

# Vulnerable

## The Law, Policy and Ethics of COVID-19

CHAPTER D-4

The Front Line Defence: Housing and  
Human Rights in the Time of COVID-19

Leilani Farha\* and Kaitlin Schwan\*\*



**Edited by Colleen M. Flood, Vanessa MacDonnell,  
Jane Philpott, Sophie Thériault, and Sridhar Venkatapuram**

University of Ottawa Press

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University of Ottawa Press  
Les Presses de l'Université d'Ottawa

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[www.press.uOttawa.ca](http://www.press.uOttawa.ca)

### Library and Archives Canada Cataloguing in Publication

Title: *Vulnerable : the law, policy & ethics of COVID-19* / edited by Colleen M. Flood, Vanessa MacDonnell, Sophie Thériault, Sridhar Venkatapuram, Jane Philpott.

Other titles: *Vulnerable* (Ottawa, Ont.)

Names: Flood, Colleen M., editor. | MacDonnell, Vanessa, editor. | Thériault, Sophie, 1976- editor. | Venkatapuram, Sridhar, editor. | Philpott, Jane, 1960- editor.

Description: Some essays in French. | Includes bibliographical references and index.

Identifiers: Canadiana (print) 20200262610 | Canadiana (ebook) 20200262815 |

ISBN 9780776636412 (hardcover) | ISBN 9780776636405 (softcover) |

ISBN 9780776636429 (PDF) | ISBN 9780776636443 (Kindle) | ISBN 9780776636436 (EPUB)

Subjects: LCSH: COVID-19 (Disease)—Social aspects.

Classification: LCC RA644.C67 V85 2020 | DDC 362.1962/414—dc23

Legal Deposit: Third Quarter 2020  
Library and Archives Canada

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Jane Philpott, Sophie Thériault,  
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Design by Clémence Labasse.  
Images: Coronavirus copy space  
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The University of Ottawa Press gratefully acknowledges the support extended to its publishing list by the Government of Canada, the Canada Council for the Arts, the Ontario Arts Council, the Social Sciences and Humanities Research Council and the Canadian Federation for the Humanities and Social Sciences through the Awards to Scholarly Publications Program, and by the University of Ottawa.



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# The Front Line Defence: Housing and Human Rights in the Time of COVID-19

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Leilani Farha\* and Kaitlin Schwan\*\*

## Abstract

COVID-19 has laid bare the failure of Canadian governments to effectively implement the right to housing. In this chapter, we argue the pandemic presents Canada with the opportunity to correct the structural weaknesses of our housing system to ensure housing for all and reposition housing as a social good rather than a commodity. We explore how housing status has been determinative of outcomes for three vulnerable populations during the pandemic—people experiencing homelessness, survivors of intimate partner violence, and low-income renters. Their experiences demonstrate the urgent need for a rights-based approach to housing, highlighting the importance of breathing life into the *National Housing Strategy* and the *National Housing Strategy Act*. We argue that Canadian governments must act before this opportunity passes them by; otherwise they will find that though the pandemic itself is over, housing inequality has only worsened.

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\* Former United Nations Special Rapporteur on the Right to Housing and Global Director of The Shift.

\*\* Director of Research at The Shift.

## Résumé

### Défense de première ligne : logement et droits de la personne au temps de la COVID-19

La COVID-19 a mis en évidence l'échec des gouvernements canadiens à mettre en œuvre de manière effective le droit au logement. Dans ce chapitre, nous soutenons que la pandémie offre au Canada une occasion de corriger les faiblesses structurelles de notre système afin de garantir un logement pour tous et de repositionner le logement comme un bien social plutôt qu'une marchandise. Nous examinons comment la situation du logement a été déterminante pour trois populations vulnérables pendant la pandémie : les sans-abri, les victimes de violence conjugale et les locataires à faible revenu. Leurs expériences démontrent le besoin urgent d'adopter une approche fondée sur les droits des personnes, en soulignant l'importance de donner un nouveau souffle à la Stratégie nationale sur le logement et à la *Loi sur la stratégie nationale sur le logement*. Nous soutenons que les gouvernements, au Canada, doivent agir sans attendre, sans quoi ils ne pourront que constater, une fois la pandémie terminée, que les inégalités en matière de logement n'ont fait que s'aggraver.

