PREVENTING EVICTIONS
OF SENIOR TENANTS IN THE GTA

A Call to Action to Curtail an Emerging Crisis

March 2017
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About the Initiative

This paper presents our findings from conversations and consultations about the issue of seniors’ evictions across the Greater Toronto Area (GTA). It is intended as a starting point from which communities can move toward finding solutions to this growing issue.

The Seniors’ Eviction Prevention Initiative was developed by the Centre for Equality Rights in Accommodation (CERA) as a response to our alarm regarding the increasing number of seniors contacting us about evictions, and feedback from our network of service providers who were experiencing similar trends.

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

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

• We heard from 36 service providers and 72 older adult tenants through surveys 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.
• We facilitated a community forum in which over 35 stakeholders and experts participated.

The roundtable conversations and surveys gathered information about:
• The biggest challenges to aging in place in rental housing;
• The key challenges seniors face during the eviction process itself; and
• What needs to change.

Limitations

There are a number of limitations to our findings, which we hope to work with our networks to address as we move forward on this issue. 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 with many Human Rights Code-protected grounds. 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 in their communities, and build community-based solutions that support the system-wide recommendations we present here.

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 many 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 to improve city-wide eviction prevention strategies, 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 regarding 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 the 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? (Note: For the purposes of this discussion, seniors are defined as over 50.)

- 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, 67,000, or 32% of all senior households in Toronto were renters.

- 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 rental housing, and stay active in their communities.
Why focus on eviction prevention in private rental housing?

Stemming from the tragic death of Al Gosling in 2009 after he was evicted from his apartment in Toronto Community Housing (TCHC) for preventable arrears, in recent years evictions of seniors have received attention from social housing providers. Resultant investigations into eviction prevention practices have shone light on the various strategies and tools that social housing landlords can employ to support sustainable tenancies as age-related needs change. But in the context of the private rental market and relevant legislation, it is difficult to convince landlords that they must do more to support aging tenants.

Seniors are not a homogenous group, but we do know that older adults can share age-related vulnerabilities. As Justice LeSage said 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.”

Due to the acknowledged potential and real vulnerability of senior tenants, this initiative focused 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 even 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 every day. 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. However, our analysis of these policies found that age-friendly policies do not adequately address the needs and experiences of those who do not own homes, and eviction prevention is not taken into account as an effective tool to ensure aging tenants in the private rental market can age in place. Aging in place strategies require complementary eviction prevention tools if they are to ensure the right of all seniors – including 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 the rights of aging tenants, and extends the sustainability of existing tenancies.

The importance of supporting existing tenancies

Eviction prevention is a key tool for preventing homelessness. We have found that supporting an existing tenancy is almost always more sustainable, cost effective, and dignified than relocating.

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 Landlord and Tenant Board (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, and impairing the safety of others. Another reason a landlord can evict is if they 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
LTB, and the tenant will receive a copy of the
application and a Notice of Hearing. It is very
important 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 LTB can issue an eviction order
without a hearing. Only the Sherriff (Court
Enforcement Office) can enforce an eviction order
and change the locks on a 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 unfair treatment by
landlords and other tenants because of their age,
and covers most types 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 building’s 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
unless they can claim “undue hardship”. In order to
claim undue hardship a landlord needs to
demonstrate that 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 Code-related
human rights issues in all of its proceedings and
decisions.

**An International Perspective**

Human rights are also protected by international law.
To date, there is no United Nations Convention on
the rights of older adults. Advocacy groups have
been calling for greater protections for 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
considered 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 protections for older adults in housing.
General Comment No. 6 released by the Committee
on Economic, Social and Cultural Rights in 1995
explained that the omission of “age” 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 to address the rights of disadvantaged
groups. These do not focus specifically on the rights
of older adults, though some address age.

There is much more work to be done to safeguard
our right to housing, but as these examples
demonstrate, the housing rights of vulnerable groups
such as seniors are being considered on an
international level.
Best Practices & Services to Prevent Evictions

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

- early warning tools and early intervention
- ensuring residents 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
- public 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 revealed that support levels vary from community to community, availability of information in diverse languages and formats is generally insufficient, and service providers are often 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. Since service models vary across the GTA, issues surrounding senior evictions manifest differently depending on the area.

