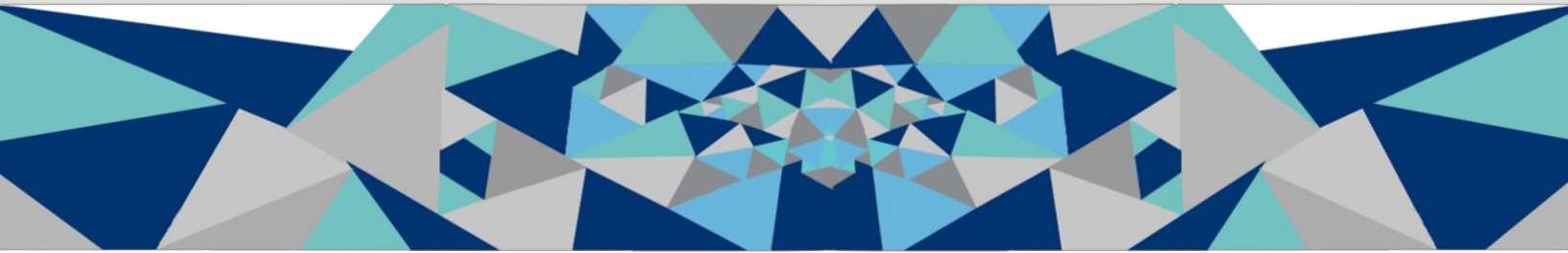


Getting It Right

Putting human rights at the center
of youth housing strategies



Centre for Equality Rights in Accommodation
Centre pour les droits à l'égalité au logement

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Sudbury Action Centre for Youth
Windsor Youth Centre
Youth Services Bureau of Ottawa

About CERA & Getting It Right

The Centre for Equality Rights in Accommodation (CERA) is committed to making legal information useful to the lives of those who need access to housing justice the most. Our model of public legal education uses popular education and arts-based learning and puts the right to housing front and center.

CERA defends housing rights and human rights by educating individuals and communities, advancing progressive and inclusive housing law and policy, and providing free legal information and advocacy supports to marginalized Ontarians.

The information in this report reflects learnings and impacts from workshops held with 101 youth who know homelessness and 78 workers in 5 Ontario communities in 2017 and 2018. It also includes feedback from an additional 66 youth who responded to informational surveys, dozens of youth who participated in an in-person consultation in Ottawa in January, 2018, and over 150 youth who accessed informational or advocacy supports at CERA. It also includes trends from direct engagement and education of over 250 private residential landlords across the province.

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Disclaimer

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“Discrimination and homelessness are traumatic, and youth are easily alienated from the supports that are supposed to help them. Education and legal supports for young people need to recognize these barriers.”

–Youth support worker



The Law vs. Reality

Housing is a human right, and Canada has signed multiple international agreements that recognize this fundamental truth.

In Ontario, the *Human Rights Code* (“*the Code*”) guarantees that all tenants have the right to equality in housing. It provides legal “teeth” for tenants to challenge landlords who do not uphold Code-protected human rights in their rental practices. Yet illegal discriminatory practices happen all the time: landlords often refuse to rent to young people and those on social assistance, they target certain tenants with evictions in order to raise rents, or they simply do not complete repairs when young tenants submit work orders. For youth and other groups facing barriers to equality in housing, the protections and rights to which they are entitled under the law rarely match their lived realities:

- Youth commonly face discrimination in the housing market on the basis of their age *and* other intersecting factors, such as their race, gender identity or expression, or source of income.
- Confusion exists in youth communities about the law and their rights, and landlords know about and exploit this age-related vulnerability.
- Youth are less likely than other groups to seek support for accessing justice, even when their rights have clearly been violated.

The Rental Housing Imperative for Young People

Most young people in Canada will live in rental housing as a tenant or occupant at some point, even if they eventually move on to own their own home. Additionally, more and more young adults in Ontario are renters, with over half of Ontario households between ages 24 and 35 renting in 2018.¹ In this context, it is extremely important to build legal competency about housing rights, especially among young people. However, access to youth-friendly information and supports are in short supply, particularly for young people facing barriers connected to poverty or homelessness.

