Strategizing to Prevent Evictions of Senior Tenants in the GTA

Discussion Paper
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CERA acknowledges that the land on which we provide our housing rights services is the traditional territory of the Haudenosaunee, the Métis, and most recently, the territory of the Mississaugas of the New Credit First Nation. The territory was the subject of the Dish With One Spoon Wampum Belt Covenant, an agreement between the Iroquois Confederacy and the Ojibwe and allied nations to peaceably share and care for the resources around the Great Lakes.

This territory is also covered by the Upper Canada Treaties.

Today, the meeting place of Toronto (from the Haudenosaunee word Tkaronto) is still the home to many Indigenous people from across Turtle Island and we are grateful to have the opportunity to work in the community, on this territory.
About the Initiative

This discussion paper presents the findings from conversations and consultations about the issue of seniors’ evictions across the Greater Toronto Area (GTA). It is intended as a starting point for communities to move forward in finding solutions to this growing issue, and is a living, breathing document under review.

This initiative was developed by the Centre for Equality Rights in Accommodation (CERA) due to our alarm about the increasing number of seniors contacting us about evictions and feedback from our network of service providers.

The initiative has been senior-driven, with a team of six paid Project Leads supporting project staff and providing guidance at all stages of the project. As a small charity, CERA has relied heavily on the support of other front-line agencies, experts, and seniors throughout the initiative.

We sought feedback on this issue from senior tenants and their service providers, as well as other stakeholders and experts through surveys, roundtable conversations and interviews.

- We heard from 36 service providers and 72 older adult tenants through surveys, which were circulated to agencies and community groups across the GTA, both online and in hard copy.
- We hosted 7 roundtable conversations between October and December 2016, where we met with and heard from 24 service providers and 33 older adult tenants.

The roundtable conversations and surveys were designed to gather information about:

1. The biggest challenges to aging in place in rental
2. The key challenges seniors face during the eviction process itself
3. What needs to change

Limitations

There are a number of limitations to our findings, which we hope to work with our networks to address. In particular we would like to flag the following:

- All consultation processes were open to tenants and agencies across the GTA; however, additional conversations are needed in areas of the GTA outside of Toronto where unique needs and opportunities exist.
- We heard from individuals who identified as being part of a large spectrum of Human Rights Code-protected groups. Although we worked to reach seniors from different walks of life, we are conscious that seniors are not a homogenous group, and our recommendations will not adequately address the specific needs and experiences of all senior identities.

We encourage allies and communities to work to identify unique needs and build community-based solutions that support the system-wide recommendations we present in this document.

CERA’s Commitment to a Rights-Based Framework

CERA defends housing rights and human rights by educating individuals and communities, advancing progressive and inclusive housing law and policy, and providing legal information and services to marginalized Ontarians. For many years, our early intervention eviction prevention program, funded by the City of Toronto, has provided free legal information and advocacy to tenants facing eviction through our Human Rights and Eviction Prevention Hotline. On a daily basis, we work with vulnerable tenants to challenge housing discrimination and prevent evictions.

Given our organization’s mandate and expertise, our analysis of eviction issues includes consideration of human rights principles, and the accommodation needs of groups made vulnerable by intersecting factors such as age, disability, income, gender, place of origin, race, etc. Our close ties to the City of
Toronto’s housing service system and the province’s legal aid system has also shaped our approach.

Based on concurrent work being done on this issue we have chosen to focus our analysis and recommendations as much as possible on the eviction process itself, which is governed by provincial legislation (i.e. the Residential Tenancies Act (RTA)) and case law.

A Crisis

Very little data is available about evictions in the municipalities of the GTA. The Landlord and Tenant Board (LTB), the adjudicative body that hears eviction applications, does not generally make its decisions available to the public, nor is there a centralized system to track outcomes of eviction applications. There is an even larger gap in data regarding tenants who do not interact with the formal eviction process at all – for example those who choose to simply move when an eviction threat first arises or those who reside in tenancies not protected by the RTA. Given this, it is difficult to know how many GTA residents have faced the threat of eviction, have been evicted, or have been evicted into homelessness. There is even less data available regarding seniors’ evictions.

