

Emergency in the House!

Report of the Popular
Travelling Commission on
the Right to Housing

MARCH 2013



List of Cities Visited by the Commission

KUUJJUAQ – OCTOBER 12

RIMOUSKI – OCTOBER 16

GASPE – OCTOBER 17

LAVAL – OCTOBER 18

SHAWINIGAN – OCTOBER 22

VICTORIAVILLE – OCTOBER 23

SEPT-ILES – OCTOBER 24

SAGUENAY – OCTOBER 25

MANIWAKI – OCTOBER 29

GATINEAU – OCTOBER 30

QUEBEC – NOVEMBER 5

MONTREAL – NOVEMBER 7

SHERBROOKE – NOVEMBER 13

SAINTE-THERESE – NOVEMBER 15

LEVIS – NOVEMBER 19

JOLIETTE – NOVEMBER 20

LONGUEUIL – NOVEMBER 21

ROUYN-NORANDA – NOVEMBER 22

LAC SIMON ANISHNABE COMMUNITY –
NOVEMBER 23



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INTRODUCTION

To Have a Home

Anyone who has been in the position, if only once in their life, of facing the real concern of not having a roof for a night or for a few days can understand the fundamental nature of the need for housing.

The importance of having a place to live must be reaffirmed. Home is where we find our bearings, our references, security, intimacy and refuge. It is also a part of our identity that is at stake: the ability to house ourselves is therefore a question of dignity.

Benefitting from a decent place to live is perhaps not a sufficient condition for the well-being of everyone, but it is certainly a necessary condition. Housing is a basic necessity. Moreover, it is a right guaranteed by human rights treaties.

In 1976, Canada and Quebec signed the International Covenant on Economic, Social and Cultural Rights (ICESCR), which implemented a series of rights, including the right of “everyone to an adequate standard of living for themselves and their family, including adequate food, clothing and housing [...]”. The UN Committee on Economic, Social and Cultural Rights, which monitors compliance with the Covenant and clarifies its content, stated in 1991 that the right to housing should be interpreted as the “right to live somewhere in security, peace and dignity”.

The right to housing includes protection against forced evictions and the presence of infrastructure and equipment necessary for health, security and comfort. It includes the

requirement of an economic cost that does not threaten or compromise the satisfaction of other basic needs.

No compromise should be accepted in the implementation of a fundamental right, especially since there is a close interdependence between basic rights, including the right to education, food, shelter and health. An impediment to any one of these rights inevitably has an effect on the others. This is particularly true in the case of housing. “The consequences of substandard housing are rights denied and citizenship amputated,” one group told the Popular Travelling Commission on the Right to Housing (the Commission).

By signing the ICESCR, Canada and Quebec have made commitments that must translate into the obligation to respect economic, social and cultural rights (i.e. not to create barriers to those rights), the obligation to protect these rights (i.e. to take necessary measures to prevent third parties from interfering with the enjoyment of these rights) and the obligation to promote and implement these rights.

To be effective, the right to housing must be practically translated into a coherent set of laws, regulations and policies. Now, over 35 years after the adoption of the ICESCR and the creation of the *Commission des droits de la personne et des droits de la jeunesse du Québec*² (CDPJQ), the Popular Commission found during its hearings that the

1 UN Committee on Economic, Social and Cultural Rights, *The Right to Adequate Housing*, General Comment 4, 1991.

2 Commission on Human Rights and Youth Rights.

implementation of the right to housing has not progressed in Quebec; on the contrary, it has deteriorated in many respects.

Years of neoliberal policies, marked by a reduction of state intervention in the social domain, have certainly not improved the distribution of wealth and the implementation of the right to housing. Instead, they created the conditions for growing inequality between those who are better off and those who are impoverished. Inequalities related to the existence of social classes, gender, and race worsen the situation. Over the years, salaries, benefits and purchasing power have decreased dramatically. On one hand, the persistent relegation of women to domestic work and care contributes to this impoverishment. It is women who are the vast majority of single-parent heads of households. It is women who work part-time to meet the needs of the family. It is women who require a higher level of education than men in order to earn equal pay. On the other hand, it is often immigrants who find themselves having to take the lowest paid jobs which creates difficult living conditions for them. Finally, Aboriginal peoples, their rights abused, are subjected to disastrous living and housing conditions representative of communities marked by poverty and vulnerability.

In the area of housing, these inequalities have taken on unexpected proportions. So much so that, clearly, part of Quebec's population sees its rights usurped by the inability to find adequate housing within its means.

This denial of the right to housing for a growing fraction of the population is a striking example of the perverse effects of capitalism. Clearly, the market has no interest in the business of affordable housing¹, and modest state interventions are far from providing a counterbalance. For example, remember that no new low-income housing (HLM) has been funded in Quebec since January 1st 1994.

Too many families or individuals seeking decent housing face insurmountable difficulties in dedicating an unreasonable portion of their income. They end up being poorly housed, and sometimes very poorly housed.

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¹ In using the expression "affordable housing", the Commission refers to the monetary costs of housing in line with the level of income.

A Travelling Commission

The Travelling Popular Commission on the Right to Housing was put in place at the initiative of the *Front d'action populaire en réaménagement urbain* (FRAPRU). A group of 14 commissioners was established, from different sectors and backgrounds (academics, lawyers, people involved in social groups and unions). Each Commissioner is recognized for their experience and expertise in their respective fields. The objective of the Commission was to listen, to reflect and take stock of the implementation of the right to housing in Quebec.

In October and November 2012, 19 hearings were held in the 17 administrative regions of Quebec, each in front of 3 commissioners. Each hearing was preceded by a call for testimony or the submission of briefs regarding the housing situation. Individuals directly affected and groups involved in the issue of housing appeared before the Commission. In several places, groups had conducted preliminary consultations, thereby increasing the already large pool of people reached during the tour of the Commission.

The present report is therefore supported by the testimony of more than 200 groups, committees and associations (at times through written submissions¹), including 151 individual testimonies. FRAPRU planned the calendar of the tour and was charged with organizing logistics and travel. It also acted as advisor on certain technical aspects at the request of commissioners. That said, the Commission worked independently and voluntarily at all

times. The commissioners have written and signed their names personally and collectively to this report.

To gauge the impact of the way in which the right to housing is poorly entrenched legally and weakly supported politically, the Commission wanted to open and offer a space for expression, a space to talk to those who are faced with multiple problems related to the issue of housing in their daily lives. In the language of human rights, the issue is whether the right to housing is respected in Quebec and to identify systemic violations of the right. Everyone has the right to housing. But it is clear that the less affluent are more likely to experience the violation of that right.

Although aware of social issues and forewarned of the existence of housing problems across Quebec, members of the Commission have all been shaken by this exercise which has consistently taken, in each region, the form of a cry from the heart. The Commission has become absolutely certain that in Quebec there is a housing crisis.

This crisis is a striking mirror of the importance of the social fracture which is worsening in Quebec. Beyond the facts, figures and statistics that have been submitted, the commissioners heard harrowing testimony that, at times, have led them to wonder how Quebec's society, among the richest in the world, can tolerate such situations?

The Commission met, notably, people who were particularly impoverished, people of the middle class unable to bear the costs of housing, leaders of community organizations and housing committees. All were unanimous in denouncing a dramatic situation. The Commission cannot ignore the strong presence of women throughout the hearings.

1 The majority of briefs submitted can be found on the following web site : www.Commissionpopulaire-frapru.org/.

The convergence of these testimonies as well as the briefs collected speaks for itself. They point to the indisputable existence of an unacceptable situation: the social, political, regulatory and legislative environment does not protect the right to housing in Quebec.

The following pages will deal particularly with the housing problems faced by the poor, women, Aboriginal peoples, persons with disabilities and persons of immigrant background. These are the people who first encounter serious difficulties in finding adequate housing. Economic conditions create income inequality, these inequalities are causing problems of access to housing... and lack of adequate housing reinforces inequalities. Housing is situated at the heart of these social relations. It constitutes a place to live which allows for the security of everyone. But it can also become a space where relations of domination or violence unfold, which is particularly treacherous for women. Thus, gender dynamics are inseparable from an analysis of the status of the right to housing. Relations of domination are also historically inscribed in the relations developed with Aboriginal peoples in Quebec and Canada, who generally do not have

access to the same living conditions or to the same freedoms as other residents. Within this framework, they demand adequate land, as well as control of their destiny and their resources, which would make it possible to access adequate housing in their communities. Finally, unequal relations translate into difficulties for immigrants or for those who live with a disability.

In the first part of the report we have tried to summarize, as accurately as possible, the testimony received on the diverse aspects of this complex question by using people's own words. In the second part, we sought to analyze the many presentations as well as submissions which contain an impressive amount of information and collective testimony. Both aspects, although different in nature, are complementary. They share the same reality and are mutually reinforcing. Thus we must read and reflect on the continuity echoing in each aspect. Finally, in the last chapter of this report, the Commissioners submit an outline of an action plan that is, in our view, urgently needed. Political authorities must stop turning a deaf ear: there is an emergency in housing.



CHAPTER 1

Finding Accommodation, a Daily Struggle

In all the regions visited, individuals and organizations have brought up the growing difficulty of finding housing at an affordable cost. They have testified to a perceived increase in precarious housing, or even situations of homelessness. Finally, they have shown how in different circumstances housing is of poor quality, inadequate, inappropriate or unhealthy.

Thus, a major finding emerges from the hearings of the Commission: the shortage of financially accessible housing (what we call affordable housing) marks the everyday lives of individuals and families with low and moderate income, their social condition and their health. The testimonies heard reflect the high tension experienced when housing is a problem, and when it becomes a constant concern rather than a space that genuinely ensures safety and quality of life.

It is a harsh reality, partly obscured by the official figures. In fact, the Canada Mortgage and Housing Corporation (CMHC) notes, in its report on the rental market, that even if the vacancy rate rose slightly in 2012, it lies at 3% for all of Quebec.¹ We might think there is a healthy balance between market supply and demand. But the reality is marked by problems of inaccessibility and exclusion. The testimony of tenants showed us a completely different reality, very different than that which the numbers indicated.

We do not rely solely on statistics to support our remarks but on the testimonies of the persons concerned and submissions from organizations helping and supporting them. We are very conscious that despite the high number of witnesses heard, we cannot conclude that every landlord abuses their power or that all affordable housing is inadequate and unsanitary. However, we have heard enough about unacceptable situations to highlight and expose the problem of the lack of availability of adequate housing in Quebec.

This chapter is divided into two main sections. The first will deal with the dimensions related to the cost of housing and the resulting consequences at various levels. The second section explores the difficulties, indeed the impossibilities, of accessing quality housing adapted to various situations.



¹ CMHC, *Rental Market – Canada Highlights, Quebec*, Fall 2012.

1.1

The Consequences of the Cost of Housing

“When you finally find no apartment, you have no choice but to live in veiled homelessness seeking solutions with friends, family, in your car, but you can’t live like that all the time.”

– TESTIMONY, GASPE

Any person searching for housing has expectations and challenges related to their preferences and their tastes. But these are necessarily readjusted according to the objective conditions of their life and their income level. During the tour of the Commission, numerous people and multiple associations came to give testimony to the difficult life conditions and low incomes of a part of the population, conditions which transform the search for adequate housing into an insurmountable obstacle course. In this section, we will discuss the difficulties of finding and securing housing in relation to the effects of the market and its principles of selection.

1.1.1

Finding a Home That Responds to One’s Needs: a Permanent Quest

The shortage of affordable housing for low- and modest-income individuals and families transforms the search for housing into a journey fraught with difficulties. Households may be forced to live in a precarious residential situation close to homelessness and to be subjected to forms of overcrowding that contribute to stressful situations affecting the quality of life.

If Saguenay and the Quebec region have the highest vacancy rate at 2%, the cities of Val-d’Or and Sept-Îles have the highest shortage with vacancy rates of 0.0 % and

0.2 % respectively. The situation is hardly any better in Rouyn-Noranda or Amos, with a rate of 0.5%. According to the CMHC, 3% is the point of equilibrium. This figure is not significant for the most vulnerable individuals and families since the development of the housing market favours “the more profitable segments such as condominiums and homes for the elderly¹.”

The tour we made demonstrates that there is clearly a shortage of affordable housing in Quebec. Remember that the average rent in the province in all categories is \$662 per month. As this amount is higher than the amount received from social assistance in the case of a single person, it is not difficult to imagine the difficulties that people of modest revenue experience in finding housing, even when they work for minimum wage or part-time. During the hearing in Montreal one person explained the tension between the costs of housing and revenue in these terms: “A possible solution? Increase our salaries! Because our salaries are low, we can’t pay our rent”.

