

HOUSING IS A HUMAN RIGHT

The Office of the Federal Housing Advocate's
2021-2022 Annual Report to the Minister





Canadian Human Rights Commission

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Driving change: The Federal Housing Advocate's message

Canada is facing a housing crisis that is growing worse by the day.

It has reached such a tipping point that housing affordability, evictions, and housing inequality dominated the national conversation last year.

The pandemic has exacerbated an already dire situation. As people's livelihoods were put at risk, many are now facing eviction or foreclosure as a result. Meanwhile, the economic crisis caused by the pandemic saw large investors accelerate the purchase of real estate for profit, driving up housing and rental prices and further threatening affordability for those most in need.

Experts are now calling homelessness in Canada the new epidemic. Housing programs and support services for people experiencing homelessness are stretched to a breaking point. The risk of contracting COVID-19 in a shelter has made it extremely difficult for people experiencing homelessness — many have resorted to finding shelter elsewhere, including in encampments.

Housing is a human right — it is more than an aspiration, it is an obligation. The human right to housing is an obligation defined in the international treaties Canada has signed and ratified. With the National Housing Strategy Act, the human right to housing is now enshrined in Canadian law.



Marie-Josée Houle
Federal Housing Advocate
Canadian Human Rights Commission

Clearly, this human right has not yet been realized for many people in Canada today. There are 1.7 million people in Canada living in homes that are inadequate or unaffordable, and 235,000 people face homelessness each year.

We know that housing is more than just four walls and roof. It is essential for living with dignity. It provides peace and security. The right to housing is connected to countless other fundamental human rights. Housing is inextricably tied to health and social outcomes. We saw these links to health and home so clearly during the COVID-19 pandemic.

I became the Federal Housing Advocate in February of 2022. I come to the job as a person who has experienced poverty, displacement, geographic marginalization and housing precarity. I also bring varied professional experience in the community housing sector, as well as experience advocating for tenant rights and pushing all levels of government to create a more equitable housing system.

I want to make it clear that my role is as an independent, nonpartisan watchdog. It is part of my job description to hold government to account on its human rights obligations related to housing and homelessness. This is why my Office and team are based at the Canadian Human Rights Commission.

As I embark on my role as the Federal Housing Advocate, it is an opportunity to address the longstanding systemic issues that result in people in Canada being denied adequate housing and their human rights every day.

Undertaking this mandate is an opportunity to take action on inadequate housing and homelessness for the people who need it most. It is a chance to amplify marginalized voices. It is a chance to shine a spotlight on the systemic issues that are affecting people across the country.

And it is an opportunity to ensure that Canada makes progress on solving on these problems, with concerted resources and action on housing and homelessness at all levels. All levels of government have a role to play to ease the housing crisis, and the federal government has a responsibility to lead the way. I see an opportunity to improve the National Housing Strategy so that it better meets the needs of people in Canada, and so that it upholds Canada's human rights obligations.

I am here to learn, here to listen, and here to work together with partners across all sectors. I am here to push for meaningful solutions to urgent problems.

I know that we have a complex and daunting challenge ahead. I am optimistic that together, we will make progress towards a Canada where everyone has a home where they can live their lives in safety, peace and dignity.



A new era: Adequate housing for all in Canada

A brief history of housing as a human right in Canada

The right to adequate housing is a human right for everyone in Canada.

The human right to adequate housing means that all people are equally entitled to live in dignity in a safe and secure home. Everyone should be able to access housing that meets their needs without discrimination or harassment.

Having an affordable, suitable and safe place to live helps people and families succeed and thrive.

Housing as a human right is an important precondition for several other human rights, including the rights to life, work, health, social security, vote, and education.

The human right to adequate housing is not a new concept. It is a fundamental human right that is recognized under international law, as early as the 1948 Universal Declaration of Human Rights. Canada committed to the progressive realization of the right to housing and an adequate standard of living in 1976 when its signature on the International Covenant on Economic, Social and Cultural Rights came into force.



Canada's commitment to the human right to adequate housing was reaffirmed in 2019 when Parliament passed the [National Housing Strategy Act](#) (the Act). The Act recognizes housing as a human right and commits the federal government to further the progressive realization of the human right to adequate housing. The Act establishes accountability tools to help promote and monitor the right to housing in Canada, including:

- A [National Housing Strategy](#), to advance the progressive realization of the human right to adequate housing;
- A [National Housing Council](#), of which the Federal Housing Advocate is an ex officio member, to oversee the implementation of the strategy; and
- A Federal Housing Advocate, to promote and protect the right to housing in Canada.

The Federal Housing Advocate's role is the first of its kind in Canada and unique in the world, with a mandate to promote and protect the right to housing for all.



Bringing the housing and homelessness crisis into focus

Over the course of 2021-2022, the Office of the Federal Housing Advocate identified evolving systemic housing issues that are of serious concern in Canada: financialization, homeless encampments, and evictions.

The COVID-19 pandemic has made these issues worse. They are symptoms of long-standing problems related to the housing system. They are directly impacting people experiencing inadequate housing and homelessness. And they have worrying consequences that infringe on people's human right to housing in Canada.

Last year, we supported research to better understand the drivers of these issues and who they are affecting, as well as create an evidence base for making recommendations to solve them. In the course of this research, we worked closely with scholars, lived experts, and partner organizations to inform our work.

As people in Canada continue to feel the effects of the housing and homelessness crisis, this work will help us shine a light on these systemic problems and push for action to solve them.



High stakes: Financialization putting affordability at risk

Financialization is a term used to describe how housing is treated as a commodity – a vehicle for wealth and investment – rather than a human right and a social good for people and communities.

In 2021-2022, we spearheaded a research project that brought together five researchers to examine the growing role of private equity and investment firms in the residential real estate market and long-term care in Canada.

Globally and in Canada, investment firms have been purchasing rental buildings and then upgrading them and raising rents, forcing low-income tenants out of their homes. Because the business model associated with financialization demands short-term high yield profits, there is pressure placed on locating and purchasing housing that is deemed “undervalued”, which often means housing that is affordable and hence where the most disadvantaged and low-income communities are located. Financialization also affects other sectors of the housing system, including single-family homes, retirement communities, and long-term care homes.

This trend worsened during the economic crisis caused by the COVID-19 pandemic. Real estate became a safe profit-making opportunity for large investors in a volatile market, further driving up prices and putting affordability at risk for those most in need.

Financialization is a human rights issue. It has significant consequences for the affordability, security of tenure, and habitable conditions of rental housing for tenants. It is associated with elevated risks of illness and death for seniors and people with disabilities in long-term care facilities.

The goal of this research is to examine the drivers of financialization and its impacts, particularly on low-income, priority groups listed in the National Housing Strategy.

The project includes five papers which tackle diverse dimensions of financialization, including:

- The trends and policy drivers of the financialization of multi-family rentals in Canada
- The financialization of seniors housing and its impacts on care
- The uneven and racialized impacts of financialization on Black renters in Toronto
- A data report on a national survey and interviews with more than 600 tenant households across Canada
- A look at financialization in the international landscape and the global factors that entrench it

The research demonstrates that the financialization of purpose-built rentals and long-term care have had significant impacts for tenants, seniors, workers, and communities. It also points to actions that governments at all levels can take to curb financialization and mitigate its impacts.

The next step will be to share the findings with rights-holders, governments and other stakeholders. This research and engagement will help the Federal Housing Advocate to develop legislative and policy recommendations for government to implement better protections against the financialization of housing and its impacts on people, disadvantaged groups, and communities. Measures to address financialization must put human rights first.

This research contributed to the establishment of the Recommendations to the Minister contained in this report. Please see Annex A for a citation of this research collaboration.



A human rights crisis for residents of encampments

Encampments are not a new phenomenon in Canada. People facing homelessness have at times resorted to establishing informal settlements, here referred to as encampments, to meet their needs for shelter and safety while exercising autonomy and self-determination. National data demonstrates that First Nations, Inuit and Métis people are severely overrepresented among those living outside, in encampments, or in makeshift dwellings.

