

I'll begin by sharing that Diana Chan McNally, member of this Committee and Chair of the Supporting Unhoused Rights Holders Working Group, recently announced that she is running for City Councillor in Ward 4 - Parkdale-High Park, and therefore will be taking leave from the Committee during her campaign. Diana has had a significant impact during her time on HRAC, particularly with her advocacy for the rights of people living in encampments and for improved system navigation and access to justice. We are grateful for her contributions.

Next, I want to take this opportunity to talk about a significant legal ruling that recently came from the Ontario Superior Court, in a court case involving the Regional Municipality of Waterloo.

Most of us haven't read the Court's ruling (including some of the people who are commenting loudly about it in the news), so I wanted to take a few moments to talk about what the ruling does, and why it matters.

This ruling is significant – it is a milestone on our path to the right to housing in Canada. In it, the Ontario Superior Court affirmed that municipalities have the duty to uphold the human right to housing. What does that mean? In this case, the court said that a municipality cannot prevent people from sheltering outdoors in public spaces while also failing to provide enough, adequate alternatives. Cities can't simply evict people from an encampment – it must ensure that people have another, adequate place to go. This can be an emergency or interim alternative, or it can be a longer-term alternative.

The ruling is clear that cities are permitted move people from public spaces when they can ensure that people have an option to move into a shelter, or even to an alternative camping site that provides for basic health, safety and dignity, such as washrooms and sanitation.

The Court also ruled that people who are experiencing homelessness have rights under the Charter of Rights and Freedoms, just like any other person. It ruled that governments can't discriminate against people on the basis of homelessness status, meaning you can't discriminate against someone just because they don't have a home.

Until now, people who are experiencing homelessness did not have the same legal protections as other groups. This ruling establishes, in law, that homelessness is similar to other conditions that are protected under Section 15 of the Charter of Rights and Freedoms, and therefore has the same equality protections as we have for race, sex, disability, or national origin.

Further, the decision also confirms that rights to life, liberty, security, and the principles of fundamental justice must be interpreted in light of Canada's international and domestic human rights obligations, including the right to adequate housing. This means that governments must address the housing crisis as a human rights crisis.

The Court's decision matters. It matters because it protects human rights in law. It matters because it specifically protects people who are experiencing homelessness. It matters because it compels municipal governments to act to implement the right to adequate housing.

Practically speaking, it means that governments can't relegate rights-based strategies and plans as policy "aspirations." Governments are accountable for delivering, in a tangible way, on the right to adequate housing. They must deliver human rights outcomes for everyone in their city.

The City of Toronto has already been moving in this direction. In 2020, it recognized the right to housing in its Housing Charter and Action Plan.

It has begun the establishment of the early cornerstones of accountability, including a deputy ombudsman for housing, and this Committee itself.

It has started applying a human rights lens to its housing policy and programming – including the Interdivisional Protocol for Encampments (IDP), which commits to meaningful engagement with people living in encampments about the decisions that impact their lives. The City is building an education program for staff on how to apply a human rights-based approach to its work.

The City has been using its tools and resources to implement the right to adequate housing. For example, it has used its bylaws to regulate multi-tenant houses, which are some of the most affordable rental housing in the city. It used its bylaws to protect tenants against renoviction. It's doing repairs on rental apartments that landlords have neglected for years, and sending the landlord the bill. In these ways, the City is strengthening and enforcing tenant rights.

This work is by no means complete, and it is imperfect. It is having an impact.

As the Chair of this Committee, which is quickly coming to the end of its first term, I urge the City of Toronto to continue this work and to build on this momentum; to be a leader among municipalities in Canada; to bring along other orders of government to enable the necessary resources; and to demonstrate how we can have impact together and realize the human right to housing for everyone in Toronto.