

Annual Report

2005-2006





About CERA

CERA - The Centre for Equality Rights in Accommodation, founded in 1986, is a province-wide, non-profit organization that promotes human rights in housing. CERA works to remove the barriers that keep disadvantaged individuals and families from accessing and retaining the housing they need. CERA has become a world leader in using both domestic and international human rights law to address issues of homelessness and poverty. We work collaboratively with non-governmental organizations in Canada and in other countries to promote and enforce economic and social rights.

The general objectives of CERA are to:

- ✦ Promote knowledge and enforcement of human rights in housing among disadvantaged groups and individuals;
- ✦ Provide educational materials and programs in housing and human rights to groups whose human rights may have been violated, to landlords, to service providers and to the public at large;
- ✦ To provide representation to disadvantaged groups and individuals who believe their human rights have been infringed;
- ✦ To encourage and facilitate effective public education and enforcement of human rights by provincial, national and international commissions, agencies, organizations and institutions and by governments;
- ✦ To engage in research into human rights in housing as they affect disadvantaged groups.

To carry out these objectives, CERA has established several programs and engages in various activities:

- ✦ **Women's Housing Rights Program**
- ✦ **Human Rights Casework**
- ✦ **Test Case Litigation**
- ✦ **Early Intervention-Eviction Prevention Program**
- ✦ **Public Education and Outreach**

Message from the Chair

I am pleased to provide to you, on behalf of CERA's Board of Directors, the Annual Report for the 2005/2006 fiscal year. This past year, CERA has demonstrated its adaptability and creativity in meeting the new challenges, while advancing human rights in housing and reducing the barriers that prevent households from accessing and retaining the housing they need. CERA's continued success rests on innovative programming that integrates knowledge transfer and capacity building locally, regionally, nationally and internationally with direct advocacy with and on behalf of individual clients.

Flexibility is another hallmark of CERA's programming and the Early Intervention Eviction Prevention Program has been able to respond and adapt to changes in the regulatory environment. The inclusion of CERA's contact information on the packages distributed by the Ontario Rental Housing Tribunal has resulted in an eightfold increase in the number of households assisted in maintaining their housing. Ontario households were further supported by the Community Action on Housing Rights program, which continued to offer vital human rights casework and workshops to individuals and communities experiencing discrimination in housing.

Nationally, CERA has started "exporting" its innovative model to other areas of the country. The new Canadian Housing Equality Project partnered with the Centre for Northern Families in the NWT to help them develop a human rights in housing program. CERA's social and economic rights education project continued to build community capacity to operationalize social and economic rights through mechanisms such as: a bilingual booklet series, research investigating the concept and utility of municipal human rights charters and workshops for advocates. A powerful pre-election advocacy tool: the "Trans Canada Homelessness Highway: A Women's Route Map" was developed by the Women's Program with the National Working Group on Women and Housing and launched in Toronto, St. John's, and Whitehorse. Internationally, the Women's Program played a critical role in convening the UN consultation on Women and the Right to Adequate Housing held in Washington last fall.

The quality and volume of CERA's work is driven by the passion, commitment and outstanding talent of staff, volunteers and board members. Although the year saw a shift in the position of ED and a few leaves and returns, CERA staff remain a powerful collective force delivering a seamless series of programs. Those programs could not be delivered without the remarkable support of a team of dedicated, determined and skilled volunteers and student placements. The Board felt the loss of a few longstanding members. However, 'new' membership provided fresh insight, as well as the impetus to initiate direct fundraising. I wish to thank all of you for your tremendous work.

Finally, I wish to acknowledge the support of our funders and encourage them to sustain and expand their support of the extraordinary work of CERA: the Atkinson Charitable Foundation, Status of Women Canada, Canadian Heritage, the Law Foundation of Ontario, the Ontario Trillium Foundation, and the City of Toronto.

Julia Janes, Chair

Women's Housing Rights Program

Women's insecure housing and homelessness is one of the most pressing issues for low-income women in Canada today. The Women's Housing Rights Program at CERA is designed to address low-income women's housing inequality through a broad range of activities.

Staffing of the Women's Program was fluid throughout the year. Ruth Goba re-joined the Program, Leilani Farha went on maternity leave, and Emily Paradis joined the team. Through all of these changes, the Women's Program continued to thrive. What follows are just two highlights:

United Nations Consultation on Women and the Right to Adequate Housing

CERA's Women's Program helped to convene the North American Consultation on Women and the Right to Adequate Housing in Washington D.C. The Consultation brought together 7 low-income Canadian women and 12 low-income women from the US to testify about their housing experiences. The United Nations Special Rapporteur on the Right to Adequate Housing presided. The women from Canada came from Prince Edward Island, Quebec, Saskatchewan, Alberta, and British Columbia representing a broad range of issues including violence, discrimination, the apprehension of children, inadequate housing, and homelessness. A representative from the Native Women's Association of Canada also attended to provide expertise and analysis. This was a unique opportunity for women in North America to network, to better understand how their experiences are in violation of international human rights law and for the broader community to learn more about the housing realities of low income women in developed countries. The Special Rapporteur will release a report to the United Nations Human Rights Council with information about this consultation in 2006.