The scarcity of low-rent housing has for many years created a strong pressure on individuals and families with low or modest incomes. If we consider, as does the CMHC, that the vacancy rate will stay low in several

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¹ *Ibid.*, p. 2.

WHEN TOURISTS DISPLACE LOCALS

In Gaspésie and Îles-de-la-Madeleine region, in Quebec City, it is the tourists who chase tenants away. For example, many tenants are often persuaded to give up their homes during the summer, because tourists are better paying tenants. In the city

centre of Quebec, it is around the dynamics of revitalization, and “disneylandization”, that the affordable housing market has eroded to make way for facades and store fronts to support the aesthetic image of prosperity in a historic setting.

In areas such as the Laurentians and the Eastern Townships, in small communities, it is retirees with disposable incomes who have eroded the rental market by buying rental housing and turning it into cottages and second homes.

regions of Quebec and that there will be little construction of rental housing outside of homes for the elderly¹, we can assume that the lack of adequate housing will endure for a long time.

It was with great dignity that people came and shared their everyday lives. That said, the indignity created by the situation of not having adequate housing is such that, in the Îles-de-la-Madeleine an elderly woman was forced to move seven times in the same year in order to remain with her ill husband who needs rehabilitation services². This indignity is also that of a woman who lives in a situation of conjugal violence, but must remain where she is because there is no choice for her other than the street³. This indignity also prevents the building of affordable housing because no one wants it in their back yard⁴. Finally, what can we say about housing for Aboriginal peoples who, lacking an alternative, must sometimes live with 3 families under the same roof⁵?

The shortage of affordable housing cannot be considered as a simple mathematical equation. The hearings have convinced the

commissioners that the question of the right to housing must be understood from a more global perspective. On one hand there is the fact that individuals and families with low incomes are numerous, but they are not “profitable” for the private market and, on the other hand, the weakness of their income derived either from social protection measures or from work imposes precarious living conditions where deprivation and the risk of losing one’s housing are constant.

The private rental market cannot be the answer to the housing rights of individuals and families with low and moderate income, and the non-profit rental housing sector has difficulty in responding to the need. Indeed, housing needs are much more varied than what is offered by the ensemble of the housing rental market in many places and many ways. For example, social housing units are not only insufficient in number, but they are not diversified enough to meet the reality of needs which are varied.

The shortage of semi-furnished housing is a problem in certain regions: in a survey commissioned by the *Commission jeunesse Gaspésie-Îles-de-la-Madeleine*, more than 68.5% of youth surveyed reported difficulties in finding housing. In certain rural areas it is the total absence of solutions for seniors that is to blame. These people must move to find housing elsewhere and are thus cut off from their environment and their community; they look to be closer to the services they

1 In 2012, the construction of rental housing reached its lowest level in ten years. *CMHC Housing Now, Quebec Region*. First quarter of 2013, p. 7.

2 Gaspé hearing.

3 Sept-Iles hearing.

4 Quebec, Sainte-Therese and Rouyn-Noranda hearings.

5 Kuujjuaq and Lac Simon hearings.



need. In general, the geographical spread of communities, whether in Gaspésie and Îles-de-la-Madeleine *region*, on the North Shore or in Abitibi-Témiscamingue region, makes it difficult to exercise the right to housing since it is necessary to also deal with the centralization of health services and social services at points far apart. This situation is also found in larger centres, as testified to by a person in Longueuil, who, after failing to find accommodation designed for a person with reduced mobility in her community, was forced to move to Saint-Leonard, Montreal, away from her family, her social network and her health care.

The shortage peaks when it comes to issues surrounding homelessness. If it is difficult to find housing when you have minimum income and can benefit from social assistance, the difficulties multiply and solutions are reduced to almost nil when one is or has been homeless. The difficulties involved in living on the street in terms of disorganization and accumulation of problems distance homeless people from the real opportunity to find a home. The hearings of the Commission revealed that homelessness has many faces and that this phenomenon is not confined to large urban centres. In many regions, the lack of affordable housing forces people to move constantly, imposing on their own social network the burden to house them in a manner more or less transient. It

also encourages the practice of frequenting unsafe places (stations, abandoned buildings, isolated campgrounds, squats, etc...), or migration to areas where housing appears to be more accessible.

1.1.2

Affordable Housing, the Unreachable Star

Evidence submitted to the Commission hearings showed how living in an HLM¹ improves quality of life.

“As a single parent, living in an HLM allowed me to support the education of my 4 children to CEGEP, gave them the chance to participate in sports and to have a quality diet. Without HLM none of this would have been possible.”

– TESTIMONY, LONGUEUIL

“Now I am able to retreat somewhere to be able to think and rest. I scrub so that it remains beautiful. I have a beautiful brand new home, I do not want to go back to the other side.”

– TESTIMONY, QUEBEC

Other testimonies, for their part, demonstrated how access to a HLM or subsidized housing reduces stressful living conditions associated with poverty.

To enjoy a minimum quality of life it is indispensable to have housing for which the cost does not eat up most of one’s income. However, in a significant number of submissions we note the steady increase in the number of renters forced to pay more than 30%, 50%, even 80% of their income for housing. The numbers indicate that close

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1 Low-cost public housing

to 1/3 of tenants living in Montreal, but also in Abitibi (30%)¹, are experiencing serious problems in finding affordable housing².

This portion of income dedicated to paying rent exerts an enormous financial pressure on certain people with whom we met. For example, the *Comité femmes de paroles de Regroupement des femmes de la Côte-de-Gaspé* reports having supported women in crisis: women who had an income of \$565 per month from social assistance and monthly rent of \$495. In Longueuil, one person had to pay rent of \$538, with a monthly income of \$583. And we could multiply the examples.

Thus, from an individual and societal point of view, the issue of affordable housing is at the heart of the right to housing. Only housing at an affordable price can allow people living on low or modest incomes to meet their basic needs.

1.1.3 **The Invisible Hand of the Market**

The causes of the shortage of affordable housing are numerous. The lack of government investment in this type of housing was emphasized in all testimonies collected. In fact, the absence or weakness of the public commitment to housing contributes to making the market the main controller of the game between tenants and landlords. However, by definition, the market chooses the most lucrative and speculative targets. This is not without consequences for the less fortunate since the construction of affordable housing becomes very much a secondary objective.

In numerous regions, it was noted that private development is done almost exclusively in lucrative niches, as the CMHC has

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1 Brief from *Groupe de citoyens de la MRC d'Abitibi-Ouest*.

2 Communauté métropolitaine de Montréal (2008). *Perspective Grand Montreal*, vol 2 numéro 5, septembre 2008.

observed elsewhere. Thus, new construction is most often upscale (luxury condos, or luxury residences for seniors). Not only does the market privilege wealthier customers but municipalities often encourage the development of buildings that relate to greater land revenue. Meanwhile, many old buildings are transformed to become more profitable (condo conversions, subdivision of apartments into smaller units, short term rentals, transformation of religious and historic buildings into condos for wealthy customers, etc...).

In fact, over the past ten years and in many regions, experts in the rental construction market have observed unrestricted condo development. This choice reinforces land speculation and contributes to the exclusion of a growing number of tenants.

The conversion of rental units into condos often fails to comply with any regulation. One such case in the borough of Verdun was reported to us at the hearing in Montreal. A few years ago, despite a moratorium, an owner decided to transform his building into condos. He went ahead, without the authorization of the *Régie du logement*³, the borough or the City, thus acting illegally. Tenants who did not leave were subject to constant harassment from the company to which the owner had delegated the management of apartments; over time, tenants were evicted and replaced by future buyers who then become condos owners. It also happened that tenants were evicted after accepting compensation insignificant compared to the profits generated by the owners. There are cases where the owners claim to recover housing for their families, then it is later discovered that these units have been sold to third parties.

The alarming reduction in the number of rooming houses contributes, for its part, to increasing the difficulties for homeless people

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3 Quebec Rental board.

looking for housing and a way to leave the streets. It is in this context that in Montreal and Quebec we were told of experiments or projects by cooperatives or community groups to repurchase rooming houses to preserve rental housing in response to a real need for people who are in the process of leaving the street.

Such a context forces low and modest income individuals and families to leave, or to face a deterioration of their living conditions. In Sept-Iles, for example, a person spoke of having to live more than an hour's drive to the city where she works in order to stay with her family. This person could not find suitable housing at an acceptable cost. In Laval, as in Sainte-Therese, or in Longueuil, we were told of similar situations; numerous people have moved further away from urban centres to find housing at an affordable cost.

The issue of affordable housing thus refers to those related to urban sprawl. Tenants less fortunate find themselves in areas where public transit is inadequate or absent

altogether. In sum, the issue of housing necessitates we rethink the dynamic of urbanization and the relationship between cities¹.

In numerous places, the increase in rents is far beyond the rate of inflation. In Levis, for example, the *Association coopérative d'économie familiale (ACEF) de la Rive-Sud de Québec* testifies to the inflation in the rental market as follows:

In rental housing, rising rents have largely outpaced the cost of living. According to data from the ACEF, rents have increased by nearly 40% during a period when inflation was 21%. Thus, the average rent increased from \$502 in 2001 to \$798 in 2011, an increase of \$300.

In parallel, labor income or social welfare benefits have not followed these increases. This is a heavy weight on the shoulders of people in poverty. In fact, people with incomes between \$12,000 and \$16,000 find themselves stuck: too much income to be the first to get one of the few places in HLM and too little to have access to a decent rent in private housing.

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1 Rouyn-Noranda, Sept-Iles, Sherbrooke and Montreal hearings.

THE ECONOMIC BOOM AS THE ENGINE OF THE EROSION OF THE RENTAL STOCK

In areas associated with the *Plan Nord* such as the North Shore and Abitibi-Témiscamingue, the economic boom completely erodes the social fabric and in particular the affordable rental housing stock. In Rouyn-Noranda, the housing situation is dependent on the mining boom and the world price of gold. On the North Shore, in Havre St-Pierre, work on the La Romaine is putting such pressure on the rental market that the smallest room is rented at exorbitant prices. In Sept-Iles, the mobile

trailer park is the largest in North America. This housing crisis that hits communities associated with the *Plan Nord* shows how economic development is not in keeping with the logic of sustainable development. Yet these regions already experienced the risks associated with cyclical developments, based on market prices of raw materials. Currently, the boom impoverishes more that it enriches the community, as numerous people testified in these regions. Given soaring rents one can easily imagine

the impoverishment of people on low incomes. But the boom has still wider effects. The education, health and social services networks are struggling to recruit staff in these regions. People who obtain employment in these sectors have great difficulty in finding accommodation. Nurses have told of difficulties recruiting colleagues when rents exceed \$ 1,000 for a 4 1/2. Workers said they waited more than two years to be housed with a "true lease," living in rented rooms most often of poor quality.

AN UNFAIR POWER RELATION

The concentration of the owners who hold the rental housing stock for individuals and families with low incomes has been mentioned in many municipalities. Each time, people came to express the fear they had of finding themselves on a black list of tenants, which would forever shut them out of finding housing in that city. For fear of reprisals, they obviously dare not claim that the owners take responsibility with regard to the maintenance

of their building. Having to accept such power relations that operate most often in the form of intimidation, but also verbal, physical and sometimes sexual violence, is the lot of tenants in such a context, and women are particularly affected. Some people have also reported that living in these buildings “reserved” for tenants with limited means, and recognized as such in the city and in the region, provoked stigmatizing and demeaning remarks

against them. Others have shown how these power relations allow owners to intrude into the privacy of individuals by prohibiting, for example, the ability of tenants to receive who they wish in their homes. Confirmed in the position of power that the housing situation grants them, and as the owners of several buildings, landlords do not hesitate to assume much more than the right to receive rent, bluntly interfering in the daily life of certain of their tenants.

In the fall of 2012, CMHC estimated the average cost of a 4 ½ in Quebec at \$681 per month. Following the hearings, the Commission is convinced that the average cost is much higher in reality.

The continued scarcity of rental housing leads to the rising cost of housing and re-enforces the power of owners, at the expense of tenants. Many people came to express their difficulties in having their rights recognized as well as being respected by their landlords. Various situations were mentioned: harassment, threats, intimidation, violence, the practice of month to month oral leases¹, cutting of water or electricity, billing for previously free services such as parking, snow removal or garbage removal. These stories highlight how low and modest income tenants have little power to assert and defend their rights.

In some communities, this is compounded by the existence of quasi-monopolies of the affordable housing stock by a few owners; the Commission could see this situation in Gaspé, Rimouski, Trois-Rivières, Shawinigan and Joliette. When two or three people hold almost all of the rental stock, tenants are unable to enforce their rights without risking the loss of all possibility of obtaining housing. How to ask for renovations, repairs, maintenance of the apartment or building, in a context where each request may be interpreted as an excessive demand that will put you on the list of “troublesome tenants”?

