



RNAO Submission:

Bill 140, An Act to enact the Housing Services Act, 2010, repeal the Social Housing Reform Act, 2000 and make complementary and other amendments to other Acts

The Standing Committee on Justice Policy

Registered Nurses' Association of Ontario

March 24, 2011



The Registered Nurses' Association of Ontario (RNAO) is the professional association for registered nurses who practise in all roles and sectors across the province. We work to improve health and strengthen our health-care system. Nurses believe that health is a resource for everyday living and that access to the conditions that permit health is a universal human right.¹

RNAO appreciates the opportunity to present this submission on Bill 140, An Act to enact the Housing Services Act, 2010, repeal the Social Housing Reform Act, 2000 and make complementary and other amendments to other Acts to the Standing Committee on Justice Policy.

Ontario's registered nurses know that access to safe, affordable housing is a fundamental human right and a key determinant of health.² For this reason, RNAO supports Ontario's Long-Term Affordable Housing Strategy vision: "to improve Ontarians' access to adequate, suitable and affordable housing, and provide a solid foundation on which to secure employment, raise families and build strong communities."³ In particular, RNAO appreciates that the "people-first" principle⁴ articulated in the Strategy will be implemented in Bill 140 by reforming and simplifying the complex and burdensome rules of rent-geared-to-income assistance.

Al Gosling is a compelling illustration of why it is critical that rent-geared-to-income rules must be changed. Gosling was a tenant of Toronto Community Housing Corporation (TCHC) for 21 years.⁵ He was evicted one month before his 82nd birthday on May 28, 2009 due to a misunderstanding about his annual declaration of income. TCHC changed Mr. Gosling's rent from geared-to-income to a market rate that he was unable to pay with his fixed income.⁶

Joe Fiorito of the *Toronto Star* asked Al Gosling what happened:

He said, "I came home one day. They'd changed the locks. When I couldn't get in, I looked around for a place to stay. I found a place under that stairway.

The tenants said, 'Oh, there's an old guy sleeping under the stairs.' The police came. They said it was dangerous there, anyone could pick my pockets, and they took me to the hospital. They looked after me good in the hospital.

The social worker sent me from there to the Good Shepherd. They have two dorms at Good Shepherd. I found myself eating less and less and I was sleeping less and less, because of the racket.

I picked up a bug in the shelter. I'm 93 pounds. I'm in the health centre until the diarrhea has settled down."⁷

Mr. Gosling's health deteriorated further, he was transferred from Sherbourne Health Centre to Toronto General Hospital, where he died on October 11, 2009.⁸ An independent third-party review was commissioned by TCHC into Al Gosling's eviction as well as broader factors that put tenants at risk.⁹ Patrick LeSage, former chief justice of the Ontario Supreme Court, made 81 recommendations¹⁰ in his report, including the need for "significant legislative amendments" to address rent and subsidy calculations as well as the arrears process.^{11 12}

While these and other administrative changes are welcome, there is an urgent need to tackle the crisis in access to affordable housing that is tipping too many Ontarians into deeper and more sustained poverty. In 2009, despite an economic downturn average rents increased three times the rate of inflation across the province.¹³ Ontario's housing costs are the highest of any province, with a median annual household shelter cost of \$10,878.¹⁴ It is estimated that one in five Ontario tenant households (261,000) were paying 50 per cent or more of their income on rent based on the 2006 census.¹⁵

At the beginning of 2010, there were 141,635 households on municipal waiting lists for social housing.¹⁶ This is a staggering addition of 12,382 households—an increase of 9.6 per cent in just one year attributed to the recession.¹⁷ The social housing wait time ranges are often more than five years in many urban centres, while the wait in Peel is up to 21 years.¹⁸ Not surprisingly, "many inadequately housed households have simply given up home" and are too discouraged by the long wait times to even fill out an application.¹⁹