Governments around the world have invoked “stay home” policies as central to flattening the pandemic curve and reducing SARS-CoV-2 infection rates. In Canada and many other countries, housing, therefore, has become the front line of defence against the virus. If the centrality of housing to human life were ever in doubt, COVID-19 has powerfully illuminated that having a home is a matter of life or death. It has also illuminated that a one-size health policy does not fit all.

As Canada struggles with homelessness, high rates of core housing need, and a severe lack of affordable housing,<sup>1</sup> compliance with these policies is impossible for hundreds of thousands of people. While public health orders like “stay at home,” “wash your hands,” and “physically distance” are seemingly neutral, they have a disproportionate impact on people who are unsheltered or living

1. Stephen Gaetz et al, “The State of Homelessness in Canada 2016” (2016), online (pdf): *Canadian Observatory on Homelessness* <[www.homelesshub.ca/sites/default/files/attachments/SOHC16\\_final\\_20Oct2016.pdf](http://www.homelesshub.ca/sites/default/files/attachments/SOHC16_final_20Oct2016.pdf)>.

in inadequate housing. It is impossible to physically distance while sleeping on a mat in a homeless shelter. It is difficult to properly wash your hands if you live under a water boil advisory on a First Nations reserve. How can you “stay home” if you haven’t got one or if you have aged out of your foster-care home? For these populations, absent state intervention and support, the mantra of “stay home” serves as a mockery more than a life-saving measure.

COVID-19 has laid bare the failure of Canadian governments to effectively implement the right to housing. In this chapter, we argue the pandemic presents Canada with the opportunity to revisit our housing system to ensure housing for all, establish housing as a human right, and reposition housing as a social good rather than an asset or commodity. We explore how housing status has been determinative of outcomes for three vulnerable populations during the pandemic—people experiencing homelessness, survivors of intimate partner violence (IPV), and low-income renters. The experiences of these populations demonstrate the urgent need for a rights-based approach to housing in Canada.

### **An Uneven Burden: Housing Status as Determinative of Outcomes During COVID-19**

Scholars, activists, and community leaders around the world have emphasized that COVID-19 has illuminated and exacerbated pre-existing inequities. This is vividly true with respect to housing, with emerging evidence that those residing in poor neighbourhoods, overcrowded or inadequate housing, or experiencing homelessness, are more likely to contract COVID-19 and experience worse health outcomes, including death.<sup>2</sup> While many media campaigns have centred on the message that “we’re all in this together,” it is clear that the burden of COVID-19 is not shared evenly.

Thus the importance of the human right to adequate housing becomes starkly visible. This right is codified in Article 11.1 of the *International Covenant on Economic, Social, and Cultural Rights*, defined as “the right of everyone to an adequate standard of living for himself

2. See e.g. Dennis Culhane, et al, “Estimated Emergency and Observational/Quarantine Capacity Need for the U.S. Homeless Population Related to COVID-19 Exposure by County; Projected Hospitalizations, Intensive Care Units, and Mortality” (27 March 2020), online (pdf): <endhomelessness.org/wp-content/uploads/2020/03/COVID-paper\_clean-636pm.pdf>.

and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”<sup>3</sup> To understand housing as a right is to understand it as a *social good*. This means recognizing housing as more than mere physical shelter, but as foundational to safety, security, and dignity.<sup>4</sup> In the wake of COVID-19, those without access to adequate housing face profound and complex barriers to staying safe or protecting themselves—in some cases threatening their very survival.

Despite Canadian governments’ acknowledgement that COVID-19 presents disproportionate risks and burdens for some groups, policies have not been responsive enough to the distinct needs and human rights of vulnerable groups. Emerging evidence suggests the enforcement of universal public health orders has had detrimental effects on some of the most marginalized people in society and that targeted interventions for vulnerable groups have not always been rights-compliant or improved outcomes.<sup>5</sup> People experiencing homelessness, survivors of IPV, and low-income renters are three such groups whose housing status has powerfully shaped their pandemic experiences.

### *People Experiencing Homelessness*

Despite being one of the wealthiest countries in the world, homelessness is commonplace in most Canadian communities. Policy responses to homelessness have historically been emergency-focused, with many cities failing to see significant reductions in homelessness year after year.<sup>6</sup> As a result, COVID-19 has emerged when hundreds of thousands of people live unsheltered on the streets, trying to survive through a patchwork of shelters, drop-ins, and social services.