The existence of such monopolies is so worrying for tenants that, at hearings, many people asked to be heard behind closed doors for fear of reprisals. The power dynamic is such that people can lose the ability to speak up in a public space about the right to housing. Far from being trivial, these frequently cited situations caused the commissioners to question the coercive nature of the relationship between landlords and tenants in Quebec.

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1 Tenants who use the expression “monthly oral lease” are without a written lease. The expression describes the reality of having to leave one’s rented premises from the time that the rent is not paid or if there is a disagreement with the landlord.

1.1.4

Tenants That Are Desired, Tenants That Are Rejected

The lack of affordable housing also contributes to a form of segregation, separating desirable tenants from those who are not. For example, in some places, such as Rimouski, the presence of students has increased pressure on the rental market insofar as the temporary nature of their stay creates the conditions for lower expectations from tenants compared to a more stable clientele. In other cities it is the construction workers or miners who are desired to the point that it is not seen as embarrassing, in the classifieds, to openly draw a portrait of the ideal tenant sought. Finally, in several cities, families with several children have many difficulties in finding housing.

Tenants desired, tenants rejected, this is almost always the manifestation of discrimi-



nation. Numerous people from organizations came to express their difficulties in accompanying their users in finding housing¹. Think of the single mothers who are victims of domestic violence, people suffering with mental health problems or substance abuse, single people on social assistance, low-income seniors, people with physical disabilities, the

1 Gaspe, Quebec, Shawinigan, Gatineau and Rouyn-Noranda hearings.

MOULD IN THE LUNGS

In Longueuil, a mother came to relate that the dwelling in which she lived was so full of mould that doctors found traces of the same fungi in the lungs of her child who was constantly sick. Despite this extremely difficult situation, medically attested, she obtained no renovation on the part of the owner who told her “wipe off the mould”. She could not move because she could not find an apartment at a cost that corresponds with her income.

situation is the same. As for undesired clients, these people live in situations of instability and residential vulnerability which increases their social and psychological difficulties and feeds the process of stigmatization.

1.1.5

A Roof At Any Price

“With a rent of \$542 and a cheque of \$589, the only thing I refuse to ask for are underwear and medications. Eating, clothing, getting around by car, well I always have to ask for those things.

– TESTIMONY, GASPE

The necessity of having a roof exerts enormous pressure on the poorest and leads directly to situations of manifest exploitation. In Montreal and Sherbrooke, cases were reported where women had to prostitute themselves or consent to give sexual favours to their landlord in order to pay their rent.

The number of people who have to dedicate most of their income to housing is significant and increasing in most of the cities visited by the Commission. Once the rent is paid, there is little money left to fill other essential needs. The impoverishment of affected people is thus instant. People spoke about how they economize their medications, how they juggle during winter between paying

A CASE OF SPACE IN LONGUEUIL

A couple came to relate the difficulties they are encountering in their apartment with their three children. This apartment, a 5½ leased since 2010, costs \$ 783 per month plus electricity. One would expect, at this price, something decent, but the living conditions are in fact unacceptable. The state of the

apartment is terrible; the family ran out of heating for more than a month last year, it has seen the invasions of ants and cockroaches, molds and fungi on the porch. These poor conditions undermine the morale of everyone and affect their physical and psychological health. When the parents phone the managers

of their building, they get no response. The household has just learned that it will be imposed a rent increase of \$ 204 for the next six months. As for inspectors, they can never come to inspect. The family lives with hope, recently being considered as a priority on the waiting list for public housing.

the electricity bill, the rent and credit card debt: an unending spiral of impoverishment.' Others explained to us how, facing the costs of housing, they had no choice but to live with their adult children, with members of their family or with roommates often unknown, imposing everyday a lack of privacy difficult to live with, as much in terms of relationships as well-being.

Living in situations of poverty reinforces people's hardships in terms of their physical and psychological health. However, in these circumstances moving away becomes synonymous with social isolation, as well as a rupture from the health services and social services they need.



1.2

Adequate Housing: the Dream and the Reality

In the second section we will look to highlight what has emerged as the most glaring problems in terms of specific difficulties in the search for or occupancy of adequate housing. In using the expression “adequate housing”, the Commission refers to the definition offered by the committee of the United Nations responsible for the supervision of PIDESC. For the committee, the right to housing includes access to affordable housing that is accessible and adapted for special needs, all without discrimination. Accessibility refers essentially to the physical characteristics of the housing unit. It is clean? Secure? Geographically accessible? Is its size suited to the needs of the household?

1.2.1

Quality Housing: a Rare Pearl

“When you see outside through the walls in your apartment, [You know] that the winter will be cold.”

– TESTIMONY, LEVIS

“You know everything about the life of your neighbours, and he knows all about yours. What is exhausting is to never be home.”

– TESTIMONY, GASPE

The housing available for people with low and moderate incomes is often located in old or antiquated buildings that, above all, have been little renovated over the years. The poor quality of these places can be measured through several factors: low thermal and

sound insulation, doors and windows that let in air and cold, etc. Many owners are rather careless about maintaining their apartments and only do the most urgent renovations. This lack of maintenance of buildings and units shifts the “burden of habitability”¹ to tenants who will have to pay more for heating, take care of maintenance using their own resources, pay for the work owners refuse to do, and endure a lack of privacy with the neighbours, when the walls let in all the noise of everyday life.

In our climate, adequate thermal insulation of buildings is a basic necessity. However, the practice of relegating to tenants the consequences of poor thermal insulation (by not including heating in the rent) seems rather widespread. Many people insisted that heating costs strain their meagre budgets dramatically once the rent is paid. Verification of the thermal insulation of buildings is not easy especially since we note that leases are usually signed in the summer, at a time when it is difficult to assess the quality of housing. In addition, in areas where there are concentrated populations of recent immigrants, owners can take advantage of a certain ignorance of the level of insulation necessary in apartments to deal with winter.

To these problematic situations is added the problem of mould in the walls, ducts, bathrooms and kitchens. These situations, widely described by the tenants and organizations met at the hearings were, on many occasions, evaluated by doctors and public health practitioners and deemed harmful

.....
1 The expression “habitability” has the same meaning as adequate housing.

to the health of the occupants. However, tenants remain powerless and unable to force landowners to undertake work aimed at eradicating mould and eliminating the causes of water leaks, despite landlords being issued nuisance notices.

A study by the Director of Public Health of Montreal on the incidence of asthma in young children demonstrates a significant association between the presence of moisture and mould in living areas and the development and aggravation of asthma. In this study, we observe that excessive humidity was present in 36% of the housing of the population examined, a number which reaches 52% in certain neighbourhoods in central Montreal. The rate of hospitalization for asthma also revealed significant differences by place of residence. The researchers observed a rate of hospitalization twice as high for young children in central neighbourhoods of Montreal¹.

Finally, it is difficult to ignore the many testimonies of people describing vermin infestation: the presence of rats, mice and bugs. In fact, in Montreal, much of the housing accessible to people with low and moderate incomes is subject to repeated, sometimes constant, infestations; without extermination strategies, attempts to eradicate the creatures that have invaded the premises fail. These protracted situations seem most often linked to the ill will of owners to address the situation, or their dismissal of the complaint and the request of tenants to address the situation.

From the observations made by the Commission, certain factors seem to explain the continuation of the practice by owners of not maintaining their properties. In several

.....
1 Brief deposited at the Montreal hearing by the Community Clinic of Pointe-Saint-Charles, citing the report of the Director of Public Health *Les inégalités sociales de santé à Montréal – le chemin parcouru*.

IN VICTORIAVILLE

The rental housing stock, private or social, is dilapidated in many places according to the testimony given at the hearing. There are, in well-defined areas, particular concentrations of unsanitary housing. There is no regulation on health and safety in Victoriaville, but an inspector may be called as needed. He may issue a statement of offence, but there is no follow-up, and we note that there are no inspectors of this kind in other parts of the region.

.....
cities, the housing market for people with low or modest income has become lucrative enough for owners to invest in other regions from a speculative perspective. The remoteness of the owners, and the establishment of property managers for buildings who become the first point of contact, no longer allows tenants to have direct contact with their landlords. This administrative and geographic distance further complicates the situation in the case of poor maintenance of buildings, not to mention that in these situations, the interest to conduct proper maintenance appears to diminish with the owners never being in contact with dissatisfied people. When tenants finally get the required work, it is often botched or done in a cosmetic way².

The existence and enforcement of a housing code or regulation on sanitation as well as the systematic inspection of homes would allow for the evaluation of their quality and could force owners to maintain them³. However, many cities do not have regulations on sanitation. In other cities, they are not effective⁴. Inspectors often do not have the resources to follow-up. Several groups denounced the lack of trained inspectors and the lax approach by authorities regarding municipal regulations. In Montreal, after a particularly urgent situation, “the great

.....
2 Hearing at Sept-Îles.

3 Hearings at Maniwaki and Lévis.

4 Hearing at Gatineau.

inspectors have done nothing except exterminate the rats when the owner didn't". The owner has paid his fines, but has not made any needed repairs.

1.2.2

Adapted Housing: a Utopia

I live in an accessible apartment. The problem, it's in a restaurant or shopping. There isn't accessibility everywhere, when there are one or three steps. Now, since I'm in such housing, I can invite who I want. It is rare that a person with reduced mobility can have something like that. Everyone can come see me. It's great. Universal accessibility has given me freedom.

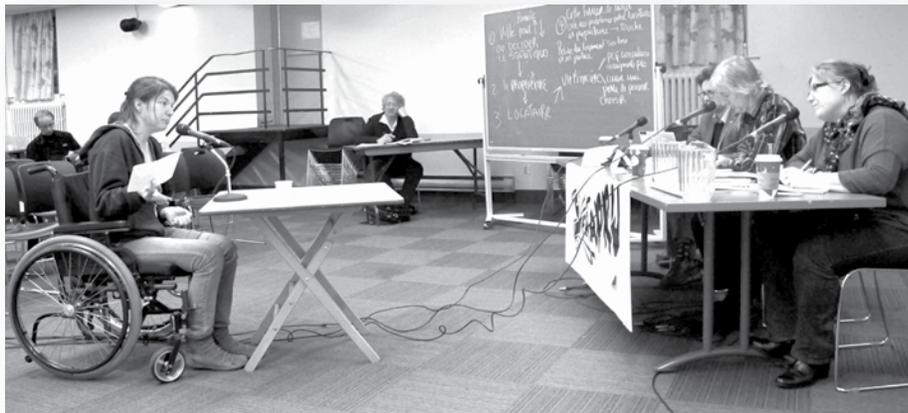
– TESTIMONY, MONTREAL

This testimony, heard during the hearings in Montreal, shows how living in accessible housing can make all the difference in the everyday life of someone living with a disability. Almost all people with disabilities or chronic illnesses who came to testify expressed difficulties in finding housing adapted to their needs and the support resources required. Their financial situation, often precarious,

does not allow them to make or finance physical adaptations. The particular need of people with disabilities is probably the most obvious example of the inadequacy of the current stock of affordable housing. But it is not the only one.

People experiencing mental health problems, for whom the health care system seeks to accelerate social reintegration, suffer from the current situation. Successful social reintegration begins with living conditions that are healthy, safe and stable. However, given their financial situation, not only do people with mental health problems experience the same housing problems as people living with a disability, but, in addition they are often in an environment incompatible with a course of rehabilitation.

Families with several children also experience significant difficulties in finding adequate housing, either because of the lack of availability of large homes, or because children are not welcome in units that could be appropriate. These families are faced with overcrowding, which makes life difficult. Think, for example, of parents supervising their children doing homework, everyone's sleeping needs and harmonious family relationships.



1.2.3

Discrimination and Harassment: a Glaring Reality

“You must be perfect in order to hope to be a tenant.”

– TESTIMONY, ROUYN-NORANDA

“Some women say they have experienced discrimination in accessing housing because they are women. For example, they feel that landlords tell themselves it is better to take men as tenants given they are better paid. Some women, particularly single mothers, have to live in slums because the employment available to them is poorly paid, and social assistance benefits are insufficient to pay for adequate housing.”

– PRESENTATION BY PASSAGES: SHELTER AND INSERTION RESOURCE FOR YOUNG WOMEN, MONTREAL

There was not a single hearing in which the terms “discrimination” or “harassment” were not said. In a context marked by the lack of affordable housing, tenants are eager to rent the few available homes and landlords can “select” and set their conditions. Following the hearings, there is no doubt that, in certain circumstances, the requirements and attitudes of landlords cross the line. Think of intrusive credit checks, illegal requests for guarantors, demands for payment of rent in advance, demands for postdated cheques, etc. Consider also the role that prejudice plays in the selection of tenants and of discriminatory practices and harassment. A wide range of grounds for discrimination was raised in the hearings: low levels of income, sex, age, marital status/family status, sexual orientation, disability (physical or mental), skin colour, health status (people living with

HIV / AIDS in particular). If the reasons vary according to the regions and people heard [by the Commission], the fact remains that in the vast majority of cases, the victims are the poorest of Quebec society.

