gender-diverse people. This has been documented in a number of studies and reports, including a report for the Office of the Federal Housing Advocate.⁵⁵ For example, a recent report commissioned by the National Housing Council concluded, “very few (4%) of new units produced by the Rental Construction Financing Initiative could lift lone-parent families out of CHN [core housing need], a group that is disproportionately in need of affordable housing.”⁵⁶ The same report indicated that the RCFI – which represents 40% of NHS funding – will likely produce no units for single moms who are homeless with their children.⁵⁷ In effect, the NHS is largely failing to mitigate the reduction of deeply affordable housing caused by financialization, and low-income women, gender-diverse people, and their children are paying the price.

These patterns are especially concerning given evidence that the financialization of housing has changed the landscape of evictions across Canada over the last 15 years, including through the

⁵⁴ Alimi, Singh, & Brayton, 2018.

⁵⁵ Schwan et al., 2021.

⁵⁶ Blueprint ADE & the Wellesley Institute, 2022.

⁵⁷ *Ibid.*

rise of renovictions, demovictions, conversions, and own-use evictions - factors that are occurring at the *landlord and structural* level.⁵⁸ As Zell and McCullough (2020) articulate:

“Findings from these multiple lines of inquiry suggest that across Canada, the drivers, types, frequency and scale of evictions have changed over the past 15 years, with a marked rise in development-related evictions in the context of tight housing markets and a lack of affordable housing.”⁵⁹

In a recent CMHC report, Julia Markovich and colleagues argue that while the conventional wisdom is that tenant factors are the primary drivers of evictions, the changing housing landscape in Canada means that it is actually these landlord and structural factors that are responsible for shifts in patterns of eviction. Unfortunately, current eviction prevention programs are generally not designed for this new landscape; measures currently correspond to evictions driven by tenant factors, not by landlord or structural factors. Markovich and colleagues conclude that in this new landscape, ***what is critical to eviction prevention is substantial increases in supply of affordable housing on the market.***⁶⁰ These findings emphasize the significance of the National Housing Strategy’s failure to provide deeply affordable housing that meets the unique needs of low-income and marginalized women and gender-diverse people in financialized housing markets – markets which are escalating particular forms of eviction that these groups are vulnerable to.

Relevant Human Rights Standards and Norms

As noted by the Special Rapporteur on the Right to Adequate Housing, “Women’s equal right to housing must be ensured in all aspects of housing strategies.”⁶¹ In so doing, the Rapporteur specifically indicates that housing strategies must address “The close association between laws and government policies that position housing as a commodity, and the unaffordability of housing for those in the lowest income brackets, leading to growing homelessness and displacement and increased concentration of wealth.”⁶² The Government of Canada’s failure to provide a sufficient stock of adequate, affordable housing that is financially accessible to low-income households led by women and gender-diverse persons violates this obligation, as well as a number of other obligations under international human rights law. This includes

⁵⁸ Markovich, J., Zell, S., & McCullough. (March 2021). *Evictions: New Typologies and Analysis for the Canadian Landscape*. Ottawa, ON: Canada Mortgage and Housing Corporation. <https://www.cmhc-schl.gc.ca/en/professionals/housing-markets-data-and-research/housing-research/research-reports/housing-needs/research-insight-evictions-new-typologies-analysis-canada>

⁵⁹ Zell & McCullough, 2020. p. iii.

⁶⁰ *Ibid.*

⁶¹ Report of the UN Special Rapporteur on Adequate Housing, A/HRC/37/53 [[Rights Based Housing Strategies], para 37.

⁶² *Ibid.*, para 33.

obligations under article 11 of the ICESCR to ensure an adequate standard of living (including adequate housing), and under article 10 to accord the widest possible protection and assistance to the family, particularly for its establishment and while it is responsible for the care and education of dependent children. It is also contrary to the obligation under the Convention on the Rights of the Child (article 27), which requires states to assist parents and others responsible for the child to implement the right to a standard of living adequate for the child's physical, mental, spiritual, moral, and social development, and in case of need, to provide material assistance and support programmes, particularly with regard to nutrition, clothing, and housing.

