THE HUMAN RIGHT TO ADEQUATE HOUSING IN CANADA:

A COMMENT ON CANADA'S COMPLIANCE WITH THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
WITH A FOCUS ON HOMELESSNESS

A report submitted to the
United Nations Committee of Economic, Social and Cultural Rights
Geneva

Submitted by
Rupert Community Residential Services of Toronto
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1. Rupert Community Residential Services

In the aftermath of a Toronto rooming house fire that killed ten residents on December 23, 1989, concerned citizens and social agency staff who work with the homeless began to campaign for improved conditions in the City's rooming houses. This group came to be known as the Rupert Hotel Coalition, named after the rooming house in which the ten men and women died. The Ontario government sponsored an innovative Rupert Hotel Coalition Pilot Project (1991/1993) aimed at improving and rehabilitating several hundred rooming house units. However, there has been no follow-up and two years ago the Ontario Government took back an approximately $1 million fund which had accumulated for improving rooming house conditions. Rupert Community Residential Services of Toronto Inc. is the legally incorporated community-based non-governmental organization (NGO) which carries on the work of the Rupert Coalition. Our Board of Directors includes rooming house residents, owners, social service providers, and housing specialists.

As this report was being written another rooming house fire (on September 19) killed two women and seriously injured many, leaving about 50 people homeless. The fire destroyed an old house that had been carved into 51 little rooms and used as housing of last resort by those who would otherwise be homeless.

This report to the UN Committee on Economic, Social and Cultural Rights (CESCR) presents the most recent information, drawn mainly from official government sources, on the extent of homelessness in Canada and the government response to this and related housing problems. We have focused particularly on the period since the Government of Canada's last report to the Committee in 1993, drawing specific local examples from Toronto, Canada's largest metropolitan area.
DEDICATION

This report is dedicated to


- the three men who froze to death on Toronto’s streets in the Winter of 1995/96: Eugene Upper, Irwin Anderson, and Mirsalah-Aldin Kompani; and

- the two women who died in the Toronto rooming house fire on September 19, 1998, Erin Hopper, 23 years old, and Grace Isaacs, 54, and the approximately 50 people left homeless.

2. Spending by all levels of government on social housing is decreasing

In May 1993 the CESCR’s concluding report on Canada noted: “Given the evidence of homelessness and inadequate living conditions, the Committee is surprised that expenditures on social housing are as low as 1.3 per cent of Government expenditures.” According to the most recent Statistics Canada summary of government spending, in 1994-95 total housing expenditures by all three levels of government, made up 1.07 per cent of all budget expenditures. Federal government housing expenditures made up 1.14 per cent of the 1995-96 budget. (Statistics Canada, CANSIM; see http://www.statcan.ca)

3. Since 1994 there has been no federal social housing supply program

On May 17 and 18, 1993, the CESCR considered the second periodic report of Canada’s progress on the rights described in articles 10 to 15 of the International Covenant. Three weeks earlier, on April 26, 1993, the Government of Canada tabled its budget in the House of Commons. This budget eliminated, as of 1994, any further spending on new social housing, ending a set of programs that had been in existence since the late 1940s. Since then Canada has been one of the few states without a national program to meet severe housing need. By terminating the social housing supply programs, according to the budget, the government would save $600 million over five years. The previous budget, tabled in February 1992, had already cut $665 million from
spending on social housing, spread over five years. Altogether, more than $1.2 billion has been removed from Canada's efforts to meet housing needs since 1993. Since then, during a period of general economic prosperity in Canada, homelessness has increased in all parts of the country.

4. **Canada has no national program for addressing homelessness**

The Committee's May 1993 report pointed out that the Government of Canada had failed to mention the existence of homeless people in the documentation submitted to the UN. Canada still has no national strategy and no specific programs to reduce or eliminate homelessness.

5. **Certain social and economic rights are not even policy objectives**

In its May 1993 report, the Committee expressed concern that "social and economic rights have been described as mere 'policy objectives' of governments rather than as fundamental human rights." The Committee also expressed concern about "the persistence of poverty in Canada." However, neither the Government of Canada nor any of the provincial and territorial governments has an explicit policy objective of reducing — let alone eliminating — homelessness. Poverty has grown, while spending on income assistance programs has not kept pace with inflation. The National Council of Welfare (a federal advisory group appointed by and reporting to the Minister of Human Resources Development) reported that most people living on welfare in Canada were poorer in 1996 than those who had been living on welfare in 1986.

Social assistance rates remain far below the poverty line. Welfare incomes for single-parent families in 1996, for example, ranged from a low of 50 per cent of the poverty line in Alberta to a high of 68 per cent in Newfoundland. For two-parent families with two children, welfare incomes ranged from 48 per cent of the poverty line in New Brunswick to 64 per cent in Prince Edward Island. In 1996, five years after the last recession, 5.1 million Canadian women, men and children lived in poverty. While the rest of the economy enjoyed modest growth year after year, the overall poverty rate reached 17.6 per cent in 1996.