We know from data gathered by the Landlord and Tenant Board that:

- In 2015, Toronto accounted for 33% of all eviction applications from across Ontario (19,894 in total)
- 80% of those applications were for rent arrears
- 42% of eviction applications in Toronto were uncontested by tenants, meaning that the tenant did not appear at the hearing and an eviction order was most likely made by the LTB

What do we know about older adult and senior tenants in the GTA?

- Between 2006 and 2011 the over-65 and over-75 age groups in the GTA grew by 16.5%, higher than other parts of Ontario
- The GTA was projected to gain close to half of the province’s increase in seniors 75 and older between 2011-2016
- In 2006 there were over 67,000 senior households who were renters in Toronto, equaling 32% of all senior households
- In 2006, 53% of senior tenants in Toronto spent more than 30% of their income on housing
- In the GTA, rents are highest in Halton Region and lowest in Durham Region
- Between 2011 and 2014 the percentage of seniors living in poverty in the GTA increased from 10.5 to 12.1%
- The number of homeless seniors in Toronto doubled between 2009 and 2013
- In 2011, one in five Torontonians over 55 years lived alone, while 44% of those 85 and older lived alone
- 72% of Toronto’s seniors (over 65) are women, and as seniors age the proportion of women living alone increasingly outnumbers men living alone
- In 2006, low income rates among Toronto’s seniors were close to double the rest of the GTA
- Close to 30,000 seniors were on Toronto’s social housing wait list in 2014

As the GTA’s older adult population continues to grow – in Toronto seniors are expected to make up 24% of the population by 2041 – the housing system will face increasing pressure to respond to the needs of seniors. According to Toronto Community Housing Corporation (TCHC) data from 2015, the cost of supportive seniors’ housing is close to $5,000 per month, which is out of reach for most. We need strengthened programs and policies to ensure that aging tenants can remain in their long-term housing, and stay embedded in their communities is an objective shared by all levels of government.

Why focus on eviction prevention in private rental?

Seniors are not a homogenous group, but we do know that older adults can face unique age-related
vulnerabilities: as described by Justice LeSage in his 2010 Report to TCHC, “Being a senior in itself does not make one vulnerable, but it does put one at greater risk of becoming vulnerable.”

In recent years, and stemming from the tragic and preventable death of Al Gosling, evictions of seniors have received attention from social housing providers, including from TCHC, Canada’s largest social housing provider. Investigations into eviction practices within TCHC and current initiatives by municipalities and among other social housing providers have shone light on the various strategies and tools that landlords can employ to support sustainable tenancies as age-related needs change.

This initiative focuses primarily on the private rental market. We know through our eviction prevention work and conversations with other front-line agencies that senior tenants in the private rental market are equally or more vulnerable to evictions than seniors living in social housing.

“The senior clients I work with who do not live in subsidized housing, are struggling to make ends meet everyday. They are often isolated and are spending 80% of their income on rent.” – Service Provider

Municipalities and higher levels of government have embraced “aging in place” as a key strategy to ensure our aging population remains healthy and engaged in their communities. Our analysis of these policies found that eviction prevention is not taken into account as a tool for ensuring aging tenants in the private rental market can age in place. We see that aging in place policies require complementary eviction prevention strategies if they are to ensure the rights of all seniors – inclusive of senior tenants – to age in place with dignity.

The goal of this initiative is to identify steps towards a system-wide eviction prevention strategy that ensures on the rights of aging tenants and that extends the sustainability of existing tenancies.

Evictions: The Legal Framework in Ontario

The Residential Tenancies Act

The RTA sets out the rights and responsibilities of landlords and tenants in Ontario. The LTB was established to resolve landlord and tenant disputes under the RTA’s jurisdiction. The RTA applies to most tenancies in the province, however, it may not apply:

- if the tenant shares a kitchen or bathroom with the landlord or a member of her immediate family,
- the tenant lives in some types of temporary housing, or
- the tenant pays rent to another tenant.

The RTA sets out the rules for eviction. A landlord must follow certain steps to evict a tenant from their home and a tenant can only be evicted for the reasons described in the RTA. These include (but are not limited to) not paying rent, damaging the unit, impairing the safety of others, or the landlord or a member of their immediate family wants to move into the rental unit.