Similarly, The Committee on the Elimination on All Forms of Discrimination Against Women (CEDAW) has noted the disproportionate effect of inadequate housing and poverty on women, particularly Indigenous women. At its most recent review of Canada, the CEDAW Committee recommended that Canada:

- “Ensure that the national poverty reduction strategy and the national housing strategy protect the rights of all women, with a focus on the most disadvantaged and vulnerable groups, by integrating a human rights-based and gender-based approach;
- Increase the amounts of transfer payments to provinces and territories, earmark sufficient funds specifically for social assistance and make transfer payments to provinces and territories conditional on their setting their social assistance rates at levels that are sufficient to ensure an adequate standard of living and to prevent the discriminatory effects of inadequate incomes for women; and
- Provide “affordable and adequate housing options, including in Indigenous communities, with priority being given to low-income women.”⁶³

⁶³ Committee on the Elimination of All Forms of Discrimination Against Women, Concluding Observations: Canada (2016) CEDAW/C/CAN/CO/8-9, para 47.

Issue 3: Gender-Based Barriers to Access to Justice

While the financialization of housing expedites and increases the eviction of marginalized women and gender-diverse people, access to justice remains particularly elusive for those in this group who experience informal and illegal evictions, or face barriers to engaging in Landlord Tenant Board processes. There are few (if any) gender-sensitive models and programs for evictions prevention for women and gender-diverse people, despite the gendered security of tenure issues they face and the disproportionate harm they suffer upon eviction.

Research indicates that while eviction is a key pathway into homelessness amongst women and gender-diverse people in Canada, few are able to access legal supports, advice, or representation that would assist them to prevent eviction, navigate the process, or seek redress for illegal acts by landlords and others.⁶⁴ [The Pan-Canadian Survey on Women's Housing Need & Homelessness](#) found that almost a third of women and gender-diverse people experiencing homelessness (27.9%) were unable to access the legal help they needed to address challenges in their previous housing situation.⁶⁵ Importantly, young women and gender diverse people (age 13 to 24) reported significant challenges to accessing legal supports – more than any other age group. Across the sample, 52.2% of this group reported not being able to access legal advice or help when they needed it. Analysis also indicated significant correlations between involvement with public systems like child welfare and the criminal justice system. The survey found, for example, there was a significant statistical relationship between histories of child welfare involvement and being evicted.⁶⁶

These gaps in legal supports are particularly concerning given the illegal treatment marginalized women and gender-diverse people report experiencing from landlords and property managers. In the Pan-Canadian Survey, a remarkable 80% of women and gender-diverse people that became homeless reported experiencing at least one form of discrimination from a landlord or property manager.⁶⁷ Most participants reported experiencing multiple forms of discrimination, with almost half of participants reporting experiences of three or more (44.4%). Importantly,

⁶⁴ Schwan et al., 2021.

⁶⁵ Schwan et al., 2021.

⁶⁶ Schwan et al., 2021.

⁶⁷ Schwan et al., 2021, p. 48.

15.8% reported they were forced to move out of their most recent place because of discrimination or harassment from their landlord or property manager.⁶⁸ Despite this, there remain limited pathways to access to justice in the event of landlord discrimination. Effective remedies for discrimination from private landlords and property managers relies on provincial, territorial, and federal human rights legislation.⁶⁹ However, these mechanisms in Canada are weak. As identified in a [recent Canadian submission](#) to the UN Special Rapporteur on the Right to Adequate Housing:

“Rights claimants in the area of housing have little access to representation and assistance, and courts and tribunals have usually resisted the application of substantive equality to systemic housing and homelessness issues ... Surveys have revealed widespread discrimination on prohibited grounds in housing, yet housing cases make up a small fraction of the cases before human rights tribunals across Canada.”⁷⁰

