

# Spinning in the Cycle of Homelessness: Call to Action on Affordable Housing & Poverty Reduction



Community Advocacy & Legal Centre

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## EXECUTIVE SUMMARY

The Community Advocacy & Legal Centre (“the clinic”) is a non-profit community legal clinic, providing access to justice through quality legal services, advocacy and information for those living in poverty or on a low income in Hastings, Prince Edward, and Lennox & Addington counties. As part of our commitment to influencing positive social change in our community, institutions and the law, the clinic has been involved in advocating for more safe, secure and affordable local housing for over 30 years. Aligned with that commitment, our legal staff help tenants to protect their rights, ensure their properties are properly maintained by their landlords, that property standards bylaws are enforced, and that evictions are prevented wherever possible.

Since 2001, clinic staff, working with community partners, has either written or contributed significantly to three major reports on homelessness and affordable housing issues. These reports discussed the challenges and needs facing tenants living on a low income or in poverty relating to housing and homelessness, and made recommendations to the community as a whole about how they might be addressed. This new report, *“Spinning in the Cycle of Homelessness,”* builds on the work already done, analyzes developments, serves as a call to action and proposes an outline for the shared advocacy work that is needed over the next 3 - 5 years.

## CYCLE OF HOMELESSNESS: STOPPING THE SPIN

The threat of homelessness can lead to a downward spiral in people’s lives - calling for the community to respond with informed and sustained action. The cycle of housing instability must be avoided due to its deleterious and pervasive impact on individuals, families and the community. Intervening at critical points early in the downward spiral by taking right action or ensuring right outcomes can interrupt the potential for homelessness. The figure below illustrates graphically the potential intervention points and provides a context for how each of our community partners can contribute by interrupting the cycle. This report’s recommendations speak to how we can intervene in holistic and determined ways to help end the cycle of homelessness.

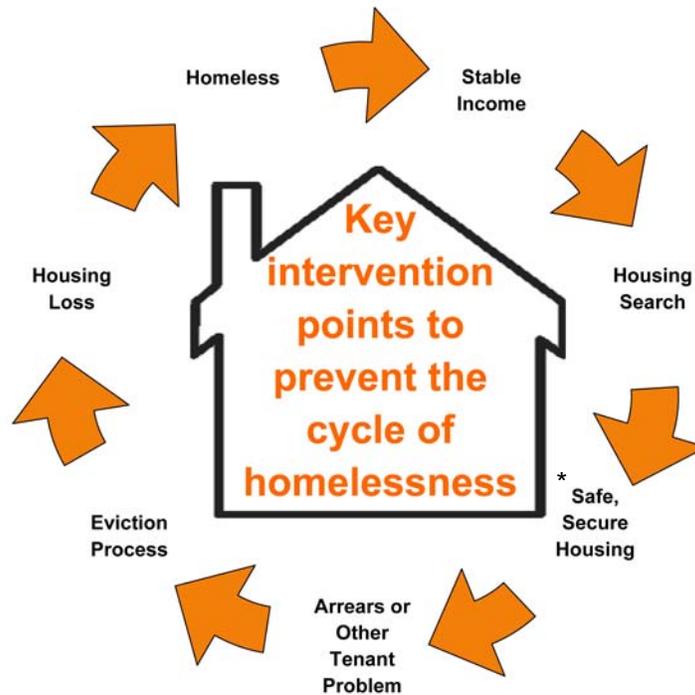


Figure 1: Graphic adapted from “Cycles of Homelessness: Understanding Eviction Prevention and its Relation to Homelessness”, Final Report of the National Homelessness Initiative submitted by Acacia Consulting & Research, March 2006

“Spinning in the Cycle of Homelessness” reviews the clinic’s housing law work, and provides a snapshot of the dominant and prevalent issues facing low-income tenants in our community. The two main concerns identified are a lack of affordability in rental accommodation, which often leads to economic eviction, and disrepair, including problems with the enforcement of municipal property maintenance standards. These concerns inform our recommendations for moving forward.

This report also reviews the progress that has been made over the past decade in addressing affordable housing and homelessness concerns by reviewing how far we have come in implementing the recommendations contained in earlier reports. There was an improvement in the availability of homelessness prevention funds, including rent banks, Community Start Up social assistance benefits, and help for low-income people to pay utilities bills. Tenants also benefited from municipal leadership in the enactment of vital services by-laws, from the construction of some new affordable housing, and from increased availability of rent supplements. In Hastings County, the Affordable Housing Action Network (AHAN) was formed to provide a community voice and collaborative ventures to address affordable housing issues. All Together Affordable Housing Corporation arose from the work of AHAN and has successfully developed its first

transitional home for people at risk of homelessness. The Canadian Mental Health Association created short term shelter options where none existed before. Concerned groups came together in both Prince Edward and Lennox & Addington Counties to study, report, recommend, and act on issues in those communities. However, government cutbacks now threaten to undo much of the good work that has been done.

Provincially there has been no progress to protect tenants by rent control or a rent registry. Most importantly, the 2012 Ontario budget included significant cuts to social assistance, principally homelessness prevention and home repair benefits. Furthermore, the province decided to end its role in setting and enforcing property maintenance standards, a move that will impact the ability of tenants in Prince Edward County, Stirling-Rawdon and several other municipalities to access safe, secure housing.

The federal government has repeatedly defeated private member's bills to legislate a commitment to secure, adequate, accessible and affordable housing for Canadians, despite Canada's 1976 commitment to the International Covenant on Economic, Social and Cultural Rights, which included the right to adequate housing. A discussion of this is beyond the scope of this document. Federal programs that have provided assistance to low income Canadians for home repairs have been cut, which impacts our clients ability to maintain the homes they already own.

## **A CALL TO ACTION: THE RECOMMENDATIONS**

A call to action is particularly important at this time in light of recent provincial and federal government decisions that will compound the challenges already facing tenants living on a low income.