Canada’s housing system privileges homeownership.² The federal government provides deep subsidies for homeowners, while funding for rental housing and legal protections for tenants vary from province to province. This results in significant gaps in support that leave over 1.6 million Canadian households in core housing need.³ In Ontario, 85% of tenants live in units provided by the private rental market,⁴ meaning that only 15% of tenants live in public or social housing. In many other OECD countries, social and affordable housing comprise a significantly larger portion of the rental housing stock – for example, 32% of all housing in the Netherlands, and 17.5% in the U.K.⁵

¹ See [Where Will We Live](#)

² See [Canada’s Dual Housing Policy: Assisting Owners, Neglecting Renters](#)

³ Statistics Canada, 2016

⁴ See [Where Will We Live](#)

⁵ See specific country profiles from [Housing Europe](#)

What is a Human Rights-Based Approach to Housing?

When rental housing is treated as a for-profit commodity, as it is in Canada, tenants are highly vulnerable to market forces. In Ontario, where **vacancy de-control** means that the rent for empty units can be raised without any restrictions, we see predatory evictions of long-term tenants, as well as the increasing acquisition of rental buildings by large for-profit corporations. These structural realities shape the experiences of the 30% of Ontarians who are renters.

A human rights-based approach recognizes housing as a universal necessity of life to which everyone must have equitable access. This means that housing cannot be treated like other goods that are bought and sold in society, even if private individuals are the ones who own and provide housing. Because it is a human right, housing requires special protection and regulation to ensure that everyone has access to it, which in turn requires government action. A human rights-based approach to housing also shifts the conversation about homelessness and housing insecurity away from blaming individuals for their situation to the barriers in the housing system that perpetuate inequality and discrimination and result in homelessness.

Too often being homeless is considered a personal and moral failing, when it's actually a structural and political problem.”⁶

– Leilani Farha, U.N. Special Rapporteur on the Right to Housing

Why Focus on Rights?

The rental housing system in Ontario and across Canada is failing tenants. This is partly because very little is done to promote awareness of the laws, rights and responsibilities of tenants and landlords. Currently, most tenants - young and old - are not aware of their rights and, when people don't know about their rights, they simply cannot assert them.

Tenants either live in privately-owned rental housing or social housing. In Canada, the vast majority of tenants live in **private rental housing** – apartments, houses, condos, basement units, etc. owned by an individual or company. In many cases, the owners of private rental housing units hold them for the purpose of making a profit. It is the responsibility of landlords to follow all applicable laws, including provincial rental housing laws, and municipal by-laws. In Ontario, landlords must follow the *Residential Tenancies Act* and the *Rental Fairness Act*, as well as the *Human Rights Code* and *Accessibility for Ontarians with Disabilities Act*.

Some tenants also live in **social housing** – in Ontario, these are units that are operated by public service providers, such as municipal housing corporations (i.e. Toronto Community

⁶ Quoted in [Youth Rights! Right Now!](#)



Housing Corporation (TCHC) in Toronto or Sudbury Housing) or other non-profit organizations. Many tenants in social housing receive subsidies and, as a result, they pay reduced rents that are relative to their income. At present, this rate is usually set at a level not to exceed 30% of their income. Some tenants receive other financial benefits to help pay their housing costs. In addition to being required to follow the same laws and rules that landlords in the private market must follow, social housing providers are also responsible for following provincial laws that set out specific rules for social housing such as the *Housing Services Act* in Ontario. (Note: housing cooperatives, or co-ops, are also a type of social housing, but they are governed by different laws/rules. Residents have different rights and responsibilities and are called “members” not tenants.)

While landlords have many laws and rules that they are responsible for following, they are not required to undergo any training to educate them about those laws and rules. As a result, many owners of private rental housing units are not equipped to deal with the complexities of owning and operating rental housing. When tenants who don't know their rights or where to go to seek justice are faced with landlords who do not follow the rules, housing rights and human rights violations become common.

Recognizing that Canada is facing a housing crisis, the federal government introduced its first ever National Housing Strategy in 2017. Declaring that: “Canadians deserve safe and affordable housing,”⁷ the National Housing Strategy has taken the important first step of recognizing housing rights as human rights. However, many housing and human rights advocates are concerned that the strategy doesn't go far enough to provide legal protections for tenants. This report provides a number of recommendations from youth that the federal government should consider as it moves towards implementing the human right to housing.