In only one instance has the government set a policy objective related to poverty. In 1989 the House of Commons resolved to eradicate child poverty by the year 2000. Seven years later, the child poverty rate had risen to 20.9 percent, the highest level in 17 years. Most households receiving social assistance are worse off in real terms now than they were in 1993, when your Committee expressed concern "that there seems to exist no procedure to ensure that those who must depend entirely on welfare payments do not
thereby derive an income which is at or above the poverty line.” Many of Canada’s very poor do not even qualify for welfare payments.

6. National plans of action have been developed – and ignored

The failure to address homelessness in Canada is not due to any lack of information or understanding of the problems. One of the best blueprints for addressing Canada’s housing problems is contained in a 50-page report written in 1990 by Paul Martin, the current Minister of Finance, and another member of Parliament, Joe Fontana. The report is called Finding Room: Housing Solutions for the Future, Report of the National Liberal Caucus Task Force on Housing. Released after an extensive national consultation, when Mr. Martin’s Liberal Party was not in power, the report contains 25 recommendations to improve the lot of Canada’s homeless population, aboriginal people, renters and low-income homeowners. The report states: “The federal role in housing must not be a residual one. The connection between housing and other aspects of both social and economic policy means that the federal government must take a lead role.... Our market housing system has not responded adequately to all of society’s needs.... The Task Force believes that ... all Canadians have the right to decent housing, in decent surroundings, at affordable prices.”

7. Homelessness is often caused by discrimination and racism

Up to a quarter of the homeless people in Canadian cities are Aboriginals. About 15 per cent of Toronto’s hostel users are immigrants and refugees. Race is still a barrier to equal treatment in Canada’s job and housing markets. Some landlords refuse to rent apartments to families with children or to people on social assistance. Many community-based services that used to help these families have lost their provincial and federal funding. Federal and provincial human rights codes are well-intentioned but toothless documents and enforcement mechanisms are weak. Budget cuts have slowed progress in combating discrimination. For example, the Ontario government recently cut all funding to the Centre on Equality Rights in Accommodation, an agency that provided effective help to people experiencing housing discrimination.
8. The Ontario Government has ignored the results of its own inquest into the freezing deaths of homeless men

Although there is no formal tracking system for street deaths, in the last 18 months Toronto's social service workers have recorded a rate of one death a week related to homelessness. In the winter of 1995-96 three homeless men, Eugene Upper, Irwin Anderson, and Mirsalah-Aldin Kompani, froze to death on Toronto's streets. The jury of the Ontario Coroner's Inquest, which delivered its verdict in June 1996, urged "all levels of government and society at large to make a concerted and serious effort to alleviate the burden of this group of people to allow them to live in dignity." The jury made more than 50 recommendations. Virtually none of the recommendations relating to provincial and federal responsibilities has been implemented. Recommendation 17, calling for the development of a "Housing Plan of Action" was ignored. (For the full text of the verdict of Coroner's Jury, see: http://www.raisingtheroof.org/raisetheroof/art1.htm)

9. Emergency shelter use is increasing in Toronto

The June 1998 interim report of the Mayor's Action Task Force on Homelessness cited recent studies of users of emergency shelters. On any given day in 1996, about 3,100 different individuals were using Toronto's emergency shelters. This is an increase from 2,600 in 1994 and 2,100 in 1988. In 1996, almost 26,000 different people used Toronto's emergency shelter system. Families accounted for 13 per cent of shelter cases in 1996 but represented 46 per cent of the people using shelter beds in that year. In 1996, 19 per cent of the people using shelters – 5,300 individuals – were children. More than 80,000 people (about 4 per cent of Toronto's population) are at risk of becoming homeless because they are spending more than 50 per cent of their income on rent or living in precarious situations. Every night in Toronto more than 3,000 men, women and children are in an emergency shelter; about 37,000 qualified applicants are on a waiting list for subsidized housing, and about 40,000 additional people are precariously housed – some of whom will become homeless. (For a copy of the report, see: http://www.city.toronto.on.ca/mayor/homelessnesstf.htm)

10. All forms of assistance for Toronto's poor and unemployed are decreasing

The Mayor's Action Task Force on Homelessness also described the context of homelessness. In 1996, 36 per cent of Toronto's renter households lived in poverty – an increase since the end of the recession in the early 1990s (by comparison, the poverty rate for homeowners was 7.2 per cent). Renters' incomes fell by 12 per cent in real terms between 1990 and 1995 (homeowners' incomes fell by 5 per cent). In the late
1980s, 3 per cent of the City’s population qualified for and received social assistance; at the end of 1996, the corresponding number was 8 per cent. Because of changes to the federal unemployment system, only 40 per cent of the unemployed in the Toronto area received benefits, compared to 68 per cent in 1993. Because of changes in provincial social assistance, fewer people are eligible for welfare. Moreover, Ontario’s welfare payments were cut by 21.6 per cent in 1995. Medical and drug benefits for the working poor have been eliminated. So has the $37-a-month pregnancy allowance. A new, more restrictive definition of disability has been introduced, which means that fewer disabled people will be eligible for benefits. Although rents in Toronto’s licensed rooming houses average about $450 per month, the housing allowance component of social assistance for a single person is $325. The number of licensed, regulated rooming houses in Toronto is steadily declining: there were 603 in 1986; there are 393 today. Meanwhile, there are hundreds of illegal, unlicensed and often unsafe rooming houses in the city. No new social housing is being built today (for the past two decades an average of 2,100 units per year were built in Toronto).