Based on the clinic's legal work, an analysis of the reports of the past decade, and recent developments affecting access to safe, secure and affordable housing, this report outlines a large number of recommendations to help the clinic and our community partners determine how they should take action over the next 3 - 5 years. These recommendations include:

**Recognizing that rent arrears is the single most common reason tenants face eviction, continued advocacy is needed to:**

- increase social assistance rates

- reverse cuts to social assistance benefits
- improve wages for low wage earners
- retain rent assistance programs as they may have the single biggest impact on eviction prevention
- continue programs that assist with maintaining housing
- reverse cuts to provincial homelessness prevention funding

**Recognizing that lack of understanding of the law and legal rights and obligations leads to housing instability, our community has an interest in providing the following supports to tenants:**

- early intervention in the cycle of housing instability by maintaining the clinic’s Tenant Hotline
- giving easily accessible information to tenants about the legal process and resources to avoid eviction
- enhanced Tenant Duty Counsel service at the Landlord and Tenant Board hearings to ensure holistic assistance is provided and to negotiate solutions that can prevent eviction and stabilize housing

**Recognizing the key role that community partners play in providing early intervention, preventing eviction and ensuring adequate and safe housing, we must help to enhance their legal literacy through:**

- designing and providing training and tools to help trusted intermediaries identify legal problems
- developing and enhancing written and web-based information for tenants, landlords and trusted intermediaries, and a “tenant school” to increase tenant legal capability

**Recognizing that tenants may be trapped in unsafe or inadequate housing because of cuts to social assistance benefits combined with lack or loss of property standards enforcement, tenants need:**

- adequate property standards by-laws supported by strong enforcement
- the province to continue its role in setting and enforcing property maintenance standards

**Recognizing that housing is not affordable for many and housing instability is a direct result of poverty and an inadequate income, our community should:**

- encourage broader community attention to the issue and impact of poverty
- consider convening a Poverty Roundtable or similar initiative with representatives from all sectors to tackle this issue in our community

**Recognizing that there are not enough rental units to house those in need, our community should:**

- advocate for the development of more rent-geared-to-income units, and other affordable housing options
- encourage supportive housing models for the hard to house
- advocate for changes to local policy that may prevent the hard to house from accessing geared-to-income housing

**In recognition that actions by the provincial government have further eroded poor people's ability to remain housed, the provincial government should:**

- ensure housing affordability through social assistance, housing benefits and other financial programs
- amend the *Residential Tenancies Act* to promote affordability for tenants, ensure fairness in the process, and adequately compensate tenants for no-fault evictions
- amend the *Residential Tenancies Act* and the *Housing Services Act* to increase procedural fairness and protections for social housing tenants
- simplify tenant forms and adopt a fee waiver program to improve tenant access to remedies at the Landlord and Tenant Board

**Recognizing that municipalities have significant responsibilities to provide affordable housing and address the housing and homelessness needs of local communities, municipalities should:**

- demand that the federal and provincial government adequately fund affordable housing and homelessness prevention programs
- take steps to fill funding gaps resulting from government cutbacks

- ensure that local Housing and Homelessness Plans protect and expand the existing social housing stock, encourage the expansion of affordable housing, and address the needs of vulnerable tenants

## CONCLUSION

Our actions to ensure that everyone has a roof over their head and food on the table are strong indicators that we live in a healthy and caring community. Providing an adequate supply of safe, secure affordable housing is an essential component of any community's poverty reduction strategy. Over the years there has been some progress in improving access to adequate housing for those living on low income in Hastings, Prince Edward, and Lennox & Addington counties. Many of these achievements have been the result of recommendations made in previous reports. Yet the challenges of lack of affordability and disrepair persist and past recommendations have not been acted upon. Signals from the provincial government suggest that we are now moving backwards. It is hoped that this "Call for Action" will mobilize our community partners to continue advocating for homelessness prevention and an increase in safe, affordable housing based on the recommendations contained in this report.

## Introduction

The Community Advocacy & Legal Centre (“the clinic”) is a non-profit community legal clinic in Ontario, providing access to justice through quality legal services, advocacy and information for those living in poverty or on a low income in Hastings, Prince Edward and Lennox & Addington counties. As part of our commitment to influencing change in our community, our institutions, and the law, the clinic has been involved in local housing issues for over 30 years, helping to protect tenants’ rights, prevent evictions and advocate the creation of affordable housing options.

The clinic currently operates a main office in Belleville and six part-time satellite offices, located in Amherstview, Bancroft, Madoc, Napanee, Picton and Trenton, serving a mix of rural and urban clients.

The legal clinic’s financial eligibility criteria restrict the offer of service to individuals and families whose income is at levels below what is generally accepted as the Low Income Cut Off (see *Box 1* below). Accordingly, most of our clients are at risk of housing instability or eviction because of precarious employment, unemployment, high rent and utility costs, reliance on a modest income support from a government program, or all of the above.

<b>Gross Income Eligibility Criteria for CALC Services</b>		
<b>Household Size</b>	<b>One Adult</b>	<b>Two Adults</b>
1	< \$15,800 (\$21,650)*	--
2	< \$18,300 (\$25,550)	< \$21,400 (\$28,650)
3	< \$21,400 (\$29,250)	< \$23,150 (\$31,100)
4	< \$23,150 (\$31,600)	< \$25,550 (\$34,000)
5	< \$25,500 (\$34,600)	< \$27,400 (\$37,100)
6	< \$27,400 (\$37,750)	< \$29,800 (\$39,600)

\*discretionary eligibility cut-off in parenthesis

*Box 1: Income Eligibility for CALC Services*

It has always been our goal to prevent eviction whenever possible, with the basic understanding that unless an individual or family is housed, they cannot effectively deal with other issues in their lives - whether that be maintaining employment or another source of income, dealing with an illness, fleeing domestic violence, or any of the many other challenges tenants often present with. Having a home is the most fundamental of needs, and is equalled only by food on the table.



Eviction prevention can occur at any stage in the cycle of homelessness. Any intervention can interrupt the cycle. Intervening at critical points early in the downward spiral by taking right action or ensuring right outcomes can interrupt the potential for homelessness. The figure below illustrates graphically the potential intervention points and provides a context for how each of our community partners can contribute by interrupting the cycle. For example, ensuring stable income will allow for a housing search to obtain or maintain safe, secure housing.