In 2021-2022, we launched a research project to take a close look at the human rights dimensions of encampments in Canada. We worked with a national network focused on encampments, whose members include people with lived expertise, scholars, advocates, and activists, from communities across Canada.

During the COVID-19 pandemic, shelter spaces decreased, indoor congregate settings became increasingly unsafe, and people lost their livelihoods. This has led to a rise in homeless encampments across the country. Many people had little choice but to turn to living in tents or informal shelters to survive.

A number of people have been harmed and died as a result of exposure, fire, overdose, and other threats to life and safety. Residents also face harassment and violence from state and non-state actors. These conditions amount to violations of fundamental human rights including the human right to housing.

The goal of this research is to highlight the human rights and right to housing dimensions of encampments. The project includes a literature review, a policy scan of municipal by-laws affecting encampments, a scan of media coverage of the issue, and case studies from across Canada.

While the research is still ongoing, it has already identified a number of areas where Canada must do better to uphold the rights of residents of encampments. First and foremost, encampment residents and their advocates have called for the provision of safe, appropriate, and secure housing.

A critical human rights dimension of encampments is the provision of essential services. The right to housing is understood to support other fundamental human rights, including the rights to life and health. Encampment residents frequently lack access to adequate water, sanitation, heat or cooling, and safety measures, and face severe threats to their mental and physical well-being linked to the failure to provide basic services. While select cities have provided some provision of basic services, such as toilet facilities and waste management systems, research suggests that access to basic services remains limited, unpredictable, or absent in many encampments.

Major human rights violations identified by the research are the policing and enforcement measures directed at residents of encampments. Many municipal governments across the country have consistently elected to ticket, issue eviction notices, and remove or destroy tents and equipment, rather than uphold the rights of encampment residents to safety, security, and human dignity. Law enforcement in numerous Canadian cities have employed force during encampment evictions that is disproportionate to the alleged harm caused to public property. The use of such force has resulted in harm, pain, and injuries to encampment residents, advocates, and members of the public.

The research also identified that the treatment of encampment residents amounts to unsafe eviction and forced displacement. Encampment evictions often undermine safety, with encampment residents often displaced to increasingly insecure and unsafe situations. In the absence of basic services, many encampments have self-organized to meet their basic needs and fill gaps in services, such as by establishing centralized tents for harm reduction supplies, water, or food. Encampment evictions frequently undermine these efforts and result in the loss or destruction of these resources and self-established mutual aid systems to meet basic needs. In many cases, encampment residents are asked (or forced) to go to homeless shelters, which may be unsuitable or inaccessible for some people experiencing homelessness. Such forced relocation also undermines choice and self-determination.

Central to the realization of the right to housing is the meaningful participation of people living in homelessness in the design and implementation of policies, programs, and practices. The research shows that encampment residents are frequently perceived in the media and treated by the general public and decision-makers as non-citizens and as nuisances to public safety and public space. These perceptions have led to the widespread failure to meaningfully engage encampment residents in sharing policies and practices that affect them. Encampment residents are often acted upon without any form of consultation, and are not encouraged to participate in informed decision-making regarding cohabitation, nor direct decisions that concern their well-being, tenure, their property and belongings. Processes for decision-making are rarely transparent or clearly explained to encampment residents before actions are taken, and there are few (if any) processes to challenge decisions, propose alternatives, and voice priorities and needs.

All levels of government should work together to plan and undertake concrete actions to ensure the right to housing for residents of encampments. Responses to encampments have been almost exclusively at the municipal level, with little direct involvement from provincial, territorial, and federal governments. While municipalities often have primary jurisdiction over encampments, they often lack the resources and powers to address the underlying structural causes driving homelessness and encampments, such as housing unaffordability, dwindling rental supply, and lack services and supports to make housing accessible for all. The federal government, in particular, has a duty to provide leadership on this issue, and ensure that municipalities have the resources required to fulfill their human rights obligations.

Residents of encampments must also be afforded meaningful participation and engagement in decisions that affect them. Governments at all levels must adopt rights-based approaches to homeless encampments by engaging residents in the design and assessment of the housing and services they require. Shelters are not an adequate response to homelessness. Ultimately, governments must ensure permanent, adequate housing for encampment residents and all people experiencing homelessness.

As this research nears completion, a second phase of the project is being planned, with a goal to engage encampment residents, advocates, and government duty-bearers to identify rights-compliant solutions. As this project continues, it will be critical to amplifying the voices and needs of encampment residents, and holding government to account on its human rights obligations.

This research contributed to the establishment of the Recommendations to the Minister contained in this report. Please see Annex A for a citation of this research collaboration.

Locked out: Security of tenure, evictions and arrears

Security of tenure refers to the right a person has to not live in fear of eviction. It is a key component of the human right to adequate housing. A lack of security of tenure has serious consequences for an individual's dignity, health, well-being, and sense of security. Establishing legal security of tenure and protecting against forced evictions and harassment are key measures for realizing the right to adequate housing. All levels of government are required under international human rights law to adopt appropriate measures to guarantee security of tenure and prevent evictions.

This 2021-2022 research project involved collaboration between the Office of the Federal Housing Advocate, the Canadian Human Rights Commission's legal team, and external legal experts to develop open research and legal analysis on eviction, arrears and security of tenure. The project focused on examining the scope for the Advocate to review and make recommendations on these issues.

Forced eviction is considered to be a violation of human rights. In other words, human rights law dictates that forced evictions should only occur as a last resort and only after a full exploration of alternatives. 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.



The systemic and structural causes of evictions are well established. A lack of affordable and adequate housing, the financialization of housing, gentrification, racism, sexism, ableism, and other forms of discrimination result in evictions and leave the most disadvantaged at risk of human rights violations.

Tenants across Canada have experienced a crisis of evictions and inadequate housing for decades. Housing instability and the risk of eviction due to rental arrears have increased as a result of the COVID-19 pandemic. They are only expected to worsen as the provinces and the federal government have wound down their pandemic support measures, including eviction moratoriums and income security efforts like the Canada Emergency Response Benefit, while the cost of living continues to rise. Governments must work together to prevent the human rights crisis that could result.

The project includes seven research papers which provide legal analysis and recommendations on diverse issues involved with evictions. These include:

- The right to legal representation for tenants facing eviction
- International jurisprudence on security of tenure and how it can inform the Advocate's role
- The judicialization of evictions and the role of courts in meeting Canada's right to housing obligations
- Systemic barriers to security of tenure for people with disabilities
- Federal human rights obligations with respect to Indigenous Peoples and encampments established on federal lands
- Systemic barriers to security of tenure for Indigenous peoples
- Race and security of tenure in Canada

The findings demonstrate that Canada has a long way to go in fulfilling the human right to security of tenure. Laws about eviction and tenants' rights are inconsistent across the country, as are tenants' access to justice and legal representation when facing eviction. Indigenous people, racialized communities, people with disabilities, and other disadvantaged groups face significant barriers to security of tenure, while the impacts of eviction for these groups are disproportionately severe. As the ongoing pandemic continues to affect incomes, and with rapidly rising inflation in housing costs and the cost of living, more and more tenants are at risk of eviction due to rental arrears.

While landlord-tenant law is in the jurisdiction of provinces and territories, human rights law clarifies that the division of powers does not excuse systemic human rights violations. Governments should work together to implement effective laws and programs to protect security of tenure and prevent eviction, especially eviction of disadvantaged households, and eviction into homelessness.

Results of the research were presented at a symposium bringing together scholars, tenants, advocates, and policy makers. Further engagement on the findings of this research will help the Federal Housing Advocate develop legislative and policy recommendations to prevent evictions and uphold tenant rights.

This research contributed to the establishment of the Recommendations to the Minister contained in this report. Please see Annex A for a citation of this research collaboration.



Charting the course forward

Last year, the Office of the Federal Housing Advocate worked to gather evidence-based recommendations to the Minister to improve the National Housing Strategy. This is the start of the work ahead to solving Canada’s housing and homelessness crisis. It is a daunting task. But we must be up to the challenge.

