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# Federal Housing Advocate's Observational Report

**British Columbia**

**(August 23 to September 2, 2022)**

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## Note of gratitude

As Canada's first Federal Housing Advocate, my role is to be an independent, nonpartisan watchdog. The goal of the Advocate's work is to drive change on key systemic housing issues and to hold government decision makers to account for their human rights obligations related to housing and homelessness.

The human right to adequate housing means that all people are equally entitled to live in dignity in a safe and secure home. Everyone should be able to access housing that meets their needs without discrimination or harassment. Recognizing housing as a human right means that government "duty bearers" at all levels have legal obligations to protect this right for everyone, and especially for people whose right to housing is being violated.

During August 2022, I traveled to Victoria, View Royal, Prince George, Vancouver, Surrey and New Westminister within the colonial borders of British Columbia. I would like to acknowledge that these communities were built on the unceded territories of the:

- ləkʷəŋən People, known today as the Esquimalt and Songhees First Nations (including Victoria, View Royal, and other municipalities)
- Lheidli T'enneh Nation (Prince George)
- xʷməθkʷəy̓əm (Musqueam Indian Band), Skwxwú7mesh Úxwumixw (Squamish Nation), and səliilwətał (Tsleil-Waututh Nation) (Vancouver)
- Semiahmoo, Katzie, Kwikwetlem (kʷikʷəłəm), Kwantlen, Qayqayt and Tsawwassen Nations (Surrey); and
- the Halkomelem speaking peoples (New Westminister), who retain their jurisdiction and relationships with the land to this day.

I came to bear witness and hear directly from community members and housing service providers about their housing realities and concerns. I heard the exhaustion and the urgent need for change both from people who are unhoused and those who are living in precarious housing circumstances. Their level of stress cannot be underestimated, nor can the toll that being unhoused or precariously housed has on one's physical, mental, and emotional health.

I also heard about the challenges that service providers are facing as they struggle to meet the overwhelming and diverse needs of residents, and constantly deal with funding and staffing issues.

I want to recognize and express deep gratitude to the community experts, Assembly of First Nations British Columbia staff, Métis Nation BC staff, community service providers, legal and community advocates, and the provincial and municipal officials who took the time to meet with me.

I acknowledge that some of you may be curious, hopeful, or skeptical of systemic change that the Federal Housing Advocate's role can bring. I want you to know that I share these feelings. Trust must be earned. I am deeply committed to taking the information that you have shared with me, and advocating to all government duty bearers to hold them to account for their human rights-obligations. We must ensure that nobody is left behind in Canada's housing policies and laws. This includes alignment with the inherent rights of Indigenous peoples and the federal and provincial United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP or UN Declaration) Acts.

Since the time of my visit, British Columbia has a new premier alongside a new stand-alone housing ministry. In February 2023, I had the opportunity to meet the new Minister of Housing, the Honourable Ravi Kahlon, to discuss our respective priorities and what I heard during my visit. I encouraged the Minister to introduce provincial right to housing legislation.

This is an opportune moment for B.C. and all provinces and territories to:

- in consultation with Indigenous leaders and communities, introduce right to housing legislation provincially with the creation of a provincial housing advocate counterpart who can hold their provincial government directly to account for their human rights;
- prioritize greater housing resources and supports to the most disadvantaged groups who are suffering disproportionately from the housing crisis;
- adopt the National Protocol for Homeless Encampments in Canada<sup>1</sup>;
- uphold the inherent dignity, human rights, including Indigenous rights of people sheltering outside, including not participating in or condoning forced evictions;
- comprehensively integrate the human right to adequate housing in all government decisions, including strategic policies and plans, briefing materials, Treasury Board submissions, and drafting instructions for new laws, building on lessons from the UN Declaration on the Rights of Indigenous Peoples Act and Gender-Based Analysis Plus;
- ensure on-going participation and appropriate compensation of people who are unhoused or precariously housed in government policy efforts; and
- work with all levels of government to fully align the National Housing Strategy with the human right to adequate housing, including through its multilateral and bilateral agreements and sharing provincial disaggregated data on how disadvantaged groups are having their right to housing recognized, or not, by the Strategy's programs.

I ask that the Government of B.C., municipalities and other levels of governments carefully and urgently consider the opinions and remedies proposed by rights holders and civil society groups presented in this report and work together to address the preliminary recommendations and other related recommendations already brought forth to the provincial and federal governments by B.C. housing advocates and experts.

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<sup>1</sup> See: [Tent Encampment Protocol \(make-the-shift.org\)](https://www.make-the-shift.org/)

I encourage all interested readers who may be unhoused or precariously housed to assert your human right to housing by making a submission<sup>2</sup> to our office, contributing to systemic reviews such as encampments and financialization,<sup>3</sup> and advocating to your government representatives to uphold the human right to adequate housing.

Change depends on all of us working at all levels, starting in our own communities.

Sincerely,

Marie-Josée Houle,  
Federal Housing Advocate

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<sup>2</sup> Submission form: <https://www.housingchrc.ca/en/housing-submission>

<sup>3</sup> Encampment Review: <https://www.housingchrc.ca/en/homeless-encampments>;

Financialization Review: <https://www.housingchrc.ca/en/financialization-housing#submission>

# The human right to adequate housing

While public discourse often refers to the housing affordability crisis in Canada, the crisis is much bigger than affordability. The human right to adequate housing includes seven total elements recognized under international human rights law<sup>4</sup> and now enshrined in the 2019 National Housing Strategy Act.<sup>5</sup> The standard of “adequacy” means that housing must be:

1. **Secure** – security of tenure provides protection from arbitrary eviction, forced relocation or harassment;
2. **Provide availability to basic services** – including safe drinking water, sanitation, heating, lighting, and emergency services;
3. **Affordable** – housing costs should not be a barrier to meeting other basic needs such as food, and costs should be protected against unreasonable increases;
4. **Habitable** – dwellings should have adequate space for the inhabitants, be properly maintained, and provide protection from the elements and other threats to health and well-being;
5. **Accessible** – for people of all abilities, particularly those experiencing discrimination or living in vulnerable circumstances;
6. **In a location** – that is close to employment and basic social services such as childcare, education and healthcare, and is not located in a polluted or dangerous area; and
7. **Culturally adequate** – respects and is appropriate for the expression of the inhabitants’ cultural identity and ways of life.<sup>6</sup>

All people should have equitable access to adequate housing, without discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, as described in the International Covenant on Economic, Social and Cultural Rights (Article 2(2)).<sup>7</sup>

The United Nations Declaration on the Rights of Indigenous Peoples provides a framework for “the minimum standards for the survival, dignity and well-being of Indigenous peoples of the world” (Article 43). Adopted by the UN General Assembly on September 13, 2007, it sets out a constellation of rights, including those related to self-determination and self-governances, rights to lands, territories and resources, and rights to equality and non-discrimination in the enjoyment of human rights, including economic, social and cultural rights.

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<sup>4</sup> United Nations. The Right to Adequate Housing, Fact Sheet 21.

[https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf)

<sup>5</sup> National Housing Strategy Act, 2019: <https://laws-lois.justice.gc.ca/eng/acts/n-11.2/FullText.html>

<sup>6</sup> United Nations. The Right to Adequate Housing, Fact Sheet 21.

[https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf)

<sup>7</sup> United Nations Office of the High Commissioner. International Covenant on Economic, Social and Cultural Rights, Article 2(2).

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

On June 21, 2021, the Parliament of Canada enacted into law the UN Declaration on the Rights of Indigenous Peoples Act, which commits the federal government to achieving full implementation of the UN Declaration, including by ensuring that federal laws – such as the 2019 National Housing Strategy Act – regulations and policies are consistent with the requirements of the Declaration. The government of British Columbia had previously adopted provincial legislation with similar requirements and intent.

In relation to the right to housing for Indigenous peoples, there are several key provisions under the Declaration, which are noted in Annex A.

## Engaging with rights-holders

The Federal Housing Advocate has a legislated duty under the National Housing Strategy Act to engage with “rights-holders”, or people whose human right to adequate housing has been violated, such as those who are unhoused or precariously housed.

Since her appointment in February 2022, the Advocate has met with national networks such as the National Right to Housing Network, the Canadian Lived Experience Leadership Network, federal departments, civil society groups, and others at the national and international levels. She also met with the Assembly of First Nations, the Métis National Council, the Inuit Tapariit Kanatami, the Congress of Aboriginal People, the Native Women’s Association of Canada, and the National Association of Aboriginal Friendship Centers.

While hearing from national-level groups was an important first step to understand some of the current common systemic housing issues that people in Canada face, the Advocate is also committed to understanding the unique social, economic, cultural and geographic realities faced by people in different parts of the country.

From August 23 to September 2, 2022, the Advocate traveled to Victoria, View Royal, Prince George, Vancouver, Surrey and New Westminster on the unceded territories of the: ləkʷəŋən People, known today as the Esquimalt and Songhees First Nations (including Victoria, View Royal, and other municipalities); Lheidli T’enneh Nation (Prince George); xʷməθkʷəy̓əm (Musqueam Indian Band), Sk̓w̓x̓w̓ú7mesh Úxwumixw (Squamish Nation), and səliłwətał (Tsleil-Waututh Nation) (Vancouver); Semiahmoo, Katzie, Kwikwetlem (kʷikʷəłəm), Kwantlen, Qayqayt and Tsawwassen Nations (Surrey); and Halkomelem speaking peoples (New Westminster).

These particular cities were chosen based on their alignment with the three general themes for the visit, including but not limited to: the right to adequate housing for First Nations, Inuit and Métis peoples, encampments, and the financialization of housing.

## Why British Columbia?

British Columbia was an obvious place for the Advocate to begin regional engagement given the province has some of the most progressive housing policies in the country and is taking some positive steps to curb the financialization of housing, to provide greater protections for renters, and to create more non-market, affordable housing. Under its 2018 [Homes for British Columbia Plan](https://www.bcbudget.gov.bc.ca/2018/homesbc/2018_homes_for_bc.pdf), the Government of B.C. has created a number of measures such as its speculation and foreign buyers tax, as well as taking action on hidden ownership by introducing the first publicly accessible registry on beneficial ownership.<sup>8</sup> There have also been some efforts to restrict rent increases<sup>9</sup> and legislation to curb renovictions.<sup>10</sup> B.C. subsequently released its Homes for People action plan<sup>11</sup> that promises “urgent action to speed up delivery of new homes, increase the supply of attainable middle income housing, fight speculation, and help those who need it the most” and Belonging in B.C.: a Collaborative Plan to Prevent and Reduce Homelessness (2022-2025).<sup>12</sup> The Belonging in B.C. plan includes a suite of initiatives such as complex care for people struggling with complex substance use and mental health issues, a support rent supplement, additional supportive housing, a multidisciplinary coordinated response to encampments, and other measures. Since the time of the Advocate’s visit, the provincial government committed to investing \$12 billion over the next 10 years in these plans. Announcements made in Budget 2023 include supporting more non-market housing options through B.C. Housing, introducing an income-tested renters tax credit, and driving down the financialization of housing by introducing a flipping tax, expanding speculation and vacancy tax to more areas of B.C., better regulation of short term rentals, a secondary suites incentive program, and other measures.

B.C. was the first jurisdiction in Canada to introduce legislation to harmonize its laws with the United Nations Declaration on the Rights of Indigenous Peoples as called for in the Truth and Reconciliation Commission’s Calls to Action. The provincial government has also participated in some partnerships with First Nations to meet housing needs. For example, there are new affordable rental homes for Indigenous Elders and families near Fort Rupert, as a result of a partnership between the province and Kwakiutl First Nation.<sup>13</sup>

These measures can be strengthened by fully adopting the human right to adequate housing as a comprehensive framework for B.C.’s strategies, laws, and policies going forward. As noted by provincial ministries and community partners when developing the Belonging in B.C. plan, housing is a human right and a humanitarian issue.

Despite these approaches, B.C. faces grave violations of the right to adequate housing that require immediate attention. For example, in the Downtown Eastside of Vancouver and other downtown areas with concentrations of unhoused people, there is a lack of habitable conditions in emergency and

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<sup>8</sup> [https://www.bcbudget.gov.bc.ca/2018/homesbc/2018\\_homes\\_for\\_bc.pdf](https://www.bcbudget.gov.bc.ca/2018/homesbc/2018_homes_for_bc.pdf)

<sup>9</sup> <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/during-a-tenancy/rent-increases>

<sup>10</sup> <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/ending-a-tenancy-for-renovations-or-repairs>

<sup>11</sup> [https://news.gov.bc.ca/files/Homes\\_For\\_People.pdf](https://news.gov.bc.ca/files/Homes_For_People.pdf)

<sup>12</sup> <https://news.gov.bc.ca/files/BelongingStrategy.pdf>

<sup>13</sup> <https://news.gov.bc.ca/releases/2021AG0072-000983>

supportive housing buildings, growing encampments across the province, the privileging of housing as a commodity for profit over housing as a place to live, and a severe lack of affordable housing. People who have been systemically disadvantaged by housing policy efforts are falling further behind and all available means and resources should target these groups as a matter of urgent priority.



The encampment at CRAB Park in Vancouver continues to grow as more people seek shelter there. There is a serious lack of habitable conditions and resources to support people living here.

There are more than 200 distinct First Nations within the colonial borders of B.C. A disproportionate number of First Nations, Inuit and Métis people are unhoused and living in precarious housing as a consequence of colonial policies and practices, such as residential schools, the Sixties Scoop, and a child welfare system that continues to remove Indigenous children from their lands, homes and communities.

There are also some leading Indigenous housing organizations and significant efforts underway to further self-determined housing strategies, policies, programs and services. For example, the First Nations Housing and Infrastructure Council will respond to the needs of First Nations housing and infrastructure program delivery in B.C.<sup>14</sup> The Aboriginal Housing Management Association (AHMA), comprised of Indigenous housing and service providers across B.C., and Indigenous partners from across the province has released an urban, rural and northern housing strategy designed to address the housing needs of Indigenous people in these areas.<sup>15</sup> The non-profit Aboriginal Coalition to End Homelessness Society provides culturally supportive services for Indigenous peoples experiencing homelessness on Vancouver Island,<sup>16</sup> among many others.

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<sup>14</sup> <https://www.fnhic-bc.ca/home>

<sup>15</sup> <https://www.ahma-bc.org/>

<sup>16</sup> <https://acehsociety.com/>

## Purpose of report

The overall purpose of the trip was for the Advocate to bear witness, to listen, and to gather information from people with lived and living experience of homelessness and housing precarity as well as some of the advocates and civil society organizations that work with them, to inform her systemic reviews, research, reporting and recommendations to Parliament. This report is a summary of what was heard from meeting participants during the Advocate's time in B.C. and should not be read as representative of all unhoused peoples' or tenant experiences. It highlights the opinions and concerns of rights holders, legal advocates, non-profit sector organizations, academics, and others who met with the Advocate regarding their experiences and observations of violations to the right to housing. While we acknowledge that there are intersecting middle class housing issues, as well as the perspectives of landlords, developers, and other well-resourced bodies with means to bring their interests to government policy makers, these viewpoints are beyond the scope of this particular report. The views expressed by rights holders and meeting participants are theirs and may be contradictory. These participant views and recommendations do not necessarily represent the views of the Advocate; however, the opinions and suggested solutions greatly contributed to the Advocate's preliminary recommendations offered in Annex B.