For those trapped in situations of homelessness, COVID-19 presents a severe threat to life, security, and dignity. Those on the streets

3. *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 UNTS 3 art 11 (entered into force 3 January 1976).

4. *Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-discrimination in This Context*, UNHRC, 43rd Sess., Annex, Agenda Item 3, UN Doc A/HRC/43/43/Add.1 (2020).

5. “Statement—Inequality Amplified by COVID-19 Crisis” (2020), online: *Canadian Human Rights Commission* <[www.chrc-ccdp.gc.ca/eng/content/statement-inequality-amplified-covid-19-crisis](http://www.chrc-ccdp.gc.ca/eng/content/statement-inequality-amplified-covid-19-crisis)>. See also Alex Neve & Isabelle Langlois, “Canada’s COVID-19 Response Demands Human-Rights Oversight”, *Globe and Mail* (15 April 2020), online: <[www.theglobeandmail.com/opinion/article-canadas-covid-19-response-demands-human-rights-oversight/](http://www.theglobeandmail.com/opinion/article-canadas-covid-19-response-demands-human-rights-oversight/)>.

6. Gaetz, *supra* note 1.

face significant health challenges, including high rates of respiratory illnesses, putting them at greater risk of contracting COVID-19.<sup>7</sup> This population often lacks access to clean water and sanitation facilities, and available homeless shelters often operate at or over capacity,<sup>8</sup> making it impossible to physically distance.

Given that the Government of Canada's primary public health directive in response to COVID-19 was to "stay home," the policy response should have been the immediate elimination of street homelessness. Other cities have implemented urgent efforts to transition people off the streets in the wake of COVID-19, including Belfast (Ireland)<sup>9</sup> and London (U.K.).<sup>10</sup> Such a response would have been in keeping with the *National Housing Strategy Act* (NHSA), which stipulates that the housing policy of the Government of Canada recognizes that the right to adequate housing is a fundamental human right affirmed in international law. Under international human rights law, homelessness is understood as a *prima facie* violation of the right to housing, and requires immediate steps be taken to eliminate it. Instead of implementing a national rights-based response to homelessness and housing need during COVID-19, the federal government has largely left it to provinces/territories and municipalities to develop their own approaches.<sup>11</sup> As a result, policy responses to homelessness have primarily taken four forms: (i) *abandonment*, (ii) *emergency relief*, (iii) *heightened law enforcement*, and (iv) *housing-led responses*.

## Abandonment

In some Canadian communities, people experiencing homelessness have been left to fend for themselves in the wake of COVID-19. With

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7. Robert W Aldridge et al, "Morbidity and Mortality in Homeless Individuals, Prisoners, Sex Workers, and Individuals with Substance Use Disorders in High-Income Countries: A Systematic Review and Meta-Analysis", *The Lancet* (2018) 391:10117 241.
  8. "Shelter Capacity Report 2018" (2018), online: *Employment and Social Development Canada* <[www.canada.ca/en/employment-social-development/programs/homelessness/publications-bulletins/shelter-capacity-2018.html](http://www.canada.ca/en/employment-social-development/programs/homelessness/publications-bulletins/shelter-capacity-2018.html)>.
  9. See e.g. Shauna Corr, "Coronavirus Pandemic Sees Homeless People in Belfast All Get a Place to Stay", *Belfast Live* (30 March 2020), online: <[www.belfastlive.co.uk/news/belfast-news/coronavirus-pandemic-sees-homeless-people-18009375](http://www.belfastlive.co.uk/news/belfast-news/coronavirus-pandemic-sees-homeless-people-18009375)>.
  10. See e.g. "Coronavirus: Rough Sleepers in London Given Hotel Rooms", *BBC News* (21 March 2020), <[www.bbc.com/news/uk-england-london-51987345](http://www.bbc.com/news/uk-england-london-51987345)>.
  11. David Hulchanski et al, "Finding Room: Policy Options for a Canadian Rental Housing Strategy" (2005) 92:10 *Urban Studies* 1881.

limited access to personal protective equipment (PPE), dwindling staff, and insufficient facilities to enable physical distancing, many shelters and drop-ins have had little choice but to reduce services or close entirely (despite best efforts).<sup>12</sup> While some communities have replaced or adapted services, advocates report significant gaps across the country.

