

The Right to Housing in Canada

Recommendations for Canada's
4th Universal Periodic Review



Key issues from previous cycles

In the last three cycles of the UPR, 21 recommendations were made to Canada on the right to housing, including implementing a national housing strategy to address the housing crisis, adopting legislation that recognizes the right to housing, taking measures to reduce homelessness and poverty, and implementing strategies to address housing inadequacy for Indigenous Peoples. In every cycle, Canada has received recommendations to ensure the enforcement of economic, social, and cultural rights and to ratify the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights. In the last review, Canada made a voluntary pledge to take legislative steps to progressively realize the right to adequate housing and to co-develop Indigenous housing strategies that are reflective of the specific needs of Indigenous Peoples.

Canada's national framework for the right to housing

Canada is a federalist state where implementing the right to housing is a shared responsibility of federal, provincial, and territorial governments. Provinces and territories have jurisdiction over housing law, and each one has its own legislation that governs the relationships between landlords and tenants, and their respective obligations. A national housing strategy was launched in 2017 where different federal funding streams were developed to directly invest in housing. In 2019, the federal government passed the National Housing Strategy Act, through which it committed to progressively realize the right to adequate housing. It also created three new mechanisms to hold the federal government accountable for its obligations; the Federal Housing Advocate, the National Housing Council, and the Review Panel. However, the right to housing is not yet recognized in the Constitution or in most provincial and territorial legislation.

Challenge	Impacts
A rental housing affordability crisis.	The housing affordability crisis contributes directly to high rates of homelessness and a rise in economic evictions. Over 235,000 people a year experience homelessness. Homeless encampments are on the rise, especially during the COVID-19 pandemic when at least one encampment was established in each of Canada's 25 most populous cities.
Inadequate programs that do not align with Canada's legislative commitment to implement the right to adequate housing.	Only 3% of the housing units built under the National Housing Strategy's largest funding program are affordable to those experiencing precarious housing and homelessness. Definitions of affordability under these programs do not meet the affordability needs of those most in need of housing. Governments are not investing in creating and sustaining deeply affordable housing options like social housing.

Challenge	Impacts
Underinvestment in urban, rural, and northern Indigenous housing.	Over 85% of Indigenous Peoples live in urban centers and are disproportionately affected by inadequate housing and homelessness. In major urban areas, between 20-50% of people experiencing homelessness are Indigenous. Indigenous households continue to live in grossly inadequate and overcrowded homes that need major repairs.
Inadequate protection for security of tenure.	The lack of consistent rent regulation across Canada and inadequate tenant protections against excessive rent increases has led to a rise in economic evictions. In most provinces and territories, evictions are treated as the only solution, and not the last resort to resolve issues in tenancies.
Inadequate income supports.	Households in receipt of social assistance cannot find a home that they can afford. For example, in Ontario, a single person with no dependents receives \$390 in income supports to pay for rent. This is grossly inadequate considering that social housing options are limited and the average asking rent in 2023 for a one-bedroom private market unit is \$2,248.
Lack of regulation of private actors and financialized landlords.	Unregulated private investors and large corporate landlords, which own 20-30% of Canada's rental housing market, often deploy various tactics to charge more rent that can lead to the displacement of tenants from their homes and communities.
Lack of justiciability of economic and social rights.	Domestic law does not recognize a justiciable right to housing or afford remedies for violations of the right to housing and other economic, social and cultural rights.

Recommendations

- Revise the National Housing Strategy to comply with the right to housing and ensure that it funds solutions that urgently create adequate and affordable housing for those most impacted by the affordable housing crisis.
- Implement clear goals and timelines for eliminating all forms of homelessness by 2030, with rigorous monitoring and compliance measures in place.
- Increase investments in and prioritize solutions for urban, rural and northern Indigenous housing.
- Increase investments in social housing and other non-market housing options that provide deeply affordable housing, with clear targets and goals.
- Ensure social assistance rates and housing benefits are commensurate with real housing costs, with guidelines that help provincial and territorial governments better support their communities.
- Implement and strengthen rent regulation in every province and territory, ensuring that renters are protected from excessive rent increases.
- Cooperate fully with Canada's Review Panel on financialization of rental housing and take concrete steps to address its impacts on housing adequacy, security of tenure, and affordability.
- Ensure that all provinces and territories strengthen their security of tenure legislation, including ensuring that eviction is treated as a last resort.
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.