Dangerously low social assistance rates, precarious low-waged employment, and lack of access to affordable housing means that people living in poverty in Ontario routinely have to decide between paying the rent or buying food. The result is that 402,000 Ontarians a month were forced to turn to food banks in 2010, which is a significant increase from 374,000 in 2009.²⁰ Since the recession started in 2008, food bank use in Ontario increased by an unprecedented 28 per cent.²¹ In Ontario in 2010, 64 per cent of people served by food banks lived in market rental accommodation, 27 per cent lived in social housing, and only 4.4 per cent owned their own homes.²² The Daily Bread Food Bank in Toronto found 73 per cent of their clients surveyed are paying market rent.²³ Most of their income is spent on housing costs with clients spending 68 per cent of their income on rent/mortgages, including utilities.²⁴

"Life is very hard when you have no food in your cupboards and live with bedbugs and cockroaches...I want to quit going to drop-ins to get bites to eat. I want to go to a place where I live and cook the food that I want to eat."²⁵
Shamanda, Recession Relief Coalition Hunger Inquiry participant

Despite the compelling and growing need, Ontario is the worst among the provinces in terms of jurisdictional investment in affordable housing. In the fiscal

year ending March 31, 2009, Ontario spent \$64 per capita on affordable housing, about half the provincial average of \$115 per person.²⁶ Nurses find this to be shameful reality in a country as wealthy as Canada, and in a province as privileged as Ontario.

Added to this is the fact that one third of housing stock located in Aboriginal communities is in need of major repairs compared to only eight per cent of Canadian dwellings.²⁷ The First Nations Regional Longitudinal Health Survey revealed that almost half of the respondents found mould or mildew in their homes in the 12 months preceding the survey.²⁸ In terms of living in crowded dwellings, 31 per cent of Inuit and 15 per cent of First Nation people experience crowded conditions compared with three per cent for Métis and non-Aboriginal people.²⁹ This reality in Ontario can, and must, be changed.

Access to safe, affordable, appropriate housing that meets the changing needs of individuals and families throughout their life cycles is a key determinant of health and essential to good health. People who are homeless are sicker and have higher death rates than the general population. A study of men using homeless shelters in Toronto found mortality rates 8.3 times and 3.7 times higher than rates among men in the general population aged 18-24 and 24-44 respectively.³⁰ Homeless women aged 18-44 years are 10 times more likely to die than women in the general population of Toronto.³¹ A Street Health Nursing Foundation 2007 survey found that the daily lives of homeless people were stressful, isolating, and dangerous where people are often hungry, chronically ill, and unable to access the health care that they urgently require.³²

For every person who is homeless in Canada, there are 23 households that are vulnerably housed and at high risk of becoming homeless.³³ Stephen Hwang, physician and researcher at the Centre for Research on Inner City Health explains “those who are vulnerably housed often suffer from the fact that they are hidden away from the public eye and forgotten.”³⁴ The Wellesley Institute uses the metaphor of the housing insecurity and homelessness iceberg—where the biggest part of the problem is mainly hidden from view.³⁵ While the visibly homeless need critical attention, we must also meet the urgent needs of the hidden homeless, those in substandard housing, in core housing need, in inadequate housing, and in unaffordable housing, whose rent exceeds 30 per cent of household income.³⁶

Some groups and individuals face even greater barriers in finding affordable housing. As the Ontario Human Rights Commission has revealed, people with disabilities, racialized groups, seniors, people living with low incomes, and those with mental health issues are among those who are confronted by discrimination from potential landlords.³⁷ RNAO continues to endorse the Housing Network of Ontario’s Declaration built on the foundation that “we believe everyone in Ontario

has the right to live poverty-free and with dignity in housing that is stable, adequate, equitably accessible and affordable.”³⁸

To enable every Ontarian to live poverty-free and with dignity, all levels of government have particular responsibilities and a moral imperative to work together for the common good. If other levels of government are lagging in their actions, it is still critical that the provincial government move ahead with increased, predictable, and sustainable funding.

In addition to an affordable, safe place to call home, people need to be treated with respect and humanity. Al Gosling’ death and the subsequent review,³⁹ recent controversies about financial accountability by TCHC followed by public discourse about privatizing community housing,⁴⁰ and ongoing struggles to rectify unsafe conditions^{41 42} are coming together to highlight the need to improve fairness for tenants.