Access to justice is further stymied by provincial/territorial policies in Residential Tenancies Acts (RTAs) which provide limited protection for the human rights of women, gender-diverse people, and children, or that undermine their human rights (e.g., right to life, right to freedom from violence). For example, Gander and Johansson’s review of residential tenancy issues for survivors of IPV in Alberta found that “the RTA does not provide a victim of domestic violence with any protection from being evicted even if the abuser was on the premises against her wishes or unlawfully.”⁷¹ They go on to explain: “In the case of an incident of domestic violence, the most likely grounds for terminating the tenancy is that the tenant has interfered with the other tenants’ rights to peaceful enjoyment, has caused significant damage to the property, has put other people in danger, or has performed an illegal activity. As the RTA provides that it is the tenancy that is terminated upon substantial breach, this means that *all of the tenants* under the residential tenancy agreement are evicted.”⁷² This means that women and gender-diverse survivors of violence can be evicted because of the violence they endure, despite being the victim rather than the perpetrator. It also means that *even if* survivors of IPV are able to access legal representation when they experience an eviction that is contrary to their human rights,

⁶⁸ Schwan et al., 2021, p. 48.

⁶⁹ Centre for Equality Rights in Accommodation (CERA), National Right to Housing Network (NRHN), & Social Rights Advocacy Centre (SRAC). (May 2021). *Submission to UN Special Rapporteur on the Right to Adequate Housing - Housing Discrimination & Spatial Segregation in Canada*. <https://www.ohchr.org/Documents/Issues/Housing/SubmissionsCFIhousingdiscrimin/CERA-NRHN-SRAC.pdf>

⁷⁰ CERA, NRHN, & SRAC, 2021, p. 7.

⁷¹ Gander, L., & Johansson, R. (June 2014). *The Hidden Homeless: Residential Tenancies Issues of Victims of Domestic Violence*. Alberta: Centre for Public Legal Education Alberta. p. 26. <https://www.cplea.ca/wp-content/uploads/2015/01/FINAL-Report-The-Hidden-Homeless.2014Jun05.pdf>

⁷² Gander & Johansson, 2014. p. 26.

RTA policies are often not in their favour and may work against them, limiting the legal arguments and interventions available to their lawyer.

Trans, non-binary, and gender-diverse people experience unique and severe challenges with respect to landlord discrimination and harassment, and face some of the greatest barriers in accessing legal support and access to justice. In a [2020 report on poverty reduction for transgender communities](#), Aaron Devor Knowledge Services found that transgender and racialized people faced discriminatory treatment and pre-judgement from landlords that lead them to be unjustly characterized as “bad risk” renters.⁷³ In an environment in which landlords hold disproportionate power, compounded by low vacancy rates and high rental prices, transgender tenants may be “blacklisted” if landlords become aware that they have complained or sought interventions at the Human Rights Tribunal. They explain:

“Living in a small community, talking to the Human Rights Tribunal could be a social death sentence: even when real, undeniable discrimination is happening. If you take any kind of legal action, there is a fear you will be permanently ostracized. Finding housing is made harder, not easier... making it harder to find housing, employment, or friendship.”⁷⁴

Further, bringing formal complaints forward may be “expensive, slow, [and] unenforceable,” creating significant disincentives for trans, non-binary, and gender-diverse people to seek justice if they experience discrimination, harassment, or other illegal acts from landlords.⁷⁵

More broadly, research on eviction proceedings at Residential Tenancy Boards/Tribunals across the country suggest a number of common issues experienced by marginalized and low-income tenants, including women and gender-diverse people. Studies on tenants experiences of the Landlord Tenant Board in Saskatchewan,⁷⁶ for example found:

- Some tenants tried to engage in negotiations, but in most case found it futile or “not an option.” Tenants reported not being listened to and being disrespected.
- Many tenants were unaware that legal representation was an option, or that there were legal services that may be able to assist them.

⁷³ Aaron Devor Knowledge Services. (February 2020). *Poverty Reduction in Trans, Non-binary & Two-Spirit Communities: A Summary Report for the British Columbia Ministry of Social Development and Poverty Reduction*. Vancouver: Province of British Columbia. <https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/initiatives-plans-strategies/poverty-reduction-strategy/2020-trans-plus-report.pdf>

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ Buhler & Tang, 2019.

- Tenants reporting a bias towards landlords by the Hearing Officers. Some reported that this bias seemed to be rooted in a pre-existing relationship between the officer and the landlord.
- Some tenants stated that Officers tended to believe landlords more than them “due to the social and financial capital that accompanies property ownership, or simply due to racism.”⁷⁷
- Landlords were successful in all cases (though in some cases the tenants had already agreed to vacate).