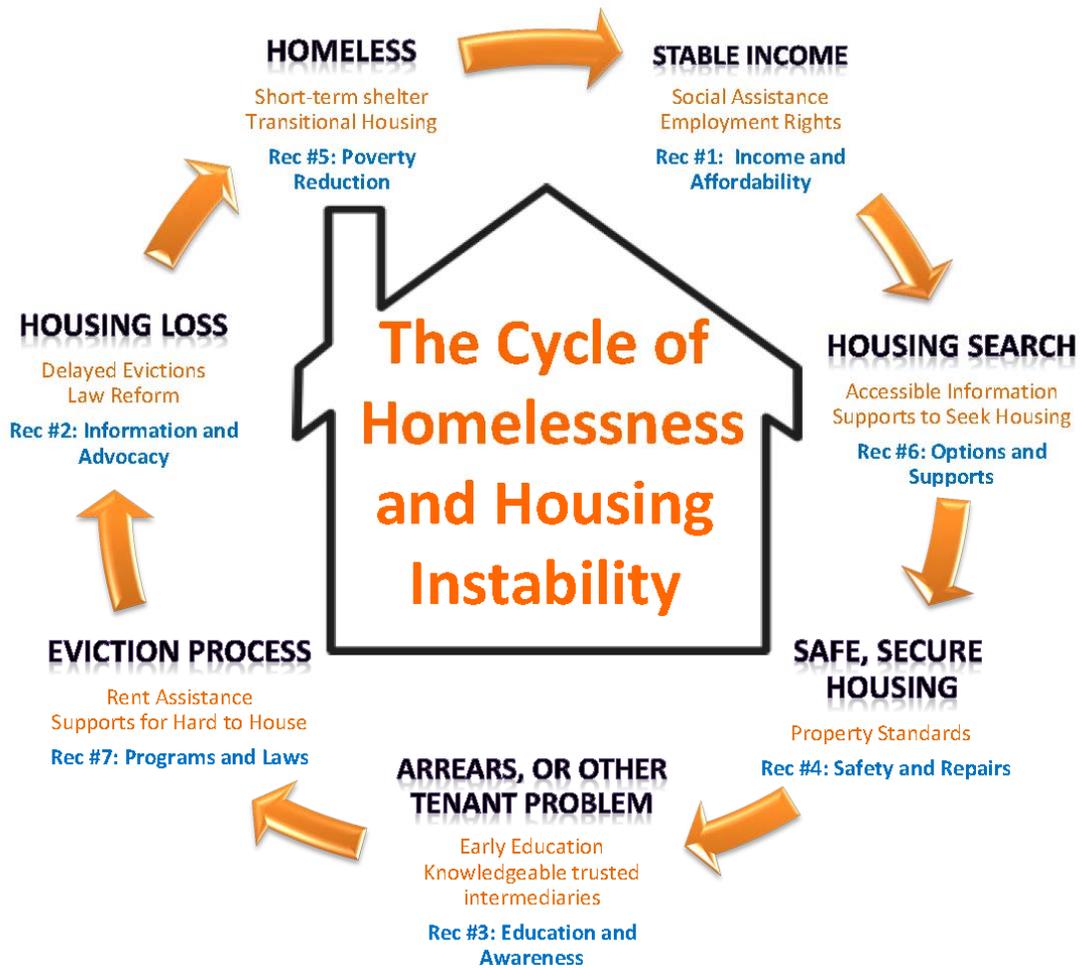


Figure 2: Graphic adapted from "Cycles of Homelessness: Understanding Eviction Prevention and its Relation to Homelessness", Final Report of the National Homelessness Initiative submitted by Acacia Consulting & Research, March 2006



Part I of *“Spinning in the Cycle of Homelessness”* reviews the clinic’s housing law work, and provides a snapshot of the dominant issues facing low-income tenants in our community. We examine the trends we observe in housing legal issues, primarily using our statistics and cases from 2011 and 2012 as the basis for the discussion. We look at the challenges that are presented, both in the course of our day to day work and in the broader context of eviction prevention and affordable housing issues in our community. Part I addresses recommendations and concludes with possible actions to address the recommendations.

In general, tenants that contact the clinic have housing (though often less than ideal), but are experiencing an extraordinary financial or personal difficulty that places that home at risk. Many of these clients require only short-term help from the clinic and other community organizations (e.g. rent bank) to prevent eviction and maintain their household’s current quality of life. On a day to day basis our work offers legal information, advice and representation to tenants, with the ultimate goal of keeping a roof over their heads.

Based on a detailed look at our 2011 statistics, the majority of our housing clients fall into one of three categories: single mothers with children, single adults (with males and females equally represented) and young families. Most of our clients came to us through word-of-mouth referrals, while some were referred from social programs, or by other legal teams within the clinic. A significant number of clients reported a physical or mental disability. There is little variation in our statistics for 2012 and 2013.

A significant proportion of our clientele require multiple, ongoing supports to achieve housing stability. In addition to factors such as low income and unemployment, these clients also present with additional issues that can lead to repeated eviction concerns. For these clients, temporary housing stability may be achieved by preventing the eviction threat at-hand but longer term stability requires assistance with issues such as health, mental health, addiction or maintaining their source of income. Longer term stability can only be addressed by working closely with community partners who provide service and support by way of income or employment programs, mental health services, housing listings, food programs and so on.

Since 2001 clinic staff, working with community partners, have written or contributed significantly to three major reports on homelessness and affordable housing issues. These reports discuss the challenges and needs facing tenants living on a low income or in poverty relating to housing and homelessness, and made recommendations to the



community as a whole about how they might be addressed. *Spinning in the Cycle of Homelessness* builds on the work already done, analyzes developments, and serves as a call to action, proposing an outline for the shared advocacy work that is needed over the next 3 - 5 years.

Part II of “Spinning” provides a summary of recommendations contained in two reports: *Beyond Band Aids: A Community Response to Homelessness* prepared by the Community Advocacy & Legal Centre in 2001 and “*Boxed In: The Affordable Housing Crisis in Hastings County*” prepared by the Hastings County Affordable Housing Research Project Team in 2005. We examine the progress that has been made over the past decade in addressing affordable housing and homelessness concerns by reviewing how far we have come in implementing the recommendations contained in these earlier reports. The purpose of this section is to highlight the successes and failures of the recommendations over the past 10 plus years, to provide an easy document of reference, and to generate discussion for future plans and to support the call to action.