Implementing the right to housing in Canada is going to take all of us, working together. It is going to take sustained government action and resources. It will require commitment and coordination at all levels.

It is our job to take a critical look at the problems and at the solutions. It is our job to push for change on the systemic housing issues that are denying people and families their right to housing in Canada. We look forward to identifying ways we can all work together and be part of the solution as we chart the course ahead.

Recommendations to the Minister

Last year, we took the opportunity to take stock of how well the National Housing Strategy is working and where it can be improved. This work was particularly relevant given that 2022 marks five years since the Strategy was published. Furthermore, it is one of the Federal Housing Advocate’s duties and priorities to monitor the progress of the Strategy in meeting its goals and timelines and contributing towards Canada’s commitment to progressively realize the human right to adequate housing.

In March 2022, we provided the Minister with a series of ten fact sheets based on research we conducted with experts in the field of homelessness and the right to housing. These fact sheets included recommendations on how to strengthen and improve the Strategy. Prior to submitting the fact sheets, our Office and the researchers met with all implicated federal departments and central agencies to present the research and share the recommendations, which aim to ensure Canada’s commitments to the right to housing are consistently reflected in all laws, policy and programs.

The Strategy is a positive step forward that sees the federal government reinvest in housing in partnership with provinces, territories and municipalities across the country. The Strategy currently commits \$75.3 billion (\$36.7 billion in federal spending, \$31.2 billion in loans and \$7.4 billion in provincial/territorial cost-matching) to “build new affordable housing and renew the existing affordable housing stock” and end chronic homelessness. The Strategy aims to bring together the public, private and non-profit sectors to re-engage in affordable housing. The Strategy’s goal is to ensure everyone in Canada, with a focus on the most vulnerable, has access to housing that meets their needs and is affordable.



It is time to re-examine the Strategy and refocus efforts on meeting the needs of disadvantaged groups and those experiencing homelessness. The National Housing Strategy Act and its explicit commitments to the right to adequate housing were passed into legislation in 2019, two years after the Strategy was put in place in 2017. As such there, is an urgent need to reassess the Strategy to ensure its expected outcomes, programs and measurement frameworks are aligned with the right to adequate housing and a human rights-based framework. Furthermore, the Strategy has not been revised since its first iteration in 2017.

The following recommendations are key findings gathered from the research we conducted with experts, fact sheets we provided to the Minister, and analysis on the most critical areas for improvement in the National Housing Strategy. They offer a way forward to align the Strategy with the human rights vision of the Act and with an approach focused on the right to adequate housing.

- 1. Develop a whole of government approach in order to effectively deliver on the goals of the National Housing Strategy and the National Housing Strategy Act.** Achieving the goals of the Strategy and the Act will require the development of mechanisms for inter-departmental coordination and clear direction to federal departments and agencies on the need to apply the Act consistently to advance the human right to housing. The federal government will also need to develop clear and transparent accountability mechanisms for responding to recommendations from the Advocate and those of the review panels. In addition to housing and homelessness support programs, a whole of government approach will require coordination and funding with other public-good programs such as transportation, public health, mental health and addiction support, income and taxation support, and programs for the elderly, people with disabilities, youth, women, immigrants and other groups. It will require coordinated action on key priorities to reduce barriers for priority groups, such as reconciliation with Indigenous peoples, rooting out systemic racism, and approaching programs with a Gender-based Analysis Plus lens.

- 2. Better target the National Housing Strategy’s funding to address the needs of disadvantaged groups.** The federal government’s commitment to the progressive realization of the human right to housing means focusing first on those most in need. Research we commissioned as well as research conducted by others, including the National Housing Council, has demonstrated that a number of key National Housing Strategy programs are not meeting the needs of the most disadvantaged groups across the country. The federal government should engage its provincial and territorial counterparts to review and refocus the Strategy’s programs that are targeted to people in core housing need and people experiencing or at the risk of experiencing homelessness. This includes discussions on funding included in bilateral agreements, such as the Rental Construction Financing Initiative, the National Housing Co-investment Fund, and the Canada Housing Benefit. These reforms to the Strategy should include:

 - a) Human rights-based measurement frameworks with clear targets and indicators;
 - b) Streamlined approval processes that make programs more accessible for non-profit organizations and projects targeting priority groups; and
 - c) Integration of rights-holders in the Strategy’s program design, monitoring, and evaluation.
- 3. The federal government must address the legacy of colonialism and systemic housing inequality for Indigenous people and recognize the right of Indigenous peoples to create their own housing strategies.** This is crucial in order to meet Canada’s obligations in domestic legislation and international human rights law, particularly the United Nations Declaration on the Rights of Indigenous Peoples Act. Eliminating inadequate housing and addressing Indigenous homelessness must be a priority for the federal government, accompanied by adequate funding. The next iteration of the National Housing Strategy must also be re-framed to address the systemic drivers of homelessness, as well as an approach that emphasizes homelessness prevention and provides adequate housing for Indigenous people regardless of where they reside.
- 4. The National Housing Strategy should target its programs to prevent the financialization of purpose-built rentals and ensure its programs are not contributing to the financialization of housing.** Housing is a critically important social good and a key social determinant of health. Advocates for the right to housing argue that states should prioritize the social function of housing, meaning that its value as a home should be elevated over its value as a commodity. The National Housing Strategy should fund the acquisition of rental buildings by non-profits, include measures to prevent the erosion of naturally existing affordable housing, and protect renters from the effects of financialization. Government actions should include protecting the housing market from the extractive actions of large corporate investors and financial actors like Real Estate Investment Trusts. It also requires national leadership to help put in place adequate rent controls, including vacancy controls, to protect security of tenure and prevent evictions. The Office of the Federal Housing Advocate is currently conducting research to identify recommendations related to financialization outside of the Strategy, including in taxation and the regulation of financial institutions.

- 5. The federal government must ensure that the approach for measuring the National Housing Strategy includes human rights-based targets and indicators and adopts a standard for all government departments and agencies.** The measurement of the Strategy must be reassessed to capture rights-based indicators. This will make it possible to measure the impact of investments for priority populations who disproportionately experience homelessness and core housing need. Federal departments and agencies, in addition to CMHC, have a responsibility for achieving the goals of the Strategy. They should be engaged in monitoring its success as well as follow a standard for monitoring progress on the progressive realization of the human right to adequate housing. In order for the Advocate’s monitoring mandate to be effective, federal departments should be able to provide the Office of the Federal Housing Advocate with relevant and timely information to assess Canada’s progress towards the full realization of the human right to adequate housing.
- 6. The federal government should learn from the pandemic response and ensure that recovery plans take into account the vulnerability of many people experiencing inadequate housing or homelessness.** The COVID-19 pandemic had a disproportionate impact on low-income and marginalized people and families who faced a greater risk of eviction into homelessness due to rent arrears. Income support programs, such as the Canada Emergency Response Benefit and eviction moratoriums played a critical role during the pandemic. Organizations and communities mobilized in innovative ways to provide housing for people experiencing homeless. The pandemic response has shown how resources can be mobilized when there is an emergency. The emergency is not over, as we continue to experience a housing crisis in this country. As the government moves towards a recovery, care must be taken to learn from these experiences and ensure that recovery from the pandemic does not lead to a new wave of housing precarity and homelessness.





Building communities

Last year, the Office of the Federal Housing Advocate built important partnerships and engaged with people across Canada.

Engaging with the Canadian public using multimedia platforms is an important part of our work. We also rely on the valuable dialogue and collaboration we have with diverse organizations, stakeholders, housing rights advocates and people across Canada.

It is important that we listen and learn from their perspectives, expertise and experiences. We must work together to promote and protect the right to housing for everyone in Canada.

Identifying systemic housing issues in Canada

Members of the public who have experienced inadequate housing and homelessness can make a submission to the Federal Housing Advocate about their situation.

The Advocate does not intervene in individual cases. Instead, the Advocate will use these submissions to better understand systemic housing issues in Canada, raise awareness on the most common and critical housing issues people are facing, make recommendations to improve Canada's housing laws, policies and programs, and drive change on systemic housing issues.

