

VANCOUVER, CANADA: A STUDY IN HOUSING INJUSTICE

Universal Periodic Review--Canada

October 9, 2012

**Submission To:
Office of the High Commissioner for Human Rights**

**Submission By:
Housing Justice Project**



Housing Justice Canada

Addressing the issue of housing access and affordability in Vancouver.

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Housing Justice Project

1. The Housing Justice Project is a three year research project, in its second year, addressing issues of housing accessibility, adequacy, and affordability in the City of Vancouver, Canada. Principal investigators, Dr. Penny Gurstein, Professor and Director of the University of British Columbia's School of Community and Regional Planning, and Margot Young, Associate Professor of Law at the University of British Columbia, are senior academics working on housing and social justice research. The Project has two community partners: the Canadian Rental Housing Coalition, representing stakeholders from local government, development and real estate industries, non-profit rental housing groups, tenant rights organizations and rental housing managers organizations in the Lower Mainland; and Pivot Legal Society, a local legal and social advocacy agency. The project connects the three strands of public engagement, policy development, and legal rights advocacy—all in aid of fostering housing rights in the city.

Housing Justice <http://housingjustice.ca/>
Canadian Rental Housing Coalition <http://www.rentalcoalition.ca/>
Pivot Legal Society <http://www.pivotlegal.org/>

A. Introduction

2. **All levels of government in Canada have failed to respect, protect, and fulfill Canada's international human rights commitments to adequate housing for individuals living in Canada.** This failure persists, and deepens, despite repeat urging by various United Nations human rights treaty bodies and Canada's 2009 Universal Periodic Review to address this shortcoming.

3. Specifically, the submission focuses on the **housing crisis in the City of Vancouver**. Vancouver represents well the contrast between affluence and deprivation that characterizes Canada's cities. Canada has growing inequality and marginalization of vulnerable groups despite being a country otherwise marked by affluence, prosperity and wealth. Dramatic lack of adequate, affordable housing is a linchpin in this continuing injustice and inequity across the country.

B. Canada's Obligations to Secure Adequate Housing

4. Canada is a party to a number of international human rights instruments each of which recognize adequate housing as a fundamental right. Most notable among these provisions are Canada's obligations under article 25(1) of the *Universal Declaration of Human Rights* and article 11.1 of the *International Covenant on Economic, Social and Cultural Rights*.

UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III),
<http://www.unhcr.org/refworld/docid/3ae6b3712c.html>

Office of the United Nations High Commissioner for Human Rights, *The International Covenant on Economic, Social and Cultural Rights* (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR)
<http://www2.ohchr.org/english/law/cescr.htm>

C. Canada's First Universal Periodic Review

5. At the inaugural UN Universal Periodic Review of Canada in 2009, members of the UN Human Rights Council noted Canada's recent struggles with inequality, poverty, and homelessness and recommended that Canada address these issues.

Recommendation 47. [Turkey] noted treaty body observations of poverty among vulnerable groups, cited the Special Rapporteur on adequate housing's concerns about homelessness and families living without access to drinking water and sanitation, and CESCR concerns that low-income Aboriginal and Afro-Canadian families had to relinquish children into foster care due to inadequate housing. Encouraged by Canada's commitment to address these socio-economic disparities, it recommended Canada (c) continue to work towards that end.

Recommendation 48. [Finland] recommended that Canada continue its efforts to tackle discrimination against Aboriginal women in all sectors of society, including employment, housing, education and health care

UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review** Canada*, (October 2009).
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/CASession4.aspx>

6. In its formal response to the Report of the Working Group, Canada accepted Recommendations 47 and 48, stating that, Canada is working to improve housing choice and affordability. Governments are making substantial investments in housing through programs targeting affordability, housing renovation, homelessness and support for existing social housing units.

Government of Canada, *Canada's Universal Periodic Review Response to Recommendations*, (August, 2009)
<http://www.pch.gc.ca/pgm/pdp-hrp/inter/101-eng.cfm>

D. Vancouver, British Columbia: A City Marred by Homelessness and Inadequate, Unaffordable Housing

7. British Columbia has had the highest provincial rate of poverty in the country for the past 12 years. The current BC poverty rate is 11.5%. Child poverty rates among immigrant and Aboriginal families are extremely high; 49.6% of children of new immigrants in BC are living in poverty. Single mothers in BC saw their poverty rates increase last year from 15.9% to 16.4%. Overall poverty rates for all age groups increased as well.