The Advocate also recognizes the limitations of this visit both in terms of time and place and that the housing crisis is being felt everywhere, including in rural and remote areas where there are unique and extremely challenging circumstances.

As mentioned above, there were three general themes for the Advocate's visit, including:

- the right to adequate housing for First Nations, Inuit and Métis peoples,
- encampments, and
- the financialization of housing.

These themes emerged from the Advocate's engagements with national-level groups, National Indigenous Organizations, research, and submissions related to systemic issues made to the Advocate. The Advocate met with people who are or who have been unhoused or precariously housed, Indigenous housing organizations, non-profit housing providers, community experts, academics, tenant organizations, and government officials. The methodology and a complete list of people and organizations is included in Annex C.

The opinions and solutions that stakeholders raised with the Advocate during her visit contribute to a body of evidence that will support and inform the on-going advocacy work of the Federal Housing Advocate in the following areas:

- engagement efforts with rights holders and federal, provincial and territorial government duty bearers,
- research activities,
- monitoring the progressive realization of the right to housing in Canada and the goals and outcomes of the National Housing Strategy,
- reporting and recommendations to the federal minister responsible for housing, and
- conducting Advocate-led reviews and requesting the National Housing Council create review panels on systemic issues.

This summary of “what we heard” is also intended to amplify the voices of some of the most systemically disadvantaged groups in B.C. who are self-advocating for their human right to adequate housing to the Government of B.C.. The provincial government has jurisdiction over a significant number of housing and homelessness policies, legislation, and programs. While it does not have a legislated duty to respond to the Advocate, the Advocate encourages the Government of B.C. to collaborate with her office, listen to rights holders, and implement its obligations to progressively realize the human right to housing as enshrined in the National Housing Strategy Act.

# What we heard

## 1. Security of Tenure

**“[H]ousing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats”  
— Office of the United Nations Human Rights Commissioner for Human Rights<sup>17</sup>**

### ***Continued need to address high rates of evictions and lack of tenant protections***

The Advocate heard how many people in B.C. lack security of tenure and face the threat of eviction, often leading to homelessness. Over 10 percent of renters in B.C. report being evicted over a five-year period, more than any other province or territory.<sup>18</sup> The exact number of people evicted in the province in recent years is not known, as this data is not being regularly collected and reported.<sup>19</sup> B.C. is not alone in the failure to track evictions. This underlines the need for national reporting.

A number of experts with lived experience and front-line service organizations shared concerns about the trauma inflicted by evictions and the continued high rates of illegal evictions, along with a variety of pressure tactics to remove tenants from their homes. As one ACORN member shared, “A lot of landlords [are] not acting in good faith and capitalizing on people not knowing their rights.”<sup>20</sup> In particular, the Advocate heard about bad faith “landlord use” evictions,<sup>21</sup> the targeting of long-term tenants whose rent is well below the current market average, for illegal evictions,<sup>22</sup> inadequate protection against demovictions,<sup>23</sup> and “cash for keys” offers whereby a landlord will get a tenant to effectively self-evict in exchange for a lump sum of cash, in some cases after facing threats or harassment and landlord neglect.<sup>24</sup> The Advocate also heard from tenants that arbitrary rules like banning pets are being applied to evict tenants.<sup>25</sup> While, positively, the Advocate was informed about

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<sup>17</sup> Office of the United Nations High Commissioner for Human Rights, *The Right to Adequate Housing*, 2009, [https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf) (accessed December 8, 2022).

<sup>18</sup> Meeting with Vancouver Tenants Union Steering Committee, Vancouver, August 2022. Referring to data collected in 2018 from the Community Housing Survey.

<sup>19</sup> Noted that because you can be evicted without a hearing, this makes data collection even more difficult. Meeting with Tenant Resource and Advocacy Centre, Vancouver, August 2022. See also, Meeting with Vancouver Tenants Union Steering Committee, Vancouver, August 2022; Meeting with Carnegie Community Action Project, Vancouver, August 2022.

<sup>20</sup> Meeting with ACORN tenants, New Westminster, September 2022.

<sup>21</sup> Meeting with Tenant Resource and Advocacy Centre, Vancouver, August 2022.

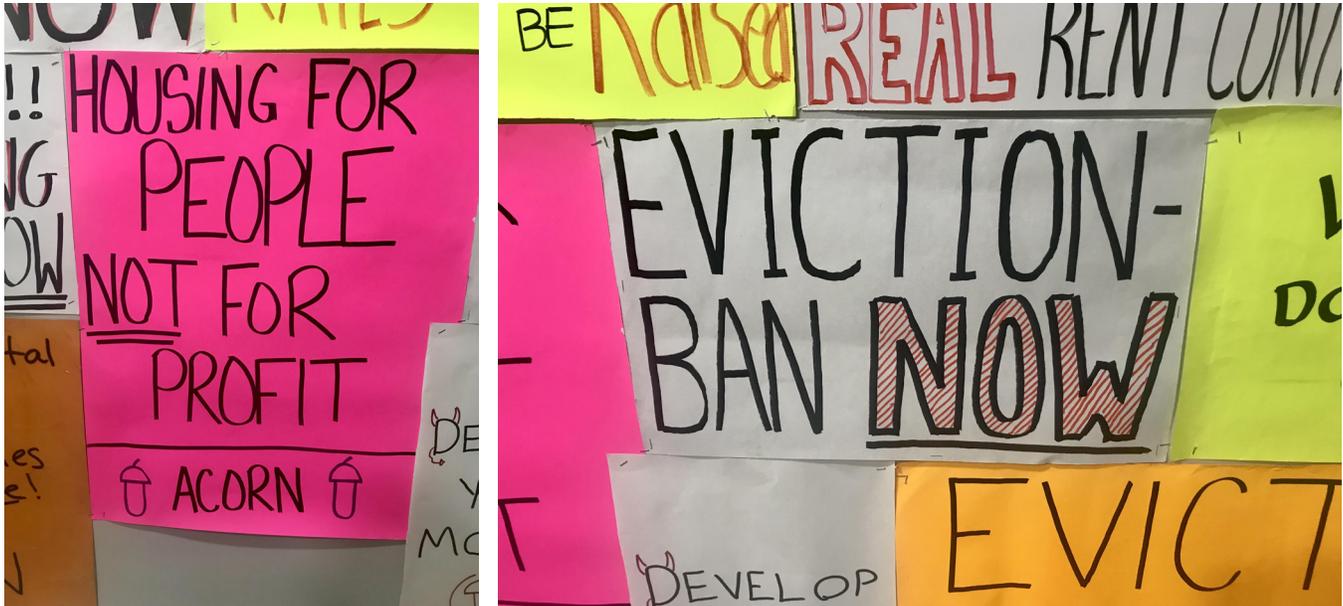
<sup>22</sup> Meeting with Vancouver Tenants Union Steering Committee, Vancouver, August 2022.

<sup>23</sup> “Demovictions” is when a tenant is displaced as a result of their home being demolished. Meeting with Vancouver Tenants Union Steering Committee, Vancouver, August 2022.

<sup>24</sup> Meeting with Vancouver Tenants Union Steering Committee, Vancouver, August 2022.

<sup>25</sup> Meeting with ACORN tenants, New Westminster, September 2022.

regulatory changes to curb renovations<sup>26</sup> and how they have become less common since such changes were introduced,<sup>27</sup> legal advocates reported that the changes have led to a significant increase in the use of evictions for “landlord use” of property (i.e. when the landlord or a family member moves into the home).<sup>28</sup> The evidence required to prove “landlord use” is nominal, according to the advocates, and even when the Residential Tenancy Branch finds they lied, the 12-month rent penalty is too little to disincentivize the abuse, given the amount by which landlords can raise rent for new tenants.<sup>29</sup> Furthermore, the changes do not address the issues concerning landlord conversations or demolitions. More data is required to understand the scale of these bad faith evictions.



Posters at the ACORN tenant meeting that say “Ban eviction now!” and “Housing for people, not for profit!”

The Advocate also heard how existing avenues for tenants to contest evictions provide limited recourse. First, the turnaround time for a tenant to dispute eviction is short, providing little or no time for a tenant to seek assistance, or for tenant support organizations to put together a defense.<sup>30</sup> Second, the Advocate heard that when tenants contest an eviction, they must do so in English, as the Residential Tenancy Branch does not provide language translation. For those who are not fluent in English, this creates an added difficulty in navigating an already complex system.<sup>31</sup> Since the time of the Advocate’s

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<sup>26</sup> “Renoviction” is when a landlord evicts the tenant through renovations. This can be through displacing the tenant to perform the renovations, or after the tenant cannot afford the rent increase that follows the renovations. Government of British Columbia, “Ending a Tenancy for Renovations or Repairs,” 2021, <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/ending-a-tenancy-for-renovations-or-repairs> (accessed December 13, 2022).

<sup>27</sup> Meeting with Tenant Resource and Advocacy Centre, Vancouver, August 2022.

<sup>28</sup> Information provided by Pivot Legal Society and Community Legal Assistance Society, June 2023.

<sup>29</sup> Ibid.

<sup>30</sup> Meeting with Tenant Resource and Advocacy Centre, Vancouver, August 2022; Meeting with Crab Park Residents, Vancouver, August 2022.

<sup>31</sup> Meeting with Tenant Resource and Advocacy Centre, Vancouver, August 2022; Meeting with ACORN tenants, Vancouver, August 2022. See, Government of British Columbia, Residential Tenancy Branch, “Guide to the Dispute Resolution Process,” 2021, <https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/residential-tenancies/guides/drguide1.pdf> (accessed December 11, 2022).

visit, participants may now request simultaneous telephone translation in more than 200 languages for both information services and hearings. Third, there are no options for collective claims against landlords through the Residential Tenancy Branch.<sup>32</sup> This precludes joint efforts by tenants all facing an illegal eviction in the same building. Even when the Residential Tenancy Branch receives multiple, separate claims concerning the same landlord, these claims are not compared to establish patterns of landlord behavior. The Advocate heard that arbitrators are not required to consider case law and, as a result, even where an arbitrator has made legal findings against a landlord this history may not be relied upon in future hearings.<sup>33</sup>

**“Without transparency and the right to appeal decisions, the Residential Tenancy Branch cannot be considered an adequate access to justice mechanism for tenants and landlords alike.”**  
– Tenant Advocate

The Advocate also heard how some tenants in supportive housing<sup>34</sup> can face eviction with only 24-hour notice without needing to go through the legal process and having the case heard by an impartial arbitrator at the Residential Tenancy Branch.<sup>35</sup> The Advocate learned that some providers are claiming to be exempt from legislated tenancy protections by categorizing their services as transitional housing and offering “program agreements” rather than tenancy agreements despite the Residential Tenancy Act (the Act, RTA) stating that landlords and tenants cannot contract out of the Act.<sup>36</sup> Thus, when their period of eligibility ends, tenants in transitional housing may be evicted into homelessness and have no access to recourse.<sup>37</sup> Residents in these “short-term” programs, the Advocate was informed, can end up living in buildings for years (due to a lack of downstream permanent affordable housing options) while having no protection from eviction with 24-hour notice at the sole discretion of the housing provider.<sup>38</sup> The Advocate was told that not being protected by the Act meant that there are no tenant organizations for residents to collectively address their rights and no tribunal to hear their cases.<sup>39</sup> The Advocate was also told about some residents being pressured into program agreements and therefore abandoning their tenancy rights outlined in their original leases.<sup>40</sup> Legal advocates clarified that while sometimes people genuinely have no access to recourse, frequently they actually fall under the Act but simply do not know it because they have been misled by their provider. It becomes an access to justice issue where people believe they do not have rights, and have no reasonable access to an advocate, so they do not know they could contact the Residential Tenancy Branch.<sup>41</sup>

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<sup>32</sup> Meeting with Vancouver Tenants Union Steering Committee, Vancouver, August 2022.

<sup>33</sup> Information provided by Pivot Legal Society, June 2023.

<sup>34</sup> Supportive housing is third-party operated subsidized housing with on-site supports for single adults, seniors and people with disabilities at risk of or experiencing homelessness. BC Housing, “Supportive Housing,” 2022, <https://www.bchousing.org/housing-assistance/housing-with-support/supportive-housing> (accessed December 8, 2022).

<sup>35</sup> Meeting with the Greater Victoria Coalition to End Homelessness 2, Victoria, August 2022; Meeting with Crab Park Residents, Vancouver, August 2022; Meeting with Bernie Pauly, Victoria, August 2022.

<sup>36</sup> Residential Tenancy Act (section 5(1)) [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/02078\\_01#section5](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/02078_01#section5)

<sup>37</sup> Emily Zarychta, “Non-Profit Housing and the Residential Tenancy Act,” Community Legal Assistance Society, July 14, 2021, <https://clasbc.net/non-profit-housing-and-the-residential-tenancy-act/> (accessed January 31, 2023)

<sup>38</sup> Meeting with Together Against Poverty Society, Victoria, August 2022.

<sup>39</sup> Meeting with Vancouver Tenants Union Steering Committee, Vancouver, August 2022.

<sup>40</sup> Meeting with Crab Park Residents, Vancouver, August 2022.

<sup>41</sup> Information provided by Pivot Legal Society, June 2023.

Regarding program agreements, the Advocate heard from a non-profit umbrella association that the agreements are intended to help outline expectations for living in supportive housing buildings and cover things such as working with case managers, agreeing to take relevant medication, and allowing wellness checks. The program agreements that BC Housing urges providers to use in buildings they fund, according to the association, has partially been a response to resistance from community members around the introduction of supportive housing to their communities – one of the purposes of a “good neighbour” agreement. While “program agreements” may have evolved out of a need to manage the unique environment of supportive housing, the association points out that they function in an operational “grey zone.” Notable decisions made by the Supreme Court of British Columbia indicate that policies put in place by supportive housing providers, such as those favoured by B.C. Housing, are unconscionable and therefore unenforceable as they contravene the RTA and have been ruled as illegal.<sup>42</sup>

Some shelter and supportive housing providers emphasized that evictions are sometimes needed to ensure the safety of staff and residents, some of who have been seriously injured by guests, trespassers, or residents, and to retain staff (many of whom have themselves experienced homelessness or housing precarity). According to one provider, providing residents with leases, and hence tenancy rights, means they face a longer timeline evicting people engaged in dangerous behaviours. In general, it takes many months to file for a hearing, receive a hearing date, attend the hearing, and receive an eviction decision, before being able to enforce the eviction. By creating program agreements, the provider said, providers are able to take risks with challenging residents and work with them. With standard lease protections against eviction, another housing provider stated, staff may face physical risks in the workplace, which contributes to staff retention challenges, which is already a challenge due to low salaries.<sup>43</sup>

Non-payment of program fees was another reason provided to justify non-profit housing provider evictions or termination of program agreements due to the required fees being necessary for financial viability of the housing.