Submissions will be a key part of how the Advocate conducts an Advocate-led review or refers systemic housing issues to a review panel.

Over the course of 2021-2022, we built an online platform to receive and process these submissions. The online form offers people the option to make a submission as an individual or on behalf of someone else. It also provides organizations, associations and NGOs a way to submit relevant information directly to the Advocate.

We have also developed partnerships with community organizations, stakeholders and people with lived experience to test the tool. We worked with over 30 different organizations to test the tool and gather their feedback. Their feedback was extremely important in ensuring the form is responsive to a variety of needs, situations, and experiences.

These organizations will help us promote the tool and provide support to people in their communities who need help making a submission to the Advocate.





Speaking out

As Canada's housing watchdog, one of the Federal Housing Advocate's roles is to raise awareness about inadequate housing and homelessness in Canada and to amplify the voices of marginalized communities. Helping people to understand their rights as they relate to housing is also an important role for the Advocate.

In 2021-2022, we worked closely with the Canadian Human Rights Commission (the Commission) to raise awareness about the right to housing in Canada and speak out about human rights violations related to housing and homelessness.

We worked with the Commission to publish several public statements about the right to housing – including a statement of concern following the deaths of people experiencing homelessness, a statement containing recommendations on the importance of governments addressing housing inequality, and most recently a statement regarding concerns about shelter systems being overwhelmed by the pandemic and increasing demands for service.

We also worked with the Commission to highlight Canada's National Housing Day on November 22, calling for increased awareness on the right to housing.

In an effort to make information on the Advocate's mandate as well as the right to housing widely available to people in Canada, we developed several practical videos that cover topics spanning what the right to housing means, what the Advocate does, and how to make a submission.

Making community connections

Last year, we deepened our collaborations and partnerships with stakeholders, organizations in the community, and people with lived experience. A key component of a human rights-based approach and of the mandate of the Federal Housing Advocate is the meaningful engagement of rights holders in all aspects of policy and advocacy. Their experience and insights have been invaluable in strengthening and guiding the work that we do. Here are some of the key partnerships we developed:

Canadian Lived Experience Leadership Network

We established an advisory partnership with the Canadian Lived Experience Leadership Network (CLELN). It is a cross-Canada collective of diverse people with lived experience of homelessness and expertise in grassroots organizing, advocacy, mentorship and peer support. CLELN works to ensure that the voices of people with lived experience are in the forefront of all matters regarding homelessness—and to eliminate homelessness and housing insecurity through research, policy, advocacy, training, and collaboration.

CLELN is conducting research and engagement to build a national database of organizations led by and with people with lived experience of homelessness. This database will help support the Federal Housing Advocate’s ongoing engagement with people experiencing homelessness from coast to coast to coast.

Front d’action populaire en réaménagement urbain

We worked in partnership with the Front d’action populaire en réaménagement urbain, or FRAPRU (Popular action front for urban renewal) last year to harness its invaluable advisory support. Founded in 1978, FRAPRU is a membership-based movement for the right to adequate housing, bringing together 140 member groups across Québec. FRAPRU is active on issues of urban planning and development, social housing, the struggle to end poverty, and the realization of social and economic rights.

FRAPRU will provide advice and recommendations on the Advocate’s engagement strategy and partnership development in Quebec, and on the definition of targets, indicators, and outcomes for monitoring the National Housing Strategy and the progressive realization of the right to adequate housing.

2-1-1

The 2-1-1 service is an essential partner in our efforts to help people get the help they need. 2-1-1 is a national source of information on government and community-based health and social services, including assistance for people experiencing homelessness and housing insecurity. They provide people in crisis with personalized help navigating the complex network of programs and organizations quickly and easily.

During the past year, we worked closely with 2-1-1 to build a partnership that will support the Advocate’s duty to receive submissions from the public about systemic housing issues. 2-1-1 will help raise awareness about the Advocate’s role and opportunities to make submissions. As we are not mandated or equipped to provide remedies for individual cases, people requiring immediate assistance will be referred to 2-1-1 so they can learn how to access local support services. This collaboration will help ensure that people experiencing inadequate housing and homelessness get the help they need.



Working in partnership with Indigenous organizations

Over the past year, we made it a priority to engage with national Indigenous organizations to ensure that we establish a direct relationship with Indigenous peoples in our work. Advancing the right to adequate housing and improving housing outcomes for everyone in Canada must be accomplished in partnership with Indigenous peoples. The foundation for such partnerships must rest on recognition of the colonial and racist systems imposed on Indigenous peoples, and seek to move forward in a spirit of reconciliation, decolonization, respectful relationships, sovereignty, and self-determination.

Of critical importance to our engagement work is to build respectful relationships with Indigenous peoples, guided by the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The Federal Housing Advocate's mandate must be interpreted alongside Canada's recently adopted UNDRIP Act. The right to housing for Indigenous peoples includes rights related to lands, resources and territories, social and economic rights, rights related to non-discrimination and the importance of Indigenous peoples' right to determine their own housing institutions, programs and policies.

During the past year, we started the journey to build respectful relationships in a series of initial meetings with national Indigenous organizations and Indigenous service-based organizations. We also met to seek advice and input on how to operationalize the Advocate's monitoring mandate.

A series of individual meetings took place with the Assembly of First Nations, Inuit Tapiriit Kanatami, the Métis National Council, Native Women's Association of Canada, Congress of Aboriginal Peoples, the National Association of Friendship Centres and the Indigenous Caucus of the Canadian Housing and Renewal Association.

During these conversations, we invited each organization to share its vision for future collaboration with the Advocate and highlight their current priorities. These conversations confirmed interest in working together and the importance of developing direct and ongoing dialogue. They pointed to some of the shortcomings in the National Housing Strategy when it comes to Indigenous housing, including sharing their experience with the Indigenous distinctions-based approach, and highlighted the importance of filling gaps in current data and ensuring data-sovereignty.

Addressing the Assembly of First Nations

Following her appointment, Marie-Josée Houle, the Federal Housing Advocate, had the honour of speaking at the Assembly of First Nations' 5th National First Nations Housing Forum and Tradeshow on March 22.

In her keynote address, Ms. Houle touched on the importance of First Nations leadership in redefining housing policy. She underlined the urgency of addressing right to housing violations that First Nations communities have experienced for too long. She also invited collaboration and a working relationship with First Nations moving forward.

Building a new vision for housing in Canada means that we must build on the importance of Indigenous visions for culture, land, family and community. We must think of housing as a social good and a human right.

And above all, we must centre Indigenous leadership, approaches and voices to find solutions to systemic problems.

Collaborating with the National Housing Council

In the past year, we worked closely with the National Housing Council to establish how we can collaborate to advance the right to housing for all in Canada.

The National Housing Council was established by the National Housing Strategy Act to promote participation and inclusion in the development of housing policy, provide advice to the Minister responsible for housing on advancing the right to housing, and to offer advice on the effectiveness of the National Housing Strategy to the Minister. The Council also plays a key role in conducting review panel hearings at the request of the Advocate. The Canada Mortgage and Housing Corporation (CMHC) is responsible for providing administrative support and services to the National Housing Council.

The Federal Housing Advocate is an ex-officio member of the Council, working closely with the Council on a shared mission to advance the progressive realization of the right to adequate housing. The Council also includes other ex-officio members from government departments and agencies. The full slate of members of the Council was appointed by the Minister in November 2020 after an open application process to identify diverse experts, members of disadvantaged communities, and people with lived experience of inadequate housing and homelessness across Canada.

Throughout last year, we attended Council meetings to exchange updates on the development of policies, procedures, and research. Following her appointment, Marie-Josée Houle, the Federal Housing Advocate, also attended Council meetings.

We contributed to the work of the Council's working groups, held regular working-level meetings, and developed collaborative initiatives to exchange information and ensure coordination between the Council and our Office.

The area of most intensive collaboration with the Council has been in the development of guidelines for review panels. Review panel hearings are a new participatory access to justice mechanism and a central component of Canada's new accountability structure for the right to housing.