Katie Hyslop, "BC drops in child poverty, up in overall poverty" *The Tyee*, (18 June 2012),
<http://thetyee.ca/Blogs/TheHook/BC-Politics/2012/06/18/BC-drops-in-child-poverty-up-in-overall-poverty/>

First Call, *2011 Child Poverty Report Card*. <http://www.firstcallbc.org/pdfs/economicquality/3-reportcard2011.pdf>

8. Vancouver is British Columbia's largest city and the third largest city in Canada. Metro Vancouver's population was 2,403,542 in 2011. Vancouver is a city marred by poverty, homelessness, and housing inaccessibility. The number of households in core housing need is estimated at 92,111 renter households and 57,596 owner households in Greater Vancouver in 2011. These numbers are projected to grow significantly. "Core housing need" refers to households which are unable to afford shelter that meets adequacy, suitability, and affordability norms.

B.C. Non-Profit Housing Association, *Our Home, Our Future: Projections of Rental Housing Demand and Core Housing Need*, September 2012.

http://www.bcnpha.ca/media/BC_Need_and_Demand_Reports/15_Greater_Vancouver_120921.pdf

Canada Mortgage and Housing Corporation
http://www.cmhc-schl.gc.ca/en/corp/faq/faq_002.cfm#4

9. There are very low vacancy rates in the market rental stock of Vancouver, with limited new supply in recent decades. There are a significant number of supportive housing units in development, but this supply will not entirely address the current need and will take several years to complete. A 2011 estimate by The Rental Housing Supply Coalition stated that in Metro Vancouver there is a demand of 6,500 new rental units per year, but only 600 are purpose-built annually.

City of Vancouver, *Vancouver's Housing and Homelessness Strategy, 2012-2021: A Home for Everyone*.
<http://vancouver.ca/commssvcs/housing/pdf/Vancouver%20Housing%20and%20Homelessness%20Strategy.pdf>

Canadian Rental Housing Coalition, "Housing Coalition Determined to Increase Affordable Rental Supply" (November, 2011).

<http://www.rentalcoalition.ca/wp-content/uploads/2012/04/CRHC-Media-Release-Nov-9-2011.pdf>

10. BC's social assistance rates have not changed since 2007, and remain at levels that do not allow individuals and families to provide for their basic necessities of life—importantly, the shelter allowance is considerably below rental costs in many B.C. cities. The Vancouver region has among the most expensive rental rates in Canada, one-bedroom apartments have an average rent of \$965 per month; two-bedroom units rent on average at \$1,120 per month; and for three-bedroom units, Vancouver's average rent of \$1,357 was the highest in Canada. (Three-bedroom units account for only 2% of the Vancouver stock. The maximum shelter allowance for families on income assistance is based on the number of people living together. In the case of a single mom and a lone child, it is \$570 a month.

CMHC, "Rental Market Report: British Columbia Highlights" Spring 2012
http://www.cmhc-schl.gc.ca/odpub/esub/64487/64487_2012_B01.pdf

Homelessness

11. Every three years Metro Vancouver conducts a homeless count designed as a 24-hour snapshot of homelessness in the region. The count consists of both a night-time and daytime count designed to tally the number of people on the streets by searching non-residential locations where homeless people are known to assemble. The results of this count indicated that the total number of homeless people found in the region was virtually unchanged in 2011 (2650), from 2008 (2660).

Metro Vancouver, *One Step Forward Result of the 2011 Metro Vancouver Homeless Count*, (February 2012) Metro Vancouver, Online:
<http://www.metrovancouver.org/planning/homelessness/ResourcesPage/2011HomelessCountFinalReport28Feb2012-FinalVersion-Tuesday.pdf>

12. The results of the Metro Vancouver Count show that Aboriginals continue to be overrepresented in the homeless community. The report found that,

Twenty-seven percent (27%) of the surveyed homeless population self-identified as Aboriginal, although Aboriginal people comprised only about 2% of the general population of Metro Vancouver. Although in absolute and percentage terms the number of Aboriginal people was lower than in previous Counts, Aboriginal people remained significantly overrepresented in the region's homeless population.

13. As well, more than 28 per cent of off-reserve Aboriginal households are in core housing need compared to 15.8 per cent for all non-Aboriginal households.