In other words, the use of program agreements that housing providers are expected by the provincial government to use in supportive housing violate peoples’ human right to security of tenure in order, from some providers’ views, to address operational needs and protect staff and residents from violence.<sup>44</sup> Legal advocates raised that many evictions are not for urgent safety reasons and could take place according to the existing RTA rules without significant impact on providers.<sup>45</sup> The capacity of the Residential Tenancy Branch to deal with its backlog of cases to provide swift decisions that have an impact on the tenant, other tenants on the property, landlords, and their staff is another factor that was raised to the Advocate.

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<sup>42</sup> Information provided by the BC Non-Profit Housing Association based on a Haddock and Company legal review on the challenges faced by supportive housing providers under the Residential Tenancy Act, June 2023. Also see: *Atira Property Management v. Richardson*, 2015 BCSC 751: <https://www.canlii.org/en/bc/bcsc/doc/2015/2015bcsc751/2015bcsc751.html?autocompleteStr=2015%20BCSC%20751&autocompletePos=1> and PHS Community Services Society v. Swait, 2018 BCSC 82: <https://www.canlii.org/en/bc/bcsc/doc/2018/2018bcsc82/2018bcsc82.html?autocompleteStr=2018%20BCSC%2082&autocompletePos=1>

<sup>43</sup> Meeting with Victoria Housing Providers, August 2022.

<sup>44</sup> Information provided by the BC Non-Profit Housing Association, June 2023.

<sup>45</sup> Information provided by Pivot Legal Society, June 2023.

Since the time of the Advocate’s visit, the provincial government increased funding for the Residential Tenancy Branch by 40 per cent.<sup>46</sup> However, legal advocates raised concerns that all levels of government are now obligated to fulfill the progressive realization of the human right to adequate housing as enshrined in the 2019 National Housing Strategy Act and, therefore, problems with the B.C. RTA should be clearly separated from problems with funding for RTB hearings.<sup>47</sup> In short, a lack of funding for hearings cannot be a justification for denying basic tenancy protections. In addition, while some supportive housing facilities have staff who are trained in non-violent crisis intervention as well as trauma-informed crisis de-escalation techniques, some organizations told the Advocate that they were unable to provide appropriate health and safety training for their staff needed in a supportive housing environment.

Data from B.C. Housing obtained by The Globe and Mail indicates a relatively high rate of evictions and other housing loss among supportive housing residents. From April 1, 2019 through December 31, 2020, almost 1,800 people left the province’s then-occupied 6,900 supportive-housing apartments. The Globe and Mail reports, “About 200 of those departures were deaths. The rest were evictions (354), abandonments (114), tenants giving notice (422) and ‘other’ (655). [The] data gives no indication whether tenants were moving on to better housing.”<sup>48</sup> One non-profit housing representative acknowledged that the eviction rate is higher than non-profits want it to be.<sup>49</sup> For example, according to the latest data from the Canadian Housing Survey conducted by Statistics Canada, B.C. had the highest percentage of households who were “forced to move,” or subject to evictions, when compared to other provinces (no data was available for the territories). The data show that 3.6 percent of B.C. households—over 75,000 families—were forced to move by their landlords, banks, or by the government, in the five years before 2021.<sup>50</sup>

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<sup>46</sup> Information provided by the Ministry of Housing, June 2023.

<sup>47</sup> Information provided by Pivot Legal Society, June 2023.

<sup>48</sup> Frances Bula, “B.C.’s supportive-housing system faces challenges in preventing people from getting entrenched in cycle of homelessness,” The Globe and Mail, August 27, 2022, <https://www.theglobeandmail.com/canada/british-columbia/article-british-columbia-homelessness-strategy/> (accessed December 8, 2022).

<sup>49</sup> Meeting with BCNPHA and AHMA, Vancouver, August 2022.

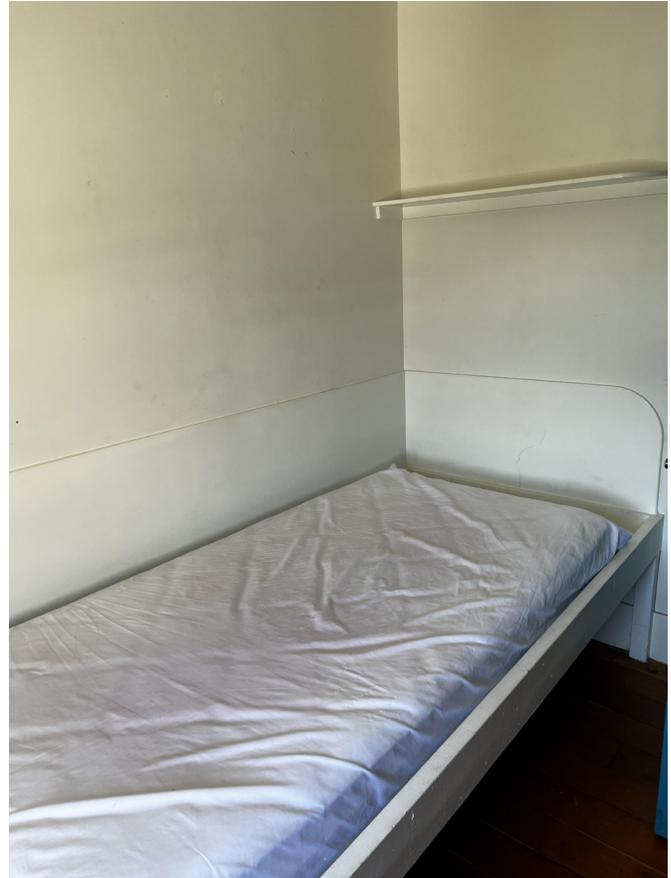
<sup>50</sup> Source: Statistics Canada, Indicators Related to Moving, 2022, <https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=4610006101> (accessed January 31, 2023).

### **Participant recommendations: Evictions**

- Decolonize the Residential Tenancy Branch by creating an Indigenous RTB with people experiencing homelessness as some representatives (include On-Reserve Housing Managers, Non-Profits, advocates, elders, and diverse group members). This would make the process fair and transparent and cultural values could be used as part of the terms of reference.
- Undertake a full review of the Residential Tenancy Act and ensure tenants have a seat at the table, with adequate Indigenous representation.
- Ensure public transparency regarding non-profit housing providers' policies, particularly eviction policies.
- Properly fund and staff the Residential Tenancy Branch to ensure hearings and decisions are processed in a reasonable amount of time without causing undue hardship.
- Make sure that the Residential Tenancy Branch can provide meaningful recourse and access to justice by:
  - making case law admissible; and
  - guaranteeing the right to appeal evictions.
- Establish and support the operations of a right to housing ombudsperson at the local level.
- The Province should review and clarify the relationship of “program agreements” with the Residential Tenancy Act and consider formalizing an addendum agreement that balances the operational needs of providers with tenant rights so external or alternative tenancy agreements outside of the Act are not needed.

## ***Supportive housing rules put residents at risk of harassment and isolation***

Supportive housing is defined by B.C. Housing as housing with on-site supports for single adults, seniors and people with disabilities at risk of or experiencing homelessness.<sup>51</sup> Tenants have self-contained units with kitchenettes and private bathrooms. There are also communal spaces, including, in some buildings, culturally appropriate spaces. Supportive housing provides a range of on-site, non-clinical supports such as: life skills training, connections to health care, mental health or substance-use services. Staff are on-site 24/7 to provide support.



A single-room occupancy unit in Vancouver.

The Advocate heard how restrictive policies for those living in some supportive housing and single room occupancy (SRO) housing<sup>52</sup> exposed residents to harassment by housing providers and police, and further placed residents at risk of dangerous isolation. Some limit or prohibit residents having guests,

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<sup>51</sup> See: <https://www.bchousing.org/housing-assistance/housing-with-support/supportive-housing>

<sup>52</sup> SROs are typically small single rooms about 10×10 feet with a shared bathroom on each floor and typically without a shared kitchen. They are known to be aging and inhabitable places to live with poor maintenance and numerous health and safety code violations. They may be privately owned or purchased by government and operated by non-profit housing providers as deeply subsidized supportive housing. <https://srocollaborative.org/>

and the Advocate was informed of some SROs charging residents for having guests.<sup>53</sup> Such policies have a major effect on mental health and wellbeing by infringing on residents' ability to socialize and maintain connections to friends, family, and peer supports.<sup>54</sup>

**“At one [emergency] shelter, you were not allowed to have more than two bags of possessions, even though there was ample room in the dorms. Many of the rules are humiliating and infantilizing.”**

– Lived expert

A number of experts with lived experience described SROs and supportive housing as being like prisons because of restrictive policies, particularly related to having guests.<sup>55</sup> The concerns regarding guest restrictions are despite the B.C. Supreme Court ruling that building-wide guest bans are not lawful and landlords already have the tools to restrict guests where needed under section 9 of the Schedule to the regulation.<sup>56</sup> Legal advocates commented that not having guests increases the chances of overdosing alone and that Indigenous peoples are frequently evicted from their buildings for violating guest rules in order to house biological and chosen family.<sup>57</sup>

Frontline organizations noted that some landlords, citing security issues, block community and peer supports from being able to access residents. Even when they are registered on a list of permitted visitors, peer support workers report facing harassment, including from police, and being blocked from entering buildings.<sup>58</sup> Some people prefer to remain unhoused rather than face restrictive guest policies.<sup>59</sup> Guest restrictions can offer a good option for certain tenants such as women fleeing abuse, as some legal advocates raised, but this speaks to the need for a diversity of housing options and should not justify sweeping rights violations.<sup>60</sup>

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<sup>53</sup> Meeting with Together Against Poverty Society, Victoria, August 2022; Meeting with the Greater Victoria Coalition to End Homelessness 2, Victoria, August 2022; Meeting with Carnegie Community Action Project, Vancouver, August 2022.

<sup>54</sup> Meeting with Crab Park Residents, Vancouver, August 2022; Erin Dej, “A Complex Exile: Homelessness, Exclusion, and a Call for Inclusion,” Homeless Hub, December 18, 2020 <https://www.homelesshub.ca/blog/complex-exile-homelessness-exclusion-and-call-inclusion> (date accessed February 1, 2023).

<sup>55</sup> Meeting with Crab Park Residents, Vancouver, August 2022; Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Prince George, August 2022.

<sup>56</sup> See: <https://www.canlii.org/en/bc/bcsc/doc/2015/2015bcsc751/2015bcsc751.html> and Section 9 of the Schedule to the Residential Tenancy Regulation: [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/10\\_477\\_2003#Schedule](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/10_477_2003#Schedule)

<sup>57</sup> Information provided by Pivot Legal Society, June 2023.

<sup>58</sup> Meeting with the Greater Victoria Coalition to End Homelessness 2, Victoria, August 2022.

<sup>59</sup> Meeting with Crab Park Residents, Vancouver, August 2022. Heidi Lee, “Homeless encampments in Canada are on the rise. Experts urge ‘Housing First’ approach,” Global News, December 18, 2022 <https://globalnews.ca/news/9357528/canada-homeless-encampments-housing-first-approach/> (accessed January 31, 2023)

<sup>60</sup> Information provided by Pivot Legal Society, June 2023.

Frontline organizations attributed the need for restrictive policies in part to lack of funding to be able to support complex resident needs (for example regarding mental health and addictions), lack of trained and experienced staff, and safety concerns.<sup>61</sup> Housing providers noted the operational realities where it would be unreasonable to expect staff to be able to maintain any control over common spaces and ensure right to quiet enjoyment for other residents when there could be upwards of 300 guests a day in some buildings.<sup>62</sup> Some service providers noted the challenges of high resident to staff ratios, whereas buildings with fewer units would be safer and more manageable for staff and residents alike.<sup>63</sup> Frontline housing work requires specialized skills and aptitudes, including being trauma-informed and culturally sensitive. The Advocate heard that there needs to be more Indigenous organizations to match the ratios of Indigenous people living in supportive housing and more Indigenous leaders in those organizations (or mentorship for Indigenous people to become leaders). While there is a high level of demand for these workers, pay is low and the work can be difficult and dangerous. All these conditions lead to high levels of burnout and high staff turnover, which can be hard on residents who could benefit from consistency, according to one lived expert.<sup>64</sup>

The Advocate heard about safety concerns that impact supportive housing staff and residents in some buildings, such as gang violence and human trafficking. The high concentration of people with complex needs attracts people who will prey on residents for the sale of illegal drugs and gang member recruitment. The Advocate was told about one SRO that was completely taken over by gangs.<sup>65</sup> The Advocate heard that human traffickers operating in the North East, the Peace River region, Northern Vancouver Island and Surrey are targeting SROs. Their tactics include waiting outside of transition houses and Indigenous housing, luring girls with the promise of giving them cellphones.<sup>66</sup> Information provided by the Ministry of Housing noted that there are a range of types of supportive housing, some with relatively low levels of tenant support, that do not have issues with gang violence or human trafficking.

The Advocate heard that there is a need for more supportive housing for individuals and families, deeply affordable housing, and supports to assist people to maintain independent living in order to avoid a rise in homelessness due to lack of housing options. It was suggested that a person or family who can't keep their independent-living home because they need supports to build life-skills could go to appropriate housing if available instead of homelessness, but there are often no options, and the cycle is repeated over and over again because they can't access supports. Meanwhile, people who no longer need supportive housing and for whom guest restrictions and other rules don't make sense anymore, are unable to move on because of lack of affordable supply and less intensive outreach supports which may help them maintain independent-living housing.<sup>67</sup>

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<sup>61</sup> Meeting with the Greater Victoria Coalition to End Homelessness, Victoria, August 2022; Meeting with Tenant Resource and Advocacy Centre, Vancouver, August 2022. Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Prince George, August 2022.

<sup>62</sup> Information provided by the BC Non-Profit Housing Association, June 2023.

<sup>63</sup> Meeting with Atira Women's Society, Vancouver, August 2022; Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Moccasin Flats, August 2022.

<sup>64</sup> Phone meeting with Willi Boepple, Victoria, August 23, 2022.

<sup>65</sup> Meeting with Atira, Vancouver, September 1, 2022.

<sup>66</sup> Meeting with BC Association of Aboriginal Friendship Centres, August 24, 2022.

<sup>67</sup> Information provided by Pacifica Housing, June 2023.