RNAO’s Recommendations:

- **Immediately enshrine the human right to adequate housing in federal and provincial legislation.**⁴³
- **Immediately implement the recommendations of the Ontario Human Rights Commission to address discrimination in rental housing.**^{44 45}
- **Implement the LeSage Report recommendations for “significant legislative amendments” to address rent and subsidy calculations as well as the arrears process with respect to rent-geared-to-income and other rules that are punitive.**^{46 47}
- **Introduce inclusionary housing by amending the Planning Act as a fair and fast way to create stable, affordable, and equitable housing.**⁴⁸
- **Introduce and fund in the upcoming budget a universal housing benefit for all low-income Ontarians, whether receiving social assistance or not, to address the gap between tenant incomes and housing costs.**^{49 50}
- **Invest in the upcoming budget in a minimum of 10,000 affordable housing units each and every year for the ten years. To ensure that housing is accessible to people with disabilities, all new affordable housing units must be designed and built using principles of universal access and accessibility.**
- **Fund in the upcoming budget a program for regular maintenance and repair of new and existing affordable housing in order to address aging, substandard housing stock.**

- **Increase in the upcoming budget the funding for access to supportive community-based housing and services for those with physical, cognitive and/or mental health and/or addiction needs so that Ontarians may live with dignity at home.**
- **Prevent the privatization and sell-off of social housing by amending legislation to protect it as a public asset.**
- **Improve fairness for tenants by creating an independent panel to review disputes such as canceling a rental subsidy.**
- **Introduce a fair, transparent, and independent appeals process for housing providers. Under existing legislation, non-profit organizations and co-ops have not had the ability to seek an independent review of Municipal Service Manager actions or decisions that did not involve costly court proceedings.**

Thank you for the opportunity to convey the abiding concern that Ontario's registered nurses continue to have about Ontario's Long-Term Affordable Housing Strategy, Bill 140, and unmet needs for affordable and healthy housing. We look forward to working together with government and a wide range of stakeholders in our community, especially those most affected by housing challenges, so that everyone is secured with a safe, affordable place to call home.