If a landlord wishes to evict a tenant, the first step is to provide the tenant with a formal eviction notice. If the tenant does not move out in accordance with the notice, the landlord must apply to the LTB to obtain an eviction order. A hearing will be scheduled at the

What do we mean by “sustainable tenancies”?

When evaluating whether a tenancy is sustainable, many services and programs consider whether the tenant will be able to afford the rent in the long term. We believe an existing tenancy that a tenant wants to save is almost always more sustainable than relocating. Policies and support services for seniors need a broader understanding of sustainability, one that works to support ties to the neighbourhood and accessibility in the building and unit.
LTB and the tenant will receive a copy of the application and a Notice of Hearing. It is very important to for the tenant to attend the hearing. If they do not, a decision will be made without them and they will likely be evicted.

At the hearing, the landlord and tenant will have an opportunity to mediate and make an agreement to resolve the application. If a settlement is not reached, a hearing will take place in front of a Board member. If the Board member decides to evict the tenant, an eviction order will be issued. In some limited circumstances, the Board can make an eviction order without a hearing. Only the Sherriff can enforce an eviction order and change the locks on the rental unit.

The Human Rights Code

Ontario’s Human Rights Code (the Code) is a provincial law that protects individuals and groups from discrimination and harassment in specific social areas, including accommodation (that is, housing). The Code aims to acknowledge the dignity and worth of all Ontarians and to prevent discrimination and harassment on the basis of sixteen prohibited grounds. One of these prohibited grounds is age.

The Code protects seniors from being treated unfairly by landlords and other tenants because of their age and covers most kinds of rental housing, including: private market units, public subsidized units, condominiums, and co-ops. If a tenant shares a kitchen or a bathroom with the owner or a member of the owner’s immediate family, the Code does not apply to the tenancy.

Under the Code, senior tenants with disabilities can request accommodation from the landlord. The landlord is required to accommodate the tenant up to the point of undue hardship. A landlord can only claim undue hardship if accommodating a tenant would seriously threaten the financial viability of their business or endanger the health or safety of other tenants. Both the landlord and the tenant should look into whether any outside sources of funding, such as government grants, are available to help pay for the cost of accommodation. It is the responsibility of the landlord to prove undue hardship. The threshold for undue hardship is high.

The LTB is also obligated to consider all Code related human rights issues in all of its proceedings and decisions.

International Covenants

Human rights are also protected by international law. To date there is no United Nations Convention on the rights of older adults. Many advocacy groups have been calling for greater protections of older adults at the international level for many years. In June 2015, the member states of the Organization of American States (OAS) approved the Inter-American Convention on Protecting the Human Rights of Older Persons, and it entered into force on January 11, 2017. However, Canada did not support the resolution, and has not signed or ratified the Convention.

Human rights for all, including older adults, are dealt with in other international instruments, including the Bill of Rights and the Universal Declaration of Human Rights (UDHR). Article 25(1) of the UDHR states that everyone has the right to “a standard of living adequate for the health and well-being of himself and his family.”

The International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) also offer general protection related to older adults and their housing. General Comment No. 6 released by the Committee on Economic, Social and Cultural Rights in 1995 explains that the omission of ‘age’ specifically as an illegal ground of discrimination under the ICESCR was not intentional. In 2009, the same Committee noted in General Comment No. 20, that age is a prohibited ground of discrimination in several contexts under the ICESCR.

A number of other UN treaties have been created that address the rights of specific disadvantaged groups. These do not focus on the rights of older adults but some do mention age.
Best Practices & Services To Prevent Evictions

Successfully supporting tenants requires a range of professional and community supports and services at all stages of eviction, made available in culturally appropriate ways. Eviction prevention strategies can include:

- early warning tools
- early intervention
- residents who are connected to their communities
- provision of legal information and advice
- emergency financial assistance
- third party financial management
- representation during hearings
- ongoing supports as needed
- coordination between services
- transparency, including making eviction-related data available to communities

Numerous service providers across the GTA offer supports to senior tenants who are facing eviction and related crises. Overall, our assessment of eviction prevention services in the GTA is that support levels vary from community to community, availability of information in diverse languages and formats is insufficient, and that service providers are overwhelmed and under-resourced.