In January 2022, the provincial government announced a new complex-care housing program “to address the needs of people who have overlapping mental-health challenges, substance-use issues, trauma and acquired brain injuries and who are often left to experience homelessness.”<sup>68</sup> When asked about the newly announced complex care facilities, the organizations, stakeholders and rights holders we spoke to expressed that they did not have information on the status of the initiative and that transparency of process was a concern. Since the time of the Advocate’s visit, more information has been released on Complex Care housing and, according to the provincial government, the program is being developed with input from a broad range of partners.<sup>69</sup> Housing justice advocates, concerned about lack of consultation on Complex Care, stated that it was too early to know whether the policy was a move in the right direction, but that it appears to be based on the denial of basic tenancy protections, and where a person’s participation in “treatment” can impact whether they remain housed.<sup>70</sup>

Lastly, the very notion of ‘supportive housing’ was questioned both in terms of its interpretation and in terms of the model itself. It was noted that there is an inconsistent understanding of what constitutes supportive housing and how this form of housing fits under the legislative framework of the Residential Tenancy Act and that the government and stakeholders should create a unifying definition to address ambiguities caused by differing understandings of the term.<sup>71</sup> Housing justice advocates, pointed out that supportive housing is a fundamentally flawed model predicated on the denial of basic rights and that it “uses peoples’ needs for support to justify coercive control.”<sup>72</sup>

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<sup>68</sup> “New housing model supports people with complex challenges,” BC Gov News, January 20, 2022, <https://news.gov.bc.ca/releases/2022MMHA0005-000083> (accessed January 31, 2023)

<sup>69</sup> See: [Complex care housing - Province of British Columbia \(gov.bc.ca\)](https://www.gov.bc.ca/complex-care-housing/)

<sup>70</sup> Information provided by Pivot Legal Society, June 2023. [https://www.pivotlegal.org/power\\_control\\_erosion\\_of\\_rights\\_the\\_politics\\_of\\_complex\\_care\\_housing](https://www.pivotlegal.org/power_control_erosion_of_rights_the_politics_of_complex_care_housing); [https://assets.nationbuilder.com/pivotlegal/pages/3690/attachments/original/1679547073/Involuntary\\_Treatment\\_-\\_Criminalization\\_by\\_another\\_name\\_-\\_Finalized\\_2.pdf?1679547073](https://assets.nationbuilder.com/pivotlegal/pages/3690/attachments/original/1679547073/Involuntary_Treatment_-_Criminalization_by_another_name_-_Finalized_2.pdf?1679547073)

<sup>71</sup> Information provided by BC Non-Profit Housing Association, June 2023.

<sup>72</sup> Pivot Legal Society, June 2023.

### **Participant recommendations: Supportive housing**

- Create a unifying definition of supportive housing under the RTA to address ambiguities that lead to its misclassification under section 4 of the Act.
- Relevant governments and supportive housing providers should work to ensure that program agreements do not violate rights, in particular by making restrictions consent-based.
- Government actors and housing providers should ensure tenants have proper tenancy agreements under the Residential Tenancy Act, and program elements should exist separately and not impact housing security.
- Supports should be provided within a rights-based model, not tied to Residential Tenancy Act exemptions.
- Amend the RTA to allow supportive housing providers to implement guest policies to uphold the collective safety of tenants and staff within buildings. Like wellness checks, the Act should define the extent to which such provisions can be enacted and enforced.
- Provide accessible and transparent public communications on the roll out of the complex care housing program, which reaches community groups, service providers, and the people they serve.
- Create more supportive housing for individuals and families, deeply affordable housing, and supports to assist people to maintain independent living in order to avoid a rise in homelessness due to lack of housing options.

## ***Encampment residents experiencing threats and harassment***

**“The latest ‘point in time’ report on homelessness in Prince George states that 70 percent of homeless people are Indigenous. Targeting the homeless is equivalent to targeting Indigenous people. Call to Action No. 43 specifically calls on all levels of government to implement the United Nations Declaration on the Rights of Indigenous Peoples. Article 10 of the UN Declaration states there shall be no forced removal of Indigenous peoples from their lands and territories. With such a high proportion of homeless people being Indigenous, many municipalities that continue to pursue a strategy of destroying encampments are in violation of the UN Declaration.”**

– Terry Teegee, Regional Chief of the B.C. AFN Mar. 16, 2022

The Advocate was informed that certain cities and towns are becoming hostile spaces for people experiencing homelessness. Some are actively trying to make themselves unattractive to people in this situation to absolve themselves of any legal responsibility for unhoused or precariously housed people in terms of economic support and services.<sup>73</sup> Not having services available for people experiencing homelessness means people might seek services in Vancouver, even if this is not where they want to go. Meanwhile, the number of people who are unhoused and the demand for services in Vancouver, particularly in the Downtown Eastside, continues to grow.

For example, one participant stated that Penticton tried to pull the local Friendship Center’s<sup>74</sup> lease.<sup>75</sup> The Advocate was told that such hostile policies increase the risks to unhoused Indigenous women and girls who rely on the services provided by Friendship Centres. This contributes to the ongoing problem of missing and murdered Indigenous women and girls. One woman living in Moccasin Flats explained, “when pushed out so far, people go missing.”<sup>76</sup> Positively, the Advocate heard that other towns, such as Quesnel and Prince George, are trying to build more housing and shelters to meet needs.<sup>77</sup>

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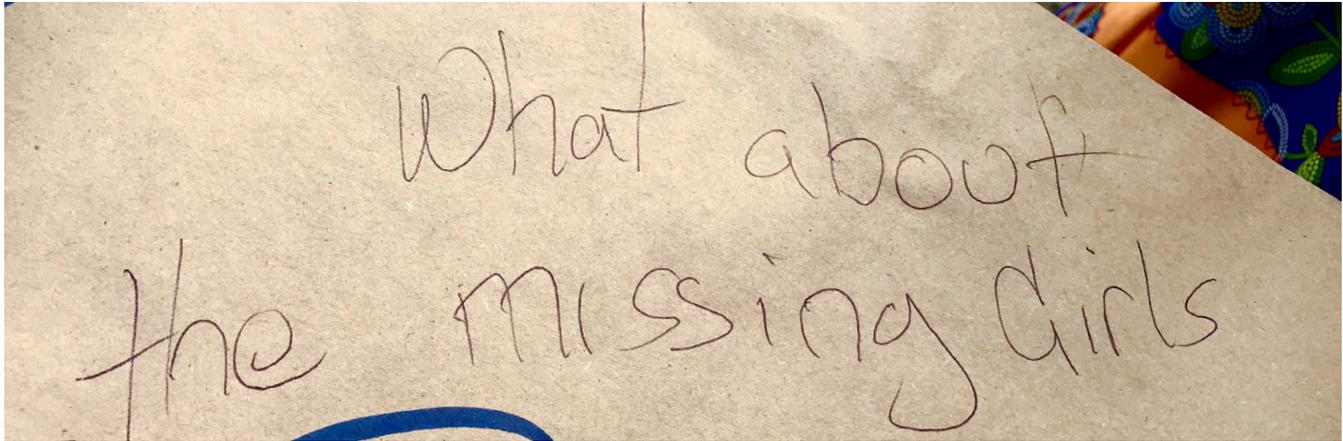
<sup>73</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Moccasin Flats, August 2022; Meeting with BC Association of Aboriginal Friendship Centres, Victoria, August 2022.

<sup>74</sup> Friendship Centres provide culturally appropriate programs and services for Indigenous people living in urban centres such as cultural activities, childcare, and services related to health, homelessness, justice, education and training. <https://nafc.ca/friendship-centres>

<sup>75</sup> Meeting with BC Association of Aboriginal Friendship Centres, Victoria, August 2022.

<sup>76</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Moccasin Flats, August 2022.

<sup>77</sup> Meeting with BC Association of Aboriginal Friendship Centres, Victoria, August 2022.



In Prince George, an interactive timeline about the encampment allows people to capture rights violations and protections on the paper. Someone has written “What about the missing girls?”.

The Advocate was distressed to hear how people living in encampments are experiencing alarming rates of violence and harassment, including at the hands of police.<sup>78</sup> They described experiencing extreme fear of police, including fear of sexual violence.<sup>79</sup> One Indigenous woman shared, “I was assaulted by police, was stripped of clothes and sprayed, and I thought I was going to be raped.”<sup>80</sup> The Advocate also heard of incidents of tents being lit on fire, and of one person who had to seek medical attention for burns.<sup>81</sup> Women may be afraid to call the police after an attack as they have the real threat of having their children removed so some may decide not to call the police at all.

**“I was assaulted by police, was stripped of clothes and sprayed, and I thought I was going to be raped.”**  
– Indigenous encampment resident

One of the predicaments facing encampment residents is how to protect their personal property. When encampments are cleared, often violently, residents lose irreplaceable personal property, in addition to shelter.<sup>82</sup> For example, the Advocate was told how efforts to clear out Moccasin Flats led residents to lose personal items, including legal documents and a loved one’s ashes.<sup>83</sup> On the other hand, if residents tried to protect their belongings by carrying them with them, they risk losing them during a street sweep or other bylaw enforcement action. This issue was covered in a May 2, 2022 report by Pivot Legal Society.<sup>84</sup> This becomes an additional source of stress and hardship.

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<sup>78</sup> Meeting with Homelessness Services of BC, Vancouver, August 2022; Meeting with Pivot Legal Society, Vancouver, August 2022.

<sup>79</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Moccasin Flats, August 2022.

<sup>80</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Moccasin Flats, August 2022.

<sup>81</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Moccasin Flats, August 2022.

<sup>82</sup> Meeting with the Greater Victoria Coalition to End Homelessness 2, Victoria, August 2022.

<sup>83</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Prince George, August 2022. Note the city of Prince George eventually apologized, see: <https://www.princegeorgecitizen.com/local-news/city-of-prince-george-apologizes-and-withdraws-moccasin-flats-encampment-appeal-5194471> (accessed December 11, 2022).

<sup>84</sup> See: #StoptheSweeps Ending Cyclical Displacement and Criminalized Poverty in Vancouver. [https://assets.nationbuilder.com/pivotlegal/pages/3632/attachments/original/1651281879/2022\\_Street\\_Sweeps\\_Report\\_Final.pdf](https://assets.nationbuilder.com/pivotlegal/pages/3632/attachments/original/1651281879/2022_Street_Sweeps_Report_Final.pdf)



Residents living in the Moccasin Flats encampment in Prince George have had their personal and sentimental items destroyed.

Attempts by the City of Prince George and the Vancouver Park Board to remove encampments in recent years have been stopped by court rulings<sup>85</sup> citing, among other points, a lack of available and suitable shelter spaces and daytime facilities.<sup>86</sup> However, despite these rulings and the legal obligations to comply, B.C. Assembly of First Nations Regional Chief, Terry Teegee, noted violations in Prince George both of the ruling and of Indigenous rights as per the United Nations Declaration on the Rights of Indigenous Peoples:

“[These rulings] did not prevent Prince George, through both the RCMP and city bylaw officers, from using intimidation tactics against the campers, including driving through camp at all hours of the night and shining high-powered lights into tents. [Bylaw] officers unlawfully removed tents after some campers had been temporarily housed by B.C. Housing and the Prince George Native Friendship Centre, leaving others who had not secured housing displaced in frigid weather.<sup>87</sup>

Positively, the City of Prince George subsequently apologized and promised a number of measures, including two new outreach workers and washroom facilities, although these were not observed at the time of the Advocate’s August visit.<sup>88</sup>

In 2022, the Office of the Federal Advocate commissioned research papers with case studies that include Prince George and Vancouver.<sup>89</sup> The in person engagements, research, and findings will form the basis for the Advocate’s ongoing work on this issue, and her recommendations to governments.

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<sup>85</sup> CRAB Park ruling: [Bamberger v. Vancouver \(Board of Parks and Recreation\)](#);

<https://embed.documentcloud.org/documents/21090861-justice-hinkson-re-prince-george-city-v-stewart-10-22/?embed=1>

<sup>86</sup> In Prince George, Justice Hinkson ruled that a shelter bed must not only exist on paper, but that it be accessible in a way that takes into account the complexity of homelessness, including the particular challenges Indigenous Peoples face with regard to colonization. In doing so, Justice Hinkson confirmed that the encampment was a crucial survival space given the lack of adequate and accessible shelter in Prince George. The CRAB Park ruling revolved around the judicial review of a Vancouver Parks Board order (September 7, 2021) for encampment residents to dismantle shelters in CRAB Park during daytime. The judgement was delivered on January 13, 2022 by Justice Kirchner who determined that where there are inadequate indoor shelter spaces to accommodate persons experiencing homelessness, and those persons are entitled to erect overnight shelters in public parks as a matter of their constitutional right to life, liberty, and security of the person. The judge ruled the Parks Board must ensure that there are enough spaces and that they are also available and suitable.

<sup>87</sup> Terry Teegee: Municipalities in B.C. seem blinded to their responsibility to be good-faith partners in reconciliation. Vancouver Sun (Opinion). 16 March, 2022.

<sup>88</sup> <https://pgdailynews.ca/index.php/2022/03/24/city-apologizes-for-removing-parts-of-homeless-camp-drops-appeal-of-supreme-court-ruling/>

<sup>89</sup> Office of the Federal Housing Advocate, Research on Encampments, 2022, <https://www.housingchrc.ca/en/homeless-encampments#research>

### **Participant recommendations: Encampments**

- If a high percentage of people experiencing homelessness in a given region are Indigenous, the funding should match that number (i.e. if 70 per cent of the people experiencing homelessness in Prince George are Indigenous, 70 per cent of the funding should go to Indigenous organizations. This should be based on an Indigenous-based procurement process that government adheres to (direct phone calls to providers, meetings in Indigenous organizations outlining the contract process, etc.)
- The provincial government should work with Indigenous organizations to discuss approach to decampment process.
- Include people experiencing homelessness and those experiencing housing insecurity in active and meaningful dialogue to inform housing policy and programs.
- Address root causes of the housing crisis by providing addiction and mental health supports and engaging in anti-poverty strategies.
- Enact policy in-line with the National Protocol for Homeless Encampments in Canada, including a clear stance against the displacement of unhoused and inadequately housed

## 2. Availability of Services, Materials, Facilities and Infrastructure

**“Housing is not adequate if occupants do not have safe drinking water, adequate sanitation, or energy for cooking, heating, and lighting, as well as means of food storage and refuse disposal.”**

— Office of the United Nations Human Rights Commissioner for Human Rights<sup>90</sup>

The Advocate heard how access to sanitation is a serious concern for many, impacting the right to live in dignity. The Advocate was told that some SROs do not provide toilet paper for shared bathrooms<sup>91</sup> and some do not have an adequate number of washrooms per number of residents.<sup>92</sup> One person, who was living in the shelter system when he met with the Advocate, shared that some people prefer to stay out of the shelter system because of inadequate infrastructure that leads to unacceptable living conditions.<sup>93</sup>

For people experiencing homelessness, access to basic water and sanitation services is often non-existent, and in some cases, the Advocate heard, this deprivation was intentional. For example, the Advocate was told of one city that refused to provide waste removal services or bring in bathrooms for an encampment.<sup>94</sup> The Advocate also heard of one case where water and sanitation was available, but was too limited, too far away, and reportedly not clean and caused skin irritation.<sup>95</sup> As one frontline worker remarked, “[It is] not in [my] job description to be procuring water for unhoused people in the encampment, it’s the city’s job. I found a good deal on the water, thanks to people wanting to help. I thought people would be using it for drinking but they need water to shower, for their garden and for washing clothes too.”<sup>96</sup>



A drinking water tank at the Moccasin Flats encampment that was sourced by a community organization. The residents and community groups here have worked together to create garden space.

<sup>90</sup> Office of the United Nations High Commissioner for Human Rights, *The Right to Adequate Housing*, 2009, [https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf) (accessed December 8, 2022).

<sup>91</sup> Meeting with Carnegie Community Action Project, Vancouver, August 2022.

<sup>92</sup> Meeting with Crab Park Residents, Vancouver, August 2022.