## Income and Affordability

Income not sufficient to meet basic needs or interrupted income often leads to tenants juggling their budget. Rent sometimes does not get paid in part or in full.

Low-income tenants often live in a precarious state, where reduced income or an unanticipated expense can precipitate a crisis that places their home in jeopardy. A detailed analysis of the most common economic issues raised by our clients in 2011 included job loss, a late support payment or benefit payment (including OW/ODSP or spousal and child support), a criminal charge, a death in the family, a relationship breakdown or child custody matter, or dental or veterinary bills. These tenants may necessarily set as a priority any one of these other matters until the point when eviction is looming. There are often valid reasons for choice made about which financial obligation is met when tenants find themselves in the midst of multiple crises simultaneously.

The gap between social assistance allowances for shelter and average rents continues to widen. For example, in 2013 a single recipient of Ontario Works received a shelter allowance of \$376 as part of a total monthly payment of \$626. A minimum wage earner working 40 hours per week earned approximately \$1775. A one bedroom apartment cost at least \$650 in Quinte West. This is more than the total entitlement of the OW recipient.



This rental is also outside the 30% “affordability” range of the minimum wage worker, leaving no “affordability” room for payment of utilities or insurance, or days off work for illness. Affordability and lack of reliable or adequate income is the single greatest hurdle to ensuring secure housing for low-income tenants in our catchment area.

## Recommendation #1

**Recognizing that rent arrears is the single most common reason tenants face eviction, continued advocacy is needed to:**

- increase social assistance rates
- reverse cuts to social assistance benefits
- improve wages for low wage earners
- retain rent assistance programs as they may have the single biggest impact on eviction prevention
- continue programs that assist with maintaining housing
- reverse cuts to provincial homelessness prevention funding

## Increase social assistance rates

There are compelling reasons why many in our community are having difficulty paying their rent. Ontario Disability Support Program (ODSP) and Ontario Works (OW) recipients, for example, are provided a shelter allowance to pay for their accommodation and utility costs. But, as illustrated in the figure below, these allowances do not cover average local rent, to say nothing of heat or other utilities.



Family Size (Unit Size)	OW Shelter Allowance 2012 (Same period in 2011 in parenthesis)	ODSP Shelter Allowance 2012 (Same period in 2011 in parenthesis)	Avg Rent in Belleville October 2011 (October 2010 rent in parenthesis) (4.2% increase overall 9/10)	Rent in Quinte West (2011) (October 2010 rent in parenthesis) (1.0% increase overall)	Rent in Greater Napanees (2011) (October 2010 rent in parenthesis) (2.8% increase)	Rent in PEC (2011) (October 2010 rent in parenthesis) (3.0%)
1 (Bachelor)	\$372 (\$368)	\$474 (\$469)	\$611 (\$597)	Unavailable (\$478)	\$540 (\$529)	\$513 (\$510)
2 (1 bedroom)	\$584 (\$578)	\$745 (\$737)	\$762 (\$721)	\$650 (\$649)	\$644 (\$620)	\$610 (\$603)
3 (2 bedroom)	\$634 (\$627)	\$807 (\$799)	\$873 (\$833)	\$770 (\$761)	\$769 (\$752)	\$728 (\$696)
4 (3 bedroom)	\$688 (\$681)	\$877 (\$868)	\$1010 (\$945)	\$780 (\$795)	\$854 (\$849)	\$851 (\$812)

Sources: [http://www.cmhc-schl.gc.ca/odpub/esub/64507/64507\\_2011\\_B02.pdf](http://www.cmhc-schl.gc.ca/odpub/esub/64507/64507_2011_B02.pdf),  
[http://www.communitylegalcentre.ca/legal\\_information/Tips/IM/SA\\_pension\\_rate\\_Jul-Sep\\_2011.pdf](http://www.communitylegalcentre.ca/legal_information/Tips/IM/SA_pension_rate_Jul-Sep_2011.pdf)

In October 2012, the Commission for the Review of Social Assistance in Ontario released a long-awaited report containing recommendations to the government on how to reform Ontario’s social assistance programs. While a thorough discussion of these recommendations is beyond the scope of this paper, the clinic notes that the Commission report was clear in recommending that adequacy of benefit rates be improved, beginning with a \$100 increase for single people in receipt of Ontario Works assistance. While such an increase would not go far enough towards achieving income security, it would represent a step in the right direction. In improving the adequacy of benefits, it should go without saying that any reforms should not threaten the benefit rates of disabled individuals.

**Reverse cuts to social assistance benefits**

Social assistance rates were deeply cut more than 10 years ago in Ontario. With changes to rates in September 2013, Ontario Works recipients are now receiving about the same amount of assistance as they were when we entered the 21<sup>st</sup> century.

Gradual increase in social assistance rates back to pre-2000 levels, is of course a positive step, but very slow moving.

Changes to legislation and policy developments announced in 2012 will directly impact the ability of low-income individuals and families to secure and maintain safe and



affordable housing. Sadly, most of the changes suggest that it will become more difficult to maintain adequate housing. Most notably, cuts to provincial homelessness prevention funding and changes to property standards enforcement demonstrate the province's lack of commitment to ensuring access to safe, affordable housing. However, the development of local Housing and Homelessness Plans and the possibility of reforming Ontario's social assistance programs present opportunities to advocate for and effect positive change.

Read on for more about the loss of Community Start Up and Maintenance Benefit (CSUMB), the Home Repair Benefit (HRB) and Housing and Homelessness plans.

### **Improve wages for low wage earners**

It is generally agreed that affordable rent is 30% of before tax earnings. This means that a minimum wage earner with a gross monthly income of \$1640 per month can afford roughly \$500 monthly rent. Rent beyond \$500 puts the tenant in a 'precariously housed' situation and increases the risk of eviction<sup>1</sup>. This full time worker is one pay cheque away from losing his or her housing. Ever increasing utility costs also increase the precariousness of tenancies. The real value of minimum wage is declining, placing more and more individuals and families in our community at risk of housing insecurity.