About the “Getting It Right” Initiative

While recognizing the systemic failings of our housing system, CERA's youth education model promotes a culture of human rights by encouraging Ontario youth to develop expectations and to hold landlords and the housing system accountable. Our model:

- Builds individual and community capacity through corresponding education of workers *and* the youth they serve;
- Provides an overview of the rental housing and support system as a whole so that youth are better equipped to navigate it; and,
- Puts consideration of rights (and corresponding responsibilities) at the center of the discussion

Getting It Right focused on promoting youth access to housing justice through three specific interventions in five communities across Ontario: arts-based education for workers and youth who know homelessness; direct supports for youth, including advocacy, online Q & A sessions and provision of plain language legal information; and educational interventions with private sector landlords.

⁷ Read Canada's first [National Housing Strategy](#)

“... when I came into the situation it was a few months into the rental agreement, the landlord decided to rent to me under a different agreement and charge me a different amount from the rest of them just because I was another body in the apartment. Which I now realize from everything I have learned was definitely not right. I ended up having to leave that situation because I couldn't afford to live there anymore...”

- Young person who used to be unhoused

Why Arts-Based Legal Education?

CERA has been educating youth and other communities through arts-based approaches for over five years. Arts-based and creative activities help to create safe spaces, allow participants to create connections between systemic failings and personal experiences, and can improve learning.⁹

88% of youth workshop participants reported that the training gave them a **substantially better understanding of their rights** in rental housing

93% of youth workshop participants told us that the content learned during the session **will enhance their ability to self-advocate** when facing future housing-related issues

77% of youth workshop participants indicated that the combination of creative activities throughout the session **improved their learning experience**

“Why don't we all have to learn about rental housing and our rights [in school]?”

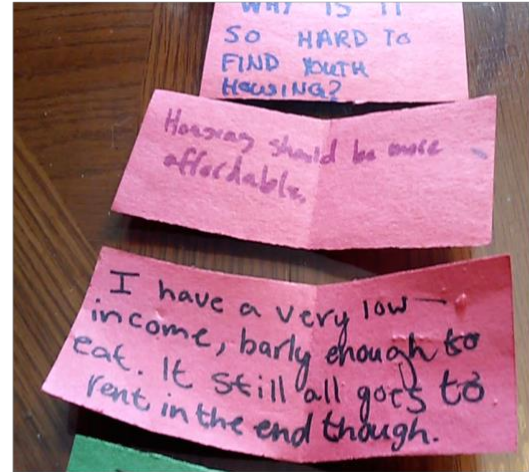
– Youth workshop participant

⁹ See Appendix A for examples of participant responses





“... the importance of having a house before you get some food, and have a place to put the food and stuff like that... it doesn't matter where you live you have to start from somewhere and you can't start without proper housing and if you're not comfortable in your housing.”



Youth Experience Age-Related Barriers in Housing and Accessing Justice ALL. THE. TIME.

Of 66 young people across Ontario who know homelessness and responded to CERA's housing experience survey:

- 36% said they had been denied an apartment for reasons related to their age
- 56% said their rental application had been refused because of their source of income
- 74% said they believe they are treated differently by landlords because of stereotypically negative perceptions about young people
- 37% have faced eviction
- 64% have faced serious maintenance problems, and 44% have had no access to vital services (e.g. heat, hot water) at some point during a tenancy

Other key and emerging barriers that youth identified during our workshop conversations include:

- Many hydro providers do not allow young people under 18 to sign contracts, creating problems for leaseholders who are 16 or 17.
- Youth experience significant power imbalances with their landlords and have fears of creating conflict by enforcing their rights. This can create apathy and disenfranchisement from the legal support system.
- Some landlords assume young people don't know their rights, and take advantage of this by, for example, requiring youth to sign new leases and raise rents above the guideline amount each year.
- There is a lack of clarity among the general public about standards for overcrowding, the content of noise by-laws, and the responsibilities and rights of landlords and tenants when guests are staying in a unit.
- Marginalized youth can experience trauma when repeatedly refused rental units by landlords.

What We Heard from Youth and Workers who participated in Know Your Rights workshops in 5 Ontario Communities



Sault Ste. Marie

Youth reported many instances of illegal evictions, landlords not providing leases, and landlords not disclosing maintenance issues. Youth want stronger enforcement options, and suggest everyone should have to learn about rental housing law in school.

Workers identified that young people need more educational opportunities about their rights and responsibilities in rental housing. Workers spoke about systemic barriers for youth when trying to access legal supports on housing (and other) issues.

St. Catharines

Youth cited the following factors: that many landlords only rent to young people if they are also students, as well as neglect of units resulting in limited suitable affordable rental housing options.