<sup>93</sup> Meeting with Lived Experts, Victoria, August 2022. See also, <https://www.timescolonist.com/opinion/comment-get-informed-before-deriding-the-homeless-4690538> (accessed December 11, 2022).

<sup>94</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Prince George, August 2022.

<sup>95</sup> Meeting with Crab Park Residents, Vancouver, August 2022.

<sup>96</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Prince George, August 2022.

Some city authorities are working to provide services, including water and sanitation for people experiencing homelessness. The Advocate learned, for example, about the Vancouver Board of Parks and Recreation’s efforts to take a human rights approach to park services by putting up fire extinguishers, electricity, water, cooling stations with water misters, emergency phones, and individual bathrooms in CRAB Park.<sup>97</sup> However, the day of the Advocate’s visit to the encampment at CRAB Park, the services that had been long requested by the encampment residents (including more than one electrical outlet, toilets in close proximity, and showers) were not available. One CRAB Park resident acknowledged the Park Board’s efforts, but emphasized that the City of Vancouver is not helping and obstructing those who do want to take action.<sup>98</sup> According to legal advocates, the Park Board is continuing to evict people from other parks on a daily basis, despite there being no room for additional people to shelter in the allocated space at CRAB Park.<sup>99</sup>



CRAB Park residents successfully fought removal order from the Vancouver Board of Parks and Recreation, with the BC Supreme Court deciding that there weren’t enough indoor shelter spaces to accommodate those being forced out and that residents had not been given adequate notice or chance to be heard before the Park Board tried to remove them.

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<sup>97</sup> Meeting with Vancouver Board of Parks and Recreation, Vancouver, August 2022.

<sup>98</sup> Meeting with Crab Park Residents, Vancouver, August 2022.

<sup>99</sup> Information provided by Pivot Legal Society, June 2023.

### 3. Affordability

**“Housing is not adequate if the cost threatens or compromises the occupants’ enjoyment of other human rights.”<sup>100</sup>**  
— Office of the United Nations Human Rights Commissioner for Human Rights

The Advocate heard how housing in B.C. is increasingly unaffordable for larger and larger swathes of the population while vacancy rates are extremely low,<sup>101</sup> how the cost of housing is causing homelessness, and how food banks are running out because of increasing need.<sup>102</sup>

The Advocate was repeatedly informed that financialization is a root problem driving unaffordability.<sup>103</sup> Financialization is a term used to describe how changes in the global economy have increasingly made housing a focus of speculative, often short-term investment. Globally and in Canada, individuals and corporations have been purchasing rental buildings, upgrading them and using legal and illegal mechanisms to drastically increase rents, forcing low-income tenants out of their homes. Because the business model associated with financialization demands short-term, high yield profits, there is pressure placed on locating and purchasing housing that is deemed “undervalued,” which often means housing that is offered at a lower rate and located in the most disadvantaged and low-income communities.

The Advocate heard from tenants living in older, affordable rental buildings that have been purchased by corporate landlords, in some cases only to be sold to another investor two to three years later as a strategy for profit making. Several tenants noted that their buildings (owned by Real Estate Investment Trusts) had changed hands many times within a few years. They report that once a unit becomes vacant, they have seen rents increase by \$500-600.<sup>104</sup>

**“A lot of landlords are not acting in good faith and are capitalizing on people not knowing their rights.”**  
– Tenant living in building owned by corporate landlord

Financialization also affects other sectors of the housing system, including single-family homes, retirement communities, and long-term care homes.

In 2022, the Office of the Federal Housing Advocate commissioned research to examine the growing role of private equity and investment firms in the residential real estate market and long-term care in

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<sup>100</sup> Office of the United Nations High Commissioner for Human Rights, *The Right to Adequate Housing*, 2009, [https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf) (accessed December 8, 2022).

<sup>101</sup> Meeting with First Nations Housing and Infrastructure Council, Vancouver, August 2022; Meeting with Victoria Shelter Providers, Victoria, August, 2022.

<sup>102</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Prince George, August 2022.

<sup>103</sup> Meeting with Vancouver Tenants Union Steering Committee, Vancouver, August 2022.

<sup>104</sup> Meeting with ACORN tenants, New Westminster, September 2022

Canada.<sup>105</sup> This research, along with in-person engagement on the issue, will help the Federal Housing Advocate to develop legislative and policy recommendations for government to implement better protections against the financialization of housing and its impacts on people, disadvantaged groups, and communities.

The Advocate also heard how the affordability crisis uniquely impacts women and girls who may be forced to stay in an intimate relationship, even an abusive relationship, to remain housed.<sup>106</sup> One young person who was living with their partner at the time of the Advocate’s visit expressed how the constant time and stress of searching for apartments also impacted their ability to work full time.<sup>107</sup> The Advocate was also warned that, in some cases, women lose housing because of a violent partner and are then exposed to risks on the street.<sup>108</sup> The Advocate heard how housing affordability for women is particularly an issue in areas where seasonal resource sector workers take up much of the available affordable housing, drive prices up, and put women at increased risk of sexual violence.<sup>109</sup>

The Advocate further heard concerns that the Canada Mortgage and Housing Corporation (CMHC) defines housing affordability based on average market rent rather than average income levels, resulting in housing built under its programs that are unaffordable to most low income people.<sup>110</sup> Moreover, B.C. Housing’s website includes the following two definitions: “affordable rental housing is housing with rents equal to, or lower than, average rates in the private-market” and the core housing need definition where “housing is considered affordable when 30 per cent or less of your household’s gross income goes towards paying for your housing costs.”<sup>111</sup>



Vancouver Native Housing Society housing. The Society’s portfolio includes 19 buildings with almost 900 units of family, individual and supportive housing options.

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<sup>105</sup> Office of the Federal Housing Advocate, Research on Financialization, June 2022, <https://www.housingchrc.ca/en/financialization-housing#research>

<sup>106</sup> Meeting with ACORN tenants, New Westminster, September 2022.

<sup>107</sup> Meeting with ACORN tenants, New Westminster, September 2022.

<sup>108</sup> Meeting with BC Aboriginal Coalition to End Homelessness Society, Victoria, August 2022.

<sup>109</sup> Meeting with BC Association of Aboriginal Friendship Centres, Victoria, August 2022.

<sup>110</sup> Meeting with Vancouver Tenants Union Steering Committee, Vancouver, August 2022.

<sup>111</sup> See: <https://www.bchousing.org/housing-assistance/rental-housing/affordable-rental-housing> and their glossary: <https://www.bchousing.org/glossary>

According to 2021 census data, B.C. is the most unaffordable province for housing in Canada.<sup>112</sup> For renters it is particularly unaffordable. CMHC data from 2022 shows that the Metro Vancouver area is, once again, the most expensive for renters in Canada, with an average monthly rent in the purpose-built rental market at \$2,002 for a two bedroom apartment (the survey doesn't include structures with less than 3 units, such as basement suites). Victoria and Kelowna ranked third and fourth respectively.<sup>113</sup> These high rental rates are not restricted to major urban areas. In some communities like Prince George, once seen as affordable alternatives to living in major urban centers, recent housing cost increases have put housing out of reach for some, and stoked fears that housing costs will continue to spike.<sup>114</sup> The Advocate heard how developers from Vancouver have come to Prince George, stating that there is no reason that Vancouver rents could not be charged there as well.<sup>115</sup>

The Advocate heard about the need to make existing supply more affordable, including by introducing vacancy control and supporting tenants to buy units with federal funding.<sup>116</sup> Vacancy control ties rent to the unit rather than the renter so that landlords can't dramatically increase rent when a tenant moves out, therefore removing the incentive to legally and illegally force people from their homes. The Advocate was also informed of the need for federal investment in housing, at a minimum matching pre-90s levels, and tied to a human rights-based framework.

Positively, the Advocate heard about measures taken by the province to restrict rent increases between tenancy agreements with the same tenant<sup>117</sup> as well as some measures taken to curb financialization.<sup>118</sup> The City of Vancouver's Tenant Relocation and Protection Policy was raised in a positive light, but it was noted that it lacked enforcement and resulted in "helping developers plan for costs".<sup>119</sup> Suggestions to make the program more effective included tenants having the right to move back into the new suite at the same rent previously paid, landlords topping up a tenant's rent while the new suite is under construction, and universally applying municipal protection policies to all tenancy situations.<sup>120</sup>

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<sup>112</sup> Dirk Meissner, "B.C. is the most unaffordable province for housing in Canada, census data shows," CBC, September 21, 2022, <https://www.cbc.ca/news/canada/british-columbia/bc-highest-rate-unaffordable-housing-canada-census-data-1.6590005#:~:text=census%20data%20shows-.B.C.%20is%20the%20most%20unaffordable%20province%20for%20housing%20in%20Canada,newly%20released%202021%20census%20data>. (accessed January 31, 2023).

<sup>113</sup> Justin McElroy, "Rents in B.C. continue to be highest in the country, says yearly federal report," CBC, January 26, 2022, <https://www.cbc.ca/news/canada/british-columbia/bc-rents-cmhc-report-1.6726828> (accessed January 31, 2023).

<sup>114</sup> See, e.g., Kate Partridge, "Tears for tenants forced out of homes as B.C.'s rental crisis spreads to Prince George," CBC, March 17, 2022, <https://www.cbc.ca/news/canada/british-columbia/rental-crisis-prince-george-report-1.6387421> (accessed January 31, 2023).

<sup>115</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Moccasin Flats, August 2022.

<sup>116</sup> Meeting with Vancouver Tenants Union Steering Committee, Vancouver, August 2022.

<sup>117</sup> See: <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/during-a-tenancy/rent-increases> (accessed December 13, 2022).

<sup>118</sup> See: [https://www.bcbudget.gov.bc.ca/2018/homesbc/2018\\_homes\\_for\\_bc.pdf](https://www.bcbudget.gov.bc.ca/2018/homesbc/2018_homes_for_bc.pdf) (Accessed December 13, 2022).

<sup>119</sup> Meeting with Vancouver Tenants Union Steering Committee, Vancouver, August 2022; <https://vancouver.ca/files/cov/tenant-relocation-and-protection-policy-process-and-requirements.pdf>

<sup>120</sup> See: <https://www.vancouvertenantsunion.ca/municipaldemands>

### **Participant recommendations: Financialization and affordability**

- Ban Real Estate Investment Trusts.
- Build more co-ops and non-profit housing corporations.
- Invest in building more Multi-Unit Residential buildings.
- Create an acquisition program for non-market housing providers who provide housing affordability in perpetuity.
- Give the provincial government first right of refusal for purchase when rental buildings are up for sale for the non-market acquisition program.
- Enact vacancy controls.
- Create and support community land trusts.
- Introduce a new (federal) rental supplement tied to income level, indexed at the cost of living so that it increases in real time in line with cost of living changes.
- Ensure rent control protection.
- Provide more funding for non-profit housing services.
- CMHC should reassess its definition of housing affordability and tie it to local incomes.
- B.C. Housing should provide support for refurbishing old housing to provide affordable housing, not just focus on construction of new units.
- Provide federal investment in housing comparable to pre-90s levels at a minimum and tie funding to a human rights-based framework.

## 4. Habitability

**“[H]ousing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards.”**

— Office of the United Nations Human Rights Commissioner for Human Rights<sup>121</sup>

The Advocate heard from tenants living in rental buildings who described a lack of consistent management and upkeep from corporate landlords, leading to poor and unsafe living conditions.<sup>122</sup> One tenant described a noxious odour and mold in her building, and said that some units do not have clean water. Another tenant described how the broken elevator in her rental building was a safety issue for seniors, people with disabilities, and families with children.

**In at least two of the shelters, the heat in the dorms is so stifling that, were we dogs, there would have been (justified) legal action.**

– Lived expert

The Advocate heard about numerous issues of habitability, particularly in non-profit run housing and B.C. Housing properties. The Advocate was told about the need for better enforcement of property standards to prevent health issues for tenants in B.C. Housing properties,<sup>123</sup> and about the need for better regulation of minimum health standards in SROs where property standards and fire codes are not being enforced.<sup>124</sup> In particular, the Advocate heard about SROs rife with bedbugs,<sup>125</sup> issues with mold, and lack of maintenance, including of infrastructure critical to fire safety.<sup>126</sup> In addition, the Advocate was told that inadequate ventilation in SROs and supportive housing buildings presents a health risk due to exposure to toxic drug fumes,<sup>127</sup> and how lack of cooling coupled with rules that residents keep their doors closed render some units dangerously hot in the summer.<sup>128</sup> One expert who lived in emergency shelters in Victoria wrote in a 2021 public comment that “with the huge windows and no circulation, the rooms heat up like ovens!” The same expert noted that in at least two of the shelters in Victoria, there are no backflow preventers and the water is filthy as a result. Gastro-intestinal upsets and strange skin infections are rife.<sup>129</sup>

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<sup>121</sup> Office of the United Nations High Commissioner for Human Rights, *The Right to Adequate Housing*, 2009, [https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf) (accessed December 8, 2022).

<sup>122</sup> Meeting with ACORN tenants, New Westminster, September 2022.

<sup>123</sup> Meeting with the Greater Victoria Coalition to End Homelessness 2, Victoria, August 2022.

<sup>124</sup> Meeting with Carnegie Community Action Project, Vancouver, August 2022;  
Meeting with Atira Women’s Society, Vancouver, August 2022.

<sup>125</sup> Meeting with Pivot Legal Society, Vancouver, August 2022.

<sup>126</sup> Meeting with ACORN tenants, New Westminster, September 2022; Meeting with Victoria Shelter Providers, Victoria, August, 2022.

<sup>127</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Prince George, August 2022;  
Meeting with Atira Women’s Society, Vancouver, August 2022.

<sup>128</sup> Meeting with Atira Women’s Society, Vancouver, August 2022.

<sup>129</sup> Willi Boepple, “Comment: Get informed before deriding the homeless,” *Victoria Times Colonist*, July 7, 2021, <https://www.timescolonist.com/opinion/comment-get-informed-before-deriding-the-homeless-4690538> (accessed February 14, 2023).



Building repair issues, concerns about fire safety, and difficulty keeping units cool are issues that the Advocate witnessed in British Columbia.

With respect to enforcing habitability standards, concerns were raised that positive results may not be achieved without government commitments to maintenance and infrastructure funding for subsidized and supportive housing. Without maintenance funding, a purely enforcement approach may result in organizations going bankrupt or having to sell their sites to the private market where renovations could occur if legislated measures are not in place to stop them.<sup>130</sup> Without government maintenance and infrastructure funding, the Advocate heard that there is the risk that these costs will be downloaded onto tenants through requests for additional rent.<sup>131</sup>

The Advocate was also informed that property standard violations sometimes go unreported because residents are afraid of losing their housing if they speak out.<sup>132</sup>

In a January 10, 2023 news report, Premier Eby acknowledged that SROs are not “fit housing” and that there needs to be a plan to phase them out and create dignified housing.<sup>133</sup> Since the time of the Advocate’s visit, the provincial government released a Downtown Eastside Response Plan which has introduced 139 new or renovated Single Room Occupancy (SRO) units since July 2022 and plans to introduce an additional 330 homes by the end of June 2023.<sup>134</sup> The Plan also includes work with the federal government to revitalize the SRO housing stock in the Downtown Eastside. Advocates note that the addition of low-income units is not keeping pace with the loss.<sup>135</sup>

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<sup>130</sup> Information provided by Pacifica Housing and Pivot Legal Society, June 2023.