11. City of Toronto staff are aware of the growing crisis

The following is a quote from a June 1998 City of Toronto staff report to City Council. Staff had been asked whether the homelessness crisis should be declared a disaster requiring an emergency relief effort.

"Estimating the number of people who are homeless is difficult, although we do know the number is rising. In 1997, about 28,000 people used the emergency shelter system in Toronto. People actually living on the street are growing in number according to street patrol and outreach workers. The number of "hidden homeless," i.e., people doubled up in housing or living in unstable or substandard housing and therefore at risk of becoming homeless, are even more difficult to estimate...

"Toronto has experienced an increased demand for emergency shelter (usage has more than doubled in the last four years) along with accompanying shortages in supply. The system operates at full capacity most nights throughout the year with many hostels reporting overcrowding. While single adult men continue to comprise the majority of hostel users, trends show that mother-led families and youth are the fastest growing users of Toronto’s hostel system. In October 1997, Toronto’s shelter system was unable to accommodate the expected demand for the upcoming winter. In response, several overnight and day shelters were opened, operating at full capacity most nights. These sites were
designed as a temporary measure only. The closure of most of these sites, ... 

"Toronto’s homeless crisis is also characterized by an increased demand for community-based emergency services such as drop-in centres and meal programs along with a proliferation and institutionalization of volunteer based, ad hoc responses such as the Out of the Cold winter shelter program and food banks." (From: Homelessness and Request for a “Declaration of Disaster,” City of Toronto Commissioner of Community and Neighbourhood Services, report to the City Council Strategy Committee for People Without Homes, Toronto, June 29, 1998.)

12. Canada has violated its obligation to ensure the right to adequate housing

In our opinion Canada is in violation of its obligations to make progress in achieving the human right to adequate housing. The UN’s Special Rapporteur on the right to housing, Justice Rajindar Sachar, has listed the ways in which a state can violate the right to adequate housing (The Right to Adequate Housing: Progress Report, June 1993). The following five apply to the Government of Canada and to most provincial governments, especially Ontario and Alberta:

- acts of racial or other forms of discrimination in the housing sphere;
- adoption of legislation or policies clearly inconsistent with housing rights obligations, particularly when these result in homelessness, greater levels of inadequate housing, the inability of persons to pay for housing and so forth;
- repealing legislation consistent with, and in support of, housing rights;
- unreasonable reductions in public expenditures on housing and other related areas, in the absence of adequate compensatory measures; and
- overtly prioritizing the housing interests of high-income groups when significant portions of society live without their housing rights having been achieved.

13. Canada has the resources to end homelessness and poverty

Adequate housing and adequate support services for all Canadians are well within Canada’s financial means. The Government of Canada no longer has an annual budget deficit. Many provinces are also in good financial condition. Spending another 1 per cent of government budgets on housing (about $3.8 billion Canadian) would not affect the well-being of Canadian taxpayers, yet it would be enough to ensure that no one is homeless. The National Welfare Council notes: “Winning the war on poverty is not an unrealistic goal.... Statistics Canada estimates that the cost of bringing all poor people out of poverty in 1996 would have been $17.8 billion. That’s a huge, but not outrageous
amount of money in a country where the federal, provincial and territorial governments spent $386 billion in 1996 and where the value of all goods and services produced was $820 billion.” (Poverty Profile 1996: A Report by the National Council of Welfare, Ottawa, 1998.)

14. Recommendations: Better UN monitoring and improved reporting on compliance are needed

On this 50th anniversary of the Universal Declaration of Human Rights, the United Nations must find more effective ways to encourage states to act on their human rights obligations. We urge the Committee on Economic, Social and Cultural Rights, following its scheduled November 1998 review of Canada’s compliance, to provide very detailed comments in its concluding report on Canada together with very specific recommendations.

- We recommend that the Committee remind the Canadian federal and provincial governments of its General Comment No. 4 on the right to adequate housing. This Comment notes that “the Covenant clearly requires that each State party take whatever steps are necessary” to fully realize the right to adequate housing; that this “will almost invariably require the adoption of a national housing strategy”; that “such a strategy should reflect extensive genuine consultation with, and participation by, all of those affected, including the homeless, the inadequately housed and their representatives”; and that “steps should be taken to ensure co-ordination between ministries, regional and local authorities in order to reconcile related policies.”

- The Committee’s 1993 report ended by asking the Government of Canada to “inform the Committee of any developments and measures taken with regard to the issues raised and recommendations made.” Has the Government done so? Reporting should be required of states that have failed to make progress. Specific deadlines must be established.

- For states in serious violation of human economic, social, and cultural rights, the reporting and review process must be more frequent than every five years. Canada’s sorry record over the last five years demonstrates the need for the United Nations to develop improved mechanisms to monitor violators who have the resources to make progress on housing problems and to issue more frequent comments and recommendations.