Findings: We Are Failing Vulnerable Senior Tenants

Conversations and survey feedback from senior tenants and service providers indicate that the eviction of seniors is an issue that is worsening in Toronto, and manifests differently in parts of the GTA where service models vary.

We heard from service providers that their services, best practices, and partnerships are often unable to provide all of the necessary supports seniors require during the stages of eviction – eviction risk, during the eviction process itself, and after an eviction occurs. Similarly, senior tenants told us that their needs as they age are different from the needs of the general tenant population.

Senior Tenant Perspectives

Survey Findings

72 tenants between 45-90 years responded to our survey. Respondents had been living in their current rental housing for as little as one year or as long as 50 years. 64% of respondents lived alone.

We asked “What does home mean to you, in ten words or less”

Comfort, peace and calm, my family / Central location to all my needs and community / The world, it’s my sanctuary / Home is my life, my family / Refuge from a world that can be stifling / Security and safety / I spend a great deal of time there / Sanctuary providing peace, security, and respect for my privacy / A place to feel safe / It provides structure and keeps me out of the hospital / My sanctuary / Living independently in peace and quiet with friends nearby and the freedom to enjoy activities together, treated with respect / Stability / Home is important for me, it gives me security / independence / Safety, nest, comfort / home is tranquility, comfort, and stress free environment / a place is safe, be alone and private, roof over head / Place where people are connected, and safe to live

Seniors are likely to forego on other expenses to ensure rent is paid, and have significant concerns about aging in rental housing

- 27% have experienced difficulty paying rent (n=71)
- 62% have had difficulty covering other monthly expenses (n=71)
- 85% have significant concerns about being a tenant as they get older (n=72)

The most common concerns about being an aging tenant were:

- Increasing rents while household income is unchanged or decreasing
- Requiring physical modifications
- Fears of eviction
• Health issues that may affect their independent tenancy
• Isolation and loneliness
• Other concerns include: harassment, inaccessible buildings, fears about neighbours and safety

Serious mental and emotional impacts of evictions
Respondents reported that the impacts of being evicted would be “devastating” and traumatic, including stress and mental health impacts, unaffordable financial costs, loss of community and connection to important services, physical health impacts, and for some respondents they were certain an eviction would lead to homelessness.

Those survey respondents who had faced eviction or the threat of eviction described the process as:
• “Devastating”
• “Scary, frightening, overwhelming, freaked out, stressed “
• “Terrifying”
• “It was devastating, I was recovering from major surgery”
• “Horrible, exhausting, resulting in shingles and mental anxiety”
• “Very stressful, painful”
• “Very complicated”

Older tenants need increasing supports as they age, and have difficulty finding information
Seniors need assistance at all stages of evictions, but often don’t know where to find it:
• 42% of respondents said they would not know who to call if they received an eviction notice (n=65)
• 93% said they could attend a hearing if needed (n=55), but 71% would not feel at all confident attending without an advocate (n=66)
• Only 22% said they would be able to look for new housing without supports (n=66)

Relationships with landlords are varied:
Respondents reported varied relationships with landlords, from pleasant and professional relationships, to tense relationships full of animosity. Some claimed harassment and abuse from management and staff. 25/60 do not feel respected by their landlords, and 35/63 do not feel their landlord communicates with them in a way that meets their needs.

Roundtable Themes: Challenges to Aging in Place in Rental Housing
The concerns of older adult tenants about aging in rental housing are varied, reflecting their intersectional identities. The following key themes emerged during round-table conversations with tenants.

Ageism and discrimination from landlords, including differential treatment
Consultation participants spoke of landlords making assumptions about their mental faculties based on their age, poor service on issues like repairs in comparison to their neighbours, and a general feeling of unfair treatment when landlords perceive them as vulnerable. Some said they have received eviction notices for very small arrears amounts. We also heard that seniors feel their units are being intentionally neglected by landlords so that they will leave and the unit can be re-rented (at a higher rent).

Unaffordability
We heard unanimously that the cost of rental housing was impacting participants’ ability to meet their other needs. Many spoke of fear related to annual rent increases in comparison to fixed incomes, and the inevitability that their ability to cover costs will worsen over time. Some spoke of a feeling of helplessness in the face of funding program changes beyond their control. Decreases to income that come with aging (including transitioning to CPP/OAS, or losing the income of a spouse with a death) were also a cause for concern, in particular for women who have relied on the pension income of a spouse. Most felt as though they have no options, since moving to a more affordable place is out of the question.