Discriminatory practices can be very direct. This usually happens in the following manner: a potential tenant calls the owner who tells them that the apartment is vacant and they can visit it. But once there, for one reason or another, the landlord refuses to rent the apartment even though the person has the necessary income to pay the rent. Sometimes the discrimination is indirect. For example, the *Association québécoise de défense des droits des personnes retraitées ou préretraitées* (AQDR) reported an evocative case in Laval. New safety regulations have led firefighters to conduct fire evacuation drills in multi-level residential buildings. Seniors who were not able to go down the fire escapes received eviction notices even though they had signed a valid lease. Discrimination is not necessarily visible or flagrant, but in the eyes of the groups and witnesses heard, it is systematic.

Beyond practices that rely on conveyed prejudices, notably by certain media, it is their consequences that have captured the attention of the Commissioners. Deprived of the housing they would hope for, victims of discrimination find themselves forced to accept substandard housing, often far from their workplace or their centre of life. This has important impacts in financial or health terms, particularly for the health of children, or in terms of weakening the support network and the access to services. In certain cases, people have seen their relationship with social services become complicated and deteriorate. People say they have been presented as “bad parents,” or more often “bad mothers,” for having housed their children in a slum. Then they must face the consequences of having their children removed because they have been judged



DISCRIMINATION IN A SMALL PLACE

“Gaspé and the surrounding area is a place where, in general, people know about the life and personal history of one another. Finding accommodation when you are unemployed or on welfare is already difficult. But it is doubly so if you have mental health problems or if your history of conjugal violence is known... and your “ex” has come to make problems for you where you live. This negative label can follow you for a long time. All this is done subtly and you are denied your housing”

– TESTIMONY OF THE COMITÉ
FEMMES DE PAROLES DU REGROUPEMENT DES
FEMMES DE LA CÔTE-DE-GASPÉ, GASPÉ

as irresponsible. The victims then become responsible for a situation completely out of their control.

Another situation of discrimination was highlighted in areas such as Val-d’Or or Joliette where Aboriginal people leave their communities to live in urban areas. In the context of the housing crisis these people can only find housing in dilapidated buildings or slums at high prices. Think of women with children who want to leave the reserve because of overcrowding. They find themselves again forced to live with other families in inadequate housing or in overcrowded shelters.

This situation is also experienced by women who are victims of conjugal violence. Some landlords do not hesitate to openly declare that they refuse to rent to women coming from an emergency shelter for battered women. Women are then faced with an agonizing choice: stay with their spouse and suffer again and again from the violence or sleep on the street or in places that are unsafe, inadequate, or even a slum.

Many cases of discrimination toward new immigrants, who are tenants without credit history, were also highlighted during the

hearings¹. We were told of situations where immigrants who come to rent housing are asked questions not only about their finances, but also about the size of their family, their origin (“what race are you?”), etc. Some have told us they were asked for a credit card in order to qualify for housing. In some cases, they are subject to comments about the education of their children or the risks that their behaviour will be inappropriate or annoying for neighbours. It even happens that they are required to have a guarantor. Besides the fact that the landlord’s attitude towards them is simply unacceptable, we understand that the fact that these newly arrived people are vulnerable because they are unaware of the law or their rights. The situation is even worse when they have refugee status and are from countries where violence is a daily reality and they dare not inquire about or claim their rights for fear of reprisals.

The issue of “discriminatory harassment” after a person has obtained housing was presented in several forms. These practices would particularly affect women. There are cases where landlords or property managers

.....
1 Laval, Gatineau and Montreal hearings.

offer reductions of rent or late payment options in exchange for sex. In other cases, the landlords, under various pretexts, enter apartments at any time and without notice. There are cases of small privileges that had been granted to the lessee (using the backyard, having a shed or a small garden) that are subject to blackmail¹. There are also situations where owners start work without ending it. Tenants live in a constant state of chaos. In these cases, the “best” way to get out is often to move or find emergency accommodation. But housing and shelters are so rare that they must often stay ... and endure.

The situation of people suffering with mental health issues is not any better in regard to practices of harassment. Their complaints are systematically invalidated. It was reported to us several times that when they complain to the landlord of noise or unsanitary conditions for example, they are told that it is “in their head” and that everything is fine...

Finally, we must emphasize the difficulties encountered in getting certain practices recognized as discriminatory and, therefore, harassment, thus causing enormous frustration among victims. The *Commission des droits de la personne et des droits la jeunesse du Québec* (CDPDJQ) has established a special procedure for tackling discrimination in housing. According to CDPDJQ’s 2011-2012 report, complaints of discrimination in housing represent about 10% of the total complaints each year. Of the 1047 files opened by CDPDJQ from April 1, 2011 to March 31, 2012, 104 relate specifically to housing². This number is, however, quite low compared to the number of stories of discrimination heard during the hearings. This gap raises questions. Presumably, as is the case for the

1 Saguenay hearing.

2 Commission des droits de la personne et des droits la jeunesse du Québec, *Rapport d’activités et de gestion 2011-2012*, p. 45.

A FORM OF SOCIAL PROFILING

“Living in a housing project, it is often to wear the label “problem person” or “profiteer of the system”, both by the general public and by some apartment buildings custodian. For example, in some cases, they are taking the liberty to claim the rent cheque three or four days in advance of the due date, on the pretext that they want to avoid the non-payment of rent due to alcohol or drug abuse. »

– TESTIMONY OF THE COMITÉ FEMMES DE PAROLES DU
REGROUPEMENT DES FEMMES DE LA CÔTE-DE-GASPÉ,
GASPE

rights of tenants, a good portion of the target population does not know of the existence of this avenue of appeal, or are reluctant to use it.

1.2.4:

Aboriginal Communities: a Major Crisis

The Commission stopped in Kuujuaq in the Inuit territory of Nunavik and in Lac Simon in Anishnabe (Algonquin) territory. Further, it heard testimony from an Inuit person in Sept-Iles and, in Montreal, Maniwaki, Joliette and Lac Simon, testimony on the situation of homelessness and other problems encountered by Aboriginal people living outside of their communities. Without claiming to represent all the complexity of the reality of Aboriginal people and nations, it is still possible to draw some conclusions.

In Nunavik and in the First Nations, the right to housing is clearly at the heart of the human rights framework. The housing shortage quickly becomes dramatic when concentrated in a community isolated and closed. It acts as a lock that blocks access to other human rights. The full realization of the

right to education, health, security of person, equality, non-discrimination and the right to self-determination is contingent on the urgency of ensuring the right to housing.

A sense of injustice is spreading among the younger generation towards all those who manage to get accommodation. In Nunavik, this feeling is exacerbated by the gap between the living conditions of Inuit people waiting for social housing and those of workers from the South who live in housing provided and funded by the employer. In this context, the anger is palpable.

In Aboriginal communities or in Inuit villages it is not uncommon to live six or seven in a two-bedroom unit. Some people are forced to adopt “sleeping shifts”, that is to say, to establish a schedule so that everyone can sleep in a bed. For children, the implications are numerous, especially in terms of academic achievement (fatigue, concentration, lack of places to do homework, etc.). For adults, lack of sleep can lead to a high rate of absenteeism from work.

Overcrowding creates significant health problems: tuberculosis, respiratory problems, asthma. It also leads to accelerated wear of housing. In addition, the sound proofing leaves much to be desired.



The population lives therefore in a significant state of psychological stress. The pressure on everyone is immense and conflicts arise easily. The absence of privacy is associated with an elevated level of sexual abuse in the family space. Also, conjugal violence is frequent. Women and youth who want to leave find themselves obliged to “couch surf”, that is to say, to wander from one house to another, looking for a place to sleep. In addition, the cramped nature of living spaces exacerbates the consequences of problems of addiction to alcohol or drugs.

In such conditions, one may well inquire as to what extent the high rate of suicide in Inuit and Aboriginal communities is strongly associated with the housing issue. The weightiness of the situation chases the young toward the illusion of the cities.

The cost of living in Nunavik is two or three times higher than in the South and that has an impact on the purchasing power of Inuit people and their ability to save and invest in buying a house. Non-subsidized or private housing is not viable in the Nordic context. It is therefore necessary to build social housing to immediately respond to urgent needs. The number of units is currently insufficient and all means are necessary to make progress on the waiting lists. It was confided to the Commission that in such a context, Inuit women may choose to become pregnant, because it could eventually help them get housing and avoid the dramatic consequences of living without shelter.

In Lac Simon, a community situated 32 kilometres south of Val-d'Or, one of every five housing units needs major repairs (compared to one in ten in non-Aboriginal areas). There is a current shortage of 300 housing units and, in 2012, the funds allocated by the federal government only provided for the construction of three houses. We estimate that for the whole of the Anishnabe nation, the total deficit of housing units is 1300¹.

In Nunavik, the shortage is getting worse. There is a shortage of 1 000 housing units to satisfy a population of approximately 11,300 people. Today, 73% of the population is under 35 years old, 39% of which has not reached the age of 15. This points to growth in the number of new households that will need to find housing. It is estimated that by 2017 the population will have increased by 17% compared to a rate of 3.2% for all of Canada.

Overcrowding in Aboriginal communities is evident. During a tour in Lac Simon, the commissioners saw young people wandering the streets waiting for an available bed to sleep. In homes, mattresses are thrown on the ground, in the basement, and people are waiting there for their turn to sleep.

In Nunavik, as in Lac Simon, testimonies described the consequences of overcrowding which denies everyone of the right to privacy. So diverse situations emerge: quarrels, depression, suicide, abuse, incest and violence, problems to which can be added the consumption of drugs and alcohol.

During the negotiations on the *Plan Nord*, Quebec committed to subsidizing part of the demands for compensation requested by Nunavik organizations: the construction of 300 social housing units and 200 private homes, including 50 cooperatives. The federal

government, for its part, did not renew the agreement to finance the construction of social housing and is not contributing at present to a plan to catch up on the construction of such housing.

In Lac Simon, it is mostly women who leave the community in the quest for housing or to escape from violence. As there is also a housing crisis in Val d'Or, returning to the reserve could be unavoidable because of the lack of availability of housing. People returning to the community risk finding themselves homeless. This type of situation is part of what might be called "hidden" homelessness, that is to say, not having a fixed address leads people to move from one place to another to avoid sleeping outside or on the street. People are also living in this situation in Nunavik.

In Lac Simon, despite the fact that the residents pay monthly rent (approximately \$600.00), the amount brought in by the Band Council doesn't allow the financing of the construction of new housing. There also, the federal government does not invest sufficient amounts to alleviate the housing shortage.

The absence of political will explains the housing crisis in Aboriginal communities. The federal government has important responsibilities toward Inuit and Aboriginal peoples. And, as was suggested by certain people heard by the Commission, it is to wonder if the objective is not purely and simply the assimilation of Aboriginal people.

The Canadian and Quebec governments must respect the will of Aboriginal peoples to live in their ancestral territories. This recognition brings financial responsibilities, particularly regarding the right to housing.

.....
¹ Testimony of the Grand Chief of the Tribal Council of the Anishnabe nation at the hearing in Lac Simon.

1.2.5

The Particular Case of Migrant Workers

At the hearing held in Sainte-Therese, the Commissioners were made aware of the living conditions of migrant farm labourers working on one of the 625 farms in Quebec. Despite the fact that there are housing standards for the seasonal agricultural workforce, in practice, things happen in a very different manner.¹ The law provides that the cost of a shared room is \$45 per week, but in some large farms, the situation is quite different. Overcrowding, the presence of bunk beds and limited circulation space were reported.

In some farms workers live in tent trailers or in containers without windows which accommodate up to eight people. In these places nothing is done to keep the facilities in good condition. For example, problems regarding availability of drinking water and unsanitary conditions were reported. These conditions have an impact on the lives of working people. They cause an almost total lack of privacy as well as health risks.

Migrant workers do not live in conditions that allow them to complain about and expose their situations. They risk losing their status as temporary agricultural workers and thus their jobs, and therefore would not be able to return to work in Canada, thereby endangering their annual income.

1 http://www.ptet.upa.qc.ca/SiteWeb_CEA-TET/Documents/NORMES_POUR_LOGEMENTS.pdf

CHAPTER 2

The Right To Housing: A Non-Right?

The Commission hearings revealed an interesting fact: the tenants and the tenants' rights advocacy groups who testified speak little of the "right to housing" in the proper sense. In other words, tenants do not imagine themselves as holders of rights who can pursue legal recourse when those rights are violated. Rather, the right to housing is evoked to illustrate an aspiration: having housing that is affordable and adequate. In this sense, tenants share their concrete concerns: the cost of rent, health and safety, the absence of social housing, and discrimination.