### Emergency Relief

Some cities have chosen to create new temporary shelters in existing public or private buildings (e.g., convention centres), seeking to enable physical distancing (e.g., through positioning floor mats six feet apart). While these facilities have been welcomed in some communities, they have also been criticized for failing to comply with public health measures and displacing people from existing support systems.<sup>13</sup>

### Heightened Law Enforcement

Many cities have heightened law enforcement to control the spread of COVID-19 among people experiencing homelessness and the general public. In cities such as Hamilton and Vancouver, people experiencing homelessness report being ticketed \$880 for failing to physically distance.<sup>14</sup> Tent encampments have increasingly been forcibly evicted under the mantle of COVID-19, often in ways that are contrary to international human rights law.<sup>15</sup>

12. See e.g. Al Donato "Homeless Canadians Face Increasing Danger Because of COVID-19 Lockdowns", *Huffington Post* (last updated 18 April 2020), online: <[www.huffingtonpost.ca/entry/homeless-canadians-danger-coronavirus\\_ca\\_5e83665fc5b62dd9f5d6a72d](http://www.huffingtonpost.ca/entry/homeless-canadians-danger-coronavirus_ca_5e83665fc5b62dd9f5d6a72d)>.
13. See e.g. Cathy Crowe, "Fifty Days into the COVID-19 Pandemic, and Homeless People Are Still in a Desperate Situation" (28 April 2020), online (blog): *Rabble* <[rabble.ca/blogs/bloggers/cathy-crowes-blog/2020/04/fifty-days-covid-19-pandemic-and-homeless-people-are-still](http://rabble.ca/blogs/bloggers/cathy-crowes-blog/2020/04/fifty-days-covid-19-pandemic-and-homeless-people-are-still)>.
14. See e.g. Matthew Van Dongen, "'I Can't Pay It Anyway': Why Are Hamilton Police Ticketing The Homeless During The Covid-19 Pandemic?" *Toronto Star* (21 April 2020), online: <[www.thestar.com/news/gta/2020/04/21/i-cant-pay-it-anyway-why-are-hamilton-police-ticketing-the-homeless-during-the-covid-19-pandemic.html](http://www.thestar.com/news/gta/2020/04/21/i-cant-pay-it-anyway-why-are-hamilton-police-ticketing-the-homeless-during-the-covid-19-pandemic.html)>.
15. Leilani Farha & Kaitlin Schwan, "A National Protocol for Homeless Encampments in Canada: A Human Rights Approach" (30 April 2020), online (pdf): *United Nations Special Rapporteur on the Right to Adequate Housing* <[www.unhcr.org/user/pages/07.press-room/A%20National%20Protocol%20for%20Homeless%20Encampments%20in%20Canada.pdf](http://www.unhcr.org/user/pages/07.press-room/A%20National%20Protocol%20for%20Homeless%20Encampments%20in%20Canada.pdf)>.

## Housing-led Responses

Some communities have focused on transitioning people experiencing homelessness into temporary housing, such as hotel rooms. While some communities have provided access to housing for those on the streets, in many cases the provision of housing or hotel rooms has been temporary (e.g., three to six months) and is often not accompanied by a commitment to permanent housing post-pandemic.

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While the landscape continues to shift, it is not clear that these current policies will result in permanent housing for people who are homeless. To comply with domestic and international human rights housing obligations, all levels of government must immediately focus on adopting housing-led responses that result in access to permanent housing for those who are homeless. If not, the lessons learned from this pandemic will not result in greater safety for all when the next pandemic hits, and “staying home” will continue to be a privilege, not a right.

## *Survivors of Intimate Partner Violence*

Intimate partner violence (IPV) was already a crisis in Canada prior to the arrival of COVID-19. IPV accounts for one of every four violent crimes reported to police in Canada, with research consistently indicating widespread underreporting.<sup>16</sup> Despite the prevalence of this violence, national data indicates that violence against women (VAW) shelters have been systematically operating at or over capacity for years.<sup>17</sup>

The emergence of COVID-19 has exacerbated IPV globally, and Canada is no exception. Evidence indicates public health orders to “stay home” have contributed to IPV that is more violent, more frequent, and more dangerous, with United Nations Population Fund suggesting three months of quarantine will result in a 20% increase in IPV around the world.<sup>18</sup> For many women, staying home means being

16. Statistics Canada, *Family Violence in Canada: A Statistical Profile, 2011*, by Marie Sinha, Catalogue No 85-002-X (Ottawa: Statistics Canada, 25 June 2013).