Changing needs, both physical and cognitive
Participants spoke of the stresses of trying to get their changing needs met by landlords. They spoke of the need for physical modifications to their units and buildings, as well as day-to-day concerns about
elevator malfunctions and general safety in common spaces. Many identified the onset of memory issues as creating further barriers, including forgetting to pay rent or attend meetings or hearings. Importantly, most senior tenants we spoke with did not know about their age- and disability-related rights under Ontario’s Human Rights Code.

Housing market pressures
Several participants spoke of landlords pressuring them to move, serving N12’s in bad faith, and other predatory behaviours.

Safety concerns
Tenants spoke of how they feel increasingly vulnerable to safety risks like evacuations during fires, and of their need for increased security in common areas not being met by landlords. Some participants spoke of their inability to pay the phone bill due to financial pressures, and the risks of having no phone access in an emergency.

Isolation and lack of supports
We heard many fears about increasing isolation and loss of community. Seniors who recognize their need for increasing support in order to stay in their homes can’t find services or advocates. We also heard that people are afraid of being hospitalized or institutionalized, so they don’t ask for the help they need and end up further isolated. We heard about many evictions resulting from prolonged hospitalizations.

Inability to claim rights
Many participants spoke about being afraid of speaking up about maintenance issues or to ask for necessary accommodations. They perceived their housing as precarious, and landlord retaliation as a real threat. Many identified lack of knowledge about their rights as tenants to be a barrier to standing up for themselves. Others said they wouldn’t bother fighting an eviction because of the challenges involved, and they would just try to move. As well, we found an overwhelming a lack of awareness of possible sources of support, including legal and financial supports.

Challenges of moving or downsizing
Many participants said they would be happy to move to a smaller more affordable unit, but don’t have the resources or ability to coordinate or pay for a move.

Roundtable Findings: Red Flags in the Eviction Process
After facilitators provided educational information about the legal eviction process, we asked roundtable participants to flag the key places that were concerning or where they would anticipate requiring supports.

Early Risk of Eviction
• Seniors are at a high risk of leaving their units without ever engaging in the formal eviction process. For example, we heard about families deciding to move an aging parent in with them, sometimes resulting in new kinds of vulnerabilities related to financial dependency.
• In other cases, lack of understanding about the process and their rights (both tenant and human rights) were a barrier to seeking help.
• At onset of eviction risk, many seniors are afraid to ask for help.
• Participants cited fear of talking about financial problems and being unaware of places to go for help.
• Some spoke of stigma around poverty, and shame about encountering issues that they thought they would never face.

During the Eviction Process: Receiving Notices
• Fear and feeling intimidated
• Language barriers
• Lack of understanding of the urgency and timeline of evictions, and therefore not responding
• Inability to ask for help for various reasons (cognition, no phone or internet access)
• Unaware of services, including community legal clinics
• Simply not reading notices
During the Eviction Process: the Hearing

- Unaware of services, including Tenant Duty Council
- Unable to access services in time due to long waits
- Unable to attend a hearing due to health or mobility challenges, or dementia
- Feelings of unfairness, and that landlords know the system better
- Confusing process, including unclear language on formal communication materials
- Unwilling to attend a hearing alone

Post Eviction

- Not able to find new housing or coordinate/pay for moving
- Not understanding appeal process, or how to claim human rights accommodations
- Not knowing rights about discriminatory treatment from landlords when searching for new housing

Service Provider Perspectives

Survey Findings:

36 service providers who work directly with senior tenants in the GTA responded to our survey.

- Almost all respondents said the seniors they work with are in unaffordable living situations
- 97% of service provider respondents have worked with an older client who faced eviction (n=36)
- The most common reasons for eviction were non-payment of rent or late payment and interference or safety issues (including conflicts with neighbours, hoarding behaviours or fire risks, etc.)
- Eviction applications in bad faith (or predatory landlord behaviours) were also common
- Service providers stressed that underlying these official reasons for eviction are complicated issues that the current eviction system does not consider or adequately take into account, such as:
  - Families retracting supports, financial or otherwise
  - Language barriers
  - Memory issues resulting in seniors not responding to notices
  - Mental health or addictions issues
  - Extended hospital stays

Respondents said that evictions were uniquely difficult for older adults when compared to tenants in general.