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 – when an eviction risk first emerges, 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 the ages of 45-90\textsuperscript{viii} 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 |
| Safe and secure |
| Safety, nest, comfort |
| Home is tranquility, comfort, and stress free environment |
| A place is safe, be alone and private, roof overhead |
| Place where people are connected, and safe to live |

Seniors are likely to forego other expenses to ensure rent is paid, and they 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

- Rent increases while household income is unchanged or decreasing
- Requiring physical modifications
- Fear of eviction
- Health issues that may affect independence
- Isolation and loneliness
- Other concerns such as harassment, inaccessible buildings, and fears about neighbours and safety

Evictions cause serious mental and emotional impacts

Respondents reported that the impacts of being evicted would be devastating and traumatic. They anticipated increased stress, mental and physical health issues, loss of community and connection to important services, inability to cover costs of living, and some respondents said they were certain an eviction would lead to homelessness.

Survey respondents who had faced eviction or the threat of eviction provided the following comments about the process:

- “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 higher levels of support as they age, and they have difficulty finding information

Seniors need assistance at all stages of evictions, but they 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.

- 42% do not feel respected by their landlords (n=60)
- 56% do not feel their landlord communicates with them in a way that meets their needs (n=63)

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, of poor service on issues like repairs in comparison to their neighbours, and a general feeling of unfair treatment when landlords perceived 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 rate).

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 program funding changes beyond their control. Income decreases 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 had 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 eviction notices (citing the landlord’s intention to move into the rental unit) in bad faith, and other predatory behaviours.

Safety concerns
Tenants said they feel increasingly vulnerable to safety risks like evacuations during fires, and spoke of the 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 from many about the fear of increasing isolation and loss of community. Seniors who recognize their need for increased 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 asking 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 lack of awareness regarding possible sources of support, including legal and financial services.

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.

Red Flags in the Eviction Process
After facilitators provided educational information about the legal eviction process, we asked roundtable participants to flag key points of concern in the process where they would anticipate requiring supports.

Early Risk of Eviction
- Seniors are at 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, which can result in financial dependency and new types of vulnerability.
- For many, a lack of understanding of the eviction process and that they have legal rights (both tenant and human rights) posed a barrier to seeking help.
- At the onset of an eviction risk, many seniors are afraid to ask for help.
- Participants said they fear talking about financial problems and are unaware of places to go for help.
- Some spoke of the stigma around poverty, and shame about encountering issues that they thought they would never face.

During the Eviction Process: Receiving Notices
- Participants reported feelings of fear and intimidation when it came to written communication, particularly if language barriers existed.
- Many said that they wouldn’t understand the urgent timeline, and therefore probably would not respond to eviction notices.
• Others indicated they wouldn’t know what services exist to help, and wouldn’t feel capable of finding supports.
• Some said they might miss the notices completely.

During the Eviction Process: the Hearing
• Many were unaware of available services, including Tenant Duty Council
• Some said they would be unable to attend a hearing due to health or mobility challenges, or dementia
• Many felt that landlords are at an unfair advantage because they know the system better.
• Participants identified the process as confusing, including the unclear language used in formal LTB communications.
• Many felt unwilling to attend a hearing alone.

Post Eviction
• Participants felt they might not be able to find new housing or coordinate/pay for moving.
• They might not understand the appeal process, or how to claim human rights accommodations.
• They might not know how to address discriminatory treatment from landlords when searching for new housing.

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 employs 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.)
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 or late payment of rent, 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. They described the impact of the eviction process on their clients as extremely traumatic, hugely detrimental to their lives, humiliating, overwhelming, nightmarish, and compounded by numerous age-related factors.

- 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 of 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.”

“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
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 affordable and accessible units
- 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 to rent
- 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 about the biggest challenges to providing service, it became apparent that service capacity varies between communities. The majority of feedback we gathered came from service providers located in Toronto, where services differ greatly from other parts of the GTA (see for example the text box 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 all of these challenges were compounded when it came to seniors.

For example:
- Extremely long wait times for affordable housing options and inconsistent eligibility requirements
- Supports 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 in crisis situations
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. The recommendations that follow draw heavily on participants' first-hand experiences, and also consider the following factors:

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

Considerations

It is important to note that through the research and consultation process, 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 speak specifically to evictions, and that senior-related housing policies should include consideration of this key process
- More research is needed on how health care and housing systems can work together on this issue
- More research should be done on the needs of aging tenants from specific marginalized communities, in particular women, Indigenous tenants, seniors living with disabilities, and immigrant and LGBTQ2S communities.

Seniors are not a homogenous group, and we recognize that intersectional disadvantage exists 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 to offer a starting point for making system wide improvements.