Detailed information about the lobby efforts that have been made for an increase to minimum wage to a "living wage" are beyond the scope of this paper but it must be noted that provincially there has been an active campaign to raise minimum wage to \$14. In July 2013 the Minister of Labour announced that an advisory panel will study the issue with a view to a possible increase in 2014. The Worker's Action Centre says on their website "The current minimum wage of \$10.25 puts workers 19% below the poverty line. While food, transit and rent costs have soared, the minimum wage has been frozen for over 3 years". They go on to say that a minimum wage of \$14 is the amount needed to bring the minimum wage 10% above the poverty line for a single person working 35 hours a week.

Locally the newly formed "Poverty Roundtable" has been supporting the work of a subcommittee who are organizing and promoting a "living wage" approach in our

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<sup>1</sup> <http://intraspec.ca/CHRNhomelessdefinition-draft0419.pdf>



communities. “Living Wage” takes into consideration local conditions, including the cost of rent and utilities, and encourages local employers to pay a “living wage” to their employees.

Working tenants seen by the legal clinic are low wage earners and just one pay – or sometimes one day of pay - away from facing eviction.

### **Retain rent assistance programs as they may have the single biggest impact on eviction prevention**

The legal clinic’s financial eligibility criteria restrict the offer of service to individuals and families whose income is at levels below what is generally accepted as the Low Income Cut Off (see *Box 1* on page 1). Accordingly, most of our clients are at risk of housing instability or eviction because of precarious employment, unemployment, high rent and utility costs, reliance on a modest income support from a government program, or all of the above.

In general, those at risk of housing instability have been able to obtain housing (though often less than ideal), but are experiencing an extraordinary financial or personal difficulty that places their home at risk. Many of these clients require only short-term help from the clinic and other community organizations (e.g. rent bank) to prevent eviction and maintain their household’s current quality of life.

Inadequate incomes and temporary interruptions in income often force people to juggle their budgets. At some point, rent falls behind. Similarly, utility bills, which may have been skipped last month to meet the rent, can cause the cycle of homelessness to start spinning. Even though the rent is paid, the lights are off. These are cases where financial rent assistance could intervene to interrupt an economic eviction in a direct way.

Of the 1500 calls received from tenants in 2011, slightly more than one quarter of the tenants revealed that the primary reason for their call was because of possible eviction due to rent arrears. These statistics were virtually the same in 2012. Rent arrears was the most frequently given reason that tenants contacted the clinic in 2011 and 2012.

Further, rent arrears cases represent almost 70% of the cases seen by local Tenant Duty Counsel at the Landlord and Tenant Board in 2011 and 60% of cases in 2012.



This suggests that affordability is the single greatest hurdle to ensuring secure housing for low income tenants in our catchment area.

This also suggests that rental assistance programs designed to pay rent arrears, such as rent banks and the former Community Start Up Benefit, would have the single biggest impact on maintaining housing and preventing eviction.

### **Continue programs that assist with maintaining housing**

Over the past 6 years Hastings County in particular, but also Prince Edward/Lennox & Addington County, have been successful in obtaining government funding which has allowed the development and increased availability of “rent supplements”.

Rent supplements, generally speaking, allow a tenant to remain in current market rent (privately owned) housing. The rent supplement allows a payment to the landlord of part of the rent and the tenant pays the balance.

Throughout the life of these programs it is interesting to note that the clinic has had very few cases where an economic eviction has resulted. It is also interesting to note that the clinic has received very few complaints about maintenance or disrepair in rent supplement units. Best practice would dictate that the landlord meet maintenance standards before a supplement is available (more about this later).

Rent supplement programs appear successful in stabilizing rental housing for tenants and at the same time ensuring safe secure housing. Rent supplements offer a dignity of choice of rental accommodation (within the bounds of the program). They may offer an end to a cycle of homelessness for many of our tenants.

On the federal government level, it is unfortunate that the Residential Rehabilitation and Assistance Program (RRAP) was discontinued. The RRAP program assisted low income homeowners to do essential repairs. Low income clients of the clinic are not just tenants; they are also home owners, particularly in rural areas, where housing prices are more affordable, home ownership is common among our clients. Federal investments in affordable housing are being cost matched and delivered by provinces under the Investment in Affordable Housing (IAH) agreement, according to the Canada Mortgage



and Housing Corporation. Although the IAH programs may contain a home renovation portion, there is no such designation of funds locally.

### **Reverse cuts to provincial homelessness prevention funding**

The Community Start Up and Maintenance Benefit (CSUMB) was a provincial benefit provided to Ontario Works (OW) and Ontario Disability Support Program (ODSP) recipients. The benefit, a maximum of \$799 every 24 months for those without children and \$1,500 for those with dependents, helped tenants stay in their homes or establish new residences. The benefit helped cover housing-related costs by contributing to expenses such as rent arrears, a last month's rent deposit, purchasing a fridge or stove, moving or utilities bills. In very real terms, the CSUMB was a homelessness prevention fund. The clinic routinely advised clients to draw on this program to prevent eviction and to help ensure that low income tenants were able to achieve a modicum of housing security.

Unfortunately, in 2012 the Government of Ontario announced the elimination of the CSUMB effective in January 2013. The province instead has directed about one half of former CSUMB funding into a new consolidated program (the Community Homelessness Prevention Initiative, or "CHPI") administered by municipalities to provide housing and homelessness services and supports<sup>2</sup>. There is now significantly less funding to provide service to a larger group of potential recipients (unlike CSUMB, the new consolidated fund is not targeted only to social assistance recipients).

The cut to provincial funding will be even more serious in our service area as a result of the funding formula that was used to allocate former CSUMB monies to municipalities. Both Hastings County and the Counties of Prince Edward and Lennox & Addington will actually receive less than 50% of what they formerly received in CSUMB funding as part of their funding allocations under the new CHPI. This funding cut will place tremendous pressures on municipalities. Cutting CSUMB, while resulting in a short-term savings to the budget of the Ministry of Community and Social Services, will have significant social and economic costs (including policing and justice system costs, and increased healthcare costs). The negative impact associated with such costs might be avoided where municipalities are able to plug the funding gap and maintain homelessness prevention funding at current levels. However, it is clear that municipalities, especially those with

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<sup>2</sup> [http://www.mcsc.gov.on.ca/en/mcsc/programs/social/housing\\_bulletin\\_june.aspx](http://www.mcsc.gov.on.ca/en/mcsc/programs/social/housing_bulletin_june.aspx)



limited property tax bases, do not have the same ability to generate revenue as the province does.