New Legal Standards on Women's Equality

The United Nations Committee on Economic, Social and Cultural Rights adopted a long awaited General Comment on equality between women and men in the context of economic, social and cultural rights. CERA's Women's Program worked on the development of this legal standard for several years to ensure a progressive outcome. The General Comment is an important contribution to the understanding of the meaning and application of economic, social and cultural rights of women as it adopts a substantive conception of equality.

National Working Group on Women and Housing in Canada

In 2003/2004 CERA established the *National Working Group on Women and Housing in Canada* (NWG) to address the lack of a national voice focused specifically on housing issues as they affect low income women. CERA coordinates the NWG which is

comprised of women representatives from every province and territory in the country with expertise on women's housing and poverty issues.

This year, the NWG produced its first poster: The Trans Canada Homelessness Highway: A Women's Route Map. The poster depicts a map of Canada with a criss-crossing highway that demonstrates the different routes women may take which can result in homelessness. The map was launched during the 2006 Federal Election campaign in three cities across Canada: St. John's, Newfoundland, Toronto, Ontario and Whitehorse, Yukon. Each of these events generated important media attention. The map has been distributed to organizations across Canada and is being used as an education piece in workshops and seminars.

Preparing for the Review of Canada by the UN Committee on Economic, Social and Cultural Rights

The Women's Program at CERA worked alongside organizations such as the National Anti-Poverty Organization, the Charter Committee on Poverty Issues, and the Feminist Alliance for International Action to prepare for the review of Canada by the UN Committee on Economic, Social and Cultural Rights. This included working with approximately 20 NGOs across the country preparing joint submissions and organizing to ensure a strong NGO presence at the review, which is scheduled for May 2006.

Human Rights Casework

During the 2005/2006 fiscal year, CERA's Community Action on Housing Rights (CAHR) program provided individual assistance to over 500 households experiencing discrimination in housing, a significant increase from the previous year. The larger caseload was due to CERA's growing presence in the community through the provision of human rights workshops and the distribution of our human rights public education materials. In addition, housing workers, settlement workers, social service agencies, legal clinics and housing help centres continued to refer clients to CERA and also consulted CERA for assistance with their clients.

As in previous years, volunteers remained critical to our ability to maintain a high level of human rights services. We have continued to work closely with the Pro Bono Students Canada Program which has allowed us to connect with excellent law student volunteers. In addition, many volunteers who joined us during the foundational stage of the CAHR program have remained with us to provide individual human rights education and assistance. We are indebted to our committed volunteers.

As in previous years, the majority of our clients were women and people in receipt of public assistance - particularly from Ontario Works or the Ontario Disability Support Program. We have continued to see an increase in complaints on the ground of disability, followed by complaints on the ground of family status, and receipt of public assistance - including landlords' discriminatory use of income criteria to screen out low income

households. Other commonly reported grounds of discrimination included sex, race, ethnic origin, place of origin and citizenship. We also received many complaints relating to housing providers' refusal to transfer tenants with growing families or who have disabilities to more appropriate apartments, and discriminatory use of guarantors and credit checks. Over the past year, CERA filed 3 new human rights complaints with the Ontario Human Rights Commission and continued to represent claimants in 11 formal human rights complaints that had not been resolved since the last reporting period. CERA's Community Action on Housing Rights Program assisted people from communities across Ontario, including Ottawa, Windsor, London, Kingston and Toronto.

During the 2005/2006 fiscal year, CERA also presented 35 workshops on human rights in housing across the province. The workshops were held for newcomers, youth, housing providers, tenants, residents at shelters, and housing and settlement workers. In response to community demand, we had our workshop materials translated into seven languages. Our *Facing Discrimination?* pamphlet continues to be in high demand and has been distributed throughout the province.

Significant Human Rights Cases and Initiatives

In addition to having 14 housing discrimination cases open at the Ontario Human Rights Commission and the Human Rights Tribunal of Ontario, CERA worked on a number of cases to challenge systemic discrimination against low income individuals and families:

Challenging the Claw-back of the National Child Benefit Supplement

The primary anti-poverty initiative undertaken by the federal government in recent years is the National Child Benefit Supplement. Introduced in 1997, the Supplement can provide up to \$140 extra per month per child to low income families across the country. However, by agreement with the provinces, the Supplement can be clawed-back from families receiving social assistance. In other words, a benefit that is designed to address poverty is taken away from the poorest of the poor. Ontario and many other provinces and territories deduct the National Child Benefit Supplement from the benefits received by families on social assistance.

