



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

RIGHTSNORTH

HOUSING AND HUMAN RIGHTS IN NORTHERN ONTARIO

PREPARED BY THE CENTRE FOR EQUALITY RIGHTS IN ACCOMMODATION

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INTRODUCTION

Over the past year and a half, the Centre for Equality Rights in Accommodation (CERA), Keepers of the Circle Aboriginal Family Learning Centres in Kirkland Lake and New Liskeard, and the Ontario Native Women's Association in Thunder Bay developed and implemented a human rights education initiative directed at Aboriginal communities in Northern Ontario. The goal of the RightsNorth project was to help ensure that disadvantaged tenants and housing seekers in northern communities, and in particular Aboriginal people, are aware of their human rights with respect to housing and can access necessary services to protect those rights. It was also an opportunity for CERA to re-think our human rights service model to make it more relevant and accessible to people living in Northern Ontario.

Throughout the project, community advocates, tenants and housing seekers in Kirkland Lake, New Liskeard and Thunder Bay met with CERA staff and helped us better understand the key human rights and housing issues facing their communities.

The following brief report provides the highlights of our discussions with community members.

KEY ISSUES

Many issues and concerns related to housing in the North were raised during workshops and individual consultations conducted as part of the RightsNorth project. Some of these could be considered discrimination under Ontario's *Human Rights Code* (the *Code*), while others related more to the adequacy and availability of affordable housing and associated supports. We've divided the following section into the themes that ran through our discussions.

Racial Discrimination

While racism directed at Aboriginal tenants and housing seekers was widely reported, the issue was often approached with a sense of resignation. This was not altogether surprising. Despite being widespread, racism in the housing sector

is difficult to prove and, therefore, difficult to address. Landlords rarely alert prospective tenants to racist attitudes they may have. Instead, they will make excuses to avoid renting to the person, such as by telling the applicant that the apartment has already been rented. Identifying and addressing racial discrimination in the housing sector frequently requires substantial investigation and few housing seekers are going to have the time, or the inclination, to do this.

Another issue frequently raised in workshops was the failure of housing providers to accommodate Aboriginal cultural practices. For example, many landlords – and in particular, social housing providers – make it difficult for Aboriginal residents to have extended family visit or stay with them on a frequent basis. The practice of smudging also frequently leads to landlord complaints because of the smell of the smoke, and Aboriginal youth are often subject to noise complaints when they hold drumming circles either inside or outside of an apartment.

Family Violence

The housing implications of family violence are a particularly significant issue in northern Aboriginal communities. On a number of occasions, community members and workshop participants commented on the shortage and inadequacy of emergency shelters for victims of violence, that Aboriginal women are frequently forced to return to or stay in abusive relationships because of the absence of housing options, and that family violence can cause women to lose subsidized housing. In particular, workshop participants noted that, in social housing, women are often charged the cost of damage caused by their abusive partner – costs that can lead the women to lose their housing and be denied access to subsidized housing in the future. The problems Aboriginal women face with respect to family violence are exacerbated by the fact that many living in northern towns have few family supports other than the abusive partner.

Children

A consistent theme in our discussions was the challenges faced by families with children. Rental housing that is appropriate for families is in short supply in northern communities. At the same time, accessing what is available can be very difficult. One of the more prevalent forms of discrimination reported throughout the course of the project was discrimination based on family status. It was reported in terms of blatant discrimination, such as where a housing provider would specify “no kids” in the advertisement for an apartment. It also arose in more subtle contexts, such as where the landlord doesn’t feel the apartment is “suitable” for a family with children, or where the family fails to meet a landlord’s rules about the number of people permitted in a particular unit. Child apprehension was also a major issue, and one that disproportionately affects Aboriginal families. Workshop participants saw a clear connection between apprehension rates and racism, and also pointed out the link to inadequate housing.

Income

A common concern raised in discussions was the inadequacy of incomes to cover housing costs. While rents in northern communities are typically lower than what would be found in southern cities, utility costs can be substantially higher. This is due to a combination of cold temperatures, old and poorly insulated structures, and the prevalence of electric heating. Many renters simply cannot pay their hydro bills, which can be hundreds of dollars each month. These housing costs, combined with the fact that Aboriginal households are disproportionately low income, leads to significant housing affordability issues in northern communities.

In addition, one of the most common forms of discrimination reported is discrimination based on income level or source: landlords frequently refuse to rent apartments to people who receive social assistance, people who do not have a sufficiently high income, or those who switch jobs frequently. It was also reported that some landlords will raise the rent to the maximum allowable shelter allowance when they find out that a prospective tenant is receiving social assistance. As expressed by one community member, “I had a landlord who jacked up the rent depending on the time of year or if you were on assistance. If you were on assistance, he would make the rent the maximum welfare would give a family”.

Age

Age discrimination was cited as another common barrier to accessing housing, particularly for 16 to 18 year olds, or young people that “look rough”. It was reported that youth are often asked to pay higher application fees, or are refused housing merely for being “too young”. Some landlords require a co-signer on a lease if a person hasn’t worked at the same job for more than a year, a requirement that can be particularly problematic for young people living away from home.