References

- ¹ Registered Nurses' Association of Ontario (2010). *Creating Vibrant Communities: RNAO's Challenge to Ontario's Political Parties 2011 Provincial Election Technical Backgrounder*. Toronto: Author, 1. Retrieved March 22, 2011 from http://www.rnao.org/Page.asp?PageID=122&ContentID=3176&SiteNodeID=472&BL_ExpandID=
- ² Registered Nurses' Association of Ontario (2009). *RNAO's Submission on Ontario's Long-Term Affordable Housing Strategy: Housing is a Human Right and a Determinant of Health*. Toronto: Author. Retrieved March 22, 2011 http://www.rnao.org/Page.asp?PageID=122&ContentID=3139&SiteNodeID=390&BL_ExpandID=
- ³ Ministry of Municipal Affairs and Housing (2010). *Building Foundations: Building Futures Ontario's Long-Term Affordable Housing Strategy*. Toronto: Author, 3. Retrieved March 22, 2011 <http://www.mah.gov.on.ca/Page9181.aspx>
- ⁴ Ibid, pg. 6.
- ⁵ Lesage, P. (2010). *Report on the Eviction of Al Gosling and Eviction Prevention Policy of Toronto Community Housing Corporation*. Toronto: Toronto Community Housing Corporation, i. Retrieved March 22, 2011 <http://www.torontohousing.ca/eviction-prevention/resources>
- ⁶ Fiorito, J. (2009). Al Gosling is now homeless at 82. *Toronto Star*, September 18, 2009. Retrieved March 22, 2011 <http://www.thestar.com/columnists/article/697540>
- ⁷ Ibid.
- ⁸ Lesage, P. (2010). *Report on the Eviction of Al Gosling and Eviction Prevention Policy of Toronto Community Housing Corporation*. Toronto: Toronto Community Housing Corporation, i.
- ⁹ Javed, N. (2009). In Al Gosling's death, hope for others. *Toronto Star*, October 14, 2009. Retrieved March 22, 2011 <http://www.thestar.com/news/article/709817--in-al-gosling-s-death-hope-for-others>
- ¹⁰ Fiorito, J. (2010). Report an indictment of public landlord. *Toronto Star*, June 19, 2010. Retrieved March 22, 2011 <http://www.thestar.com/news/article/825839--fiorito-report-an-indictment-of-public-landlord>
- ¹¹ Lesage, P. (2010). *Report on the Eviction of Al Gosling and Eviction Prevention Policy of Toronto Community Housing Corporation*. Toronto: Toronto Community Housing Corporation, 64.
- ¹² "The legislation governing social housing and the rules regarding rent calculation and subsidies are cumbersome and detailed. TCHC staff have little discretion in applying the rules. It is a complicated process that results in frequent errors. The confusion, upset and trauma for the tenants often leads to arrears and threats of evictions. I believe that the legislation must be amended to be simpler and more flexible if we are to prevent future tragedies resulting from avoidable evictions." Lesage, P. (2010). *Report on the Eviction of Al Gosling and Eviction Prevention Policy of Toronto Community Housing Corporation*. Toronto: Toronto Community Housing Corporation, 16.
- ¹³ Ontario Non-Profit Housing Association and the Ontario Region of the Co-operative Housing Federation of Canada (2010). *Where's Home 2010*, Toronto: Author, 3. Retrieved March 23, 2011 http://www.onpha.on.ca/AM/Template.cfm?Section=Where_s_Home&Template=/CM/ContentDisplay.cfm&ContentID=7644
- ¹⁴ Shapcott, M. (2009). Three Important Ontario Housing Facts: Highest housing costs, lowest provincial spending, worst municipal download. Toronto: Wellesley Institute. July 21, 2009. <http://www.wellesleyinstitute.com/blog/three-important-ontario-housing-facts-highest-housing-costs-lowest-provincial-spending-worst-municipal-download/>
- ¹⁵ Ontario Non-Profit Housing Association and the Ontario Region of the Co-operative Housing Federation of Canada (2010). *Where's Home 2010*, Toronto: Author, 18.
- ¹⁶ Ontario Non-Profit Housing Association (2010). *Waiting Lists Survey 2010*. Toronto: Author, 3. Retrieved March 23, 2011 http://www.onpha.on.ca/AM/Template.cfm?Section=Waiting_Lists_2010
- ¹⁷ Ontario Non-Profit Housing Association (2010). *Waiting Lists Survey 2010*. Toronto: Author, 3.
- ¹⁸ Ibid, pg. 3.
- ¹⁹ Ontario Non-Profit Housing Association (2010). *Waiting Lists Survey 2010*. Toronto: Author, 4.

