

THE SHIFT

#RIGHT2HOUSING

19th July 2022

Dear City of Toronto Councillors,

CC: Kwame Addo, Ombudsman, Ombudsman Toronto

I write as the Global Director of The Shift, an international human rights organization dedicated to securing the human right to adequate housing for all, and as the former United Nations Special Rapporteur on the right to adequate housing (2014-2020).

I provide this letter in support of Councillor Robin Buxton Potts' motion to introduce a moratorium on evictions from homeless encampments in the city until such time as the recommendations set out in Ombudsman Toronto's interim report 'Investigation into the City's Process for Clearing Encampments in 2021' are implemented. I believe that such a moratorium is vital to protect the lives of people living in homeless encampments, and to ensure that the City of Toronto complies with its obligations under international human rights law.

Homeless encampments do not arise in the absence of extreme need. Many years of governmental missteps and inaction, at all levels, have led to a housing system in Toronto that is ill equipped to satisfy the needs of the most vulnerable. Market housing is out of reach for those on low or no incomes, waiting lists for Rent-Geared-to-Income housing are heavily oversubscribed, and shelters, which at any rate are not a long-term solution to homelessness, lack the capacity to assist all those who are living in homelessness. As a result, people have been forced to claim their right to housing on their own, establishing self-constructed structures in public spaces to give them a modicum of protection from the outside world. Homeless encampments are often the best option for people living in homelessness in a city that has no other viable options.

In this context, to evict people from the encampments in which they have been forced to live is cruel, ill-conceived, and contrary to international human rights law.

International human rights law makes clear that evictions, whether from formal or informal housing, are only legal where they are undertaken using the strictest protections, and where all viable alternatives have been exhausted. Where the eviction of a person is sought, they must be provided with adequate alternative accommodation, have access to legal protections and assistance to enable them to challenge the eviction, and be afforded, at the earliest opportunity, the chance to take part in the decision-making process regarding the eviction. Evictions that do not comply with these standards are, under human rights law, regarded as 'forced evictions' and are a gross violation of the human right to adequate housing and are prohibited.

Forced evictions have a devastating effect on people living in homelessness. This was well demonstrated by the forced evictions which took place in the City during the Covid-19 pandemic.

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Those who were forcibly and violently evicted from Lamport Stadium Park, Trinity Bellwoods Park, and Alexandra Park suffered the indignity of having their homes demolished, their few belongings lost and damaged, and the communities and lifelines destroyed. They were not provided with adequate long-term accommodation that satisfied their needs and were unable to take part in the decision-making surrounding the eviction or sufficiently challenge their treatment. The forced evictions did not result in the satisfaction of the human rights of encampment residents, they simply forced them to the outskirts, away from social connections, economic livelihoods, and vital supports, deeply impacting on the health, well-being, and dignity of residents and exacerbating their vulnerabilities.

Until such time as the City of Toronto implements a policy and process for dealing with homeless encampments that fully complies with its obligations under international human rights law, in keeping with the National Housing Strategy Act, which incorporated the right to housing into Canadian domestic law, any eviction that takes place from an encampment in the city will be a forced eviction and a gross violation of international human rights law. **City Council should, therefore, act to protect the human rights of residents by passing a moratorium on evictions from encampments until such time as the city has fully implemented the recommendations of Ombudsman Toronto that are set out in its aforementioned report.** These recommendations, which include the establishment of a protocol that, it is implied, should be informed by human rights, provide a good starting point for the construction of a more human rights complaint approach to encampments. I also urge the City to be guided by the [National Protocol for Homeless Encampments in Canada](#), which provides a clear framework for realizing the human rights of encampment residents.

Evictions of homeless encampment residents do not solve or improve homelessness. They are an assault on those who are in desperate need of protection and assistance. The City of Toronto's past actions towards encampment residents have caused significant distrust that may inhibit future attempts to help those living in homelessness. The passage of this motion will, I hope, serve as a statement from the City that its approach is changing and that it values the human rights of all.

I remain at your disposal for any additional input and support.

Yours sincerely,



Leilani Farha
Global Director, The Shift
Former United Nations Special Rapporteur on the right to adequate housing (2014-2020)