Metro Vancouver, *One Step Forward Result of the 2011 Metro Vancouver Homeless Count*, (February 2012) Metro Vancouver,
<http://www.metrovancouver.org/planning/homelessness/ResourcesPage/2011HomelessCountFinalReport28Feb2012-FinalVersion-Tuesday.pdf>

Government of British Columbia, *Housing Matters BC: A Housing Strategy for British Columbia*
http://www.bchousing.org/resources/About%20BC%20Housing/Housing_Matters_BC/Housing_Matters_BC_FINAL.pdf

Downtown Eastside Vancouver

14. In the heart of Vancouver is an area known as the Downtown Eastside (DTES). The DTES is stark reminder of the incidence of deprivation and marginalization that threads through Canadian society and Canadian cities. Concentration of homelessness, as well as profoundly inadequate housing in Single Room Occupancy hotels (SROs) for low and no income individuals mark the DTES. The number of homeless in the area is estimated to be 860 people.

15. SROs are for many the only available housing option. Vancouver has experienced a rapid decline in the stock of SROs. The province has purchased 26 existing SRO hotels in Vancouver, Victoria and New Westminster. In conjunction with these provincial purchases, in 2003, the City of Vancouver passed the *Single Room Accommodation Bylaw* that prohibits the conversion or demolition of SROs in the downtown core.

City of Vancouver, by-law No 8733, *Single Room Accommodation By-law* (15 June 2010).

16. These programs have been neither entirely successful nor adequate. In 2012, only 27% of SROs were rented at the social assistance/welfare rate of \$375/month, indicating that 73% of the city's cheapest form of housing is priced beyond those on welfare. Many SRO hotel rooms are renting at much higher rates, decreasing these effectiveness as an affordable housing measure.

BC Housing, "Single Room Occupancy Hotels." <http://www.bchousing.org/Initiatives/Access/SRO>.

City of Vancouver, by-law No 8733, *Single Room Accommodation By-law* (15 June 2010).

17. Residents in the DTES are experiencing rising rents in privately held SROs due in part to the "upscaling" of units to more expensive rooms aimed at students and young workers. A 2011 report that surveyed privately owned SROs in the DTES found that merely seven per cent, or 235 rooms, were in hotels where rents were \$375 or less, compared with 12 per cent of rooms in a similar survey conducted in the previous year.

Carnegie Community Action Project, "Upscale: the downside of gentrification" (2011). Online: <http://ccapvancouver.wordpress.com/ccap-reports/>

18. Furthermore, many SROs do not come close to meeting an adequate standard for living. They are typically unsafe, unclean, and in disrepair, with inadequate (shared) bathroom and kitchen facilities.

Women and Housing

19. The former UN Special Rapporteur on the Right to Adequate Housing Miloon Kothari noted that "[h]omelessness in general and that of young women and girls... has become a national concern in Canada."

Miloon Kothari, 'Economic, Social and Cultural Rights: Women and Adequate Housing', *Report by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination* (2006), 20 [76].

20. The Metro Vancouver homeless count also supports studies that show that proportion of females in the homeless population has been steadily on the rise. In 2011, nearly one in three of the individuals counted was female. These counts uncover only a portion of women with housing needs, as the rate of homelessness among the female population tends to be obscured by a number of different factors.

Leslie Tutty & Cindy Ogden, *Feasibility for a National Network of Women's Shelters and Transition Homes*, (March 2007) online: University of Calgary <http://www.ucalgary.ca/resolve/reports/2007/2007-01.pdf>

Metro Vancouver, *One Step Forward Result of the 2011 Metro Vancouver Homeless Count*, (February 2012) Metro Vancouver, Online: <http://www.metrovancouver.org/planning/homelessness/ResourcesPage/2011HomelessCountFinalReport28Feb2012-FinalVersion-Tuesday.pdf>

21. The visibly homeless are frequently referred to as the "tip of the iceberg", as many more individuals are at risk of being homeless. Women in particular are often recognized as a much less visible subset of the homeless population. Women may resort to stopgap measures to gain temporary shelter, for instance relying on friends, family or acquaintances to provide temporary housing, staying in compromising situations with men, continuing to reside with an abusive partner, resorting to illegal activities, or accepting overpriced, inadequate housing at the expense of other necessities such as food and clothing.

Shawn Bayes and Alison Brewin, *Bridging the Divide: Building Safe Shelters for Women and Families in BC*, (March 2012) <http://www.elizabethfry.com/initiatives/documents/Bridging-the-Divide-Building-Safe-Shelters-for-Women-Families.pdf>

22. Researchers have identified that many homeless women do not feel safe in temporary accommodation. Women have a higher risk of physical and sexual violence and those who reside in co-ed shelters report being in constant fear of violence from co-resident men.