Working together at all levels of government

In the last year, we engaged with other government departments to discuss our research and recommendations with the goal of better informing policy makers on the housing crisis and how we can work together to make the right to adequate housing concrete in Canada through rights-based policies, laws, and programs.

We provided presentations on our research and suggested recommendations to several federal departments and central agencies that hold key responsibilities related to the National Housing Strategy.

Last year, we also participated in two ongoing networks with the goal of better collaboration: the Right to Home Working Group, a network of municipal governments convened by The Shift and the Canadian Urban Institute; and the Housing Policy Research Exchange, a network of housing policy experts and civil society advocates convened by Maytree.

In Canada, supporting the human right to adequate housing for all is a shared responsibility between all levels of government. It requires collaboration and a renewed relationship with Indigenous peoples based on reconciliation, decolonization, respectful relationships, sovereignty, and self-determination. This shared responsibility is also enshrined in international law – all levels of government in Canada are required to respect, protect, and fulfill the human right to adequate housing, since international human rights treaties and obligations apply equally at a federal, provincial and territorial level.

Bringing together thought leaders

Last year, as part of our mandate to conduct research into systemic housing issues, we undertook a research project with legal experts to examine various facets of evictions and security of tenure across Canada.

On March 2, 2022, we convened a symposium on security of tenure to bring together the researchers as well as a number of stakeholders to discuss the findings and solicit thoughts and feedback on the research conducted. See the Section “Locked out: Security of tenure, evictions and arrears” for more details on this research.

Over 100 stakeholders attended the virtual event. They represented academia, legal clinics, independent national and provincial organizations, tenants associations and federal partners, among many others.

This dialogue session was a vital opportunity to hear from stakeholders on how we can better understand and incorporate their perspectives and realities in our research. It was an incredible opportunity to bring people together to strengthen our research and build a strong knowledge base that we can all draw from in our work towards adequate housing for all.

Bringing together thought leaders, researchers, and stakeholders to discuss current housing issues is an important aspect of our research, engagement and outreach mandate. It will inform much of the work we do moving forward.



Tracking housing in Canada

Last year, we began putting the systems in place to monitor the right to housing in Canada. One of the Federal Housing Advocate's roles is to keep track of how Canada is doing on the progressive realization of the right to adequate housing. Having comprehensive monitoring tools and frameworks that are grounded in human rights will help us to see what progress Canada is making and where we still need to improve.



Building the big picture

In 2021-2022, we partnered with Statistics Canada to release a [series of fact sheets on housing experiences in Canada](#), which shed light on the disproportionate levels of housing need across disadvantaged groups.

Disaggregated data as well as human rights-based indicators and measurement tools are critical to understanding systemic housing issues and proposing practical recommendations and solutions.

We must give decision-makers access to the best information available to understand how inequality takes shape in our housing system and who it impacts most. We must also provide statistics and analysis in an easy to understand format to empower citizens impacted by inadequate housing and homelessness to communicate their housing needs.

In November 2021, we launched the first ten of 24 fact sheets examining the housing experiences of different population groups in Canada.

The reliable, disaggregated data produced by this partnership is key to help us understand who is being left behind and how we can focus our solutions on the most disadvantaged as we remedy the inequalities in our housing system.

We will continue to work with Statistics Canada and other stakeholders to ensure that disaggregated and human rights-based data is accessible and is being used to guide reforms to legislation, policies and programs that affect housing.

Developing a monitoring framework

Over the past year, we gathered research and information as well as collaborated with partners on how we can establish an effective monitoring framework to track progress on housing and homelessness in Canada.

The unique legislated role of the Federal Housing Advocate means that there is little precedent internationally to inform its monitoring duties. We are therefore developing a “made-in-Canada” approach informed by engagement with experts, rights holders and duty bearers, and international good practices.

We are also collaborating with the Canadian Human Rights Commission’s National Monitoring Mechanism (NMM), whose mandate is to monitor the implementation of the United Nations Convention on the Rights of People with Disabilities. In its 2020 engagement, the NMM received feedback from rights holders to prioritise issues of housing and disability. We will work together to coordinate efforts to create a consistent human rights-based approach to our respective monitoring duties.

Throughout 2021-2022, we met on a preliminary basis with the NMM and a range of experts to discuss our respective monitoring duties. These meetings included national Indigenous organizations and leaders, people with lived expertise, civil society organizations, both the current and former Special Rapporteurs on the right to adequate housing, Balakrishnan Rajagopal and Leilani Farha respectively, academics, and federal departments responsible for housing policy.

We also worked with a human rights legal expert to provide advice and direction on draft human rights-based principles, targets and indicators for monitoring housing and disability rights. This advice will help us continue our participatory engagement and inform our work to establish targets, indicators and tools for implementing and monitoring the right to adequate housing.

As part of our monitoring work related to the National Housing Strategy, we partnered with experts to gather the research that is detailed throughout this report. This research and advice contributed to the Recommendations to the Minister in this report and will continue to inform the Advocate’s assessment and recommendations of the Strategy.

The Advocate’s monitoring duties will help to provide the Minister responsible for housing and other decision-makers with a solid evidence base to make necessary policy and legislative reforms to address systemic housing issues in Canada.



Building on a strong foundation

Canada's housing watchdog

Our mandate

The Federal Housing Advocate is an independent, nonpartisan watchdog, empowered to drive meaningful action to address inadequate housing and homelessness in Canada. The Office of the Federal Housing Advocate, housed at the Canadian Human Rights Commission, supports the Advocate in carrying out their mandate. Together, we promote and protect the human right to housing in Canada, including the progressive realization of the right to adequate housing.

The goal of the Advocate's work is to drive change on key systemic housing issues and advance the right to housing for all in Canada. The Advocate does this by receiving public submissions, by amplifying the voices of affected communities, by making recommendations to improve Canada's housing laws, policies and programs, and by holding government to account on its human rights obligations related to housing and homelessness.

The Advocate's mandate is guided by a human rights-based approach, which values participation, accountability, non-discrimination, equity, transparency, empowerment, accessibility, respectful relationships with Indigenous peoples, and respect for human rights laws and obligations.



Our focus

Inadequate housing and homelessness are complex, institutional and systemic problems. Addressing systemic housing issues means that we need to take a very wide look at the multiple intersecting factors and systemic issues that create inadequate housing, housing need, and homelessness.

The Federal Housing Advocate's focus on systemic issues includes approaches that recognize that racism, poverty, colonialism, sexism, homophobia, ableism and other structural inequalities can create barriers to access to, and inhibit the full enjoyment of, the human right to adequate housing.

Rather than a focus on remedies for individual cases, the Advocate is empowered to recommend systemic changes to improve housing outcomes for those most in need. For example, the Advocate will examine how laws, policies and programs should be changed to ensure the progressive realization of the human right to housing.

In line with the National Housing Strategy Act and the progressive realization of the human right to housing, the Advocate will put particular focus on those with the greatest housing need while Canada works towards housing as a human right for all.

The groups facing the greatest housing need include:

- people experiencing homelessness
- Indigenous people
- people fleeing domestic violence
- seniors
- people who identify as 2SLGBTQI+
- people with disabilities
- people with disabilities related to mental health or addiction
- veterans
- young adults
- racialized groups
- newcomers to Canada

The Advocate recognizes women and gender-diverse people within each of these groups are disproportionately affected by housing need. It is also important that we apply an intersectional lens when we consider these priority groups. For people who face intersectional forms of discrimination — such as women who identify as Indigenous or racialized people with disabilities — the barriers to housing are even greater.

Our work

Driving change on systemic housing issues: The Federal Housing Advocate holds government to account on its obligations to address inadequate housing and homelessness across Canada using the accountability mechanisms established in the National Housing Strategy Act. The Advocate makes recommendations to government to improve Canada's housing laws, policies and programs. The Advocate's goal is to ensure that Canada makes progress on solving systemic issues and implementing the right to housing at all levels.