When the Commissioners asked questions on these issues, it was not uncommon to hear in reply: "Ah, the *Régie*, don't talk to me about

that!" That was followed by comments on the inaccessibility of the *Régie*, the cost, the delays and the complexity of the procedure. The Commissioners concluded that justice is not doing well by tenants. Despite often deplorable living conditions, harassment and unfair rent increases, few tenants tend to use legal proceedings to defend their right to housing. This is part of the broader issue of access to rights and justice for poor people in general. For this reason, the Report allows itself to speak about non-rights and non-recourse. Not because the rights and remedies do not exist, but because they are seen as non-existent or ineffective, even inaccessible by tenants. In this chapter we will explore the foundations of this paradox.



2.1

The Régie du Logement and Tenants

The 2011-2012 Annual Report of the Régie reported 78,468 applications submitted and restarted from April 1, 2011 to March 31, 2012.¹ The considerable number of claims at the Régie does not mean that tenants can assert their rights--far from it--but simply that housing is a major source of dispute in Quebec. In fact, landlords seek recourse at the Régie much more than tenants. The vast majority of files that are opened or revived concern the non-payment of rent and eviction applications (47,049), applications that are obviously made by landlords. But if we consider the reasons that may encourage tenants to complain about a landlord to the Régie (health and safety, repairs, rent reduction, etc.), we see that only 9,096 cases were introduced or re-opened in 2012 on these issues.

Thus, excluding applications for settling and revising rent, which must generally be made by landlords following a written complaint by the tenant, the Régie is primarily used by landlords.

The social and personal characteristics of tenants are likely to explain situations where people choose whether or not to exercise their rights. We illustrate this claim in the next few paragraphs.

The conclusion is unanimous: women have little recourse to tribunals. In this sense, the *Centre des femmes de Memphrémagog* conducted a series of interviews, the results of which show how women do not dare to assert their rights: "Often the fear and difficulty of facing power leaves women

1 Régie du logement. Rapport annuel de gestion 2011-2012, p. 70 and 71.

silent and afraid to expose their situations, for fear of being excluded from their homes and thought of as crazy²".

The conclusion is identical in the case of women who are victims of conjugal violence. Following the hearing held in Shawinigan, the Commissioners raised that women do not exercise their rights at the Régie because they are afraid. This finding is all the more disturbing because, in 2007, the Civil Code was amended to facilitate the termination of leases in favour of women who are victims of conjugal violence. But as revealed in the brief of the *Centre d'aide et de lutte contre les agressions à caractère sexuel (CALACS)* of Baie-Comeau, this clause is almost never invoked, to the point where it is judged useless and perceived "as a poisoned gift" given the fact that no measure to support women to use it has been developed or implemented³.

Seniors are also particularly affected by the phenomenon of non-recourse. In fact, all the organizations which advocate for senior's rights highlighted the difficulty for seniors in asserting their rights. This applies both to people in seniors' residences and those living in rental housing. We can cite the brief submitted to the *Association québécoise de défense des droits des personnes retraitées et préretraitées (AQDR)* of Trois-Rivieres who reported that regardless of the type of housing in which seniors live, they often experience a sense of fear at the prospect of denouncing

2 Brief of the Centre des femmes de Memphrémagog submitted at the hearing in Sherbrooke.

3 Note that the new rules for the allocation of affordable housing in force since September 2012 provides that applications from victims of conjugal violence are a priority.

or demanding something. Specifically, they live in fear of reprisals from the owners, if they express dissatisfaction or if they object, for example, to an increase in the rent. In the same vein, the *Comité de logement de Beauharnois* laments the fact that tenants do not dare complain to the *Régie* or dare to ask the owner to make repairs, because they fear reprisals.

The situation of people living with an intellectual disability or a mental health problem is also troubling. The organization *Mouvement Personne d'Abord du Québec Métropolitain*, which defends the rights of people living with intellectual disabilities, conducted a survey in 2009 to test the accessibility of the *Régie* for this group. The result confirms that few of these people find recourse at the *Régie*. The observation of a Montreal collective that defends the rights of people with mental health problems is similar. According to *Action Autonomie*, people no longer believe that their rights can be respected, and the general feeling is that “a complaint to the *Régie* will not change much”.

Without being able to identify the cause of certain imbalances, the numbers are puzzling. For example, in 2011-2012, the Kativik Municipal Housing Bureau, which is the largest landlord in Nunavut, registered more than 700 requests for termination of tenancy and eviction with the *Régie* while the total population of the community numbers 11,000 inhabitants. That represents a lot of requests for a small population otherwise poorly housed.

Tenant households recently arrived in Quebec, for their part, face additional barriers. The Côte-des-Neiges *Table de concertation sur le logement social* summed it up during the Commission in saying that

.....

1 Brief submitted by Action Autonomie at the hearing in Montreal.

if tenants have rights in theory, in practice it is particularly complicated to enforce them. Not only do many tenants in this area have little knowledge of these rights and the processes to defend them, but those who do know them encounter a variety of other obstacles that make it objectively impossible to exercise them: language, lack of resources to pay for registered mail and other costs, as well as the lack of time to undertake the necessary steps.

Finally, in certain areas, the mere fact of bringing a complaint puts the tenant in open conflict with the only person who can provide accommodation. Thus, in Sept-Iles, under the effect of the “mining boom”, the housing crisis seems to be reaching new heights. In this context, the use of the *Régie* to enforce these rights poses a risk and must be evaluated strategically.

The *Régie* thus suffers from a profound lack of legitimacy among the most vulnerable tenants in Quebec. And this phenomenon is not limited to the absence of recourse to tribunals. On many occasions, we heard testimony explaining that the administrative requirements for bringing a complaint were insufficiently or poorly explained. Support for complainants is minimal, and some tenants were squarely returned to a housing committee or other group for help with filling out the documents.

2.2

Non-Recourse to Programs



The testimony heard and the reports consulted help bring to light the difficulties encountered by citizens who can claim financial aid for housing or social housing¹. The lack of information (on the housing allowance for example), the mental and physical energy needed, difficulties in filling out forms and meeting administrative requirements (for registering for social housing for example), are often major barriers that discourage tenants. This observation has particularly been established by groups which advocate

1 Social housing, as developed and recognized in Quebec, is characterized by its non-profit status (public, cooperative or managed by NPOs). It must be released from the obligation to generate a profit that allows the investor to expect a return on their investment. It ensures longer-term maintenance of the affordability and security of tenure for households with low and moderate incomes. Thus it can meet the needs of citizens of all ages and ensure a good quality of life.

for people living with an intellectual or physical disability, by groups which welcome immigrants to Quebec and especially by women's groups.

On many occasions, these groups have brought to the attention of the commissioners the rather obscure character of the literature on housing benefits and social housing. For the *Centre des femmes du Granit*, for example, one of the main problems is the lack of information, especially on the Shelter Allowance program. Meanwhile, a survey conducted by the *Centre Rayon de femmes de Sainte-Thérèse*, confirms the difficulty of accessing social housing. The members of the Centre "do not know how to obtain a social housing unit, or what steps to take... They do not know that they must renew the application each year to keep their place on the waiting list and thus let others pass. Finally, the contents required on the forms and the evidence to submit in order to obtain a social housing unit is clearly an obstacle to their efforts²".

Among the poorest, the energy-intensive nature of the necessary steps is often put forward to explain the fact that they do not claim their social rights or housing subsidies. "It takes a lot of energy to get subsidized housing," notes the *Comité femmes de paroles du Regroupement des femmes de la Côte-de-Gaspé*. It also takes the support of a social worker and multiple visits to the Municipal Housing Office (OMH), with all the discouragement that can entail.

2 Brief of the *Centre Rayon de femmes*, submitted at the hearing at Sainte-Thérèse.

2.3

Causes of the Lack of Recourse to Rights and Non Exercise of the Right to Housing

As aptly emphasized by a shelter for young women in difficulty, “it is obvious that if everyone made a complaint or asserted their rights, the recurrent problems would certainly become more visible, both to the *Régie* and for the authorities”.

Not using the *Régie* or accessing housing programs and subsidies relates to a variety of factors that seem difficult to identify in a comprehensive manner. Nevertheless, some causes have been mentioned repeatedly in the case of the *Régie*: fear and fear of reprisals, harassment, intimidation and threats both verbal and physical. Other reasons were also regularly invoked and, in some cases, they also apply to social housing or housing allowance: lack of information, distance or absence of a tribunal in the region, disillusionment or discouragement, delays and costs.

2.3.1

Fear

Simple fear is a theme that emerged dozens of times, both in the briefs and in the testimony at the hearings.

The Côte-des-Neiges Community Development Corporation points out that intimidation and fear of reprisals are “particularly important in the neighbourhood.” In their daily practice, groups defending tenants’ rights “regularly find situations where tenants do not complain because they are afraid of the potential consequences or impact on their relationship with their landlord.” Others fear that their immigration status will be affected if they complain.

Whether in Montreal or Sept-Îles, the Commissioners have consistently found that people are afraid to bring a complaint due to the risk of subsequently being harassed by the landlord (particularly by surprise visits) or of being denounced to immigration. This phenomenon is particularly acute in areas where the rental housing stock is concentrated in the hands of a small number of owners, as in Abitibi, Rimouski, Joliette and Gaspé. During one hearing, the representative of a housing committee refused to mention the names of two principal landlords for fear of not being able to negotiate with them and losing the ability to effectively defend tenants thereafter.

2.3.2

Delays, Disillusion and Discouragement

Recourse to the *Régie* is too slow a process for tenants. The Housing Committee of Beauharnois summarizes the situation with the slogan: “Justice delayed, justice denied”. In fact, with an average waiting time of more than a year and a half for a civil case – for seeking repairs, for example – both individuals and advocacy groups are abandoning the judicial process. It is difficult not to conclude from reading the table below that there is a hierarchy in the processing of applications by the *Régie*. And it is likely that the system favours landlords. Such prioritization of requests explains the abandonment of the *Régie* by tenants and explains the strong disillusionment among the vast majority of them.

In practice, the long delays compel tenants to move rather than continue to live in often dramatic conditions. And despite the risks, certain people have no choice but to stay in unsafe housing, at the expense of their health and safety.

For example, according to *Action-logement Lanaudière*, the statistics of the *Régie du logement* in Lanaudière region, are both eloquent and disturbing. In this region for the year 2009-2010, only two cases of rent fixation introduced by tenants were treated by the *Régie*, which suggests that people do not know the procedure for challenging an increase that they consider excessive or they are afraid to do so. The same committee also notes that 276 civil cases dealt with were introduced by landlords compared to only 112 by tenants. The statement heard repeatedly that the *Régie* is in the service of landlords is not unfounded.

Finally, it should be noted that the discouragement and disillusionment are also shared by those who are at the end of the procedure. Tenants often lose confidence after a first negative experience – especially in the face of landlords represented by their lawyers – and even more so given that legal aid excludes, with exceptions, services related to rental disputes.

2.3.3

Lack of Information and the Complexity of Procedures

Commissioners have been convinced that there is a systemic problem of access to information in Quebec regarding tenants' rights and the recourses that these households can exercise. This problem is both objective ('we do not know') and subjective ('we cannot know or are afraid to exercise the rights we know we have'). In some cases, the lack of information is misinformation. In addition, information on the Act and the regulations respecting the *Régie du logement* and many other relevant topics are incomprehensible to most people heard by the Commission. Some have noted that, in Quebec, according to the International Adult Literacy and Skills Survey (ALL), 49% of people aged 16 to 65 are identified as functionally illiterate, some of whom can neither read nor write. In this situation how can people enforce their rights, while every process requires the reading of documents, regulations and laws? How to fill out application forms, without support that would provide access to a range of measures, including the housing allowance or social housing?

Moreover, the problem does not uniquely concern people who have difficulties reading and writing. Application forms, for example for an HLM, and the steps to take – even if they are presented as simple and inexpensive

HEARING DELAYS AT THE RÉGIE DU LOGEMENT

Termination of lease and eviction for non-payment	1,4 months
Eviction of tenant for any other reason (urgent cases)	1,8 months
Annual adjustment of rent (setting)	6,7 months
Termination of lease for reasons other than non-payment of rent (priority)	14,7 months
Repairs, work, health and safety... (general cases: damages, interest, reduction of rent)	20,3 months

RÉGIE DU LOGEMENT, *OP. CIT.*

– always require specific skills, specific information (tax returns, marital status). And it is often difficult to combine these various conditions.