Many similar challenges are reported across Canada. A [recent CMHC report on eviction prevention](#) in Canada identified a number recommendations and gaps regarding Residential Tenancy Boards/Tribunals, including the need for more outreach and education with tenants, pro-bono lawyers to address tenant/landlord power imbalances at tribunals, and the need to be more approachable and accessible to tenants.⁷⁸ Similarly, a 2006 report prepared for Human Resources and Social Development Canada on eviction and homelessness highlighted the need for national standards for Residential Tenancy Legislation. In particular, with regard to necessary changes to the Residential Tenancies system, the report notes that, “lack of information, stringent timelines, legal jargon and court fees precluded vulnerable households from realizing their rights through existing judicial frameworks.”⁷⁹ The development of national standards is a key component to federal involvement on this issue, which is otherwise more typically understood to fall under provincial or territorial jurisdiction. Further research is being pursued by partners on the Canadian Centre for Human Rights that is deeply relevant to this recommendation on National Standards for evictions.

Importantly, the consequences are severe when women and gender-diverse people are unable to access legal supports in response to an eviction. Many participants in the Pan-Canadian Survey reported losing their housing or being stuck in unsafe or violent situations because of access to justice issues. The following consequences to lack of legal supports were articulated by women and gender-diverse people who went on to experience homelessness after evictions:

- “I lost my place because I didn't have a lawyer to help me with my eviction situation so I didn't know what to do”.
- “I went to see a lawyer for help when my son was 18 months old. And she told me that I was a terrible mother for doing that, and that I was trying to poison my son against his

⁷⁷ *Ibid*, p. 224.

⁷⁸ Zell & McCullough, 2020.

⁷⁹ Acacia Consulting & Research. (2006). Policy Discussion Paper on Eviction and Homelessness: Stakeholder Perspectives on a Role for Human Resources & Social Development Canada. Ottawa, ON: Acacia Consulting & Research. p. 9. https://homelesshub.ca/sites/default/files/attachments/policy_discussion_paper_on_eviction_and_homlessness.pdf

father. I had no one to babysit and no help and could not control the appointment time. I left feeling humiliated and dejected and shamed and was not able to escape for another ten years after that.”

- “I just stayed thru abuse”.
- “I attempted to dispute my housing Eviction, but was denied by RTO a meeting because of a technical mistake on the deadline made by the system. Was refused a dispute.no such system helped me. I was evicted Dec 30 2019 with no notice. was given 10 minutes to leave with nowhere to go. 3 children. I reached out to an advocate which places me where I am now.”
- “I had a place to stay then had surgery, I was in the hospital for a while and because of that odsp cut me off for any funds saying I wasn't staying at my place of residence meanwhile I was in the hospital for 2 months, on life support for 1 week of in the ICU then the rest was recovery time in hospital.”

The Need for Gender-Sensitive Approaches to Eviction Prevention

While there is growing evidence based on eviction prevention work, there remains limited knowledge on how best to prevent evictions for women and gender-diverse people and their dependents. The unique causes and consequences of evictions for women highlight the need for targeted policies and interventions, but existing programs largely fail to employ a gender-specific approach. There are few (if any) gender-sensitive models and programs for eviction prevention for women and gender-diverse people, despite the gendered security of tenure issues they face and the disproportionate harm they suffer upon eviction.

Amongst interventions found to prevent evictions, there is a growing evidence base on the efficacy of legal supports and representation for low-income and marginalized tenants. This may be a particularly promising avenue for improving security of tenure for women and gender-diverse people, as well as their children. Legal supports can include provision of legal information and advice, representation for tenants at tribunal hearings, as well as support for tenants in the case of civil suits or other legal challenges resulting from their tenancy.⁸⁰ In some jurisdictions, tenants can access free legal support, advice, and representation through legal aid or Community Legal Clinics. There may also be Tenant Duty Counsel in courts, landlord and tenant boards, or other administrative tribunals, which are composed of “lawyers and community legal workers who can give basic advice, help work out settlements with landlords,

⁸⁰ Gaetz, S., & DeJ, E. (2017). *A new direction: A framework for homelessness prevention*. Toronto: Canadian Observatory on Homelessness Press.

review and fill out some forms and documents, and help tenants at hearings, especially related to eviction.”⁸¹ Regrettably, there are no studies to date on how legal supports and services can best prevent evictions for women and gender-diverse people and their dependents.