- Descriptions of the eviction processes included “extremely traumatic” and hugely detrimental to the lives of their clients, including humiliating, overwhelming, nightmarish, and compounded by numerous age-related factors.

“IT was far more difficult than for many other tenants because there are often mobility concerns, and limited access to resources. In person advocacy/support is likely required. Sometimes they miss a tribunal hearing or a deadline, which compounds their situation even further.” – Service Provider

- Many respondents indicated that earlier and more in-person supports could have prevented the eviction
- 78% of service provider respondents said that the majority of their clients would not be able to attend a hearing independently (n=32)
- 94% of service providers surveyed say senior homelessness in the GTA is worsening. They told us:

  “With an aging population and lack of affordable and accessible housing, the numbers are getting higher. This is a unique group with unique needs.”

  “Rents are rising but income supports are not keeping up. Landlords are also not interested in accommodating seniors aging in place. Lack of resources and personal care support makes it also difficult to age in place.”

  “I think women 65+ are increasingly facing poverty and homelessness [for example] due to reduced pensions”

  “There seem to be an increasing number of calls about evictions by seniors, who also tell us that
they have no other resources to pay for new housing or even look for housing, and will likely be homeless.”

“Seniors are a new face of homelessness, many of them live by themselves and are isolated in the community. Once evicted they are unsure where to go for help.”

“Hospitalization or a health crisis for isolated seniors can set off a domino effect. The women I worked with are proud and independent and don’t ask for help or even know help is available to them.”

Roundtable Themes: Challenges to Aging in Place in Rental Housing

The themes that emerged from our conversations with service providers were similar to those raised by tenants. The most commonly identified challenges were:

- Affordability, primarily due to fixed incomes and increasing health related costs
- Shortage of units that are affordable and accessible
- Changing physical needs, and possible inability to meet obligations under the RTA (including cleanliness)
- Changes to household and income circumstances
- Isolation and lack of appropriate supports, including language supports
- Lack of awareness of rights
- Discrimination and unfair treatment from landlords, including refusals to rent to older adult housing seekers
- Pressures within the housing market that create incentives to evict long-standing tenants, including Above Guideline Increases
- Miscommunications related to changing capacity, including late payment of rent
- Worsening vulnerability and fears related to lack of options
- Family decision making that is not in the best interest of the senior
- Emergency health problems
- Seniors are often perceived as single households when many are in fact supporting others

Roundtable Themes: Service Gaps

When we asked what the biggest challenges to providing service are, differential service levels between communities become apparent. The majority of feedback came from service providers located in Toronto, and differs greatly from other parts of the GTA (see for example the text box below about York Region’s successful Eviction Prevention Program).

Service providers described many barriers that also exist for non-senior tenants facing evictions; but service providers were adamant that the challenges compound quickly for seniors.

Alternatives Exist

Quebec’s Bill 492

Quebec has introduced legislation to protect older tenants from evictions related to neighborhood change (or gentrification). As of June, 2016, if a tenant

- is over 70
- has been living in the unit for 10+ years, and
- meets minimum income criteria

the landlord seeking an eviction in order to repossess the unit must take additional measures to ensure the successful re-housing of the tenant. Evictions during winter months are also restricted.

It is too soon to understand the impacts of these new protections, and due to important differences in legislation in Quebec, comparable measures would need to look different in Ontario. CERA will be monitoring the impacts of Bill 492 moving forward.