<sup>131</sup> Information provided to Pivot Legal Society by Community Legal Assistance Society, June 2023.

<sup>132</sup> Meeting with ACORN tenants, New Westminster, September 2022;

Meeting with the Greater Victoria Coalition to End Homelessness 2, Victoria, August 2022.

<sup>133</sup> ‘Replace with dignified housing’: Vancouver’s SROs need to be phased out, says B.C.’s premier. 10 Jan. 2023.

<https://globalnews.ca/news/9401254/sro-vancouver-future-phased-out-plan/>

<sup>134</sup> See: [Downtown Eastside response plan drives co-ordinated efforts to improve access to housing, supports | BC Gov News](#)

<sup>135</sup> See: <https://themainlander.com/2023/05/26/losing-more-housing-than-we-gain-an-interview-with-jean-swanson/>

### **Participant recommendations: Habitability**

- Better enforce habitability standards through landlord licensing to ensure landlords cannot collect rent if habitability standards are violated, with an option to repair or sell the building.
- Ensure continued funding of enforcement mechanisms to ensure maintenance of property standards and tenancy rights.
- Commit to funding maintenance and infrastructure for subsidized and supportive housing to improve habitability.

## 5. Accessibility

**“Housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account.”**

— Office of the United Nations Human Rights Commissioner for Human Rights<sup>136</sup>

Housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account.<sup>137</sup>

The Advocate heard about the need to address systemic, structural reasons that have rendered housing unattainable and of the need to confront “poverty by design” and look at how the “system is setting people up for failure,” and how people are “DE-housed not unhoused.”<sup>138</sup>

The Advocate also heard how the housing needs of particular groups are not being met.

### ***First Nations, Inuit, and Métis peoples***

**“90 percent of people who are homeless in Prince Rupert are Indigenous – much of it is a result of residential schools, loss of land and the Indian Act.”**

– Community Organization leader

The Advocate was informed how Indigenous peoples are disproportionately represented among those who are experiencing homelessness.<sup>139</sup> The Advocate also heard how Indigenous people face discrimination in private market housing and in the banking system when trying to access loans.<sup>140</sup>

The Advocate was told that housing on-reserve and for Métis people is inadequate in number and often not habitable, or in need of significant repair.<sup>141</sup> Concerns were raised in particular about children living in crowded and moldy environments on-reserve, with no other housing options.<sup>142</sup> The Advocate heard about the need for building condition assessments for homes on reserve, with proper capital planning, and support for First Nations people to develop assessment and maintenance skills. One individual

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<sup>136</sup> Office of the United Nations High Commissioner for Human Rights, *The Right to Adequate Housing*, 2009, [https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf) (accessed December 8, 2022).

<sup>137</sup> Office of the United Nations High Commissioner for Human Rights, *The Right to Adequate Housing*, 2009, [https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf) (accessed December 8, 2022).

<sup>138</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Prince George, August 2022.

<sup>139</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Prince George, August 2022; Meeting with First Nations Housing and Infrastructure Council, Vancouver, August 2022.

<sup>140</sup> Meeting with Homelessness Services of BC, Vancouver, August 2022;

Meeting with BC Aboriginal Network on Disability Society, Victoria, August 2022.

<sup>141</sup> Meeting with BC Aboriginal Coalition to End Homelessness Society, Victoria, August 2022;

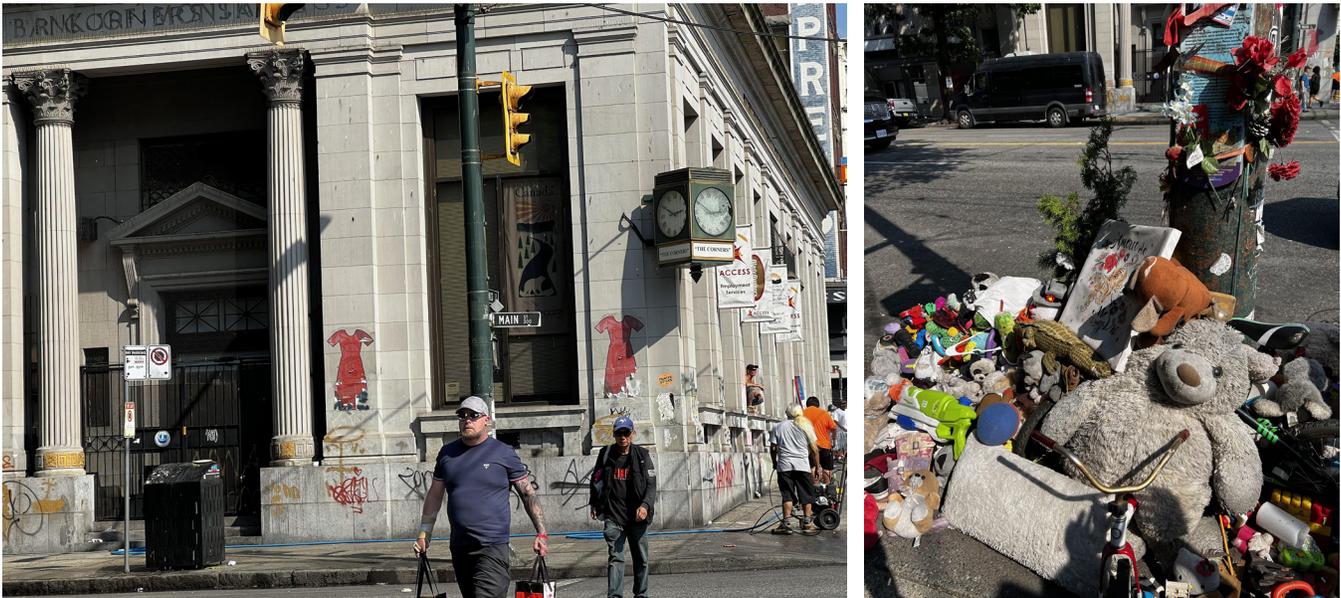
Meeting with Métis Nation BC, Surrey, August 2022; Meeting with BC Aboriginal Network on Disability Society, Victoria, August 2022.

<sup>142</sup> Meeting with BC Aboriginal Network on Disability Society, August 25, 2022.

suggested that Indigenous Services Canada could fund housing managers on reserve. However, concern was raised that low pay scales for these jobs may result in high staff turnover.<sup>143</sup>

The Advocate heard that there is a lack of funding for Indigenous housing on and off reserve due to jurisdictional gaps. The Advocate heard about the importance of a national Indigenous urban, rural and northern housing strategy and that the distinctions-based approaches under the National Housing Strategy are not meeting the housing needs of the almost 80 percent of Indigenous people living in areas outside of reserves and land claim areas.<sup>144</sup> One lived expert told the Advocate how, due to the Sixties Scoop policy and his being forcibly removed from his home community as an infant, the federal government provides funding for housing in his birth community in Manitoba, but not in Victoria where he lives.<sup>145</sup> The Aboriginal Housing Management Association discussed its B.C. Urban, Rural and Northern Strategy designed to address some of the housing gaps for urban, rural and northern Indigenous people in B.C. and can be accessed at the footnoted link.<sup>146</sup>

There is also a lack of funding for services, and the Advocate heard that young people or women experiencing violence must leave their home communities to find supports.<sup>147</sup>



The lack of safety for Indigenous women and girls is a testament to the failure to implement the recommendations of the National Inquiry into Missing and Murdered Indigenous Women and Girls, in particular on housing. Red dresses are painted on a building in the Downtown Eastside to commemorate missing and murdered Indigenous women and girls. In Vancouver, a memorial for 14-year-old Indigenous girl Noelle O'Soup, pictured here, was set ablaze just days later.

<sup>143</sup> Meeting with the First Nations Housing and Infrastructure Council, August 29, 2022.

<sup>144</sup> Meeting with the Association of Aboriginal Friendship Centres, Victoria, August 2022; Meeting with the Aboriginal Housing Management Association, Vancouver, August 2022.

<sup>145</sup> Meeting with lived expert, Victoria, August 2022.

<sup>146</sup> See: [https://static1.squarespace.com/static/573e02ab62cd943531b23633/t/61f16e25e94d296b241a7c85/1643212332359/AHMA\\_BCURNIHousingStrategy\\_220124.pdf](https://static1.squarespace.com/static/573e02ab62cd943531b23633/t/61f16e25e94d296b241a7c85/1643212332359/AHMA_BCURNIHousingStrategy_220124.pdf)

<sup>147</sup> Meeting with the BC Association of Aboriginal Friendship Centres, Victoria, August 2022.

The Advocate heard that 80 percent of First Nations housing and buildings have significant disability accessibility barriers. Further, Elders are in need of accessibility modifications to their homes, but Bands often lack access to skilled labour and adequate funding to make these modifications.<sup>148</sup> The Advocate heard that there is a lack of awareness of available programs, such as the Enabling Accessibility Fund that could provide this support.<sup>149</sup>

Multiple sources noted that Indigenous peoples are being disproportionately impacted by climate change, such as displacement caused from the devastating fires during the 2021 heat dome. The Advocate heard that people are losing housing, not getting re-housed and thus, leaving for urban centres, or crowding in with family.<sup>150</sup> Often, when First Nations families and individuals relocate to urban centres, they face more housing challenges.

The idea of an Indigenous Community Living BC (CLBC) and the importance of early childhood assessments for disabilities such as Attention Deficit/Hyperactivity Disorder and Fetal Alcohol Spectrum Disorder was raised in the context of homelessness prevention, noting the importance of early intervention and wrap-around supports.<sup>151</sup>

## **Women**

The Advocate heard about a pervasive need for more affordable housing for women, particularly women with children who need adequate, affordable, and larger units.<sup>152</sup> The Advocate was also informed that the National Occupancy Standard (NOS), intended as a way for government and non-governmental housing organizations in Canada to assess housing suitability, actually limits access to housing for women and others who have experienced gender-based violence.<sup>153</sup> For example, the NOS recommends that different gendered children over the age of 5 have separate bedrooms, leading many single mothers to be ineligible for the social housing that would otherwise be available to them. As a way to work around the issue, the Advocate heard that some non-profit housing providers have chosen not to follow the NOS.<sup>154</sup> The Advocate was also apprised of the lack of shelter space available for people fleeing intimate partner violence, and the need to ensure longer term transition shelter and housing for people fleeing intimate partner violence because “trauma can’t be moved along.”<sup>155</sup>

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<sup>148</sup> Meeting with BC Aboriginal Network on Disability Society, Victoria, August 2022.

<sup>149</sup> Meeting with BC Aboriginal Network on Disability Society, Victoria, August 2022.

<sup>150</sup> Meeting with BC Association of Aboriginal Friendship Centres, Victoria, August 2022; Meeting with BC Aboriginal Coalition to End Homelessness Society, Victoria, August 2022; Meeting with Métis Nation BC, Surrey, August 2022.

<sup>151</sup> Information provided by First Nation Housing and Infrastructure Council, June 2023.

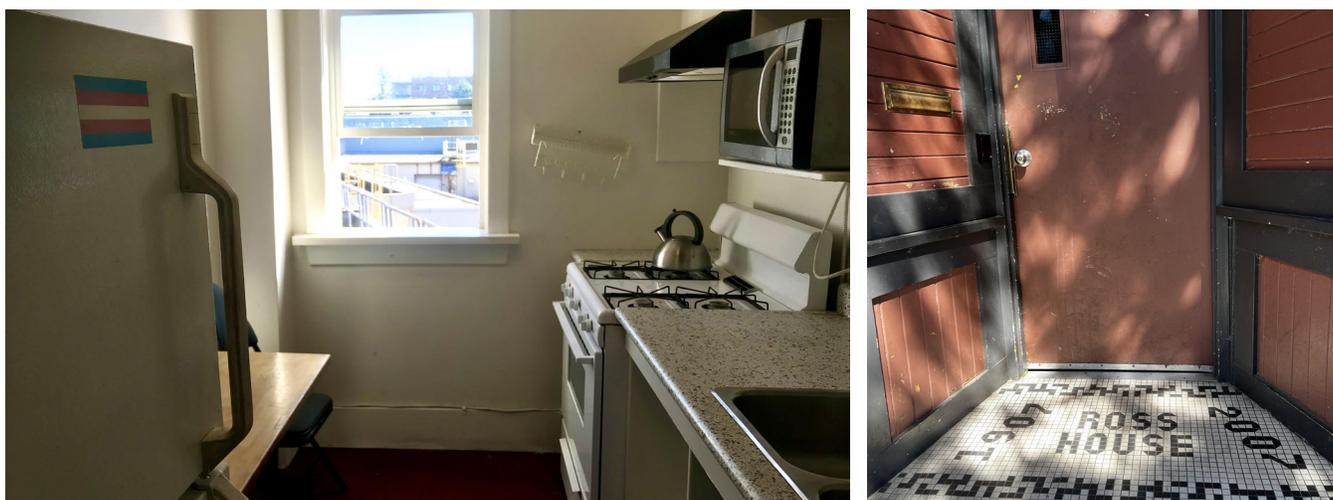
<sup>152</sup> Meeting with UBC Housing Research Collaborative, Vancouver, August 2022; Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Prince George, August 2022.

<sup>153</sup> Meeting with UBC Housing Research Collaborative, Vancouver, August 2022; Meeting with Cooperative Housing Federation, BC, Vancouver, August 2022. Meeting with ATIRA, Vancouver, August 2022.

<sup>154</sup> Meeting with Atira Women’s Resource Society, Vancouver, September 2022.

<sup>155</sup> Meeting with BC Association of Aboriginal Friendship Centres, Victoria, August 2022; Meeting with the Greater Victoria Coalition to End Homelessness 2, Victoria, August 2022; see: <https://thetyee.ca/News/2023/06/15/Women-Nowhere-Transitional-Housing/>

The Advocate visited Aoki Ross House in Vancouver, a 24-unit supportive housing SRO dedicated to trans women, and learned how trans women’s housing rights are not being upheld. Aoki Ross House was identified as the only housing of its kind in Canada, and approximately 50 percent of its residents are Black, Indigenous, or racialized women. The house receives hundreds of applications from across the province. This is likely due to the fact that Vancouver is the province’s hub for gender-affirming care, such as TransCare B.C. Further, there is a lack of emergency or transitional housing that is safe and inclusive of people of diverse gender identities. The house manager emphasized the significant need for safe housing for trans women given the challenges that trans people face with discrimination in employment and with landlords in the private market. Unfortunately, Aoki Ross House is not able to accommodate some people with disabilities due to lacking adequate accessibility modifications. The House also faces similar issues to other aging SROs: cockroaches and limited staffing resources.<sup>156</sup>



Aoki Ross House provides supportive housing for trans women, and is the only housing of its kind in western Canada.