In 2012 the clinic was joined by municipalities, advocacy groups, service providers and other interested parties to lobby the Government to reverse the decision to eliminate the CSUMB. Information was widely distributed, and written objections were collected and presented to our local Member of Parliament. In addition, Mr. Smith, MP for Hastings Prince Edward, presented his own petition to the Government objecting to the CSUMB cuts.

The 2012 Ontario budget also cut the Home Repairs Benefit (HRB), another housing benefit that was available to social assistance recipients who owned their own homes. The HRB provided funding for emergency home repairs that were necessary for people to continue living in their homes and for which no other funding was available. This cut will have a particularly serious impact in rural areas, where more social assistance recipients are homeowners. As a result of the cut, it will become impossible for many people in our communities to cover the cost of such expensive work as roof repairs, plumbing and septic repairs, and repairs to heating systems.

The Commission for the Review of Social Assistance in Ontario also acknowledges the cut to the Community Start Up and Maintenance Benefit. While giving approval to the goals of simplification and providing local flexibility in delivery of benefits, the Commission notes that simplification and local flexibility need to be sufficiently resourced, not funded at lower levels. The clinic agrees with the Commission's criticism, and expresses concern that recent provincial changes are suggestive of a trend towards downloading of services. While often cloaked in the guise of providing increased local flexibility, without adequate funding from the province the effect of these changes will be to eliminate vital programs and benefits, and to hurt the most vulnerable people in our communities. This is fundamentally inconsistent with the purpose of an effective social assistance system.

## Information and Advocacy

Eviction prevention can occur at any stage in the cycle of homelessness. Any intervention can interrupt the cycle. Intervening at critical points early in the downward spiral by taking right action or ensuring right outcomes can interrupt the potential for homelessness.



All too often, clients in rent arrears contact the clinic only when they receive an eviction notice from their landlords. While some eviction notices may be completely unexpected, it is evident that most clients, especially first-time callers, do not seek legal information or support until their situation has become critical.

## **Recommendation #2**

**Recognizing that lack of understanding of the law and legal rights and obligations leads to housing instability, our community has an interest in providing the following supports to tenants:**

- early intervention in the cycle of housing instability by maintaining the clinic's Tenant Hotline
- giving easily accessible information to tenants about the legal process and resources to avoid eviction
- enhanced Tenant Duty Counsel service at the Landlord and Tenant Board hearings to ensure holistic assistance is provided and to negotiate solutions that can prevent eviction and stabilize housing

### **Early intervention in the cycle of housing instability by maintaining the clinic's Tenant Hotline**

On a day to day basis our work offers legal information, advice and representation to tenants, with the ultimate goal of keeping a roof over their heads. Consistently the clinic speaks to more than 1600 tenants in any given year. Housing related calls make up around 40% of the total incoming calls to the clinic.

Over the past 10 plus years the clinic has had the support of the County of Hastings to operate our Tenant Hotline as part of a comprehensive Eviction Prevention Plan. The Tenant Hotline operates 4.5 days per week, allowing callers to speak to an intake worker on their first telephone contact with the clinic, and be provided with basic information. Tenant hotline callers are given information about community resources at this initial stage, and are scheduled for follow up with a lawyer or other legal worker, based on the



issue they present with. For example, a caller with a notice of rent arrears will be provided with all the financial referrals in the community, in order to seek help with the rent arrears even before speaking with a lawyer about what will happen next in the legal process. If the caller is able to access money to pay the rent arrears, further legal action by the landlord can often be averted.

The Tenant Hotline has been designed to provide critical information to a tenant on the first contact with the clinic. It is a straight-forward telephone call which leads directly to staff that can help; there is no complex voice mail system for the caller to navigate. Intake staff have a manual that has been created and sustained in-house, that allows them to gather and provide timely information to the caller.

Although the legal clinic has offices in six communities outside of Belleville, it is still a challenge for many of our clients to get legal information in person. Much of our contact with tenants is by telephone. Further, many clients have the additional challenge of not having a telephone of their own or having limited cell phone minutes or service. As a result, follow up with a caller can sometimes be a challenge; for the best chance at interrupting the cycle of homelessness tenants need to get critical information in the initial call to the clinic.

Tenant resources have also been mailed regularly to new tenant callers including our highly circulated “At a Glance” financial resource sheet ([http://www.communitylegalcentre.ca/legal\\_information/Tips/HSG/Financial-Resources-for-Tenants.pdf](http://www.communitylegalcentre.ca/legal_information/Tips/HSG/Financial-Resources-for-Tenants.pdf)), which has been renamed in 2013 to “Need Help to Pay the Rent”. An informal survey conducted in 2012 told us that some of our tenant callers had used the information and passed it along to others.

### **Giving easily accessible information to tenants about the legal process and resources to avoid eviction**

Tenants and landlords often lack understanding of the legal requirements and processes that can lead to eviction. For example, eviction notices sometimes are not valid (e.g. a note from a landlord informing a tenant to leave by Friday) and tenants are too often unaware of their rights. Tenants may avoid dealing with the situation until it becomes critical because they do not fully understand it, or because they assume they cannot afford to address it.



The clinic has developed a series of plain language tenant tip sheets that use a question and answer format, to deal with the most common questions we are asked.

As part of our eviction prevention strategy the clinic developed written information which is mailed to all tenant callers within days of their initial contact. These resources are part of our Eviction Prevention Project and provide a summary of financial resources available to help with rent arrears and the eviction process. In addition to mailing to tenant callers, these resources have been distributed in the thousands through our public legal education events, at the Landlord and Tenant Board (LTB) sittings and are some of the most viewed pages on our website, [www.communitylegalcentre.ca](http://www.communitylegalcentre.ca).

Information and advice to tenants, whether it is a question of basic rights and obligations or dealing with an eviction notice, can slow the spin of the cycle of homelessness. Knowing where to go for help, methods and opportunities to avoid eviction, and being aware that there is a settled legal process to be followed provides reassurance to callers in very difficult situations. It allows a process of informed decision making to start.