York Region’s Eviction Prevention Program

Through responsive funding from the regional municipality, the Community Legal Clinic of York Region includes a social worker and additional legal staff who are able to provide individualized services to clients, make home visits, and offer ongoing supports and referrals. Tenant Duty Council is also able to represent tenants in eviction hearings. (See Paradis, E. (2016). Housing at Risk.)
For example:
- Extremely long wait times for affordable housing options and inconsistent eligibility requirements
- Supports are offered differently across the GTA, resulting in confusion about appropriate referrals
- Shortage of resources
- For seniors with no fixed address or phone number, losing contact with agencies and housing wait lists is common
- Extremely long wait lists for case management and intensive supports
- Coordination between agencies is a challenge during crisis situations

Seniors are not a homogenous group, and we recognize intersectional disadvantage during the eviction process, and that other vulnerable groups may also require similar eviction related supports. The following recommendations are not meant to resolve all of the issues related to disadvantage, but offer a starting point for making system wide improvements. In this sense, improving human-rights based approaches to seniors housing in general is needed.

The recommendations that follow highlight the need for diversity of supports that provide interventions early in the process before an eviction risk emerges, through to post-eviction. All recommendations emphasize the need for senior-specific approaches and supports within an overall improved eviction system. We do not focus on legislative changes at this time, emphasizing instead procedural changes and other short-term opportunities for improvement.

For the purposes of this discussion paper and participatory prioritizing, we are presenting the recommendations based on the audience for whom they are intended.

**Preliminary Recommendations**

Senior tenants and service providers offered numerous suggestions about how we as a service provider community and as a region can do better on this issue. In the development of the recommendations that follow, we drew heavily from the opportunities for improvement identified by senior tenants and service providers, and also considered the following factors:

- What is possible in the current eviction framework?
- What actualizes the visions of our cities, province and country in terms of the rights of seniors to age in place?
- What upholds a vision of human rights?
- What are the most effective places to put pressure for short-term solutions?

It is important to note that through our research and consultations, we identified several areas for future work not included in our recommendations.

- We noted that housing and aging in place policies implemented by municipalities and the province don’t engage specifically with evictions and that senior related housing policies should include consideration of this key process;
- More research is needed on health and housing systems working together on this issue;
- More research is needed on the needs of aging tenants from specific marginalized communities, in particular women, Indigenous tenants, seniors living with disabilities, and immigrant and LGBTQ2S communities.

The recommendations that follow highlight the need for diversity of supports that provide interventions early in the process before an eviction risk emerges, through to post-eviction. All recommendations emphasize the need for senior-specific approaches and supports within an overall improved eviction system. We do not focus on legislative changes at this time, emphasizing instead procedural changes and other short-term opportunities for improvement.

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**Recommendations for local and regional governments**

1. Municipalities in the GTA should build relationships with private landlords, educate and engage landlords on the needs of aging tenants, and develop opportunities and incentives for landlords to commit to eviction prevention best practices.
2. The City of Toronto should explore opportunities to embed senior-specific protections or services within the new regulatory by-law for residential buildings, including targeted communications and outreach to senior tenants.
3. Municipalities should create flexible emergency grants (not loans) for low-income
older adults facing housing unaffordability in the private rental market, including seniors living in non-RTA protected tenancies. The scope of the funding should be broad and include rent arrears, damage claims, moving costs, furniture replacement and other reasonable tenancy related costs. In cases of rent arrears, this funding pool should be made available as soon as the tenant has fallen into arrears and should not be dependent on the receipt of a formal eviction notice.

4. We recommend local governments provide additional funding for multi-disciplinary service coordination between agencies working to support seniors in their housing.

5. We recommend increased funding for community based tenant-led education and organizing initiatives that are inclusive of older adults, focusing on information about eviction prevention and enforcement of human rights. In particular, funding should be made available for linguistic minorities, Indigenous communities, LGBTQ2S communities, people with disabilities and women.

**Recommendations for the Landlord and Tenant Board**

6. We recommend Eviction Applications be amended to include a required age-related field identifying the tenant as an older adult. Any tenants identified as older adults through this process should receive a plain language, multi-lingual, age-friendly information package about services and LTB process and timelines, including information about the Senior Tenants Coordinator (See recommendation below).

7. We recommend the creation of a Senior Tenants Coordinator within the LTB. The functions of the Coordinator should include:
   a. Contact tenants who have received a Notice of Hearing to provide supported referrals and legal information about the eviction process.
   b. Contact tenants to provide reminders about upcoming hearings or other deadlines.
   c. If a matter involving a senior tenant is uncontested (ie. the tenant does not show up to a hearing) the Coordinator should contact the tenant to provide information about next steps following the hearing.
   d. If an Eviction Order is issued, the Coordinator should provide appropriate supported referrals to the tenant.