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- ²⁰ Maxwell, J. (2011). *Running on Empty: A Decade of Hunger in Ontario*. Toronto: Ontario Association of Food Banks, 1. Retrieved March 23, 2011 <http://www.oafb.ca/>
- ²¹ Ibid, pg. 1
- ²² Ibid, pg. 1
- ²³ Daily Bread Food Bank (2010). *Who's Hungry: 2010 Profile of Hunger in the GTA*. Toronto: Author, 5. Retrieved March 23, 2011 <http://www.dailybread.ca/learning-centre/publications/>
- ²⁴ Ibid, pg. 5
- ²⁵ Recession Relief Coalition (2011). *Hunger Crisis: Report of the Hunger Inquiry*. Toronto: Author, 4. Retrieved March 23, 2011 <http://recessionreliefcoalition.yolasite.com/>
- ²⁶ Shapcott, M. (2009). Three Important Ontario Housing Facts: Highest housing costs, lowest provincial spending, worst municipal download. Toronto: Wellesley Institute. July 21, 2009.
- ²⁷ Reading, C. & Wien, F. (2009). *Health Inequalities and Social Determinants of Aboriginal People's Health*. Prince George: National Collaborating Centre for Aboriginal Health, 8.
- ²⁸ Ibid, pg. 8.
- ²⁹ Reading, C. & Wien, F. (2009). *Health Inequalities and Social Determinants of Aboriginal People's Health*. Prince George: National Collaborating Centre for Aboriginal Health, 9.
- ³⁰ Hwang, S. (2000). Mortality Among Men Using Homeless Shelters in Toronto, Ontario. *JAMA* 283(16), pp. 2152-2157.
- ³¹ Cheung, A. & Hwang, S. (2004). Risk of Death Among Homeless Women: A Cohort Study and Review of the Literature. *Canadian Medical Association Journal*. 170(8), pp. 1243-1247.
- ³² Street Health Nursing Foundation (2007). *The Street Health Report 2007*. Toronto: Author. <http://www.streethealth.ca/Downloads/SHReport2007.pdf>
- ³³ Hwang, S. (2010). Canada's hidden emergency: the 'vulnerably housed.' *Globe and Mail*, November 22, 2010.
- ³⁴ Hwang, S. (2010). Canada's hidden emergency: the 'vulnerably housed.' *Globe and Mail*, November 22, 2010
- ³⁵ Wellesley Institute (2010). *Precarious Housing in Canada*. Toronto: Author, 4. Retrieved March 23, 2011 http://wellesleyinstitute.com/category/research/affordable_housing_research/
- ³⁶ Ibid, pg. 1-6.
- ³⁷ Ontario Human Rights Commission (2008). *Right at Home: Report on the consultation on human rights and rental housing in Ontario*. Toronto: Author.
- ³⁸ Housing Network of Ontario (2009). Housing Network of Ontario Declaration. <http://www.stableandaffordable.com/content/list-endorsers>
- ³⁹ Fiorito, J. (2009). Al Gosling's sad fate gives tenants a voice. *Toronto Star*, December 17, 2009.
- ⁴⁰ Fiorito, J. (2011). Privatize community housing? A cautionary tale. *Toronto Star*, March 4, 2011.
- ⁴¹ Ontario Coalition Against Poverty. <http://update.ocap.ca/housing>
- ⁴² Fiorito, J. (2011). A hellhole is not a home. *Toronto Star*, February 14, 2011.
- ⁴³ Kothari, Miloon (2009). *Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Report of the Special Rapporteur on Adequate Housing as a Component to the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in Housing*. Geneva: Human Rights Council, 24.
- ⁴⁴ Ontario Human Rights Commission (2008). *Right at Home: Report on the consultation on human rights and rental housing in Ontario*. Toronto: Author.
- ⁴⁵ Ontario Human Rights Commission (2009). *Submission of the Ontario Human Rights Commission to the Ministry of Municipal Affairs and Housing's Long-Term Affordable Housing Strategy*. Toronto: Author. Retrieved March 23, 2011 <http://www.ohrc.on.ca/en/resources/submissions/affordablehousing>
- ⁴⁶ Lesage, P. (2010). *Report on the Eviction of Al Gosling and Eviction Prevention Policy of Toronto Community Housing Corporation*. Toronto: Toronto Community Housing Corporation, 64.
- ⁴⁷ "The legislation governing social housing and the rules regarding rent calculation and subsidies are cumbersome and detailed. TCHC staff have little discretion in applying the rules. It is a complicated process that results in frequent errors. The confusion, upset and trauma for the tenants often leads to arrears and threats of evictions. I believe that the legislation must be

amended to be simpler and more flexible if we are to prevent future tragedies resulting from avoidable evictions.” Lesage, P. (2010). *Report on the Eviction of Al Gosling and Eviction Prevention Policy of Toronto Community Housing Corporation*. Toronto: Toronto Community Housing Corporation, 16.

⁴⁸ “Inclusionary housing programs are municipal programs that rely upon the development regulations and approval process to have private developers provide some portion of the housing within their new market projects as affordable housing.” More information may be found at the Inclusionary Housing Canada, a project of the Wellesley Institute. Retrieved March 23, 2011 <http://www.inclusionaryhousing.ca/>

⁴⁹ Housing Network of Ontario (2009). *Moving Forward on Ontario’s Long-Term Affordable Housing Strategy*. Toronto: Author, 7.

⁵⁰ Federation of Rental Housing Providers of Ontario, Ontario Non-Profit Housing Association, Greater Toronto Apartments Association, Daily Bread Food Bank, Metcalf Charitable Foundation, Atkinson Charitable Foundation (2008). *A Housing Benefit for Ontario: One Housing Solution for a Poverty Reduction Strategy*. Toronto: Authors. Retrieved March 23, 2011 <http://www.dailybread.ca/learning-centre/publications/>