**Enhanced Tenant Duty Counsel service at the Landlord and Tenant Board hearings to ensure holistic assistance is provided and to negotiate solutions that can prevent eviction and stabilize housing**

In 2011 the clinic assisted more than 350 tenants at the LTB and was able to intervene to stop or delay potential evictions in more than 50% of these cases. The number of tenants TDC saw in 2012 was up to more than 370 with similar results in preventing eviction. A day at the Landlord and Tenant Board might include up to 40 matters on the docket.

Since 1999 the clinic has operated the Tenant Duty Counsel (TDC) program at the local sittings of the Landlord and Tenant Board (LTB). As part of an active Eviction Prevention Project “enhanced duty counsel” has been possible. Duty Counsel would normally be one lawyer or paralegal providing service to all qualifying tenants who attend for their hearing at the LTB. Through the support of the Eviction Prevention Project (County of Hastings) the clinic had increased service to tenants by providing additional staff at TDC. The program has expanded over the years and grown to include an active volunteer component as well as providing “hands on learning” to Queens Law students. Our clinic model for providing enhanced service at duty counsel, as well as all the resources and training materials developed, have been shared across the province at clinic training events.



There remain significant barriers to ensuring access to justice for low-income tenants at the Landlord and Tenant Board. The level of service currently provided by TDC without the “enhancements” created by the Eviction Prevention Project funding allow us to alleviate some of them.

TDC often speak to tenants who have had previous contact with the clinic to obtain information and referrals before the hearing date. Often these tenants are experiencing so much stress and confusion on their hearing date that they do not recognize that they have had previous contact with the very people they are speaking to again. These high levels of stress present a challenge for duty counsel to ensure that a tenant understands the process and is able to make informed choices. The enhanced duty counsel model allows additional time to be spent with these tenants to overcome this important challenge.

Further, a low level of tenant legal literacy is often evident at LTB hearings. The legal realm – the law, the paper work, the adjudicator, the hearing room – is a world for which many tenants simply do not have a map. Tenants arrive at hearings confused, uncertain about why they are there, where to sit and who they may need to speak to. Most are very worried that they will be evicted the same day. A visual resource created in 2013 addresses this concern with a colourful and informative “Tenant Map” for use by Duty Counsel.

TDC are also able to assist low income tenants in negotiations with landlords, and often provide coaching to tenants so that they can resolve disputes with their landlords directly.

The single most common landlord application to the LTB is arrears of rent. A Landlord application for rent arrears is a relatively uncomplicated process and one which routinely leads to an order by the LTB which includes an eviction provision. It may be trite to state that a landlord seeking eviction for rent arrears is usually satisfied with payment of money. If a payment plan can be arranged, eviction can be avoided. TDC can effectively intervene to prevent eviction for poor and low income tenants by proposing a payment plan. Historically payment plans have been closely tied to rent bank and Community Start Up funds. The negotiated continuation of a tenancy has become more complex with the loss of CSUMB and the inability of TDC to determine if homelessness funds might be available to a tenant.



In cases where the relationship between landlord and tenant is unsalvageable, it is often possible for TDC to negotiate a date to end the tenancy that gives the tenant enough time to move their family to a new home.

Duty counsel need to have time to prevent evictions by negotiating successful resolutions with landlords, assisting with mediations, connecting with service providers and in select cases providing representation before the Board.

## Education and Awareness

The clinic regularly provides legal education to trusted intermediaries, also known as our community partners. We often speak about the eviction process and how and where these partners can intervene to prevent homelessness.

When a tenant tells a trusted intermediary that a landlord has threatened to evict, this is usually easily identified as a legal problem the clinic can help with. However some legal problems are not as easily identified, such as when that same tenant complains to the community partner that they have no heat in February. The effective intervention in the cycle of homelessness sometimes depends on the recognition that a legal problem exists at the earliest possible state. To help trusted intermediaries and tenants to recognize legal problems, a number of tools and approaches have been developed and used by the clinic.

## Recommendation #3

**Recognizing the key role that community partners play in providing early intervention, preventing eviction and ensuring adequate and safe housing, we must help to enhance their legal literacy through:**

- designing and providing training and tools to help trusted intermediaries identify legal problems
- developing and enhancing written and web-based information for tenants, landlords and trusted intermediaries, and a “tenant school” to increase tenant legal capability



## **Designing and providing training and tools to help trusted intermediaries identify legal problems**

Each year the clinic meets with Ontario Works staff to provide information and training about the legal processes of eviction and where staff can intervene in that legal process. We provide training to other community agencies through venues such as service provider luncheons and Canadian Mental Health forums.

To assist our trusted intermediaries to identify legal issues we have continued to develop and use a variety of training tools, including a “true or false” game and a case model approach. We have created and circulated a “job aide” flow chart that simplifies the eviction process to be understood at a glance. These tools assist to highlight the intervention role that trusted intermediaries can play, and enhances ability to spot legal issues that can be referred to the clinic for advice.

In 2013 we are working to provide further tools to trusted intermediaries in the form of “legal health checklists” to assist with the identification of legal issues. To be effective our trusted intermediaries require ongoing training and willingness to use the tools, which we will provide by way of “Tenant School” in 2013/2014.

## **Developing and enhancing written and web-based information for tenants, landlords and trusted intermediaries, and a “tenant school” to increase tenant legal capability**

Each year, the clinic hears from many tenants facing eviction who have concerns related to rent, maintenance or the enjoyment of their rights, yet do not know they have a legal problem or do not pursue legal options. Increased legal literacy and capacity of tenants, landlords and trusted intermediaries can help to stop the cycle of homelessness by informing every one of their rights and obligations.

Through the clinic’s Eviction Prevention Project and as part of our regular work we have provided in-person legal education to hundreds of tenants, social service providers and other trusted intermediaries.

We utilize Twitter, Facebook and our website to distribute information. We provide written resources to high schools and Loyalist College, and distribute tear off ads to doctor’s offices and grocery stores. A public service ad runs regularly on local cable. We



regularly create new written and web-based resources and improve existing materials. We have utilized local food bank resources to get information out to tenants. The clinic's focus (and mandate) is low income tenants, however a tenant's circumstances are fundamentally impacted by the actions (or inaction) of landlords. The clinic's Landlord Information Sheet is consistently one of the top 10 viewed pages on our website.