In 2005/2006, CERA continued to work with the Income Security Advocacy Centre (ISAC) and the Charter Committee on Poverty Issues (CCPI) on a challenge to the claw-back under the Canadian *Charter of Rights and Freedoms*. The challenge was launched in early 2004 and the applicants will argue that the claw-back discriminates against women, sole-support mothers, people with a disability, members or racialized communities, Aboriginal people and people receiving social assistance.

Iness v. Caroline Co-operative

In 1995, Eleanor Iness filed a complaint with the Ontario Human Rights Commission alleging that a housing co-operative, operating under an agreement with the federal Canada Mortgage and Housing Corporation (CMHC), had discriminated against her because she was in receipt of social assistance. The co-op had been charging residents in

subsidized apartments 25% of their income as rent, but changed its policy so that residents receiving social assistance had to pay the co-op the entire amount of their social assistance shelter allowance (amounting to more than 25% of their entitlement).

The case came to the Human Rights Tribunal of Ontario in the Fall of 2005. CERA retained Kate Stephenson of WeirFoulds Barristers and Solicitors to represent Eleanor, and Bruce Porter of the Social Rights Advocacy Centre and Professor Janet Mosher appeared as expert witnesses. We expect a decision by the summer of 2006. The outcome of this case will have broad implications as it will inform several other pending cases that raise the same issue, including the human rights complaint filed by Toni Panzuto, a long-time CERA Board member.

National Housing and Human Rights Training

In February of 2006, CERA began work on the Canadian Housing Equality Project (CHEP). The purpose of the project is to build the capacity of community organizations outside of Ontario to implement CERA's human rights in housing model to help disadvantaged individuals and families challenge housing-based discrimination.

Over the past eighteen years, CERA has developed a unique model of using provincial human rights legislation to promote access to housing and challenge homelessness. CERA is the only organization in Canada with a specific mandate to use human rights legislation to challenge homelessness and housing insecurity. Despite CERA's success in Ontario in this regard, and despite the fact that most provinces and territories have progressive human rights legislation that protects against discrimination in housing, very few organizations in Canada consistently and actively use this legislation and its processes to address discriminatory barriers to housing. Through CHEP, CERA will work to replicate its unique model in other jurisdictions across the country to increase the capacity of community groups to utilize human rights legislation to challenge discrimination in housing and combat homelessness. In conjunction with partner organizations, CERA will work toward ensuring that human rights principles become an accepted part of landlords' business practices.

The operationalization of CHEP will take place in three phases and a small Advisory Committee has been established to assist in the various stages of the project. The Committee is comprised of human rights experts, members of equality-seeking groups and community organizations representing those groups. Phase one of CHEP is well underway and CERA's is excited about working with its first partner in the project - the Centre for Northern Families (CNF) in the Northwest Territories. The CNF was established 16 years ago to address social justice issues and to develop and implement programs that support the health, social, cultural and economic autonomy of northern women. The influence of Aboriginal cultural values and traditions and a prioritization around training and mentoring young women are reflected in programs that are gender-specific, family-focused and inclusive of men and children. On average the CNF serves 450 individuals and families each year who are facing myriad challenges, including the impact racism, poverty and illiteracy.

The completion of phase one, which will include an in-person CERA visit to the CNF, will take place in late spring. The remaining phases, which will include in-depth training and job shadowing at CERA with CNF staff and then independent replication in the Northwest Territories with CERA support, will take place over the next 18 months.

The Atkinson Charitable Foundation has generously funded this project.

Early Intervention Eviction Prevention

2005/2006 has proven to be a successful year for the Eviction Prevention program. We have reached thousands of tenants facing eviction to provide them with information that could save them their homes. In the Spring of 2005, after forming a partnership with the Ontario Rental Housing Tribunal (ORHT), CERA's contact information was added to the information package which is sent out by the ORHT to all tenants whose landlords have filed an eviction application against them. This package serves as a notice to tenants that they are facing eviction and explains that they must respond in a timely manner in order to have a hearing scheduled and to avoid a default eviction order. By including CERA's contact information, the ORHT is providing tenants the opportunity to speak to someone very quickly in order ask questions and discuss concerns. CERA staff and volunteers provided timely legal information and referrals to approximately 200 households per month in 2005/2006, for a total of over 2000 households. This included referrals to community legal clinics, housing help centres, and income support programs to help the tenants pay off their rental arrears.