17. Statistics Canada, *Canadian Residential Facilities for Victims of Abuse, 2017/2018*, Catalogue No 11-001-X (Ottawa: Statistics Canada, 17 April 2019).

18. “Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-Based Violence, Female Genital Mutilation and Child Marriage” (27 April 2020),

trapped with abusive partners while also being cut off from social supports and avenues for access to justice.<sup>19</sup> Alarming, gender-based violence against Indigenous women and girls has increased steeply in Canada during COVID-19.<sup>20</sup> Given these realities, the United Nations Secretary-General has called on all States to urgently address the “horrific global surge” of domestic violence.<sup>21</sup> Importantly, the increase in IPV domestically and globally has been accompanied by significant concerns that child abuse is also increasing but going unreported.<sup>22</sup>

The ability to escape IPV is tied to women’s ability to access adequate housing, which is structurally undermined by the feminization of poverty and the reality women are more likely to work poorer-paying jobs, head single-parent households, and assume responsibility for caregiving and childcare.<sup>23</sup> These factors contribute to higher levels of core housing need for women in Canada, and untold levels of homelessness.<sup>24</sup> In the face of COVID-19, these inequities mean that women are more likely to be laid off, face eviction or other housing challenges, and experience food insecurity—particularly if they are experiencing multiple forms of marginalization.

COVID-19 has thus deepened the housing and safety challenges many women and their children in Canada were facing prior to the

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- online (pdf): *United Nations Population Fund* <[www.unfpa.org/sites/default/files/resource-pdf/COVID-19\\_impact\\_brief\\_for\\_UNFPA\\_24\\_April\\_2020\\_1.pdf](http://www.unfpa.org/sites/default/files/resource-pdf/COVID-19_impact_brief_for_UNFPA_24_April_2020_1.pdf)>. See also Amanda Taub, “A New Covid-19 Crisis: Domestic Abuse Rises Worldwide”, *The New York Times* (14 April 2020), online: <[www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html](http://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html)>.
19. “COVID-19 and Violence Against Women—What the Health Sector/System Can Do” (7 April 2020), online (pdf): *World Health Organization* <[apps.who.int/iris/bitstream/handle/10665/331699/WHO-SRH-20.04-eng.pdf](https://apps.who.int/iris/bitstream/handle/10665/331699/WHO-SRH-20.04-eng.pdf)>.
  20. Teresa Wright, “Violence Against Indigenous Women During Covid-19 Sparks Calls for MMIWG Plan”, *CBC Manitoba* (10 May 2020), online: <[www.cbc.ca/news/canada/manitoba/violence-against-indigenous-women-action-plan-covid-19-mmiwg-1.5563528](http://www.cbc.ca/news/canada/manitoba/violence-against-indigenous-women-action-plan-covid-19-mmiwg-1.5563528)>.
  21. “UN Chief Calls for Domestic Violence ‘Ceasefire’ Amid ‘Horrific Global Surge’”, *UN News* (6 April 2020), online: <[news.un.org/en/story/2020/04/1061052](http://news.un.org/en/story/2020/04/1061052)>.
  22. See e.g. Michelle Ward, “Increase in Child Abuse a Big Concern during COVID-19 Pandemic”, *Globe and Mail* (20 March 2020), <[www.theglobeandmail.com/canada/article-increase-in-child-abuse-a-big-concern-during-covid-19-pandemic/](http://www.theglobeandmail.com/canada/article-increase-in-child-abuse-a-big-concern-during-covid-19-pandemic/)>.
  23. Amy Van Berkum & Abe Oudshoorn, “Best Practice Guideline for Ending Women’s and Girl’s Homelessness” (2015), online (pdf): *London Homelessness* <[londonhomeless.ca/wp-content/uploads/2012/12/Best-Practice-Guideline-for-Ending-Womens-and-Girls-Homelessness.pdf](http://londonhomeless.ca/wp-content/uploads/2012/12/Best-Practice-Guideline-for-Ending-Womens-and-Girls-Homelessness.pdf)>.
  24. “Core Housing Need Data—By the Numbers” (2019), online: *Canada Mortgage and Housing Corporation* <[www.cmhc-schl.gc.ca/en/data-and-research/core-housing-need/core-housing-need-data-by-the-numbers](http://www.cmhc-schl.gc.ca/en/data-and-research/core-housing-need/core-housing-need-data-by-the-numbers)>.

pandemic. Most critically, it has illuminated the ways IPV is directly linked to the housing crisis that Canada has failed to address for decades. These realities demonstrate the urgent need for a gendered analysis of housing policy in Canada and a need to ensure the right to housing is actualized for women and their children.