The recommendations that follow:

- highlight the need for diverse supports and interventions from before an eviction risk emerges through to post-eviction.
- emphasize the need for senior-specific approaches and supports within an overall improved eviction system.
- do not focus on legislative changes at this time, emphasizing instead procedural changes and other short-term opportunities for improvement.
- have been reviewed by a variety of stakeholders and revised based on their input.

Recommendations for local and regional governments

1. Municipalities in the GTA should develop collaborative projects with service providers in order to build relationships with private landlords, educate and engage landlords on the needs of aging tenants, and develop opportunities and incentives for private 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 work with other levels of government to 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 rental arrears, damage claims, moving costs, furniture replacement and other reasonable tenancy-related costs. In cases of rental 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 that municipalities work collaboratively with Local Health Integration Networks (LHINs) to build bridges between the housing support and health care sectors on this issue.
5. Municipalities should enhance support 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. In Toronto, we recommend that the Seniors Forum take the lead on senior tenant education initiatives.

**Recommendations for the Landlord and Tenant Board**

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

7. We recommend the LTB amend its Eviction Notice forms to accurately reflect the eviction process, and specifically clarify that tenants do not need to vacate their unit within the specified number of days.

8. We recommend the creation of regional Senior Tenants Coordinators within the LTB. The functions of the Coordinators 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 (i.e. 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.

9. We recommend that the LTB ensure adjudicators receive specialized training on issues related to seniors and their age-related needs. Specifically, training should include guidance about performing fulsome s.83 analyses of senior tenants and their intersectional vulnerabilities, which should include asking detailed questions of a landlord or its representative when a matter is uncontested.

10. We recommend that the LTB improve data collection and make anonymized data more readily available to the public. The LTB should collect and share data about (but not limited to): the number of senior tenants facing eviction, the outcomes of all 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 N12 eviction applications.

11. 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, 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**

12. We recommend that all TDC offices in the GTA collect age-related information during the tenant intake process, in collaboration with the LTB (see Recommendation 6). Any tenants identified as older adults through this process should receive a plain language, multi-lingual, age-friendly information package.

13. 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 vulnerable senior tenants and others 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 with senior-serving agencies to identify opportunities to expand and coordinate services.

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

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

16. We recommend community agencies host/offer more 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.

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

18. 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

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

20. We recommend that the federal government expand funding to increase the supply of affordable housing for seniors 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 address the lack of affordable housing for seniors in the GTA by providing portable rent supplements/housing allowances in private market housing units and increasing purpose-built social housing units.

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1 See the City of Toronto’s Eviction Prevention Framework (2016);
4 City of Toronto, Social Development, Finance and Administration Division. (2008). “Toronto Seniors Demographic Snapshot, 2006”. 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”
5 Based on CMHC 2015 data reported in Toronto Vital Signs, 2016
6 Based on Statistics Canada data reported in Toronto Vital Signs, 2016
7 Based on Statistics Canada data reported in Toronto Vital Signs 2016
8 See the City of Toronto’s Eviction Prevention Framework (2016);
9 Based on unpublished Landlord and Tenant Board data from 2015
12 Based on data reported in Toronto Vital Signs 2016
13 Based on data reported in Toronto Vital Signs 2016
15 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
17 For the purposes of the informational survey, we allowed participants to self-identify as older adults who are affected by these issues.
Works Cited


Disclaimer

The findings of this paper do not necessarily reflect the views of the funder of this project. The content of this report is not a substitute for legal advice; if you need legal advice about an eviction or your human rights in housing please contact a lawyer. CERA, its funders, and the authors will not be held responsible for any loss or damage caused by reliance on any statement, made negligently or otherwise, contained in this document.
Appendix A: Eviction Process Flowchart

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**Last Minute Payment**
- Tenant may make a motion to set aside eviction order if paid all money owing to LTB after termination date but before Sheriff comes.
- If landlord has paid Sheriff fee, Tenant will also be required to pay this.
- Tenant can only use this once per tenancy.

**Enforcement**
- **Before** termination date on eviction order: In arrears cases, tenant may stop the eviction by paying into the LTB all arrears, additional rental, any NSF cheque charges, and any additional costs ordered by LTB.
- **After** termination date on eviction order: landlord can take order to Court Enforcement Office (Sheriff).

**Eviction**
- Once the Sheriff changes the locks, the tenant has only **72 hours** to remove belongings.
- If landlord does not give tenant access between 8am and 8pm during the 72 hours, tenant can make urgent application to the LTB.