2.3.4

The Absence of a Tribunal and Isolation

The physical absence of the *Régie du logement*'s offices in some areas gives rise to the omission to exercise tenants' rights. The example of the Iles-de-la-Madeleine is eloquent in this regard. According to le *Regroupement des femmes La Sentin'Elle des Îles-de-la-Madeleine*, the last "in person" hearing at the *Régie du logement* on the Islands took place in December 2009. Since then, only two hearings have been held by videoconference, and in difficult conditions: one of the two hearings was canceled the same day and the other was marked by a gap between sound and image (of at least ten seconds), which obviously does not facilitate communication.

In the case of rural areas or those remote from major centres, the lack of public transport exacerbates the problem. On the South Shore of Montreal, inadequate public transit deprives low-income tenants of access to justice: "In fact, going by bus to the offices of the *Régie du logement* of Longueuil, starting from Saint-Constant, is a trip of several hours. A trip with the same objective, starting in Chateauguay and heading to Valleyfield takes just as long," reported the South Shore Housing Committee, at the hearing in Longueuil.

2.3.5

Lack of Resources

The *Régie* is often described as an accessible and inexpensive tribunal. However, it was noted that the cost of opening the file is \$70. This is a significant sum for the poor. Moreover, complaints about safety

issues – which is a priority for tenants – also requires a significant cash advance since bringing in an inspector from the private sector is often required. The brief of the *l'Association coopérative d'économie familiale* of Laval insists on the difficulties encountered in accessing the services of a municipal inspector. The organization believes that the city leaves the poorest tenants to either fend for themselves or open a file at the *Régie*, only to bring an expert to assess the state of housing and then to have the expert come again to testify in court. Logemen'occupe made a similar observation in the case of Gatineau at the hearing in that city.

In conclusion, the Commission holds that, from all the evidence on the question of access to and the exercise of housing rights, the overall situation is grim for tenants and the poor. The question of the actual benefit of social assistance provided by the State is not new. But when it comes to housing, it takes on more dramatic aspects. Not only is housing an essential need, but the right to housing is at the heart of the ability to exercise all one's rights. In other words, the failure of the application of rights and recourses to be effective with respect to housing, as described by tenants and tenant associations, is in itself a denial of right(s).



CHAPTER 3

The Political Environment

“Each \$1 invested in social housing equals a \$2 savings in health expenditures.”

– NATHALIE SAVARD, PRESIDENT,

SYNDICAT DES INTERVENANTES ET INTERVENANTS DE LA SANTÉ DU NORD-EST QUÉBÉCOIS

The various problems exposed in the preceding chapters, and lived by families and individuals, requires an understanding of government policies on housing at the municipal, provincial and federal levels. This

chapter therefore provides a brief overview of the policies that are directly linked to the right to housing, to the extent they raise issues that have been brought to the attention of the Commission.

3.1

The Canadian Federation and the Role of Municipalities in the Matter of Housing

Housing in Canada is a complex issue in terms of constitutional jurisdiction. Strictly speaking, housing is under provincial jurisdiction. In a strict sense municipalities are “creatures” of the provinces, which means they only have the jurisdiction assigned to them by the *Quebec Cities and Towns Act* at the time of the adoption of their charter. Nowadays, it is not enough to say that municipalities are limited by virtue of the narrow jurisdiction granted to them, because the network of institutions called ‘municipal’ continues to multiply: central cities, regional cities, agglomerations, metropolitan communities, regional county municipalities (MRC). In addition, municipalities and regions inherit specific responsibilities on specific topics: urban planning, environment, transportation, for example. Finally, cities (defined in Canada as agglomerations of more than 1000

inhabitants) come together more and more in international networks of cities. They adopt, for example, action plans against racism, against homelessness, etc.

The history of the Canadian federation further complicates the situation. Since World War II, the federal government has used its spending power to invest in housing. This is how the Canada Mortgage and Housing Corporation (CMHC) was created. This fact can be explained by historical reasons. For the moment, let us remember that the federal government is a key player as much in social and cooperative housing, as in the funding of housing.

In Quebec, the federal government’s interventions are often hidden as they are conveyed through the action plans and spending of the *Société d’habitation du Québec* (SHQ).

In this regard, the spending capacity of the Quebec government that comes from federal transfers is not always clear. In this context, it is understood that attributing responsibilities for housing to municipalities is like acrobatics. It requires great effort for municipalities to get small amounts of tax revenues other than through property taxes (such as from the tax on gasoline). It is also understood that, for all practical purposes, the ability of municipalities to act is based on property taxes. Finally, we understand that there is a tension within municipalities between the temptation to promote construction that generates more taxes (condos, houses) and to ensure that the needs for social housing are met. If the Canadian trend regarding the provision of jurisdiction to municipalities continues, we will see that trend in Quebec as well. It is therefore important not to overlook the role of the municipalities in housing issues in general and in social housing in particular.

However, this very Canadian complexity must not serve as an all-out excuse for municipalities in the current state of things. They can and must ensure the inspection of buildings destined for housing. They have the jurisdiction to adopt zoning regulations favouring

social mix. Often, they share regional jurisdiction with neighbouring municipalities on matters of public transportation or garbage removal. The same applies in matters of recreation. The new constructions erected on their territories cannot escape the provincial Building Code. Municipal taxation is a hot topic right now in Quebec. Care must be taken to stick to the argument of lack of resources to avoid involving municipalities in the problematic of housing.

A final word is needed regarding the proximity of cities with Aboriginal communities. Municipalities are confined to the role of “neighbours to reserves” where housing is subject to the jurisdiction of the federal government. The lack of quality housing on reserves amplifies the needs in neighbouring municipalities. Many testimonies reported xenophobic and racist attitudes on the part of citizens of these cities. This question was heard several times: “What to do about the Indians?”. This was the consensus in all cases: allocating federal budgets for housing for Aboriginal people with an eye dropper constitutes a violation of their individual and collective rights.

3.2 Lack of Functional Municipal Policies

3.2.1 A Housing Code

The housing code is a municipal regulation¹ which assures that all residential building in an area must be safe for habitation. Only a few cities in Quebec have adopted such

codes, including Gatineau, Granby, Longueuil, Montreal, Quebec, Trois-Rivieres, Rimouski, Sherbrooke and Chateauguay.

The Commission does not claim that a housing code is a magic solution to the problems of health and safety of the stock of aging rental housing units. It even happens that the existence of a housing code becomes, for vulnerable tenants, an additional problem.

1 The housing code must not be confused with the provincial building code.

Thus, in Gatineau for example, it was noted that tenants (in an HLM for example) derive little benefit from making a report of unsafe conditions, since the City does not provide for the relocation of evicted tenants. Moreover, the mere existence of such a code does not mean that there is a more serious follow-up on landlords in regard to the work they are required to undertake.

There is reason to believe that the number of inspectors, the “response time” of the system and social solutions to the lack of adequate housing are variables that must be taken into account to assess the usefulness and effectiveness of a municipal housing code. These concrete situations contribute to the violation of the right to housing and are therefore more than mere administrative issues to address.

Several speakers at the Commission called for the adoption or revision of the housing code in their municipality in order to strengthen standards, increase the power of inspectors and make this tool more compulsory and more efficient.

3.2.2 **An Urban Plan**

An urban plan is a planning document that establishes the guidelines for the development of territory in a municipality or region. An urban plan must account for the well-being of all citizens. However, it was reported in several areas that when it is a question of housing in an urban plan, the issues relative to social and affordable housing are neglected¹. There is a preference to profit from the construction of condos or high-end projects which are often far removed from the needs of the poorest population.

.....

1 Hearings at Quebec and Montreal, notably.

Moreover, in the debate on densification and urban sprawl, we are told that issues of social diversity, and social and affordable housing are poorly addressed. The right to adequate housing includes the obligation of public authorities to consider the impact of access to transport, culture and services in the case of the most disadvantaged and vulnerable people. Similarly, environmental issues are related to the right to housing. Being forced to move away from the centre of services while depending on non-existent public transport constitutes a violation of rights and the right to housing.

In summary, an urban plan that respects the right to housing must not be limited to considerations of increased property tax revenues. Examples abound of urban plans that allow working-class neighbourhoods to transform little by little, without regard for the reality of people who live there and with no alternative housing for them. Larger families are particularly affected.

3.2.3 **Land Reserve**

A land reserve is the purchase by a municipality of land or a building for the purpose of developing a public project (such as a park) or a social project. It can be, for example, a community contribution to the development of a housing project in the *AccèsLogis* program. The rehabilitation of large areas is an opportunity to create a land reserve in order to limit speculation and allow for the development of housing that meets the needs of local people. As stated by a representative of the Côte-des-Neiges Community Development Corporation at the hearing in Montreal, regarding the vast grounds of the former Blue Bonnets racetrack, “in the context of a land shortage and intense speculation, it is essential to take this unique opportunity to ensure that development benefits those who are already

in the neighbourhood, in continuity with the existing neighbourhood”. Unfortunately, very few municipalities consider or have the means to consider such solutions.

3.2.4

A Strategy for Inclusion of Social Housing

In 2005, Montreal adopted a strategy that favoured the inclusion of social housing in development plans. This means that all projects of 200 units or more should include 15% social and community housing units, and

15% privately-initiated affordable¹ housing. Over the years, developers have found tricks to avoid this municipal intention (by breaking up projects into smaller sizes, for example). According to testimonies collected by the Commission, too few projects include the development of social and affordable housing. Community organizations and tenants would like this strategy to become a policy or regulation requiring all developers to contribute to the development and creation of social housing.

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¹ The word ‘affordable’ is used here in a different sense than in other parts of the Report of the Commission. Here, it refers specifically to the definition used by the Canadian Mortgage and Housing Corporation.

3.3

The Government of Quebec

Quebec has put in place two organizations (*Régie du Logement* and *Société d’habitation du Québec*) who intervene in matters related to housing, and it has financed a program, *AccèsLogis*, to stimulate social housing construction. Nobody questioned the need for these tools, but they have been the subject of widespread criticism throughout the hearings of the Commission.

3.3.1

The Régie du logement

The *Régie du logement* was created in 1980 by the government of Quebec. Over the years certain trends have been observed. In recent years, tenants who visit the *Régie* to learn about their rights and take steps to defend them, appear more and more often to have to seek help from the housing committee in their neighbourhood or municipality. Is the *Régie* downloading part of its responsibilities?

In fact, the tenant defence organizations sought out do not have the financial and human resources to meet an increasingly high demand, especially in complex cases.

It is worth repeating here that in all the regions visited, many testimonies pertained to the management of hearings delays at the *Régie*. We have already mentioned that the delays for evictions in the case of non-payment of rent are much shorter (less than three weeks in some cases) than the delays in the case of a hearing requested by a tenant who exposes problems regarding unsafe housing. Tenants have told us that they wait 24 months to assert their rights and to get their landlords to perform urgent work required in their homes.

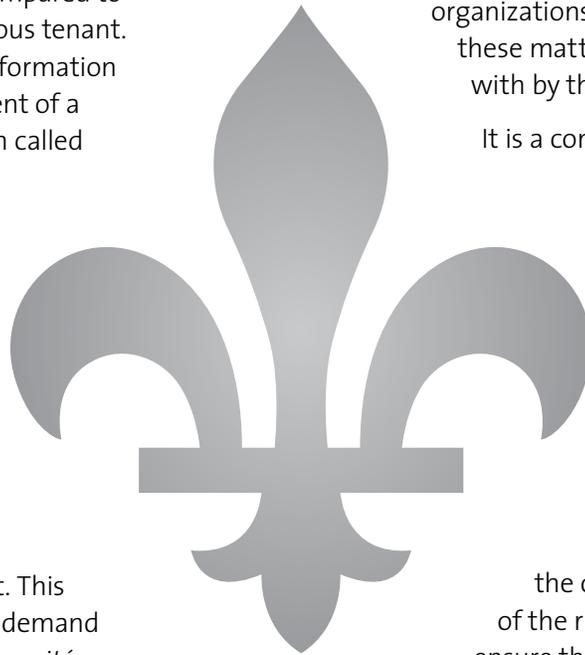
Moreover, when a tenant wins their case at the *Régie du logement*, it is difficult to ensure the enforcement of the commissioner’s

decision. The person must then initiate enforcement procedures that add to the precariousness of their situation.

3.3.2

A Registry of Leases

In Quebec, there is currently no mechanism to control rents other than the fixing of rent by the *Régie*. A new tenant household has the burden of proof if it considers that the asking price is too high compared to the rent paid by the previous tenant. When challenged, such information is crucial. The establishment of a registry of leases has been called for repeatedly. Such a registry would allow for the registration and control of the price of rents, while slowing the trend of excessive increases. In case of dispute, the tenant would have the information required to challenge the price of rent. This has been a long-standing demand of the *Regroupement des comités logement et des associations de locataires du Québec* (RCLALQ)¹.



rent. Consequently, the loss of such status increases the amount of rent. A rent that is too high can result in non-payment and eviction. Loss of membership depends on the internal bylaws of a cooperative. In fact, there is no way to challenge the decision of a coop regarding the withdrawal of membership except by challenging the validity of the regulation before the Quebec Superior Court. This complex recourse is not really accessible. Several community organizations testified that they think these matters should also be dealt with by the *Régie*.