### *Low-Income Renters*

The Canadian housing system is characterized by a severe lack of affordable housing. Since the over-emphasis on a market-driven housing system from the mid-1980s onward, Canadian governments have overseen massive decreases in social housing stock, weaker tenant protections, and huge increases in housing need and homelessness.<sup>25</sup> More broadly, Canadian cities are increasingly shaped by the “financialization of housing,” characterized by the expanded role and unprecedented dominance of financial markets and corporations in the housing sector.<sup>26</sup>

The pandemic has further exacerbated the pre-existing housing challenges faced by those living on low incomes. Low-income renters are more likely to be working low-paying service jobs, and national data indicates since the emergence of COVID-19, half of those making under \$16 an hour in Canada have either lost their jobs or a majority of their hours since February 2020.<sup>27</sup> Just two months into the pandemic, national data indicated that one in three Canadians feared they would miss rent or mortgage payments.<sup>28</sup>

To date, Canadian governments have provided limited rent relief during the pandemic. Instead, they have focused on replacing income, but in light of the pre-pandemic housing affordability issues, an income-only approach is proving insufficient. Recognizing the widespread employment challenges faced during the pandemic, a majority of Canadian provinces and territories have adopted moratoriums on

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25. John R Graham, Karen Swift & Roger Delaney, *Canadian Social Policy: An Introduction*, 4th ed, (Toronto: Pearson Canada, 2012).
  26. *Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context*, UNHRC, 34th Sess, Annexe, Agenda Item 3, UN Doc A/HRC/34/51 (2017).
  27. David Macdonald, “Early Warning: Who’s Bearing the Brunt of COVID19’s Labour Market Impacts?” (9 April 2020), online: *Behind the Numbers* <behindthenumbers.ca/2020/04/09/early-warning-covid19-labour-market-impacts/>.
  28. “State of Renters During COVID-19: Survey Report” (2020), online: *Acorn Canada* <acorncanada.org/resource/state-renters-during-covid-19-survey-report>.

evictions.<sup>29</sup> However, neither the federal government nor most provincial/territorial governments have provided protection from eviction for tenants post-pandemic. This means Canada may see a wave of mass evictions when public health orders are lifted and landlords demand back pay for rent arrears.<sup>30</sup> When asked whether the federal government would provide rent relief to tenants, Prime Minister Justin Trudeau responded, “If provinces, in whom the relationship between renters and landlords is their jurisdiction, want to move forward with more help for residential rent, they can of course do that.”<sup>31</sup>

In contrast to the challenges low-income renters currently face, COVID-19 is presenting financial actors with further opportunities to cannibalize the Canadian housing market for profit. By spring 2020, the Bank of Canada had already brought in BlackRock (the world’s largest asset manager) to assist in developing an economic recovery plan, with direct bearing on Canada’s housing market.<sup>32</sup> Like the financial crisis of 2008, COVID-19 provides real estate investment trusts (REITs) and private equity firms the opportunity to capitalize on distressed assets in the housing market by purchasing cheap debt (foreclosed mortgages) from banks and other lenders. Speaking to this opportunity in the American context, David Schechtman of the Meridian Capital Group stated: “Our thoughts and prayers are with all of our fellow Americans and nobody wants to capitalize on anybody’s misfortune. But I will tell you, real-estate investors—when you take the emotion out of it—many of them have been waiting for this for a decade.”<sup>33</sup>

29. “COVID-19: Eviction Bans and Suspensions to Support Renters” (25 March 2020), online: *Canadian Housing and Mortgage Corporation* <[www.cmhc-schl.gc.ca/en/rental-housing/covid-19-eviction-bans-and-suspensions-to-support-renters](http://www.cmhc-schl.gc.ca/en/rental-housing/covid-19-eviction-bans-and-suspensions-to-support-renters)>.