Receiving submissions: The Advocate receives submissions from people across Canada on the systemic housing issues they are facing, and makes recommendations on how to address them.

The Advocate does not investigate individual cases; instead, they may both undertake their own review of a systemic housing issue raised in a submission, or request that the National Housing Council establish a review panel to hold a hearing to review any systemic housing issue within federal jurisdiction.

The findings and recommendations brought forward by Advocate-led reviews and review panels will help to identify solutions and necessary reforms to laws, policies and programs that affect housing and homelessness in Canada. This mechanism is a way to target the most critical systemic issues, as well as urge the government to take action on them. It also gives members of affected communities an opportunity to be included and participate in the process, and to contribute to housing policy and solutions.

Amplifying people's voices: The Advocate raises awareness on the most common and critical housing issues that people across Canada are facing. The Advocate consults people with lived experience of inadequate housing and homelessness and amplifies their voices. Public engagement and input is critical to informing the work of the Advocate.

Conducting research: The Advocate is responsible for monitoring and reporting on the right to housing and systemic housing issues in Canada. This work includes stakeholder engagement, analyzing and conducting research, initiating studies, and consulting on systemic housing issues. The Advocate can initiate studies as they see fit into economic, institutional, or industry conditions in federal jurisdiction that affect the housing system.

Monitoring the right to housing: The Advocate is responsible for monitoring the progressive realization of the human right to adequate housing in Canada, and assessing the impacts of legislation, policies and programs that affect housing. The Advocate also monitors the progress, outcomes, and timelines of the National Housing Strategy, and is directed to pay close attention to its impact on groups and people in greatest housing need.

Reporting to Parliament: The Advocate is responsible for reporting annually to the Minister responsible for housing, who tables the report in Parliament. The annual report will include a summary of the Office's activities, and contain recommendations to address systemic housing issues. The Advocate can also submit recommendations at any time to the Minister, who must respond within 120 days.



An overview of the National Housing Strategy Act

The National Housing Strategy Act (the Act) creates a series of accountability tools that aim to address housing need and homelessness in Canada, including the National Housing Strategy, the Federal Housing Advocate, and the National Housing Council.

The National Housing Strategy was released on November 22, 2017 and promised legislation that included a rights-based approach to housing with an emphasis on disadvantaged groups. The legislation, called An Act respecting a national housing strategy, or simply the National Housing Strategy Act, was introduced in April 2019 and received Royal Assent on June 21, 2019. It came into force on July 9, 2019.

The Act declares that it is the government of Canada's housing policy to:

- recognize that the human right to adequate housing is a fundamental human right affirmed in international law;
- recognize that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities;
- support improved housing outcomes for the people of Canada; and
- further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights.

A rights-based approach

Approaching housing as a human right reinforces the intrinsic link between housing and human dignity. It also connects the human right to housing to other fundamental human rights, including the rights to life, work, physical and mental health, social security, political participation, and education.

Using a human rights-based approach to housing policy reinforces the expectation that legislation, policies and programs affecting housing will emphasize participation, empowerment, accountability, and non-discrimination while fulfilling the human right to adequate housing. A human rights-based approach also focuses on groups with the greatest housing need, including people with lived experience of inadequate housing and homelessness.

In Canada, supporting the human right to adequate housing for all is a shared responsibility between all levels of government. It requires collaboration and a renewed relationship with Indigenous peoples and governments, and alignment with the United Nations Declaration on the Rights of Indigenous Peoples. This shared responsibility is also enshrined in international law – all levels of government in Canada are required to respect, protect, and fulfill the human right to adequate housing, since international human rights treaties and obligations apply equally at a federal, provincial and territorial level. Fulfilling the human right to adequate housing for everyone in Canada requires all levels of government to live up to their joint responsibilities.

The National Housing Council

The National Housing Council was appointed in November 2020. Its duties include promoting participation and inclusion in the development of housing policy; providing advice to the Minister responsible for housing on how to improve housing outcomes; and offering advice on the effectiveness of the National Housing Strategy to the Minister. The Council is also responsible for convening review panels when requested by the Federal Housing Advocate. The Canada Mortgage and Housing Corporation is responsible for providing administrative support and services to the National Housing Council.

The Federal Housing Advocate

The Federal Housing Advocate is housed at and supported by the Canadian Human Rights Commission. According to the National Housing Strategy Act, the Advocate:

- Holds government to account on its human rights obligations to address housing need and homelessness across Canada using the accountability mechanisms established in the National Housing Strategy Act;
- Makes recommendations to the federal government to improve Canada’s housing laws, policies and programs;
- Raises awareness on the most common and critical housing issues people are facing;
- Consults and amplifies the voices of those impacted by housing need and homelessness;
- Receives submissions on systemic housing issues from affected groups, and conducts Advocate-led reviews of key systemic issues or refers them to the National Housing Council for hearings before a review panel;
- Monitors and reports on the progressive realization of the right to housing in Canada;
- Monitors and assesses the impacts of federal legislation, policies and programs affecting the housing system, including the National Housing Strategy’s progress, outcomes and timelines;
- Analyzes and conducts research, initiates studies, engages with stakeholders, and consults on systemic housing issues; and,
- Reports annually to the Minister responsible for housing and makes recommendations to the Minister on how to address systemic housing issues.

The Advocate is empowered to conduct their own independent review of any systemic housing issue and make recommendations to the Minister responsible for housing. The Advocate may also request that the National Housing Council establish a review panel to hold a hearing to review any systemic housing issue within federal jurisdiction.

Review panels

Under the National Housing Strategy Act, the Federal Housing Advocate may decide to refer a systemic housing issue that falls under the jurisdiction of Parliament to the National Housing Council, and request that it forms a review panel to examine the issue. Review panels consist of three members from the National Housing Council.

The review panel holds a hearing, and must offer the public an opportunity to participate — particularly members of affected communities and groups that have expertise in human rights and housing. The panel then prepares a report with conclusions and recommendations for the Minister responsible for housing, who must respond within 120 days and table that response in the House of Commons and the Senate.



Advocating for change: How we make recommendations

In order to make recommendations to improve systemic housing issues, the Federal Housing Advocate will examine how laws, policies and programs should be changed to ensure the progressive realization of the human right to housing. Rather than a focus on providing remedies to individual cases, the Advocate is empowered to recommend systemic changes to improve housing outcomes for those most in need.

The process of making recommendations starts with learning about a systemic housing issue. This happens through submissions we receive from the public, through engagement with key stakeholders, and through our research and monitoring work. All of the input we receive helps to flag some of the most critical and often-reported systemic issues that need to be examined further.

The next step involves conducting further research and analysis on the issue, including the causes, impacts and potential solutions to the issue. At this stage, we also engage with rightsholders, affected communities, and those who bear duties and responsibilities in implementing the right to housing.

Once we have learned about a systemic issue and done thorough research and consultation with key stakeholders, we move forward with issuing recommendations.

The Advocate has a number of opportunities and accountability tools as set out in the National Housing Strategy Act for making recommendations to drive change on systemic housing issues.

First, the Advocate can make recommendations to the Minister at any time. This will usually take the form of a report detailing their findings and any recommendations to take measures that further the progressive realization of the human right to adequate housing and the National Housing Strategy.

Second, the Advocate is empowered to conduct their own independent review of any systemic housing issue that is raised in a submission.

Following an Advocate-led review, the Advocate will provide the Minister and the person or group that presented the submission with a report setting out the Advocate's opinion on the issue and any recommendations to take measures to address it in housing policy.

Third, the Advocate can refer a systemic housing issue to be examined by a review panel convened by the National Housing Council. The Advocate can request that a review panel examine a systemic issue that has been raised in a submission, or based on any systemic issue the Advocate identifies. The Advocate provides the review panel with a summary of the information that formed their basis for identifying the systemic housing issue, works with affected communities and experts to prepare information for the review panel, and can present their proposed recommendations to the review panel.

The review panel holds a hearing on the issue, and must offer the public an opportunity to participate, especially members of affected communities and groups that have expertise in human rights and housing. The review panel then develops a report to the Minister that sets out its opinion on the issue and any recommendations to address it.