Eviction Prevention Calls and Some Statistics

The vast majority of tenants who contact CERA are facing eviction due to failing to pay their rent. Usually the amount owed is 2 months or less. Often a specific situation has occurred such as a job loss or illness, which has prevented them from being able to pay the rent in full. However it is also common for tenants to have trouble paying the rent simply because rents and other living expenses are high compared to average work wages or social assistance benefits. After receiving an application for eviction and a notice of hearing, tenants have only 5 calendar days to respond to the Ontario Rental Housing Tribunal in order to get a hearing. If they do not respond within 5 days, the tribunal issues a default eviction order. This means that tenants will lose the right to a hearing. In 2005, Toronto landlords filed 29,090 eviction applications, a 10 percent increase from 2004 and the highest on record since the *Tenant Protection Act* was implemented in 1998. Approximately 85% of the applications were for arrears. The provincial default rate for 2005 was 53%, meaning that over half of all eviction applications resulted in tenants being ordered evicted without a hearing. Often tenants do not understand the process and do not realize that even though they are in arrears, there are steps they can take and it is often not too late to stop the eviction.

New Provincial Legislation: The Residential Tenancies Act

In the Spring of 2006, the provincial government introduced Bill 109: the *Residential Tenancies Act*, which will replace the *Tenant Protection Act*. CERA and other housing advocates worked for reforms to the current legislation to make it fairer for tenants. Based on Bill 109, it looks like we have had limited success. One significant positive change is the elimination of the 5-day response time for tenants served with an eviction application. Under the new legislation tenants are not required to respond to the application before their hearing. This means that all tenants will get a hearing. If tenants miss their hearing for legitimate reasons they will have the right to request a review and have another hearing scheduled. This should have positive impact on the ability of tenants to successfully challenge eviction applications and keep their homes.

Social and Economic Rights Education

In late 2004, CERA began a joint 2 year project with the Social Rights Advocacy Centre (SRAC) funded by Heritage Canada. The goal of the project is to increase awareness and understanding of economic and social rights among marginalized communities, lawyers and other professionals who provide service to those communities, and among decision-makers and administrators who make decisions affecting the enjoyment of social and economic rights.

An important aspect of this project is to undertake training and education sessions with the community sector and administrative decision makers. To this end, the project has undertaken a workshop series in several cities in Canada. In January 2006 the pilot workshop was hosted at Metro Hall in Toronto over two days. The 26 participants included legal aid workers, social housing providers, immigrant settlement workers, housing workers, and consumers. Workshops are now planned for Halifax and Winnipeg for the Fall of 2006. The workshops are focused on specific ways in which social and economic rights can be claimed and enforced in Canada using both legal and non-legal mechanisms; the content of specific economic and social rights, particularly as they pertain to women, poor people and other marginalized groups; and how economic and social rights might be used in existing social activism to promote the rights of marginalized groups.

Another goal of this project is to produce materials pertaining to economic and social rights that are easy to use and understand. To this end, CERA and SRAC have produced a plain language booklet series on economic and social rights broadly, the right to an adequate standard of living, and the right to adequate housing. The booklets are scheduled to be published in the Fall of 2006 and will be available in both English and French. CERA also produced a fact sheet on important developments at the United Nations regarding the economic and social rights of women, which is also available in English and French.

Finally, as part of the project, CERA and SRAC have been researching the potential for using municipal human rights mechanisms to promote social and economic rights. In CERA and SRAC's view, local government - with its accessibility and direct impact on the daily lives of residents - is an ideal level of government to actively promote these rights. We would like to thank Claire Young, a student at the University of Toronto Faculty of Law, for her invaluable assistance with this research.

For more information on this social and economic rights education project, please see CERA's website: www.equalityrights.org.

CERA's Financial Statements for the Year Ended March 31, 2006

Revenue	2006	2005
Government Funding		
Government of Canada	\$188,087	\$115,050
City of Toronto	\$93,999	\$71,942
Charitable Foundations		
Metcalf Charitable Foundation	--	\$4,167
Atkinson Charitable Foundation	\$11,563	--
Ontario Trillium Foundation	\$44,500	\$11,125
Law Foundation of Ontario	\$42,500	\$64,167
Other Grants	\$14,000	\$15,313
Donations	\$8,282	\$200
Other Income	\$2,808	\$5,496
Total Revenues	\$405,739	\$287,460
Expenditures		
Salaries, Benefits and Contracts	\$202,511	\$189,139
Rent	\$44,206	\$44,281
Insurance	\$7,633	\$7,774
Office Expenses	\$12,897	\$16,424
Audit Fee	\$4,131	\$4,111
Staff Travel	\$185	\$1,398
Amortization	\$2,360	\$3,200
Dues and Fees	\$1,269	\$548
Bank Charges and Interest	\$78	\$48
Direct Project Expenses	\$89,950	\$43,783
Equipment Rental	\$3,434	\$3,585
Total Expenditures	\$368,654	\$314,291
Surplus (Deficit)	\$37,085	(\$26,831)

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We would also like to extend a sincere thank you to all of our dedicated volunteers.

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