Relevant Human Rights Standards and Norms

Access to justice is central to the right to housing. As articulated by the Special Rapporteur on Adequate Housing in her report on the right to life and the right to housing, “The right to adequate housing is too frequently disconnected from the human rights values which form its core, and is treated more as a socioeconomic policy aspiration than as a fundamental right which demands effective, rights-based responses and timely access to justice.”⁸² Women, girls, and gender-diverse people must be able to claim their right to housing in Canada, and must have access to justice for States to fulfill their obligations under international human rights law.

Given that evictions - both informal and formal - are resulting in homelessness across Canada, it is critical that they are understood as an urgent human rights matter. The right to adequate housing includes the right to be protected from any forced eviction (regardless of legal title or tenure status).⁸³ Evictions that are carried out without due process and without regards to human rights are considered to be a gross violation of human rights and a violation of the right to housing. Evictions based on someone being behind in paying their rent should not happen without first exploring fully any means to resolve these arrears. In addition, under human rights law, relocation to a more affordable, adequate housing unit must be considered as an alternative to eviction, and **eviction must not result in homelessness**.⁸⁴ Importantly, homelessness constitutes a *prima facie* violation of the right to housing. It is a profound assault on a person’s dignity, security, and social inclusion. Homelessness violates not only the right to housing, but often violates a number of other human rights, including: non-discrimination; health; water and sanitation; and the rights to life, liberty, and security of the person.⁸⁵

More broadly, the right to housing includes protection from “deliberately retrogressive measures” by the State that constitute any backward motion in relation to the enjoyment of the right to housing, “either empirically, as may be demonstrated by indicators of homelessness

⁸¹ CLEO. (2016). [What tenants need to know about the law](#). Toronto, ON: City of Toronto.

⁸² Report of the Special Rapporteur on the Adequate Housing A/71/310, para 5.

⁸³ Office of the High Commissioner on Human Rights (1991). CESCR - General Comment 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant). <https://www.refworld.org/pdfid/47a7079a1.pdf>

⁸⁴ Office of the High Commissioner on Human Rights (1997). CESCR - *General Comment 7: The right to adequate housing (art. 11.1 of the Covenant): forced evictions*. <https://www.escr-net.org/resources/general-comment-7>

⁸⁵ A/HRC/31/54; A/HRC/40/61, para 43.

or core housing need, or through the removal or weakening of legislative or programmatic protections, such as by weakening protections of security of tenure or rent affordability.”⁸⁶

The right to protection from forced eviction and from deliberately retrogressive measures are both threatened by the access to justice issues described above, as well as the actions of corporate landlords whose eviction practices are resulting in homelessness. Given this, Canadian governments must act to immediately pursue deliberate, concrete, and targeted efforts to prevent and end eviction into homelessness.

⁸⁶ Porter, B. (2021). *Implementing the Right to Adequate Housing Under the National Housing Strategy Act: The International Human Rights Framework*. Social Rights Advocacy Centre. p. 53. <https://www.socialrights.ca/2021/Porter%20-%20NHSA%20&%20IHRL.pdf>

Issue 4: Gaps in Data, Monitoring, and Accountability

In the context of the financialization of housing, the lack of data on evictions across Canada creates the systemic conditions for mass right to housing rights violations, including along lines of gender. The severity of data gaps on eviction, and the paucity of monitoring mechanisms nationally, means that financial actors capitalizing on housing markets can systemically violate the right to housing for women and gender-diverse people with relative impunity.