## Youth

A senior tenant described to the Advocate how many of her friends are housing their grandchildren. One tenant is living with her 16-year-old granddaughter in a mobile park intended for people 65 years and older because the 16-year-old youth cannot find any affordable housing.<sup>157</sup>

Another gender diverse youth with a disability stated that they rely on their relationship for stable housing. The youth noted that if their relationship breaks up then they will have no housing options and that homophobia in the rental market is a compounding barrier to finding housing.<sup>158</sup>

The Advocate also heard about the need for housing solutions for youth aging out of care as youth are currently aging out into the street directly into homelessness.<sup>159</sup>

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<sup>156</sup> Tour of Aoki Ross House, September 1, 2022.

<sup>157</sup> Meeting with ACORN tenants, New Westminster, September 2022.

<sup>158</sup> Meeting with ACORN tenants, New Westminster, September 2022.

<sup>159</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Prince George, August 2022.

## Seniors

The Advocate heard about how elders in First Nations communities need accessibility modifications but that Bands lack skilled labour and funding. Additionally, some federal accessibility funding does not apply to Band housing.<sup>160</sup> Elders are facing social isolation and loss of autonomy leading to declining physical and mental health when they are living in inaccessible buildings.

The Advocate had the opportunity to meet with Isobel Mackenzie, the B.C. Seniors Advocate, to learn more about the housing challenges that seniors are facing. We heard how low-income older people who are homeowners are at risk of predatory lending that can result in them losing their homes.<sup>161</sup> Further, the Seniors Advocate warned that service agreements for assisted living do not fall under the Residential Tenancy Act and therefore lack rental increase controls.

Affordability issues are serious for seniors in a province where rents are high and vacancy is low. The 2019 median income for B.C. seniors was \$30,750 a year, compared to \$51,170 for the prime working age population. Meanwhile, 25 percent of seniors earn an income less than \$21,000, making it extremely difficult for seniors to afford to rent.<sup>162</sup>

In September 2022, the Office of the Seniors Advocate released a report entitled BC Seniors: Falling Further Behind where affordability challenges, long wait lists for seniors' subsidized housing, and the failure of the Shelter Aid for Elderly Renters (SAFER) subsidy program were highlighted. SAFER recipients, according to the report, paying the average rent for a 1-bedroom in Vancouver will spend over 60 percent of their income on rent (rather than the goal of 30 percent) and 80 percent of SAFER recipients have incomes of less than \$25,000. The report also states that 49 percent of low-income senior homeowners report they cannot afford needed major repairs for safety or accessibility. Some recommendations include:

- Advocating for the provincial government to redesign the SAFER program to reflect the current rental market and ensure yearly rent increases are recognized;
- Increasing the number of Seniors Subsidized Housing Units with a particular focus on rural B.C., where the overall supply of rental accommodation for seniors is most challenging; and
- Developing a program to assist low- and modest-income seniors with major home repairs.<sup>163</sup>

It was further noted to the Advocate that delayed processing times for SAFER resulted in people relying on the Homeless Outreach Program supports and the Homelessness Prevention Program's emergency rent supplements for much longer.<sup>164</sup>

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<sup>160</sup> Meeting with BC Network on Aboriginal Disability Society, August 2022.

<sup>161</sup> Meeting with Isobel Mackenzie, BC Seniors Advocate, Victoria, August 2022.

<sup>162</sup> Office of the Seniors Advocate, "BC Seniors: Falling Further Behind," September 22, 2022, <https://www.seniorsadvocatebc.ca/osa-reports/falling-further-behind-income-and-affordability-gaps-of-b-c-seniors/> (accessed February 14, 2023).

<sup>163</sup> Office of the Seniors Advocate, "BC Seniors: Falling Further Behind," September 22, 2022, <https://www.seniorsadvocatebc.ca/osa-reports/falling-further-behind-income-and-affordability-gaps-of-b-c-seniors/> (accessed February 14, 2023).

<sup>164</sup> Information provided by the Aboriginal Housing Management Association, June 2023.

## ***People with disabilities***

People with disabilities in B.C. face serious challenges in accessing housing, particularly housing that is built or modified to meet physical accessibility needs. The Advocate was apprised of the need to consider and address discrimination based on mental health and accessibility needs of people with disabilities in private market housing.<sup>165</sup> The significant need for support for First Nations to address disability accessibility needs in on-reserve housing was also raised.<sup>166</sup> Concerns were expressed over reports that the federal government is considering permanently exempting First Nations from the Accessible Canada Regulations rather than being accountable for ensuring First Nations have the means to meet legislated accessibility standards.<sup>167</sup>

**“When will we matter? When will we be able to live without fear that our income or housing will be taken away?”**  
— Woman with a physical and mental disability

In addition to a lack of housing purpose-built or modified to meet physical accessibility needs, people with disabilities also face serious affordability challenges due to inadequate disability supports.<sup>168</sup> One woman with a physical and mental disability shared how poverty and housing unaffordability means constant fear of ending up unhoused.<sup>169</sup>

Those caring for a family member with a disability also face financial challenges. In a meeting with families of people with disabilities, staff from the Office of the Federal Housing Advocate heard how there are no tax credits or financial acknowledgment for family members who care for a family member with a disability. Participants agreed that there needs to be immediate support for families of people with disabilities in terms of benefits, incentives, write-offs, or other measures.<sup>170</sup>

It was noted that there should be a national enforceable policy on universal design, to support the creation of more accessible housing for people with disabilities.

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<sup>165</sup> Meeting with the Greater Victoria Coalition to End Homelessness 2, Victoria, August 2022.

<sup>166</sup> Meeting with BC Aboriginal Network on Disability Society, Victoria, August 2022.

<sup>167</sup> Meeting with BC Aboriginal Network on Disability Society, Victoria, August 2022.

<sup>168</sup> Meeting with the Greater Victoria Coalition to End Homelessness 2, Victoria, August 2022.

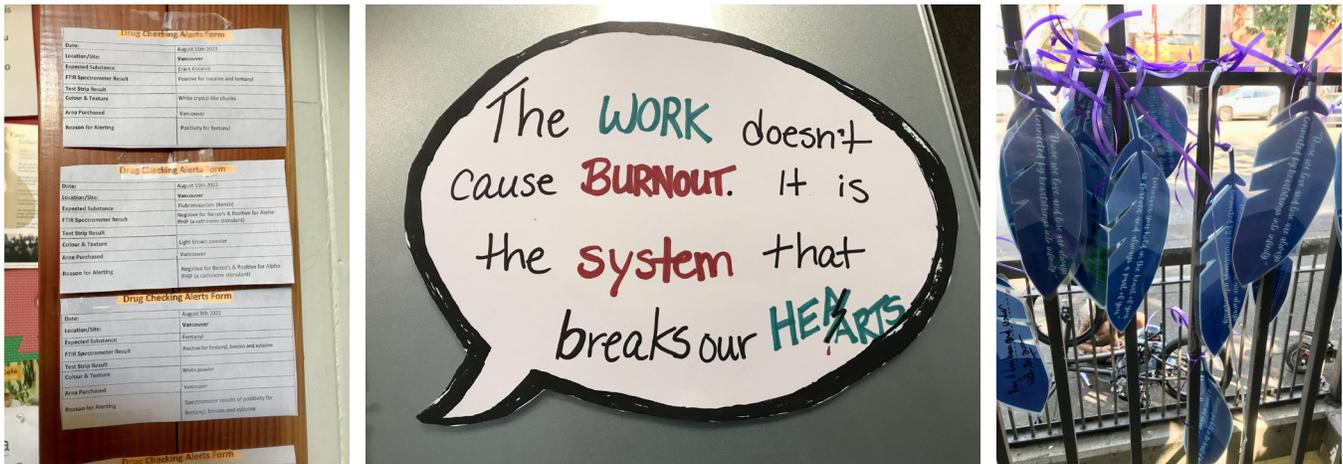
<sup>169</sup> Meeting with Victoria Community Advocates, Victoria, August 23, 2022.

<sup>170</sup> Family Services Institute of BC, September 29, 2022.

## People with addictions

The Advocate was repeatedly informed of the deep need for increased housing support for people finishing detox programs, and for all people across the spectrum of the substance use recovery journey.<sup>171</sup> The Advocate also heard that “sobriety-first” treatment and support programs have presented serious barriers to housing for some, excluding people for whom total abstinence is either not desirable or realistic, and in some cases pushing clients who cannot comply into homelessness.<sup>172</sup> On the other hand, the Advocate also heard that people who prefer sober living or benefit most from abstinence-only environments are feeling left behind by a major shift towards a harm reduction approach. For all individuals addressing addictions, housing insecurity creates major barriers to accessing and completing such programs and treatments.

Further, the Advocate heard how the opioid crisis has stretched already limited resources.<sup>173</sup> Some experts explained that as the poisoned drug supply is killing people, dealing with the impacts requires a disproportionate amount of available health and safety resources.<sup>174</sup> Safe supply and decriminalization are too slow at this time to have any kind of positive impact on frontline response capacity and on people’s lives, according to some to workers in the sector. The Advocate also heard that experienced people are moving away from low-paying, sometimes dangerous frontline service jobs to better paying positions with pensions, job security, and better working conditions, further decreasing available staffing resources on the front lines.<sup>175</sup>



An alert for toxic drugs is posted in a communal area of a supportive housing block. A sign laments the lack of support for staff and the broken system they must operate in. Feathers commemorate those lost to overdose and toxic drugs at the Carnegie Centre on International Overdose Awareness Day.

<sup>171</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Prince George, August 2022; Meeting with Carnegie Community Action Project, Vancouver, August 2022; Meeting with Victoria Shelter Providers, Victoria, August, 2022.

<sup>172</sup> Meeting with Carnegie Community Action Project, Vancouver, August 2022; Meeting with Homelessness Services of BC, Vancouver, August 2022.

<sup>173</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Prince George, August 2022.

<sup>174</sup> Meeting with the Homelessness Services Association of BC, August 31, 2022.

<sup>175</sup> Meeting with the Homelessness Services Association of BC, August 31, 2022.

Lack of resources overall has implications for the safety of frontline workers and those they are working to support. One sector leader noted that people on the front lines are under-supported, and are often forced to call the police for back-up, putting everyone’s safety at risk. Further, many new front-line workers are not receiving trauma-informed training.

The most recent B.C. Coroners Service report identifies that in 2022, 83 percent of illicit drug toxicity deaths occurred inside (55 percent in private residences and 28 percent inside other residences including social and supportive housing, SROs, shelters, hotels, and other indoor locations) and 16 percent occurred outside in vehicles, sidewalks, streets, or parks.<sup>176</sup>

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<sup>176</sup> BC Coroners Service, “Illicit Drug Toxicity Deaths in BC: January 1, 2012 – December 31, 2022” <https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/statistical/illicit-drug.pdf> (accessed January 31, 2023)

### **Participant recommendations: Accessibility**

- Apply Jordan's Principle to housing – removing jurisdictional barriers so that all Indigenous people can access housing services and supports when they need them.
- Ensure that federal accessibility funding applies to Band housing.
- The provincial and federal governments should provide adequate and sustained funding for a “For Indigenous, by Indigenous” urban, rural, and northern housing strategy.
- Increase education campaigns and information for Indigenous communities on available programs, such as the Enabling Accessibility Fund and other underutilized programs.
- Provide building condition assessments for homes on-reserve with data collection and proper capital planning, and further support First Nations people to develop assessment and maintenance skills.
- The First Nations Housing and Infrastructure Council could help by professionalizing Housing Managers through the new association, streamlining Asset Management, putting private investment opportunities in place, helping with Comprehensive Community Planning to avoid large consultant costs, providing an Indigenous Evaluation Framework that will be a driver for success and progress, providing measures to get the most reliable data sets, all to move towards self-determination.
- Increase funding to non-profit, off-reserve housing providers so that they can build more accessible housing, especially transitional housing
- Offer incentives to First Nations to put up their land to build affordable housing or a shelter.
- Raise income assistance and disability assistance rates in light of actual housing costs and general cost of living.
- Create more transition housing, including targeted transition housing for trans and non-binary people.
- Build a network of second stage housing, and ensure it is accessible via safe public transportation.
- Create more recovery housing in diverse neighbourhoods.

## 6. Location

**“Housing is not adequate if it is cut off from employment opportunities, health-care services, schools, childcare centres and other services or amenities that you may need as a family or individual, or if located in polluted or dangerous areas.”**

— Office of the United Nations Human Rights Commissioner for Human Rights<sup>177</sup>

The Advocate heard many instances where the lack of access to secure housing created barriers for people to access specific services they needed. The Advocate also heard of instances where the concentration of services in specific urban locations, such as downtown Vancouver, also creates a concentration of vulnerable individuals who are then targeted for violence and exploitation. This highlights the need for people to have more options to live and to access services, so that they can do so readily and safely.

The Advocate heard how people traveling to urban centers for proximity to employment opportunities, health services, or education face serious housing challenges.<sup>178</sup> One woman shared that she moved to Prince George to work for B.C. Housing but could not find adequate housing herself, and that she subsequently became street and drug involved.<sup>179</sup>

The Advocate also heard how First Nations people in need of health and addictions support services often cannot return to their home communities because of lack of addiction services back home and sometimes because of stigma or because they are considered to be dry communities.<sup>180</sup>

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<sup>177</sup> Office of the United Nations High Commissioner for Human Rights, *The Right to Adequate Housing*, 2009, [https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf) (accessed December 8, 2022).

<sup>178</sup> See e.g., Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Prince George, August 2022.

<sup>179</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Moccasin Flats, August 2022.

<sup>180</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Moccasin Flats, August 2022; Meeting with BC Association of Aboriginal Friendship Centres, Victoria, August 2022.

## 7. Cultural adequacy

**“Housing is not adequate if it does not respect and take into account the expression of cultural identity.”**

— Office of the United Nations Human Rights Commissioner for Human Rights<sup>181</sup>

The Advocate heard the need for governments to respect First Nations, Inuit and Métis rights and to ensure reconciliation in housing provision, including through support of self-determined housing policy and culturally appropriate housing programs.

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions. – Article 23 of UNDRIP

Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. – Article 26.2 of UNDRIP

In 2018, the provincial government announced that it would provide \$550 million over 10 years for the construction and operation of 1,750 social housing units specifically for Indigenous people, including urban and on reserve projects.<sup>182</sup> B.C. was the first government in Canada to introduce legislation to harmonize its laws with the UN Declaration on the Rights of Indigenous Peoples. As part of its action plan, the province has committed to continue to work with Indigenous peoples to build more on- and off-reserve housing.<sup>183</sup> However, the Advocate heard that First Nations and Indigenous peoples’ organizations have not received adequate support as they take on new responsibilities for building and managing this housing

**“We deliver 30 projects a year on average but don’t receive core funding. Everybody comes to us for our knowledge”**

– Indigenous homeless sector leader

<sup>181</sup> Office of the United Nations High Commissioner for Human Rights, The Right to Adequate Housing, 2009, [https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf) (accessed December 8, 2022).