Disability

Community members in Timiskaming and Thunder Bay commented on the barriers faced by people with disabilities, and in particular, people with mental health issues. There are limited supports available for those who suffer from addictions and other mental health conditions, especially members of Aboriginal communities, and even where supports are available, landlords often refuse to rent apartments to those they know have been linked to mental health services. Individuals also commented on the difficulties physically disabled tenants have finding accessible units in smaller northern communities where much of the rental stock is old or in houses. On the other hand, some community advocates noted the challenges landlords can face trying to accommodate the needs of tenants with mental health issues – particularly where the condition has potential impacts on the health or safety of the individual or other tenants. For example, it can be

very difficult for a landlord to address the needs of a tenant who is violating local health and safety by-laws due to a compulsion to hoard.

Social Housing

A number of concerns were raised about social housing in the Timiskaming District and Thunder Bay. Besides the unsurprising consensus that the supply of subsidized units does not come close to addressing the need for affordable housing, it was noted that there are particular shortages of units appropriate for large families. In addition, as discussed above, policies that limit visits from non-residents were reported to be problematic for Aboriginal families, as it is common for relatives to visit for extended periods of time. Income requirements in subsidized housing can also make it difficult for families to share their apartments, such as when older children wish to move home or a grandmother needs care.

Finally, some concerns were raised regarding Kirkland Lake's Aboriginal non-profit housing and its selection criteria. People felt that eligibility criteria are not applied consistently, and seem to be based more on skin colour than on ancestry, resulting in some tenants being refused housing because they do not appear to be "Native enough".

Most of the individuals CERA consulted with in Kirkland Lake and New Liskeard felt that the policies of local social housing providers should be reviewed to determine whether they have adverse impacts on individuals – such as Aboriginal people – who are protected under the *Code*.

Emergency Housing

In all of the communities we visited, workshop participants and other community members noted the shortage of emergency housing options, and in particular, the shortage of options for women fleeing violence. In the Timiskaming District, the Pavilion Family Resource Centre is the only emergency shelter for women who are victims of domestic violence, and it is frequently full. There is also only one rooming house in Kirkland Lake, but it is geared towards long-term occupancy for single men with drug or alcohol addictions and is not well suited to individuals experiencing a short-term housing crisis. In Thunder Bay, workshop participants commented that emergency shelters are usually full. While emergency housing options are scarce, many of those consulted commented that their communities try to be supportive, with police and community agencies working together to ensure that no one is without shelter. The Salvation Army in Kirkland Lake, for example, will occasionally rent hotel rooms for people if no other appropriate housing can be found.

RESOURCE AND INFORMATION NEEDS

Early on in the RightsNorth project, it became clear that there is a huge demand in northern communities for information and resources related to human rights protections in housing, and other housing rights. The workshops in Thunder Bay were particularly well attended and each workshop led to requests for future sessions to reach additional members of the community. In Kirkland Lake and New Liskeard, community members commented on the general lack of awareness of the *Residential Tenancies Act (RTA)* and the *Human Rights Code (Code)*, and that this exacerbates many of the housing problems facing Aboriginal people in these communities. Many tenants we met were unaware that they have rights - or of what constitutes discrimination in housing - and believe that landlords have the power to rent their units on their own terms, regardless of tenant protections. Significantly, it appears that many landlords in these communities are either unaware of the laws, or ignore them. Participants at the workshops in Thunder Bay emphasized the need to have housing providers participate in education sessions.

Awareness of support services was also an issue. For example, while there is a community legal clinic that serves Kirkland Lake and New Liskeard, many of the people we talked to were only vaguely aware of it. The participants at the Thunder Bay workshops were more aware of local supports, but many felt that these resources were over-extended and, therefore, difficult to access. Lack of access to support and advocacy services was seen as a significant barrier to challenging landlords that are violating tenants' rights.

STRATEGIES TO PROMOTE HOUSING RIGHTS

Many of the issues discussed in the workshops and consultations were similar to those that have been expressed to CERA in other Ontario communities: the difficulty identifying discrimination and proving it; the long time frames and legalistic process associated with formally challenging discrimination; and the fact that challenging discrimination may come in conflict with claimants' first priority – finding a place to live.

Some of the barriers discussed were unique to the context of northern Aboriginal communities, such as the disconnect between the human rights system and traditional Aboriginal justice systems, the reluctance of many Aboriginal people to formally complain about human rights violations, and the relative lack of human rights advocacy services delivered through Aboriginal organizations.

A number of strategies were discussed to overcome these barriers and better promote housing rights, including providing anonymous advocacy services for victims of discrimination. When someone is denied housing for discriminatory reasons, an advocate could call to educate the landlord about discrimination and the *Human Rights Code* without identifying the individual who experienced

discrimination. Maintaining this kind of confidentiality could reduce claimants' fears of retaliation, while allowing advocacy organizations to provide much needed human rights education.

Another suggested strategy was to use the web to connect human rights advocacy organizations, such as CERA, to Aboriginal service organizations. Specifically, human rights organizations, regardless of location, could set up online office hours at Aboriginal service organizations so that clients could come to the organization and talk to a legal advocate through a web-based program such as Skype. CERA piloted "virtual office hours" in Kirkland Lake and New Liskeard and hopes to provide similar services in other northern communities.

Finally, many of the individuals we met in Timiskaming and Thunder Bay were optimistic about the potential of Ontario's new human rights system to improve enforcement of human rights violations. They felt that time frames associated with the previous system were unworkable and that the new streamlined process would make the system more appealing to claimants.

For more information on the RightsNorth project, please contact John Fraser at john@equalityrights.org.