Workers identified that the rental housing supply is poor quality and rents are rising.

Workers said that there's no access to justice for young tenants, and youth are left feeling as though their rights don't matter.

Windsor

Youth spoke about rents being high, and a few landlords owning majority of the rental stock.

Youth also feel that illegal evictions are on the rise.

Workers identified that youth are prone to simply leaving when legal issues arise.

Ottawa

Youth spoke about not having true access to justice, landlords not knowing the law, and how the system fosters dependency of youth on workers.

They also said affordable housing options aren't accessible or in areas of the city that meet their other needs.

Workers talked about the barriers of the housing system for youth, such as landlords asking for proof of parental consent, and the struggle to support young people when wait lists are so long, and rental options are poor quality.

Sudbury

Youth spoke about a lot of confusion about rental housing law, and that they can't enforce their rights.

Both youth and workers said it's hard to advocate for youth access when a small pool of landlords have a monopoly on the supply of more affordable units.

Workers also identified bad service quality from landlords, and blatant systemic discrimination against Indigenous youth.



Using our legal teeth: engaging landlords about their responsibilities under human rights law

As part of Getting It Right, CERA reviewed online rental ads in our partner communities and the GTA and found that discriminatory language is widely used by landlords. Youth participants told us that, when they see this kind of language in rental ads, they don't apply for those units because they believe the landlord simply will not rent to young people.

In Ontario, landlords are prohibited from discriminating against rental applicants or tenants on sixteen grounds:

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability, including mental health and addictions
- Family status
- Marital status
- Gender identity
- Gender expression
- Receipt of public assistance
- Sex
- Sexual orientation

This means that deciding not to rent to someone because they are young is illegal. Most of the youth that CERA and our partners work with felt that they are also judged for other reasons, such as their race, ancestry, gender identity, receipt of public assistance, and other aspects of their identity listed above.

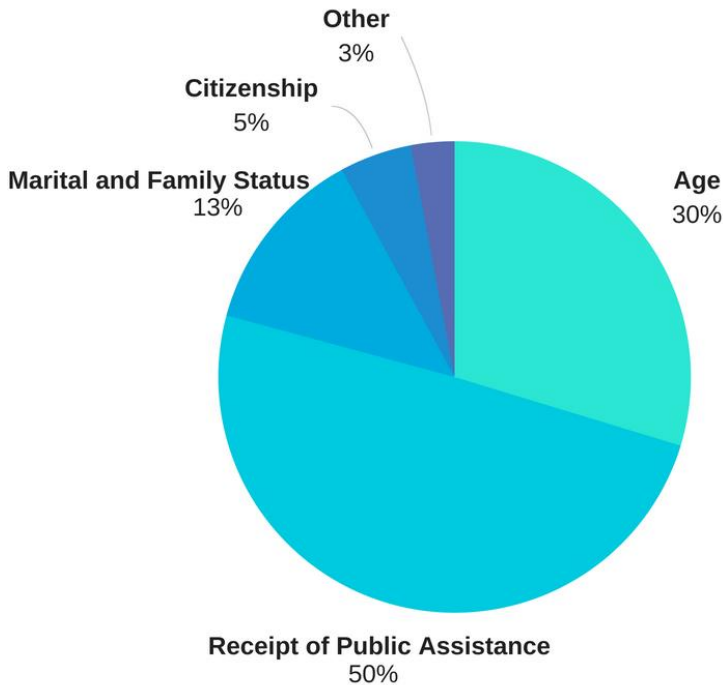
As the Ontario Human Rights Commission explains, some rental ads can be explicitly discriminatory while others discriminate “by accident”.¹⁰ Ontario’s Human Rights Commission states that “preferential” language choices by landlords are just as problematic as blatantly discriminatory word choices:

Some landlords, when listing “selling points” to attract tenants, make statements that may discriminate, even if they don’t mean to. This often happens when you are trying to appeal to people you think may like the rental unit... These statements suggest that the landlord prefers some people over others. ...These ads discourage good tenants from applying, because they think they won’t be treated fairly.¹¹

¹⁰ From the Commission’s [website](#)

¹¹ Read more on the Commission’s [website](#)

Prevalence of Discrimination Language in Rental Ads by Code Grounds



Examples of explicit discriminatory language and preferential language we saw included:

- "available for ONE person"
- "employment letter with salary required"
- "employment and government ID is required"
- "Perfect for a single mature adult"
- "The perfect place for working professionals"
- "ideal place for young professional or a couple"
- "suitable for quiet professional couple without kids"

Of the online rental ads CERA responded to with a message identifying discriminatory language, approximately 10% of landlords replied. Responses from landlords ranged from anger and indignation to gratitude for the educational information CERA provided. Some landlords also committed to changing their language in their ads in the future. Perhaps most important to note, every landlord we contacted did not immediately understand why their ad was discriminatory, reflecting major shortcomings in the private rental system's education of landlords.