30. See e.g. Alastair Sharp, “Toronto Renters in for a ‘Bloodbath’ of Evictions after Pandemic Ends, Advocate Warns”, *Toronto Star* (22 May 2020), online: <[www.thestar.com/news/canada/2020/05/22/toronto-renters-in-for-terrifying-blood-bath-of-evictions-after-pandemic-ends.html](http://www.thestar.com/news/canada/2020/05/22/toronto-renters-in-for-terrifying-blood-bath-of-evictions-after-pandemic-ends.html)>.

31. See Trudeau quoted in Jennifer Pagliaro, “Nearly Half of Canadian Tenants Fear They Can’t Pay Rent on May 1—and Provinces, Feds Can’t Agree on Where Relief Will Come From”, *Toronto Star* (29 April 2020), online: <[www.thestar.com/news/city\\_hall/2020/04/28/as-may-1-nears-tenants-and-landlords-worry-about-lack-of-rent-relief-from-queens-park-ottawa.html](http://www.thestar.com/news/city_hall/2020/04/28/as-may-1-nears-tenants-and-landlords-worry-about-lack-of-rent-relief-from-queens-park-ottawa.html)>.

32. Kevin Carmichael, “Why the Bank of Canada Needs BlackRock’s Help While Fighting the Coronavirus Downturn”, *Financial Post* (1 April 2020), online: <[business.financialpost.com/news/economy/why-the-bank-of-canada-needs-black-rocks-help-while-fighting-the-coronavirus-downturn](http://business.financialpost.com/news/economy/why-the-bank-of-canada-needs-black-rocks-help-while-fighting-the-coronavirus-downturn)>.

33. Konrad Putzier & Peter Grant, “Real-Estate Investors Eye Potential Bonanza in Distressed Sales”, *Wall Street Journal* (7 April 2020), online: <[www.wsj.com/articles/real-estate-investors-eye-potential-bonanza-in-distressed-sales-11586260801](http://www.wsj.com/articles/real-estate-investors-eye-potential-bonanza-in-distressed-sales-11586260801)>.

Without significant state investment and strong regulation of financial actors, COVID-19 will result in a deepening of the housing crisis the country was in prior to the pandemic. This will likely hit low-income renters the hardest, and for many the Canada Emergency Response Benefit will be inaccessible, insufficient, or too short-term to prevent eviction or the worsening of housing need.

### Realizing the Right to Housing in a Post-Pandemic Canada

COVID-19 has exposed the way governments in Canada have failed to effectively implement the right to housing. As such, the pandemic has provided governments with an opportunity to correct the structural weaknesses of the Canadian housing system by breathing life into the *National Housing Strategy* and the *National Housing Strategy Act*. Opportunities of this nature do not often arise. Governments must act before it passes them by, otherwise they will find that though the pandemic itself is over, housing inequality has only worsened.

The Canadian government therefore must:

- Ensure access to safe and long-term adequate housing for people experiencing homelessness, including through the acquisition of hotels/motels, office spaces, or other properties. In the short term, these might act as emergency respite centres. These should be repurposed as expeditiously as possible into social, deeply affordable housing.
- Adopt a nationwide prohibition on all evictions (except in cases where a resident is harming others) and foreclosures during the pandemic and for a reasonable time thereafter, ensuring renters have adequate legislative protections and resources to prevent mass evictions post-pandemic.
- Establish an independent national human rights body responsible for providing oversight on federal expenditures in response to COVID-19, to ensure government investments advance all human rights. This national body should seek to advance the right to housing across Canada, in concert with the Department of Justice and the Canadian Human Rights Commission.
- Adopt a rights-based approach to homeless encampments,<sup>34</sup> upholding the human rights and dignity of encampment

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34. Farha & Schwan, *supra* note 15.

residents while they wait for adequate, affordable housing solutions.

- Ensure no one in Canada is rendered homeless or heavily indebted as a result of the pandemic, providing people experiencing housing needs with reasonable financial support to ensure that COVID-19 does not worsen their housing status, poverty, or level of debt.
- Immediately appoint, and robustly fund, the Federal Housing Advocate and the National Housing Council to act as government accountability mechanisms and to ensure emergent issues are brought to the attention of government.
- Ensure any approach to economic recovery includes a commitment to realizing the right to housing for all people in Canada, prioritizing the housing needs of those who are most marginalized, including women and Indigenous Peoples.