And finally, the Advocate must submit an annual report to the Minister that provides a summary of their activities, the submissions they received, and the results of consultations and analysis, research or studies conducted throughout the year. The report must also provide recommendations and recommended measures to address systemic housing issues.

The Minister must respond to the Advocate's reports, Advocate-led reviews, as well as review panel reports within 120 days. The Minister must also respond to the Advocate's annual report within 120 days.

The Advocate may provide advice to other levels of government or decision-makers, but these bodies do not have the same statutory responsibility to respond.

Providing evidence-based recommendations to the Minister is a critical way that the Advocate will drive change on systemic housing issues. The Advocate's engagement and dialogue with all levels of government will help to ensure that Canada makes progress on solving systemic issues and implementing the right to housing.

Defining the key terms

There are many key concepts related to the right to adequate housing that are established in international human rights law. Understanding what these ideas and terms mean in practice is important foundational information that will guide the way we do our work.

Adequate housing

The human right to adequate housing means that everyone has the right to housing that meets a set of basic conditions. These conditions are recognized under international human rights law. The conditions required to meet this standard of adequacy mean that housing must be:

- **Secure** – security of tenure means that a tenant is protected from arbitrary eviction, forced relocation or harassment;
- **Affordable** - housing costs should not be a barrier to a person meeting their other basic needs such as food; costs should be protected against unreasonable increases;
- **Habitable** – dwellings should have adequate space for the inhabitants, be properly maintained, and provide protection from the elements and other threats to health and well-being;
- **Provide basic services** – including safe drinking water, sanitation, heating, lighting, and emergency services;
- **In a location** that is close to employment and basic social services such as childcare, education and healthcare, and is not located in a polluted or dangerous area;
- **Accessible** – for people of all abilities, particularly those experiencing discrimination or living in disadvantaged circumstances; and
- **Culturally appropriate** – respects and is appropriate for the expression of the inhabitants’ cultural identity and ways of life, and uses appropriate building designs and materials.

All people should have equitable access to adequate housing, without discrimination based on gender, race, disability, Indigenous identity, faith, place of birth, age, sexual orientation, and other grounds.



Progressive realization

Inadequate housing and homelessness are complex, structural and systemic problems. In international human rights law, the phrase “progressive realization” acknowledges that solving these problems won’t happen overnight – it will take time, effort, coordination and resources before everyone can equally enjoy adequate housing.

However, progressive realization also means that governments must act as quickly and as effectively as possible to promote, protect and fulfill the human right to adequate housing, especially for those most in need. Put simply, governments have an obligation to take effective measures and create the conditions to fulfill the human right to adequate housing for everyone.

In international human rights law, progressive realization creates an obligation for governments to take immediate concrete steps, to use the maximum available resources, and to use all appropriate means, including the adoption of legislative measures, to create the conditions for everyone to have access to adequate housing. It also means ensuring people’s access to justice through administrative and judicial mechanisms. Finally, progressive realization puts an emphasis on prioritizing policies and programs for those most in need of housing.

The Federal Housing Advocate is responsible for monitoring that the progressive realization of the right to adequate housing is being fulfilled in Canada. This will require advocating for all levels of government to apply the maximum resources available to eliminate housing need and homelessness in the shortest timeframe possible.

A closer look at the new law

Throughout 2021-2022, the Office of the Federal Housing Advocate worked with experts and researchers to help us take a closer look at the National Housing Strategy Act and the National Housing Strategy. The full body of research we conducted last year helped us gain a foundational understanding of how to use the Act and the Strategy to implement the right to housing in Canada, and we will continue to use it as an important reference tool. The following section summarizes some of this research and highlights key issues and understandings that we will apply to our work.

International human rights frameworks and the National Housing Strategy Act

Canada has both international and domestic obligations to realize the right to housing.

Last year, we worked with researchers to understand the frameworks in place that Canada and the Federal Housing Advocate can draw from in order to realize the right to housing - including legal obligations, international human rights principles, and existing models and guidelines.

This research explores the National Housing Strategy Act's unique reliance on international human rights frameworks as potentially transformative of housing policy and human rights in Canada.

It also considers how international human rights frameworks, laws and jurisprudence should inform the implementation of the Act, the mandates of the Federal Housing Advocate and the review panel mechanism.

This research helps us understand how other countries have taken action on the human right to adequate housing. It underlines how we can use these existing human rights frameworks, laws and examples to support a new human rights practice in housing.

This research contributed to the establishment of the Recommendations to the Minister in this report. Please see Annex A for a citation of this research collaboration.

Opportunities to expand the National Housing Strategy

Last year, we worked with researchers to analyze Canada's National Housing Strategy through a rights-based lens to understand its gaps and offer recommendations for improvement using human rights standards.

Housing policy and research on how to apply a human rights-based approach to housing has evolved since both the National Housing Strategy (the Strategy) and National Housing Strategy Act (the Act) were introduced. However, the Strategy has not been revised since its first iteration in 2017.

In 2021, the federal government began the process of reviewing and developing the next iteration of the Strategy. It is anticipated to continue throughout early 2022.

This research offers several recommendations for the expansion of the Strategy and ways in which it can align with the human rights approach that is set out in the Act as well as with international human rights frameworks. The research also notes that concerns regarding the efficacy of the Strategy are not simply policy critiques – they address Canada’s legal obligations to implementing the right to housing under international human rights law.

Key among the recommendations is that the Strategy should set out a long-term vision for housing that aligns with internationally recognized principles – including recognizing the importance of housing in achieving social, economic, health, and environmental goals, targeting its approach to the central goal of reducing core housing need and homelessness, and meeting the standard of investing the maximum of available resources.

Establishing human rights-based targets, timelines and indicators is a second key recommendation of the research. The researchers recommend adopting a clear definition of homelessness and what it means to end homelessness, addressing systemic drivers of homelessness and emphasizing prevention, as well as assessing the Strategy’s progress using rights-based indicators that measure its impact on priority populations and those disproportionately experiencing homelessness and core housing need.

The researchers recommend that to improve housing outcomes for those in greatest need, the Strategy must address the legacy of colonialism and systemic inequality for Indigenous peoples alongside the right to create their own strategies, align with Canada’s Poverty Reduction Strategy to capture the dimensions of poverty that influence housing need and homelessness, as well as better address the rights of people with disabilities.

Finally, the Strategy should include better participatory processes to ensure ongoing inclusion and engagement, including resources for rights-claimants to address systemic issues and bring forward information to the Federal Housing Advocate and to a review panel.

The next iteration of the Strategy must respond to current realities, including measures to address financialization and the erosion of naturally existing affordable housing, as well as the disproportionate impact of the global COVID-19 pandemic. It must also initiate an “all hands-on deck” approach with all levels of government and prioritize its goals among other programs and departments that interact with the right to housing.

Canada took a bold step forward in 2017 by bringing together what were previously piecemeal housing policies into its first National Housing Strategy. Now, as we enter 2022 with a newly affirmed commitment to the right to housing and to end homelessness, this is the opportunity to make it clear that Canada is a world leader in the implementation of the right to housing.

This research contributed to the establishment of the Recommendations to the Minister in this report. Please see Annex A for a citation of this research collaboration.



Left behind: Gender inequities in implementing the right to housing in Canada

Already marginalized groups bear the brunt of the housing crisis, and this includes women, girls and gender diverse people.

Last year, we worked with researchers to understand how women, girls and gender diverse people are uniquely impacted by the housing crisis, and how we can better address their needs using a rights-based approach. It drew on literature, a pan-Canadian survey with women and gender diverse people experiencing homelessness or housing need, and an analysis of federal policy.

The research examines the ways in which gender shapes the causes, conditions and trajectories of homelessness and housing need. Women, girls and gender diverse people share commonalities that shape their experience with homelessness and housing need. This includes experiencing violence from intimate partners or within families, ‘hidden homelessness’, inequities and discrimination based on gender, supporting dependent children, and low income.