Leslie Tutty & Cindy Ogden, *Feasibility for a National Network of Women's Shelters and Transition Homes*, (March 2007) online: University of Calgary <http://www.ucalgary.ca/resolve/reports/2007/2007-01.pdf>

23. A recent study conducted found that of all B.C. shelters, female-only facilities represented only 17 per cent of shelter spaces available. BC Housing uses scoring criteria that place greater value on co-ed settings, particularly those that don't have designated women-only space. As a result, undesignated co-ed space is becoming all that is available in many areas. Increasingly, it is not just women-only shelters that are being lost and limited, but also designated women-only space within co-ed shelters.

Shawn Bayes and Alison Brewin, *Bridging the Divide: Building Safe Shelters for Women and Families in BC*, (March 2012) Online: <http://www.elizabethfry.com/initiatives/documents/Bridging-the-Divide-Building-Safe-Shelters-for-Women-Families.pdf>

24. Currently, teenage girls make up about 10% of the homeless in Canadian cities and approximately half of all homeless youth. Teenage girls who need affordable housing do not have access to subsidized housing in British Columbia. In spite of the *BC Residential Tenancy Act*, which allows persons under 19 to sign tenancy agreements, the primary subsidized housing body in BC, BC Housing, does not allow girls to apply for subsidized housing. Thus, teenage girls who are on their own and low income or living on income assistance cannot access subsidized suites. Once homeless, girls are at greater risk of developing physical and mental health problems. The Committee on Economic, Social, Cultural Rights recently recommended that “[Canada] give special attention to the difficulties faced by homeless girls who are more vulnerable to health risks and social and economic deprivation, and take all necessary measures to provide them with adequate housing and social and health services.” The governments of Canada have yet to make sufficient efforts towards complying with this 2006 recommendation.

McCreary Centre Society (2007) *Against the Odds: A profile of marginalized and street involved youth in BC*
http://mcs.bc.ca/pdf/Against_the_odds_2007_web.pdf

UN Committee on Economic, Social and Cultural Rights: *Concluding Observations, Canada*, 22 May 2006
<http://www.unhcr.org/refworld/docid/45377fa30.html>

Vancouver: General

25. The City of Vancouver released the Mayor's Task Force on Housing Affordability in September 2012. However, this task force prioritized affordability for households with low to moderate incomes (which currently range from \$21,500 to \$86,500), leaving households with no income, or incomes below \$21, 500 out of consideration. Yet, these households experience extreme housing issues.

Final Report From the Mayor's Task Force on Housing Affordability (September 2012)
<http://vancouver.ca/your-government/mayors-task-force-on-housing-affordability.aspx>

E. National Failures

26. The federal government has still yet to adopt or prescribe a unified approach for defining homelessness in Canada. As a result, the federal government does not have access to consistent national figures of homelessness. This failure affects the federal government's ability to track accurate statistics detailing the problem, and thus to implement targeted interventions to address the situation as it exists. The federal government has been repeatedly criticized for its failure to adequately frame this issue. During a visit to Canada in October 2007, for example, then-UN Special Rapporteur on adequate housing, Miloon Kothari, reported that he “was disappointed that the Government could not provide reliable statistics on the number of homeless.”

UN Office of the High Commissioner for Human Rights (OHCHR), *Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Preliminary Note on the Mission to Canada, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context*, Miloon Kothari, (February 2008)
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/110/92/PDF/G0811092.pdf?OpenElement>

27. Canada has yet, at any level of government, to explicitly recognize the right to adequate housing in domestic law.

28. Canada remains the only G8 country without a national plan to address homelessness and ensure adequate housing for all citizens. There are no current government plans to address this shortcoming. A private member's bill introducing such a strategy (Bill C-400) was allowed to lapse during the last parliamentary session.

Bill C-400, *An Act to ensure secure, adequate accessible and affordable housing for Canadians*, 4th Sess, 41st Parl, 2012.

29. The federal government has phased out its direct support of affordable housing programs, and it has substantially cut the budget of the CMHC over the past two years. The 2012 Federal Budget includes further cuts. The scope of these cuts in 2011 was a 39% cut in overall affordable housing spending, including a 97% cut of the federal affordable housing initiative and a 94% cut of the Housing Repair and Renovation Program (with a further 22% cut upcoming in 2012). These cuts represent the end of the temporary investments of Canada's Economic Action Plan and the Residential Rehabilitation Assistance Programs in almost all provinces including BC.

Michael Shapcott, “Erosion of Housing, homelessness spending continues, as latest federal spending estimates are released” (13 March 2012) Wellesley Institute, Online: <http://www.wellesleyinstitute.com/housing/erosion-of-housing-homelessness-spending-continues-as-latest-federal-spending-estimates-are-released/>.