It is a complex and unique situation. On the one hand, it is legitimate for a cooperative to self-manage and it is also clear that conflicts may arise, as in all small communities. But it is necessary that this management be done at the cost of possible violations of the right to housing? How to ensure that recourse is available to the most vulnerable? In a context of a shortage of social and affordable housing, tenants who have lost their membership will be in great difficulty; it is therefore relevant to consider the issue.

3.3.3

Housing Cooperatives and the Recourse of Members

At the hearing in Joliette, the *Centre d'action bénévole Émilie Gamelin* of Saint-Charles-Borromée made us aware of the particular problem of loss of membership in a housing cooperative. Remember that the acquisition of membership includes a reduction of

3.3.4

La Société d'habitation du Québec (SHQ)

The government founded the *Société d'habitation du Québec* (SHQ) in 1967. The mandate of this state corporation is to develop low-income housing programs and facilitate the renovation of the rental housing stock. Later, its mandate and its field of jurisdiction were expanded. Tenants generally do not

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¹ See the publication *Pourquoi un registre des loyers ?* www.rclalq.qc.ca/zfiles.88.pdf

deal directly with the SHQ. Rather it is organizations who deal with it, particularly in the context of *AccèsLogis* which subsidizes the development of social housing.

3.3.5 **The *AccèsLogis* Program**

The *AccèsLogis* program, created in 1997, is managed by the SHQ. It establishes measures intended to oversee the implementation of social housing, either housing cooperatives or housing managed by non-profit organizations (NPOs). According to this program, the government must subsidize up to 50% of the cost of a project; the developers of a project must contract a mortgage which corresponds to 35% of the cost and the balance of 15% should be contributed by the community. To establish the cost of rents for the project, the SHQ uses the median rent of the municipality in which the project is built.

Up to 50% of tenants in a non-profit (OSBL) or cooperative housing are entitled to a rent supplement, which allows them to dedicate 25% of their income to rental costs. The other half of tenants pays rent of at least 75% and at most 95% of the median of market rent in the area.

Everyone who testified on this subject before the Commission said that the community contribution required by the program is not adapted to regional realities or to the construction costs which can vary greatly from one region or one municipality to another. The community contribution far exceeds the rate of 15% provided by the program, which has the effect of delaying the financing, or even jeopardizing some projects.

The community contribution can be very high, especially for small municipalities. In Lavaltrie for example, a project of 30 units required the community to find a sum of \$800,000, the amount having been deemed necessary to maintain affordable rent for the

targeted clients. In this context, it is difficult for citizens and community organizations that have a project to compete with private developers.

“Since the mortgage is limited, the community contribution must compensate and it greatly exceeds the 15% mandatory minimum set by the program. In fact, the average down-payment required by a community for a project varies between 34% and 55%. The socio-economic situation of the region, combined with the rate of tenants’ effort and the small size of municipalities, accentuates the difficulties in gathering community involvement. The project is therefore delayed or even abandoned.”

– TESTIMONY, GROUPE RESSOURCE EN LOGEMENTS COLLECTIFS GASPÉSIE / ÎLES-DE-LA-MADELEINE, GASPE

The number of units financed by *AccèsLogis* is determined annually in the budget of the Quebec government. For example, 3000 units are planned for 2013-2014. Clearly, this number of units is far from meeting the need, and the lack of long-term planning affects the emergence and development of projects. It sometimes happens that, when the process, long and hard, finally reaches the end, the project is still delayed because all available units were allocated for the current year. In September 2012, the *Association des groupes de ressources techniques en habitation du Québec (AGRTQ)*, which provides support to projects, estimated that many are blocked until the *AccèsLogis* funding announcement in the budget.¹

.....

¹ Presentation of the AGRTQ at the hearing in Montreal.

As was mentioned, the cost of rent in a project funded by *AccèsLogis* is established in relation to the median market rent, which is based on the cost of rent in the surrounding environment. However, this increasingly poses problems due to the significant increase in rents compared to the cost of living. For example, in 2012, the median rent for a 3 1/2 was \$675 per month on the island of Montreal, \$695 and \$635 in Gatineau in Quebec, which exceeds the financial capacity of poorest households to pay.

3.3.6 **The Shelter Allowance Program**

Shelter Allowance is financial aid paid directly to tenants (as well as low-income home owners or boarders) to help them pay their rent. It is aimed at households with very low incomes who, through this program, can receive a maximum of \$80 per month.

Shelter Allowance is restricted to households with a person aged 53 years or older (as of 2011-2012, the age of eligibility lowers one year each October 1st to the age of 50) or those with minor children. Single people and childless couples not matching the age threshold are not eligible. However, according to the most recent data available, single individuals face severe housing problems. In

fact, 82,025 single tenants aged 18 to 54 years must devote more than 50% of their income to housing in Quebec. These people represent 40% of all renter households in this situation.

The principle parameters of the program have not been adjusted since its creation in 1997. The maximum amount of aid has stayed exactly the same at \$80 per month, while the average rent has increased by close to 40%. The income limits for accessing the program were slightly increased, but below the rate of inflation. In addition, many households who would qualify do not claim the housing benefit because it is little publicized and they are not aware of its existence. The number of households receiving this funding is steadily declining. Just 102,423 households received it in 2011-2012, compared to 155,414 at the time of the creation of the program.



3.4 Federal Policies

Until 1993, the Canada Mortgage and Housing Corporation (CMHC) contributed to the development of social housing through agreements of long-term funding, for example 35 or 50 years. However, these agreements are gradually maturing and this phenomenon will accelerate considerably by the end of the decade. It is estimated that by the 2030s, there are 127,000 social housing units, in Quebec alone, that will no longer receive subsidies from the federal government. This is called in the jargon the “end of the subsidies.”

3.4.1 Housing Directly Under CMHC

Some of the housing subsidized by federal grants is supervised directly by CMHC. This is particularly the case of cooperatives and NPOs established between 1979 and 1986, in the program called the “56.1”.

In these cases, the effect of the loss of subsidies will be direct. At the end of their contract, which is usually at the end of their first mortgage, coops and NPOs will no longer receive any federal grants. In the vast majority of cases, this grant is used to pay *Aid subject to the control of income (RGI)* to tenants with lower incomes, who live in these housing projects, to enable them to

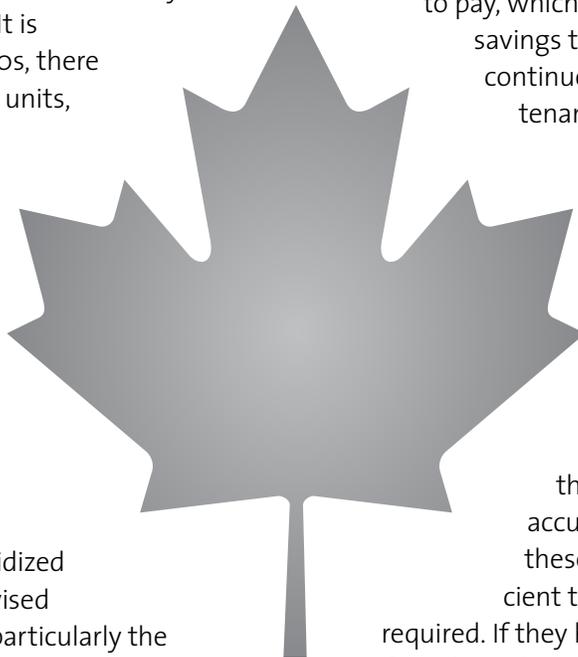
pay an amount of rent that respects their ability to pay, for example, 25% of their income. These are tenants who are at risk of finding themselves in difficulty.

In principle, the cooperative and non-profit organizations will no longer have mortgages to pay, which represents a significant savings that could enable them to continue to reduce the rent for tenants with lower incomes.

This is without taking into account the normal depreciation of buildings and the important work necessary to undertake at the end of a long period. It is doubtful

that replacement reserves accumulated over the years by these organizations are sufficient to cope with all the work required. If they have not already been forced to take out a second mortgage to cover the costs, they may have to at the end of their contract. The anticipated savings will vanish, like the ability to help lower income households who may then end up paying \$100, \$200, \$300 more than they do now.

Low income households who benefit from a co-operative model of housing will be confronted by major increases in rent, if the question of the end of the subsidies is not resolved.



3.4.2

Housing Under the Responsibility of the SHQ

The majority of homes financed by the federal government until the end of 1993 were through federal-provincial agreements with Quebec. The *Société d'habitation du Québec* is responsible for these units. It includes all dwellings in low-cost housing (HLM), including those in Inuit communities, cooperatives or non-profits entirely intended for low-income households and rent supplements granted to private or non-profit landlords.

Although the effect is less direct, these units will also be affected by the end of federal subsidies. The SHQ will end up alone paying a bill now borne first by CMHC. The shortfall will not be great at first, but it will become increasingly important over time. The SHQ believes it will ultimately be \$130 million per year. How will the Quebec government meet this shortfall? By increasing rents? Selling a portion of the housing that it owns? No one knows, but a number of tenants were aware of this situation which is causing anxiety in communities.

During the hearings participants repeatedly noted that the federal government, through the CMHC, has not invested in the construction of public housing (HLM) since 1994, which has had a major impact on the social housing stock in Quebec. The continuation of a social housing strategy, by the continuation of long-term subsidies or other means, seems all the more vital in this context.

3.4.3

The Framework for Affordable Housing

Note also that the Framework for Affordable Housing, through which the federal government contributes up to \$ 57.7 million per year for the construction and renovation of housing in Quebec, as well as financial

assistance to households, will end on March 31, 2014. This amount is the lowest paid by the federal government since 2001.

3.4.4

Homelessness Partnering Strategy (HPS)

“The complete termination of the HPS programme would truly be a disaster for homeless people and the community sector. It would result in a breach in the reintegration process and end the support of intervention for people experiencing homelessness.”

– TESTIMONY OF Réseau d'aide aux personnes seules et itinérantes de Montréal

Community organizations that work closely with the homeless and those struggling against homelessness have made us aware of the insurmountable difficulties experienced by these people when looking for affordable housing in order to get off the street. The Homeless Partnering Strategy (HPS) is a federal program that provides financial support for community initiatives with the homeless, especially those dealing with housing.

However, funding for this program, which has not increased for 10 years, will also end on March 31st 2014. While speaking openly about the need for a policy on homelessness and the number of people homeless or at risk of becoming homeless is on the rise, the organizations concerned, and their users, are obviously very worried about the end of this program, which will jeopardize the interventions in this area.

RECOMMENDATIONS

A Set of Necessary Actions

The Popular Travelling Commission on the Right to Housing heard from hundreds of groups and individuals. Recall that its mandate was to assess the current state of affairs regarding matters of housing in Quebec. It should be noted that the hearings of the Commission were particularly addressed to the most vulnerable tenants and the associations representing them. At the end of its work, the Commission has come to the conclusion that all is not well with housing in Quebec! It is not an exaggeration to say that the commissioners have been profoundly troubled by the testimonies received.

Certainly, everyone has the right to housing and not all tenants in Quebec are victims of the violation of this right. Nonetheless, the violation of the right to housing for the most vulnerable is simply unacceptable and leads to the violation of many other human rights. A rich and developed society such as Quebec cannot tolerate that a significant percentage of the population is deprived, in fact, of a right as basic as that of housing.

The preceding pages speak for themselves, and reading them does not leave one indifferent. A radical shift is required on the part of the various governments who, in Canada, are jointly responsible for the implementation of the right to housing.

The work of the commissioners could not be limited to listen to testimonies, reading briefs and preparing a summary of what was heard by the Commission. This chapter goes further and identifies urgent actions intended to protect, promote and implement the right to housing of any person, without discrimination.

The housing crisis is a direct manifestation of growing social inequalities and the gap that widens every year between the rich and the poor. Housing is a basic necessity and in this sense wealth. However, the mal-distribution of wealth carries with it negative consequences for the right to housing. This is why it is necessary to promote public policies that will rectify the situation. Such policies must take into account the plight of the poor, because poverty is not a personal flaw. It is structural and exacerbated by the increasing difficulty of finding suitable housing.

Issues related to housing rights must be viewed in the context of a growing imbalance between rents and disposable income. The case of social protection measures (old age pensions, guaranteed income supplement, minimum wage, social benefits), which have not always been fully indexed, speaks for itself. A single person living on welfare and receiving the basic benefit of \$604 per month should be, according to the standard which means a maximum of 30% of disposable income is spent on housing, living in adequate housing for rent of \$180 per month! Nothing is working, even for the worker earning minimum wage.