"If we can't enforce our rights quickly, hold landlords accountable, and feel supported and dignified during the process, then these rights [on paper] mean nothing."

-Youth workshop participant



“I have never been in the same spot for more than a few months.”

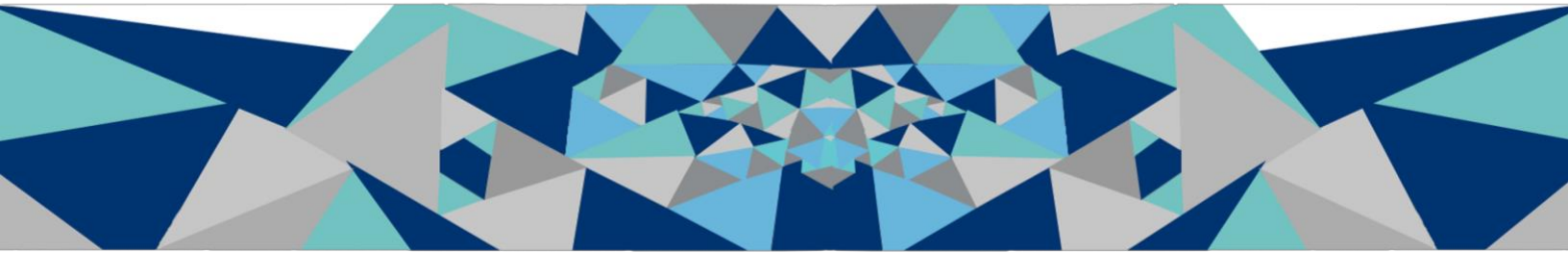


Recommendations from youth

During our arts-based workshops, conversations often lead to brainstorming solutions. CERA’s workshops equip youth to understand how the housing system is structured in ways that keep them and others who should be protected by the *Code* marginalized.

Youth made the following recommendations for improving the rental housing system so that it supports access to housing and access to housing justice:

1. Education about housing rights (and responsibilities) needs to be part of formal education for everyone – both tenants and landlords.
2. Landlords need to be trained and held accountable, and enforcement mechanisms for tenants need to be strengthened and simplified.
3. Youth-led, rights-based housing education should be readily available to all young people, especially those who face intersecting discriminatory barriers in the rental housing system.
4. Adaptive and youth-friendly service models need mainstreaming, and efforts to improve access to housing justice must include young people in leadership roles.



Tools and Resources

Interested in hosting a youth housing rights conversation in your community? Check out CERA's [*Youth Housing Rights Facilitators' Guide*](#)

Want to learn more about youth housing rights internationally? Check out [*Youth Rights! Right Now! Ending Youth Homelessness: A Human Rights Guide*](#)

Contact CERA

If you are facing discrimination in rental housing or have questions about your housing rights, contact CERA. **It's free.**

1-800-263-1139

Facebook.com/CERAOntario/

www.equalityrights.org/cera



Appendix A

Sample of workshop participant feedback to Head Heart Hand evaluation process.

Head - What participants reported they learned:

- I learned that I was likely wrongly evicted.
- I learned that I actually have rights!
- I learned that landlords can't evict you without notice.
- I am a person with rights and not just a tenant.

Heart - How participants reported they felt:

- I feel better knowing my rights a tenant.
- I feel better about understanding my human rights with housing and understanding the landlord/housing system and what avenues to take.
- Upset about the lack of public housing.
- Very motivated.
- I was sad to see so much youth having [housing] issues that could be resolved.

Hands - What participants reported they will do going forward:

- I will work hard to assure I protect my rights in my new home.
- Now that I know about housing rights I'm going to do my best to explain everything I just learned to others who may [be] experiencing any sort of housing issue...A little bit of knowledge can go a long way... Thank you.
- Passing the info on to others.