Across Canada, one of the greatest challenges to preventing and addressing violations of the right to housing in the context of financialization is the lack of data – particularly when it comes to evictions. Zell and McCullough (2020) describe these data gaps in relation to financialization well:

“The lack of information on evictions is related both to a lack of data (especially longitudinal) as well as to methodological challenges. In Canada, comprehensive government-collected data specifically on evictions are limited, and many agencies and organizations working in the housing sector have limited capacity to collect data on evictions or conduct rigorous evaluation of their programming and its outcomes. Where data are collected within organizations providing housing stabilization services or eviction prevention programming, they will typically only cover the causes and measures associated with that service. That is, because many programs directed to people facing eviction often focus on arrears and conflicts with landlords, any data they collect or evaluations they undertake will reflect these reasons as prominent. ***Emerging challenges related to the financialization of housing will not necessarily be captured by data at a program or organizational level.*** Data collected by residential tenancy boards or tribunals will record applications for various ‘no-fault’ evictions. For example, a few recent studies have examined Landlord and Tenant Board (LTB) data on private landlord applications for evictions in Ontario. The Advocacy Centre for Tenants Ontario found that since 2015 there has been a dramatic increase in landlords applications to reclaim properties for their own personal use (of 85%) and for “renovictions” (a 294% jump). However, there is no comprehensive or ongoing monitoring or analysis of such data. As one recent media piece stated: ‘No one counts how many Ontarians are served evictions annually, or what effect it has on the housing market.’”⁸⁷

⁸⁷ Zell & McCullough, 2020, p. 105.

These gaps in data are gendered as well – there remains limited gender-segregated data or analysis on evictions regionally and nationally, and even less data is available that demonstrates intersectionality in a meaningful way. Even recent equity-focused analyses have failed to explore gender.⁸⁸ This lack of data impacts the ability of governments and service providers to adequately and appropriately respond to the problem, let alone proactively prevent it.⁸⁹ It also obscures the scale of the problem of evictions across the country.⁹⁰

We know that the consequences of evictions do not fall evenly – there is a strong intersectional link that shapes experiences of housing loss in Canada, tied to legacies of colonization, racism, able/sanism, and homo- and transphobia. However, formal data is needed to demonstrate upon which communities the burden of evictions disproportionately lands in financialized housing markets. For example, data from the United States indicates that Black single mothers and their children disproportionately experienced evictions during the COVID-19 pandemic compared to other demographic groups.⁹¹ Unfortunately no such research has been conducted in Canada. As a result, policymakers and social services providers alike are unprepared to address the unique needs (or scale) of women and women-led families who find themselves evicted in the midst of rapidly financializing housing markets.

Eviction researchers face difficulties in putting together data on what landlord/tenant encounters and dynamics are like for marginalized renters. It is especially challenging to collect information regarding tenant wins and losses in landlord tenant board tribunals and proceedings. In response to this, the Federation of Metro Tenants Associations (FMTA) began [tracking illegal evictions in Toronto in 2021](#), asking tenants to fill out an Eviction Tracker survey.⁹² As FMTA indicated at the time the Tracker launched, data surrounding illegal evictions had not previously been recorded.

Having access to this kind of tenant-provided data is essential to understanding how people living in rental housing are experiencing and acting against forced and fraudulent removal from their homes. Existing data is often anchored around formal evictions, because informal evictions take place outside the purview of services and systems where data collection is more likely to occur. This means that, much like experiences of hidden homelessness, data largely fails to capture the scope and scale of evictions faced by women and gender-diverse people –

⁸⁸ Leon, S., & Iveniuk, J. (2020). *Forced out: Evictions, race, and poverty in Toronto*. Wellesley Institute.

⁸⁹ Zell & McCullough, 2020.

⁹⁰ *Ibid.*

⁹¹ Ockerman, E. (24 July 2020). "The Eviction Crisis is already Here and it's Crushing Black Moms." Vice News. https://www.vice.com/en_us/article/7kpega/the-eviction-crisis-is-already-here-and-its-crushing-black-moms

⁹² See <https://eastYorktenantsgroup.com/2021/07/03/fmta-report-your-landlord-fill-out-our-eviction-tracker/>

who are much more likely to experience hidden homelessness and regularly experience informal evictions, including due to abuse and relationship breakdowns.⁹³ Further, because informal evictions are often invisible to our current data collection methods, services set up to help people with evictions may be based on an understanding of evictions that does not reflect the reality of eviction for women and gender-diverse people, and thus may be less effective.⁹⁴