The Government of Quebec has chosen to tackle poverty and social exclusion and it is not our responsibility to assess the effectiveness of its actions in this regard. However, there is an urgent need to address the most pressing needs through the use of housing strategies and social policies that are relevant and effective.

The slow indexing of the minimum wage and social benefits cannot alone solve the housing crisis. We have to hope for an improvement to the income of workers and the unemployed. But in the same breath, we must demand an immediate response to the housing crisis. These responses should be comprehensive and structured, such as the adoption of a national housing policy, and targeted, such as the effective control of the safety of homes.

Finally, beyond the issue of policies and housing programs, we must also consider strategies to educate about the right to housing, which are designed to ensure the accessibility of the law and recourse, as much as housing benefits. Tenants lack information, are afraid and especially do not trust “the system”.

It is in this spirit that the Commission proposes a set of recommendations resulting from its work.

Housing and Income

RECOMMENDATION 1

Governments must substantially improve social protection measures. In addition, the minimum wage should be increased more rapidly and to a higher amount.

The cost of housing

The amount of aid granted by the Shelter Allowance program is inadequate. It is currently capped at \$80 per month. In addition, it is not acceptable that individuals or families entitled to this aid can only benefit from it at random depending on whether or not they have received information about it. There are simple ways to ensure that, on the contrary, all persons concerned are reached. If the tax return, for example, included a



question about the amount of rent, those who are eligible could be automatically enrolled in the program.

RECOMMENDATION 2

The Shelter Allowance Program should be improved, its criteria indexed to the current cost of living and its scope broadened.

RECOMMENDATION 3

The Quebec government must take the necessary measures to ensure that all households entitled to the Shelter Allowance program can benefit from it.

Housing is a human right

The Commission des droits de la personne et des droits de la jeunesse du Québec (CDPDJ) recommended in 2003, as part of the 25 year review of the Charter of Human Rights and Youth Rights of Quebec: “That the right to a sufficient dwelling be explicitly recognized as a component of the right to social and financial measures that ensure an acceptable standard of living, guaranteed by section 45 of the Charter”.

The Popular Commission hearings revealed a strong interdependence between housing rights and all human rights: how to study in a house built for one family, but which houses many? How to treat and cure respiratory problems in a home infested with mould? How can one buy medicines or eat properly when the rent swallows up from 50% to 80% of the income?

Constitutional recognition of the right to housing would have positive consequences for the most vulnerable tenants. It would prove a powerful tool for promoting the

1 Commission des droits de la personne et des droits de la jeunesse du Québec, *Après 25 ans La Charte québécoise des droits et libertés*, p. 23, 24.

effective exercise of this right. This notion was supported by the 2003 review of the CDPDJ:

The explicit statement of the right to adequate housing, as a component of the right to social and financial measures likely to ensure a decent standard of living, will better reflect the systemic factors that impede equal access to housing, and influence public policy in a direction favourable to the full realization of this law.²

The economic and social rights of the person must also cease to be described and seen as the poor relation of the Charter of Rights and Freedoms of Quebec.

RECOMMENDATION 4

The right to housing must be guaranteed by the Charter of Rights and Freedoms of Quebec.

Each person has the right to exercise any of their rights without discrimination. The work of the Commission revealed that the issue of housing is fertile ground for various forms of discrimination and harassment.

RECOMMENDATION 5

Ensure the strengthening of resources available to the Commission des droits de la personne et des droits de la jeunesse du Québec to fight against discrimination and harassment in housing.

A Global Policy in the Matter of Housing

In Quebec, the management of the rental market, social housing policies, and financial support for housing fall within the jurisdiction of several levels of government. It is therefore these levels of government who are

2 *Ibid.*

challenged by the need for a set of coherent, integrated and structured measures in this area.

An integrated housing policy is needed. It is clear that the current programs, existing laws and regulations do not work. Policies are incomprehensible to the most vulnerable tenants and often unpredictable for builders and public managers, in the public, community and private sectors.

The Commission reflected on the matter while bearing in mind that housing is the jurisdiction of Quebec. But this does not relieve the federal government of its responsibilities in financial terms.

A provincial global housing policy should pursue at least the following objectives:

- STIMULATE the construction of social housing in greater numbers to meet needs more effectively;
- ENHANCE the scope of programs that provide aid for the cost of rent such as the Shelter Allowance;
- ESTABLISH an efficient mechanism for rent control;
- FACILITATE the recourse of tenants to the *Régie du logement*;
- PROMOTE a vast education campaign on the rights of tenants;
- REQUIRE municipalities to adopt concrete measures likely to promote the housing rights of the most vulnerable households.

RECOMMENDATION 6

The Quebec government should set in motion an extensive consultation aimed at the short-term adoption of a global policy on housing.

Evidence heard by the Commission shows that the legal protections surrounding the conversion of rental housing into condominiums (condos) are bypassed through undivided co-ownership which is not

effectively controlled by law. This maneuver is performed in the same cities or districts where moratoria have been imposed. We believe it is necessary to prevent such circumvention of the law, by including undivided co-ownership in the law.

RECOMMENDATION 7

A provincial global housing policy must be geared to better control of the private rental market, so as to better protect the local rental stock; this framework should provide for a national moratorium on the conversion of rental units into condominiums.

In Quebec, municipalities are not required to implement a housing code ensuring the safety of housing because such a standard does not exist at the provincial level. A housing code is not a building code. A housing code that respects the right to housing would take into account the following elements: affordability, safety, accessibility, adaptability, integration of social diversity, etc.

RECOMMENDATION 8

A global housing policy must provide for the adoption at the national level of a model code, and the obligation of municipalities to integrate their practices and regulatory obligations under the code.

An urban plan must take into account the well-being of all citizens. Not only such a plan should exist, but as well, it must take into account the needs for social and affordable housing.

RECOMMENDATION 9

A provincial global housing policy must include the adoption, by municipalities and the regions of Quebec, of an inclusive urban plan that takes into account social housing needs and the rights of the most vulnerable tenant populations. These needs include not only

housing, but also transportation, employment, access to culture and respect for the right to a healthy environment.

Social housing in Quebec represents 11% of the total housing stock. This proportion is 75% in the Netherlands, 59% in Austria and 51% in Denmark.¹ The commitments made by the *Parti Québécois* during the summer 2012 election campaign (the construction of 3000 units per year) and the financing of a first batch of 3,000 units in November 2012 is good news. However, this is very insufficient in terms of what is needed, especially in a context where social housing subsidies declined in the last two budgets of the previous government².

RECOMMENDATION 10

The Quebec government must urgently increase the construction of social housing so that social housing has a growing share of the rental market and responds more adequately to the needs of the most vulnerable tenants.

The Responsibilities of the Federal Government

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The federal government is a key player in the development of social housing in Quebec. Traditionally, it played a supporting role in the context of its spending power. This federal effort must continue on behalf of tenants' rights.

.....

1 The Hague : Ministry of the Interior and Kingdom Relations, *Housing Statistics in the European Union*, September 2010, p. 67.

2 Several civil society groups engaged in the practice of estimating the number of missing social housing in Quebec. For FRAPRU the current number should double within a reasonable time, which is equivalent to the construction of 137,000 additional housing.

RECOMMENDATION 11

The federal government must continue and increase its contribution to the housing policies of Quebec, beyond March 31, 2014.

RECOMMENDATION 12

The federal government must maintain its financial assistance to low-income tenants living in existing social housing.

The federal government has a fiduciary duty towards Aboriginal people, as recognized by the Indian Act. As such, it must accelerate investments for construction and renovation of housing on reserves. In addition, the federal government must also accelerate its investments in housing the Inuit people of Quebec. Nunavik urgently needs 1,000 housing units. These investments are essential to respect the right of indigenous peoples to self-determination and the right to develop communities.

RECOMMENDATION 13

The federal government must substantially increase its investment in the construction and renovation of housing on Aboriginal reserves.

RECOMMENDATION 14

The federal government must support the efforts of Quebec, by significantly increasing its investment in the construction and renovation of housing in Nunavik, to make possible the urgent goal of 1,000 new homes.

The Role of the Régie du logement du Québec

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The hearings of the Commission revealed a deep problem regarding the exercise of tenants' recourses before the *Régie* and the negative perception tenants have of the *Régie*. Individuals and organizations heard are convinced that the *Régie* serves first the

interest of landlords. These same people also express a systemic fear of using the *Régie*, an institution that has become virtual and invisible in regions.

RECOMMENDATION 15

It is urgent to examine the current practices of the Régie du logement du Québec and review its mandate and management to ensure in particular:

- *it plays its full role in informing and creating awareness among tenants and among landlords;*
- *it evaluates its management practices on the basis of the effectiveness of the rights of the most vulnerable tenants and households who live far from major centres;*
- *it assesses the impact of the cost of opening a file on the various populations who use its services;*
- *it reviews its operations in light of the requirement for tenants to obtain hearings and judgments in a timely manner, especially where the state of habitability of housing is concerned.*

Several organizations demand a mandatory and universal control on the costs of rents. Such control would entail review by the *Régie* of any increase beyond the fixed percentage it would set annually, including for buildings constructed within five years. In addition, a register of leases would allow new tenants to know the amount of rent previously paid and claim the right to challenge the current rent charged by landlord. All in all, this tool would improve the transparency of the rental market.

RECOMMENDATION 16

In the short term, the relevance of a register of leases must be examined as the first step of the implementation of important measures to control rents.

Special Needs of Tenants

RECOMMENDATION 17

The Quebec government should provide an increase in funding available for programs to adapt homes for people with disabilities and those with loss of autonomy, including in social housing.

RECOMMENDATION 18

Universal accessibility must be guaranteed in all new residential buildings, including social housing, and programs must be adjusted accordingly.

RECOMMENDATION 19

Policies developed for social housing must incorporate the requirements of adaptability so that tenants with such needs are not compromised in their right to housing.

RECOMMENDATION 20

The provincial global housing policy should pay particular attention to the needs of people with mental health problems who undertake a course of rehabilitation. In this case, social housing should be preferred whenever possible, accompanied by community support; and people living in private housing who do not have such access should be supported by rent assistance.

RECOMMENDATION 21

When it comes to the housing needs of marginalized people, the national housing policy must ensure the safeguarding of the diversity of solutions while ensuring the promotion of social housing. The principle of diversity takes into account the importance of protecting the stock of rooming houses in urban and semi-urban areas.

List of Commissioners

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Professor in the School of Social Work at the Université de Montréal and member of the Research Collective on Homelessness, Poverty and Social Exclusion

CONRADI, ALEXA

President of the Quebec Federation of Women (FFQ)

DUHAIME, MARCEL

Former teacher and union counsellor (CSQ) (retired). Member of the Board of the League of Rights and Liberties

DURBAU, DOLORES

Activist for many years in different community organizations including the Citizen's Action Committee of Verdun

GALLIÉ, MARTIN

Professor and researcher in the Department of Law in the Faculty of Political Science and Law at the Université du Québec à Montréal

LAFRENIÈRE, SYLVAIN

Budget counsellor at the Cooperative Association for family economy and member of the Board of Directors for the Consumers' Union

LAMARCHE, LUCIE

Law professor and Gordon F. Henderson Human Rights Chair at the University of Ottawa

MONDION, YANNICK-S.

Activist for more than 10 years in the field of youth housing and homelessness, notably at

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PIOTTE, JEAN-MARC

Professor emeritus in the Department of Political Science at the Université du Québec à Montréal and author of numerous books and articles on social movements

ROY, SHIRLEY

Professor in the Department of Sociology at the Université du Québec à Montréal and leader/head of the the Research Collective on Homelessness, Poverty and Social Exclusion

RUFO, BARBARA

Psychosociologist at the Coop Interface, actively involved in the defence of social rights, particularly within Parole d'excluEs

TREMBLAY, JOAN

Activist for several years with groups defending people on social assistance and president of the Collective for a Quebec Without Poverty

TREMBLAY-PEPIN, SIMON

Researcher at the Institution for Socio-Economic Research (IRIS)

TRUDELLE, JEAN

President of the National Federation of Teachers of Quebec (FNTEQ-CSN) from 2009—June 2012



In the fall of 2012, the *Front d'action populaire en réaménagement urbain* (FRAPRU) initiated a Popular Travelling Commission on the Right to Housing, which began its work in Nunavik and finished in the Anishnabe community of Lac Simon, after having covered the 17 administrative regions of Quebec. More than 360 groups and individuals testified. This unprecedented consultation revealed several violations of the right to housing.

The Commission report presents the findings and recommendations of the 14 people who have acted as independent commissioners.

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