<sup>182</sup> Province of British Columbia, “Indigenous housing,” webpage, updated December 8, 2022, <https://www2.gov.bc.ca/gov/content/housing-tenancy/indigenous-housing>

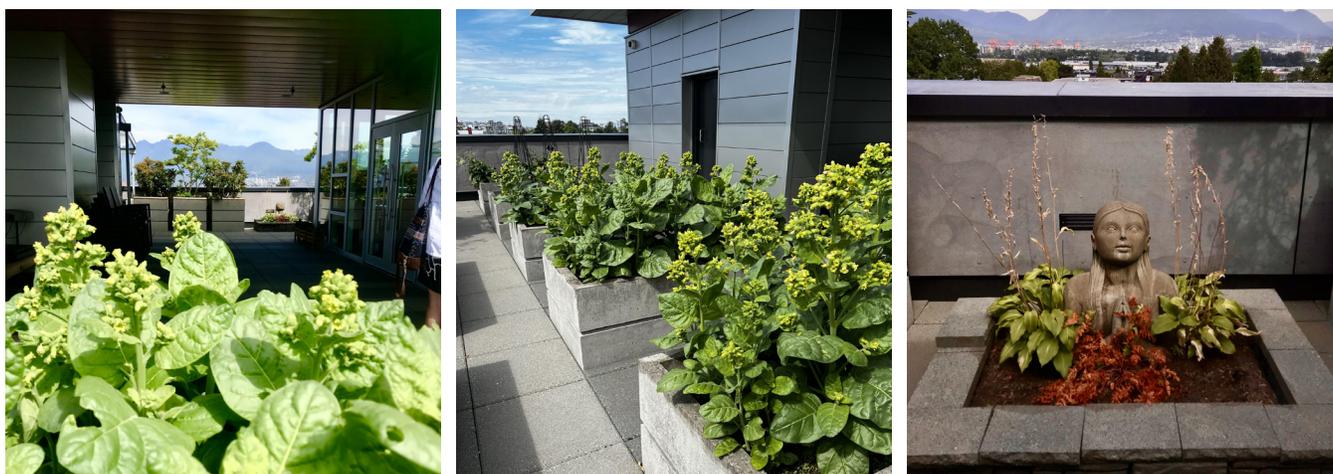
<sup>183</sup> Province of British Columbia, Declaration on the Rights of Indigenous Peoples Act Action Plan, 2022-2027.

The Advocate also heard about obstacles to culturally appropriate housing policies and supply, including Indigenous communities and housing providers having to compete with non-Indigenous groups for contracts, and municipal zoning restricting culturally appropriate housing.<sup>184</sup> She also heard more specifically about the need for family housing in the northwest for Elders.<sup>185</sup>

The Advocate heard about the need for greater support for culturally appropriate housing service staff and programming. The Advocate was told about the lack of Indigenous representation among service providers in transition houses,<sup>186</sup> and a lack of training on providing culturally appropriate housing and supports.<sup>187</sup> All of these factors lead to cultural inadequacy for Indigenous tenants.

The Advocate further heard that there has been little action to implement the National Inquiry into Missing and Murdered Indigenous Women and Girls' Calls to Justice, particularly regarding the need to ensure that shelters, transitional housing, second-stage housing, and services are appropriate to cultural needs, and available wherever Indigenous women, girls, and 2SLGBTQQIA people reside.<sup>188</sup> The Advocate was informed of the need for more transition housing and a network of second stage housing as well as increased public transportation.

Positively, the Aboriginal Coalition to End Homelessness Society discussed how its dual model of housing care that integrates cultural support and decolonized harm reduction into housing and service provision provides housing, health, and healing for the Indigenous street community on Vancouver Island.<sup>189</sup>



An Indigenous supportive housing building hosts rooftop gardens to grow tobacco.

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<sup>184</sup> Meeting with Métis Nation BC, Surrey, August 2022.

<sup>185</sup> Meeting with BC Association of Aboriginal Friendship Centres, Victoria, August 2022.

<sup>186</sup> Meeting with BC Association of Aboriginal Friendship Centres, Victoria, August 2022.

<sup>187</sup> Meeting with Homelessness Services of BC, Vancouver, August 2022;

Meeting with BC Association of Aboriginal Friendship Centres, Victoria, August 2022.

<sup>188</sup> Meeting with Prince George Nechako Aboriginal Employment and Training Association and Partners, Moccasin Flats, August 2022.

Meeting with BC Association of Aboriginal Friendship Centres, Victoria, August 2022.

<sup>189</sup> <https://acehsociety.com/housing/>

### **Participant recommendations: Cultural adequacy**

- Ensure that Indigenous communities and housing providers do not have to compete with non-Indigenous groups for contracts.
- Indigenous communities should not be threatened with clawbacks if federal reporting requirements are not met.
- Provide federal support for Indigenous housing in urban centres and family housing in the northwest for Elders.

## Annex A

### The United Nations Declaration on the Rights of Indigenous Peoples

In relation to the right to housing, there are several key provisions under the United Nations Declaration on the Rights of Indigenous Peoples:

**Articles 1 and 2:** The rights to equality and non-discrimination, as individuals and as peoples

**Article 3:** The right to self-determination

**Article 4:** The right to self-government

**Article 8:** The right not to be subjected to forced assimilation or cultural destruction

**Article 10:** The right not to be forcibly removed from Indigenous lands or territories

**Article 21:** The right to be free from discrimination

**Article 22:** A focus on the rights and special needs of Indigenous Elders, women, youth, children and persons with disabilities; the right of Indigenous women and children to live free from violence

**Article 23:** Right to development, including housing programs

**Article 26:** Right to land, territory and resources they have traditionally owned and occupied and right to own, use, and develop those lands, territories and resources

**Article 40:** Right to just and fair procedures for the resolution of conflicts and disputes

**Article 44:** Equal guarantee of rights to male and female Indigenous individuals.

## Annex B

### Preliminary recommendations

These preliminary recommendations are intended as guidance points based on what the Advocate heard from people and community organizations during her time in B.C. The information contained in this report, along with submissions made to the Advocate and commissioned research, will contribute to the Advocate's reviews of systemic housing issues, and reporting and recommendations made to Parliament. In order to foster dialogue on the right to adequate housing in B.C. and implement these recommendations, it is critical that government duty bearers work in partnership with Indigenous leaders and communities, rights holders and civil society organizations.

Realizing the right to adequate housing is going to take a coordinated approach at all levels of government. As such, these recommendations include areas for action at all levels of government, including federal, provincial, and municipal.

### *Security of Tenure*

- The provincial government should undertake a full review of the Residential Tenancy Act (RTA) using a rights-based approach, including ensuring tenants participate in the review, with adequate Indigenous representation. Specifically, work with rights holders, as well as anti-poverty and tenant advocates to:
  - strengthen the security of tenure measures within the RTA;
  - ensure that the RTA tenant protections are applied to all tenants; and
  - ensure that program elements exist separately from tenancy agreements and do not impact security of tenure.
- The provincial government should ensure that the Residential Tenancy Branch can provide meaningful recourse and access to justice by:
  - providing more information targeted at unhoused and precariously housed people on their legal protections under the RTA;
  - creating consistency in decision making by arbitrators; and
  - considering admissibility of case law and the right to appeal decisions.
- Provincial and municipal governments should adopt the National Protocol for Homeless Encampments in Canada.<sup>190</sup>
- Provincial and municipal governments should stop the use of policing and law enforcement to forcibly remove encampments.

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<sup>190</sup> See: [Tent Encampment Protocol \(make-the-shift.org\)](https://www.make-the-shift.org/)

- Provincial and municipal governments must respect Indigenous rights when addressing encampments, including Article 10 of UNDRIP: The right not to be forcibly removed from Indigenous lands or territories.
- Provincial and municipal governments should recognize the distinct rights of Indigenous peoples and change the way decision-making structures work to give Indigenous peoples more autonomy when it comes to housing policies and programs.
- All levels of government should collaborate to address human trafficking concerns, working with the Office to Combat Trafficking in Persons, Indigenous communities, and transition houses to develop safety and security solutions that are gender and culturally appropriate.
- The federal government should expand housing-related settlement supports for newcomers, including providing information on the National Housing Strategy Act and the human right to adequate housing.

### ***Availability of Basic Services***

- Municipal governments should provide encampment residents access to basic services such as clean water, sanitation facilities, electricity, and heat.
- The provincial and federal governments should support municipalities that are facing the disproportionate impact of addressing the existence of encampments, and invest in short and long-term housing options and supports for encampment residents.

### ***Affordability***

- Provincial and municipal governments should continue to work with the Cooperative Housing Federation of B.C. and the B.C. Non-Profit Housing Association to build sector capacity and significantly expand support for affordable, non-market housing options to better target the needs of people experiencing inadequate housing or homelessness over the long term.
- Provincial and municipal governments should increase percentages of affordable housing in new multi-unit residential buildings and ensure that they are truly affordable to low-income people.
- The provincial government should strengthen anti-speculation and other tax measures to curb financialization of housing.
- Provincial and municipal governments should address the intersecting poverty, housing, and opioid crises by adopting anti-poverty and harm reduction measures such as increasing shelter and disability rates to match market housing realities, and by continuing to target resources and policy measures for safe consumption sites and a safe drug supply.

## ***Habitability***

- All levels of government should allocate funds and other resources to urgently address inadequate habitability in SROs, aging supportive housing, and on-reserve housing, targeting immediate health and safety concerns related to ventilation, mould, lack of fire safety, and inadequate cooling.

## ***Accessibility***

- All new housing units that receive government funding or incentives should be required to meet the minimum criteria of visitability (having a level entrance, and having wider doorways and hallways and a wheelchair accessible washroom on the entry-level floor).
- The provincial government should adopt the Accessible Dwellings standard<sup>191</sup> for all new construction, ensuring the accessibility standards are legally enforceable with the aim to remove and prevent barriers in the built environment for persons with disabilities, and all persons who use it.
- The provincial government should provide targeted and sustained funding to house low-income trans and gender diverse people who are facing housing discrimination in the rental market and a lack of safety and privacy in emergency and transition housing programs.
- Provincial and municipal governments should work with diverse community groups and educators to fund anti-discrimination campaigns and training for landlords and service providers including training specific to discrimination against Two-Spirit, trans, and non-binary people.
- The provincial government should ensure that the RTA generally applies to transition housing. To the extent any limitations on the RTA are justified, they should be very time-limited and a person should transition into full tenancy within a short period of time. Any term on transition housing should only be enforceable if/when a person is provided with adequate housing alternatives.
- Federal and provincial governments should provide financial and other supports to First Nations to make on reserve housing more accessible, especially for Elders, and fund skills training to build community capacity to assess needs and carry out necessary renovations.

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<sup>191</sup> See: <https://accessible.canada.ca/news/accessibility-standards-canada-and-csa-group-collaborate-publish-three-new-accessibility>

## ***Location***

- Provincial and municipal governments should examine the role of zoning and urban plans to create housing diversity and services for the most disadvantaged groups, including needed recovery housing, across all neighbourhoods.
- The federal government should support Indigenous communities to ensure access to housing for those displaced by the 2021 fires in British Columbia in the immediate term and through long-term reconstruction efforts.

## ***Culturally appropriate***

- The provincial and federal and governments should provide adequate and sustained funding for a “For Indigenous, by Indigenous” urban, rural, and northern housing strategy.
- The federal government should provide adequate and sustained funding for Indigenous-led housing initiatives and support continued transfer of care and control of housing to First Nations, Inuit and Métis governments (who choose to participate)
- All levels of government should respect First Nations, Inuit and Métis rights and ensure reconciliation in housing provision, including by:
  - working to support self-determined housing policies and programs in-line with the requirements of the UN Declaration;
  - ensuring funding carve-outs so that Indigenous communities and housing providers do not have to compete with non-Indigenous providers for contracts.
- The provincial government should host a meeting with Indigenous communities, representative organizations and community members to establish on-going, direct and transparent communications on how the B.C. Government is addressing the housing recommendations from the “Calls to Justice” of the National Inquiry on Missing and Murdered Indigenous Women and Girls.

## Annex C

### *Methodology*

Lived and living experts who attended meetings with the Advocate were compensated by the Canadian Lived Expert Leadership Network according to Canadian Human Rights Commission (CHRC) guidelines, or by the organizations who invited them. When visiting public encampment sites, sharing of information was on a voluntary basis and a community meal was provided. Photographs collected for the purposes of this report required signed consent for release.

### *List of Meetings*

Date	Meeting
<b>Victoria Meetings</b>	
August 23, 2022	Meeting with Honourable Murray Rankin, A/Minister Responsible for Housing
August 23, 2022	Meeting with Together Against Poverty Society
August 23, 2022	Meeting with Greater Victoria Coalition to End Homelessness
August 23, 2022	Meeting with community-based encampment advocates and lived experts
August 23, 2022	Meeting with lived experts
August 23, 2022	Meeting with Bernie Pauly, Professor (University of Victoria) and scientist with the Canadian Institute for Substance Use Research
August 24, 2022	Meeting with Isobel Mackenzie, B.C. Seniors Advocate
August 24, 2022	Meeting with Our Place Society, Cool Aid Society, Pacifica Housing, and Portland Hotel Community Services Society  Visit to Pandora Street encampment
August 24, 2022	Meeting with B.C. Association of Aboriginal Friendship Centres
August 24, 2022	Meeting with Existence Project
August 24, 2022	Visit to Stadacona Park encampment
August 25, 2022	Meeting with British Columbia Aboriginal Network on Disability Society
August 25, 2022	Meeting with Aboriginal Coalition to End Homelessness

Date	Meeting
<b>Prince George Meetings</b>	
August 26, 2022	Meeting with Prince George Nechako Aboriginal Employment and Training Association and Reaching Home project staff; Elder Lheidli T'enneh; Prince George Urban Aboriginal Coalition; Association Advocating for Women & Community; BC Assembly of First Nations; Together We Stand; Lived Experts; Youth Services Carrier Sekani Family Services; Prince George Native Friendship Centre; Needle Exchange; Active Support Against Poverty; Central Interior Native Health Society (CINHS); UNDO Visit to Moccasin Flats encampment
<b>Vancouver Meetings</b>	
August 29, 2022	Meeting with BC Non-Profit Housing Association, the Aboriginal Housing Management Association, and the Vancouver Native Housing Society
August 29, 2022	Meeting with First Nations Housing and Infrastructure Council
August 30, 2022	Meeting with Métis Nation BC (Surrey, BC)
August 30, 2022	Meeting with Vancouver Board of Parks and Recreation
August 30, 2022	Meeting with Pivot Legal Society and lived experts
August 30, 2022	Meeting with Cooperative Federation of B.C.
August 31, 2022	Meeting with Homelessness Services Association of B.C.
August 31, 2022	Meeting with Vancouver Tenants Union Steering Committee
August 31, 2022	Meeting with lawyer (Arvay Finlay) and visit to CRAB Park encampment
August 31, 2022	Meeting at Carnegie Community Action Project with Canadian Lived Experience Leadership Network representative and lived experts
September 1, 2022	Meeting with ATIRA Women's Resource Centre  Tour of Aoki Ross House
September 1, 2022	Meeting with University of British Columbia Housing Research Collaborative
September 1, 2022	Meeting with the Tenant Resource and Advisory Centre
September 1, 2022	Meeting with BC ACORN Members
<b>Virtual Meetings</b>	
September 16, 2022	Meeting with Mayor Kennedy Stewart
September 29, 2022	Meeting with Family Services Institute of BC
February 1, 2022	Meeting with Honourable Minister Kahlon, Minister of Housing