Studies have emphasized that data gaps on both formal and informal evictions are a barrier to more effective prevention and support measures, especially for more vulnerable tenants.⁹⁵ When those informal and hidden housing arrangements break down, the formal system is under-equipped to offer resources and supports. This is further complicated when eviction prevention services pose barriers to those who most need to access them. A 2006 report prepared for Human Resources and Social Development on eviction and homelessness poignantly outlined that, “...those most at risk of homelessness do not generally access eviction prevention services. As a result, eviction prevention programs either offer solutions at less-than-optimal points of intervention, or are not used by those most at risk of homelessness.”⁹⁶

A promising example of an intervention that leveraged data and screening to prevent evictions was [HomeBase Prevention](#) in New York City. Working with HomeBase Prevention, Shinn and colleagues (2013) [developed and tested an effective screening tool](#) to identify and support households facing eviction – a majority of which were headed by single mothers. Their results demonstrated that the most effective outcomes were eviction prevention interventions for households that were in the highest risk category, emphasizing the importance of targeting those in greatest need - which tended to be women and their children. Such findings point to the relevance of data and monitoring to improving eviction prevention for marginalized women and gender-diverse people.

Relevant Human Rights Standards and Norms

The Committee on ESC Rights has made it clear that the obligation of progressive realization is not just an obligation to “make progress.” It is not good enough to simply adopt a strategy to improve housing outcomes or to reduce homelessness without clear goals or timelines for the elimination of homelessness and the realization of the right to housing based on the rigorous standard established in article 2(1) of the ICESCR. Progressive realization of the right to housing requires the Government of Canada to adopt a strategy that “sets out the responsibilities and timeframe for the implementation of the necessary measures.” It must “reflect extensive

⁹³ Schwan et al., 2022.

⁹⁴ Zell & McCullough, 2020.

⁹⁵ Markovich, Zell & McCullough, 2020.

⁹⁶ Acacia Consulting & Research, 2006.

genuine consultation with, and participation by, all of those affected, including the homeless, the inadequately housed and their representatives ... ensure coordination between ministries and regional and local authorities ... and provide for external monitoring.”⁹⁷

In the absence of robust data and monitoring mechanisms, it is extremely difficult to determine whether progress towards the realization of the right to housing is being made for marginalized women and gender-diverse people, including in relation to evictions and the effects of the financialization of housing.

⁹⁷ CESCR, General Comment No. 4, para 12.

Request for Review by the Review Panel

With respect to the Review Panel on Corporate Investment in Housing, we request that the review identify and investigate government practices, policies, and laws that enable the financialization of housing at the cost of women, girls, and gender-diverse people's human rights. We request that this review:

- Explore the intersectional and gendered impacts of the financialization on low-income and marginalized women, girls, and gender-diverse people, including the displacement and eviction of low-income households from their communities.
- Identify emerging intersections between the financialization of housing and gender-based violence and exploitation, seeking to identify ways in which the financialization of housing fosters or exacerbates this violence, including at junctures of eviction.
- Investigate how the financialization of housing dispossesses Indigenous women, girls, Two-Spirit, and gender-diverse people of their land and erodes their self-determination.
- Assess the impact of the financialization on children's right to housing, including children's ability to remain with their parent(s) and caregiver(s).
- Investigate promising and/or successful policy and regulatory measures to curb the financialization of housing that align with the federal government's human rights obligations, including with respect to taxation and the regulation of private market housing systems and actors.

During their Review, we particularly encourage the Review Panel to consider the recommendations outlined in the following reports:

- (1) [*Implementation of the Right to Housing for Women, Girls, and Gender-Diverse People in Canada*](#);
- (2) [*The Crisis Ends with Us: Request for a Review into the Systemic Denial of the Equal Right to Housing of Women and Gender-Diverse People in Canada*](#);
- (3) [*Homeless on Homelands: Upholding Housing as a Human Right for Indigenous Women, Girls, Two-Spirit, and Gender-diverse People*](#); and
- (4) [*Implementing the Right to Housing in Canada: Expanding the National Housing Strategy*](#).