8. We recommend that the LTB increase training of adjudicators on issues related to seniors and their age related needs. Specifically, training should include guidance about a fulsome s.83 analysis with regard to senior tenants and intersectional vulnerabilities, including asking detailed questions of a landlord or its representative when a matter is uncontested.

9. We recommend that the LTB improve data collection and data sharing. The LTB should collect and share data about, but not limited to: the number of senior tenants facing eviction, the outcomes of hearings, and more detailed information about the type of Eviction Notice upon which an Application is based. This is particularly important for additional research about the predatory use of N12s.

10. We recommend that the LTB amend Interpretation Guideline 17: Human Rights to include a statement that the LTB must interpret the RTA in light of Canada’s international human rights obligations, including but not limited to those found in the UN Declaration on Human Rights and the Covenant on Civil and Political Rights, and the Covenant on Social, Cultural and Economic Rights (ICSER), including the right to housing.
Recommendations to Legal Aid Ontario’s Tenant Duty Council Program

11. We recommend that all TDC offices in the GTA collect age-related information during the tenant intake process. Any tenants identified as older adults through this process should receive a plain language, multi-lingual, age-friendly information package.

12. We recommend increased funding for additional TDC staff and increased space at local LTB offices. This increased capacity would allow TDC to provide representation to senior tenants at all GTA sites when necessary.

Recommendations for the Service Provider Community

We recognize that the following recommendations are contingent on new sources of funding, and CERA hopes to facilitate ongoing opportunities to identify and work together on identifying new funding opportunities to expand and coordinate services.

13. We recommend that service providers across the GTA engage in ongoing conversations to better coordinate services and support senior tenants.

14. We recommend service providers in the housing and health care systems work collaboratively to improve outcomes for senior tenants who have been hospitalized.

15. We recommend community agencies host/offer increased eviction prevention and human rights education initiatives for seniors. Wherever possible, seniors should be engaged as peer leaders and compensated for their expertise in educational outreach and community building initiatives. Initiatives must be multi-lingual and culturally specific, with targeted initiatives for Indigenous, racialized, and other vulnerable groups.

16. We recommend community agencies host/offer increased education and outreach to landlords about aging tenants’ physical and communications needs, eviction prevention strategies, and human rights in housing.

17. We recommend agencies work together to develop and provide consistent and accessible services for seniors who need to be rehoused after an eviction.

Recommendations related to the anticipated National Housing Strategy

18. We recommend that the federal government should adopt a national goal of ending seniors’ homelessness with clear and measurable outcomes and milestones.

19. We recommend that the government should include a targeted seniors homelessness strategy and investment in the National Housing Strategy with a focus on increasing appropriate and housing, and senior supports.

20. We recommend that the government expand funding to increase the supply of affordable seniors housing and preserve the quality of seniors housing that already exists. The measure of affordability should be defined as 30% of gross household income.

21. We recommend that governments work together to implement a combination of measures to address the lack of affordable housing for seniors in the GTA including portable rent supplements/housing allowances in private market housing units and increased purpose-built social housing units.
From unpublished Landlord and Tenant Board data from 2015.


Based on 2006 Census data. The 2011 Census reported a decrease in the number of seniors in core housing need, but due to the cancellation of the mandatory long form questionnaire, this data is unreliable. See CMHC Data Sheet “Characteristics of Households in Core Housing Need, Toronto, 2006”

Based on CMHC 2015 data reported in Toronto Vital Signs, 2016.

Based on Statistics Canada data reported in Toronto Vital Signs, 2016.

From the City of Toronto Street Needs Assessment, 2013.

Based on 2011 Census data, from Toronto Vital Signs, 2016.


For example, see the City of Toronto’s Eviction Prevention Framework (2016); the City of Hamilton’s Eviction Prevention Best Practices Toolkit (2014) for social housing providers at https://www.hamilton.ca/social-services/housing/eviction-prevention; and read about the Raising the Bar initiative in Toronto at www1.toronto.ca

For an overview of the policy landscape, refer to Appendix A (to be developed for final report).

Due to varying definitions of seniors, we allowed participants to self-identify as older adults.