Furthermore, it highlights the gaps and inequities in emergency supports in Canada that specifically impact women, girls and gender diverse people. For example, there are very few women-specific emergency shelter beds across Canada, and violence against women shelters across Canada are chronically underfunded.

Gaps in federal programming also contribute to inequity and a lack of supports specific to women, girls and gender diverse people. This includes inadequate levels of support in the Canada Housing Benefit, the definition of chronic homelessness in the National Housing Strategy failing to account for the ways in which women experience homelessness, and the lack of clear targets, timelines or indicators related to gender in the National Housing Co-Investment Fund.

The authors make several recommendations to reduce gaps and inequalities for women, girls and gender diverse people to better realize their right to housing in Canada. Their recommendations include identifying and mobilizing rights-based indicators capable of tracking progress on the right to housing for women, girls and gender diverse people – including in the National Housing Strategy so that it can meet its overall goal of dedicating 25% of its resources to women and girls.

They also make recommendations for how projects funded by the National Housing Strategy should meet the needs of women, girls and gender diverse people. They recommend the projects be grounded in gender-based equity, prioritize substantial investment in deeply affordable housing that genuinely meets the needs of diverse women, girls, and gender diverse people, and that there are equitable investments in emergency homelessness supports and services dedicated to women, girls and gender diverse people.

A long-term vision for the right to housing for women, girls and gender diverse people must involve improved participation and access to justice. It also means preventing evictions and pathways into homelessness, and maximizing supports for women, girls and gender diverse people experiencing housing need, hidden homelessness, violence and poverty.

This research contributed to the establishment of the Recommendations to the Minister in this report. Please see Annex A for a citation of this research collaboration.



About Us

About the Advocate

Marie-Josée Houle (she/her) was appointed as Canada's first Federal Housing Advocate in February 2022, marking a new chapter in a career defined by her work in the affordable housing and homelessness sector.

Ms. Houle is an experienced leader who is recognized for her community activism, expertise in human rights, and extensive knowledge of the housing and homelessness system.

Prior to her appointment as Canada's first Federal Housing Advocate, Ms. Houle has held a number of roles that inform her broad experience, including frontline work in housing co-ops, consulting and project management for affordable housing development, by-law review, housing-related research projects, developing educational programs for housing co-ops and non-profits, and senior leadership roles.

Most recently, she was the Executive Director for Action-Logement, an Ottawa housing loss prevention organization, where she did extensive work in research, education, community partnerships, and on developing tools to support successful tenancies in spite of intensified inequity, growing failures and human rights violations in the housing system. Ms. Houle was also formerly the Executive Director of OCISO Non-Profit Housing Corporation (now called Unity Housing Ottawa). She has also worked as a development consultant and project manager on seven new and existing housing co-operatives and non-profit housing corporations.

Ms. Houle has been actively involved in advocacy work at a national, provincial and community level. She has advocated for tenant rights and the non-profit housing sector at all three levels of government. She has worked with diverse partners in the sector to foster innovation and entrepreneurship, improve efficiencies, influence key opinion leaders, leverage strategic partnerships, and address gaps and human rights violations related to housing and access to housing. Building a sense of community among diverse partners is particularly important to her. Ms. Houle has been a member the National Right to Housing Network, the Ottawa Alliance to End Homelessness and the Canadian Housing and Renewal Association. She sat on the Ottawa Homelessness Community Advisory Board, the Ottawa Social Housing Network Steering Committee, and co-chaired both the City of Ottawa's Housing Loss Prevention Committee, and the Refugee 613 Housing Task Force.

A supporter and amplifier of marginalized voices, Ms. Houle promotes respectful and inclusive dialogue, creating a space for disadvantaged people to be heard, and applies an intersectional and anti-racism lens to her advocacy work. She has liaised with Indigenous housing providers, developers and tenant support organizations to devise ways to be a better ally, support their work and amplify their voices.

Born in Val D'Or, Québec, and raised in Edmonton, Alberta, she holds a Master of Arts in Sociology and Social Anthropology from Dalhousie University and a Bachelor of Science in Environmental Sciences from the University of Alberta. Ms. Houle is fluently bilingual in English and French.

About the Office of the Federal Housing Advocate

The Office of the Federal Housing Advocate is housed and supported by the Canadian Human Rights Commission.

The Office of the Federal Housing Advocate supports the Advocate in carrying out their mandate. Together, we promote and protect the human right to housing in Canada, including the progressive realization of the right to adequate housing.

While the Advocate's position is independent, working in partnership with the Commission will strengthen our work as we both push for human rights and the human right to housing for all in Canada.





Annex A – Research Collaborations

This section details the research papers that we commissioned last year which formed the basis of some of the sections of this report. These research partnerships are a critical foundation for the work that we do. We want to recognize the researchers for their insights and findings, which will help us advance change on key systemic housing issues.

Bringing the housing and homelessness crisis into focus

High stakes: Financialization putting affordability at risk

- *The Financialization of Housing in Canada (Summary Report) and The Financialization of Rental Housing in Canada* by Martine August, University of Waterloo
- *The Financialization of Seniors Housing* by Jackie Brown
- *The Uneven Racialized Impacts of Financialization* by Nemoy Lewis, X University (formerly Ryerson University)
- *Impact of Financialized Housing on Tenants: ACORN Housing Survey Report* by Bhumika Jhamb and Judy Duncan, ACORN Canada
- *Housing Financialization International Landscape* by Manuel Gabarre de Sus

A human rights crisis for residents of encampments

Research team:

- Sue-Ann MacDonald, Université de Montréal
- Caroline Leblanc, Université de Sherbrooke
- Alexandra Flynn, University of British Columbia
- Joe Hermer, University of Toronto Scarborough
- Estair van Wagner, Osgoode Hall
- Kaitlin Schwan, The Shift
- Sam Freeman, The Shift
- Palmira Lutoto, The Shift
- Carolyne Grimard, Université de Montréal
- Sydney Chapados, Carleton University
- Isabelle Raffestin, Université de Montréal
- Émilie Roberge, Table des organismes communautaires montréalais de lutte contre le SIDA
- Laury Bacro, Réseau d'aide aux personnes seules et itinérantes de Montréal

Reports:

- *Literature Review on Encampments Across Canada*
- *Overview of Encampments Across Canada: Media Scan*
- *Homeless Encampments in Canada: 5 Key Human Rights Issues for Consideration*
- *La Situation des Campements au Québec*

Locked out: Security of tenure, evictions and arrears

- *Security of Tenure and the Right to Counsel for Tenants Facing Eviction* by Sarah Buhler, University of Saskatchewan
- *International Jurisprudence and Security of Tenure* by Seema Kavar and Sahar Raza, National Right to Housing Network and Centre for Equality Rights in Accommodations
- *Judicialization of evictions and right to housing in Canada* by Martin Gallié, Université de Québec à Montréal
- *Race and Security of Housing in Canada* by Priya Gupta, McGill University
- *Systemic Barriers to Security of Tenure for First Nations People: A Complex Web of Federal, Provincial, Municipal, and First Nation Jurisdictions* by Alan Hanna, University of Victoria
- *Security of Tenure Issues for Persons with Disabilities* by Luke Reid, University of Toronto
- *Encampments & Security of Tenure: Federal Lands as a Site of Federal Obligations* by Estair van Wagner, Osgoode Hall

Building on a strong foundation

General research

- *Implementing the Right to Adequate Housing Under the National Housing Strategy Act: The International Human Rights Framework* by Bruce Porter, Social Rights Advocacy Centre
- *Implementing the Right to Housing in Canada: Expanding the National Housing Strategy* by Michèle Biss & Sahar Raza, National Right to Housing Network
- *Implementation of the Right to Housing for Women, Girls, and Gender Diverse People in Canada* by Kaitlin Schwan, Mary-Elizabeth Vaccaro, Luke Reid, & Nadia Ali (Women's National Housing and Homelessness Network)
- *Review and Options to Strengthen the National Housing Strategy* by Steve Pomeroy, Carleton University Centre for Urban Research and Education (CURE)