Our website contains a section on Frequently Asked Questions and links to resources prepared by legal clinics and others across the province, including Community Legal Education Ontario, Advocacy Centre for Tenants Ontario, the Landlord Self-Help Centre and the Landlord and Tenant Board. New resources and links are always being added.

In 2013 we will be advancing tenant and trusted intermediary training by running "Tenant School" sessions. We have adopted and adapted a model successfully launched by another legal clinic. Our approach features a demonstration (skit) with focus on a particular tenant issue. Plain language and easy to use written resources are provided at each "class". "Tenant School" is focused on providing information and practical tools about particular issues or topics faced by tenants. For example, our first session has explained the need to complain to a landlord in writing about maintenance problems and provides a form letter. The form letter is also accessible on our website. Training has been given to a group that is facilitated by a trusted intermediary, who also benefits from being better able to identify and help with basic tenant issues, or know when to refer to the legal clinic.

## Safety and Repairs

The lack of maintenance and repair in rental units is the single most common reason for calls to the clinic, behind rent arrears.

Averaged over 2011/2012 about 15% of callers to our Tenant Hotline reported maintenance and repairs issues. Our detailed analysis of 2011 information revealed an additional 10% reported that although maintenance was not the primary reason for the call, the tenant complained about a maintenance concern and was given information during the call (e.g. the call may have been made because of an eviction notice). Because it is so common for tenants to call with one legal issue, often eviction, but also to have issues of disrepair, we actively ask about disrepair in the unit.



## Recommendation # 4

**Recognizing that tenants may be trapped in unsafe or inadequate housing because of cuts to social assistance benefits combined with lack or loss of property standards enforcement, tenants need:**

- adequate property standards by-laws supported by strong enforcement
- the province to continue its role in setting and enforcing property maintenance standards

Often a tenant will make first contact with the clinic because they have received an eviction notice. With disturbing regularity questioning reveals that the tenant is experiencing significant disrepair and has withheld the rent because of this.

The *Residential Tenancies Act* does not give tenants the unilateral right to withhold rent to ensure repairs are done, and by doing so tenants put themselves in jeopardy of eviction for non-payment. Withholding rent rarely, if ever, results in repairs being completed. Withholding rent often leads to eviction for rent arrears. The reality of tenants living in poverty is that the rent money is then used to pay the utility bill, or buy groceries or diapers, or is spent on other pressing needs.

Conversely, some landlords appear to withhold necessary repairs until rent arrears are paid. Just as withholding rent is not sanctioned under the *Residential Tenancies Act*, neither is a landlords' obligation to do repairs contingent on the payment of rent. Tenants often contact the clinic only when the relationship with their landlord has deteriorated significantly or when the lack of repair becomes unbearable, meaning the clinic is often dealing with these matters at the crisis stage. Indeed, some tenants ask the clinic for assistance in ending their tenancy, citing persistent maintenance issues and tension with their landlord as their primary reasons for wanting a fresh start somewhere else.

### **Adequate property standards by-laws supported by strong enforcement**

Many tenants contact us about disrepair that has existed for long periods of time. They describe a high tolerance for serious disrepair, which tolerance is often coming to an end by the time they speak to us. This suggests two things: tenants are very attached to their



homes despite their less than ideal living conditions and are reluctant to leave, and/or there are few affordable options to leave for.

Tenants often describe an unwillingness to complain for fear of eviction. This is particularly true of tenants who have been living in the same unit for a long period of time and who were thus, by law, subject only to modest annual rent increases. Our deeper analysis of the 2011 calls revealed that many tenants alleged that repairs were being intentionally and unduly withheld by the landlord. Most of these callers describe the outstanding maintenance issues as impacting their health, safety or quality of life.

It is clear that many renters who contacted the clinic live in aging buildings or buildings that are deteriorating. The most common complaints in 2011 were related to mould, flooding/water damage, windows and doors that do not lock or function, and infestations (e.g., bedbugs, mice). These issues are recurring themes, with bedbugs being a far more prevalent complaint than it was 5 years ago.

Of those tenants who reported maintenance issues in 2011, nearly 30% said that vital services such as heat, water and electricity were impacted, either because urgent repairs were needed or because the landlord had intentionally interfered with these services. The vast majority (62%) of vital services cases reported to the clinic occurred in Belleville. The frequency of tenant complaints about maintenance suggests that some landlords are unwilling or unable to maintain their buildings. It is our experience that there is underwhelming enforcement of local property standards by-laws, particularly in the more rural parts of our service area.

While property standards enforcement in the urban centres of our service area is generally sufficient, enforcement in more rural areas is problematic and sometimes nonexistent. As a result, some tenants are living in unsafe or unhealthy conditions. In our service areas, most municipalities, with the exception of Prince Edward County (PEC) and a few smaller municipalities, have a local Property Standards by-law that sets out minimum maintenance standards. Those without local standards are governed by the Provincial standard.

Over the past 10 years both Belleville and Quinte West have increased staffing for enforcement of property standards by laws, improving the ability to investigate complaints. However, particularly in smaller municipalities in Hastings County, adequacy and investigation of property standards by-law enforcement appears little changed over



the past 10 years. Prince Edward County will face a new challenge in the near future when the Province discontinues availability of provincial enforcement officers.

We believe that adequate by-laws and enforcement would not only improve the quality of existing rental housing stock, but also may prevent displacement of tenants and their families due to unresolved disrepair issues. This can be a real intervention into the cycle of homelessness.

As part of our Eviction Prevention Project the clinic has actively promoted a review and revision of local property standards by-laws. Municipalities have been reminded of the existence of a Model Property Standards By-Law, prepared by the Ontario Association of Property Standards Officers. In 2011, 20 municipalities contacted quarterly about the Model Property Standards By-Law, and for the first time in 5 years this prompted further inquiry by a small number of municipalities. Annually, we remind local municipalities of the benefit of an adequate property standards by law. These actions have had very modest impact to address disrepair concerns.

Ensuring the existence of adequate property standards by-laws and effective enforcement procedures will become even more important with the elimination of the Community Start Up and Maintenance Benefit. Historically, tenants living in serious disrepair who have not succeeded in resolving their repair issues have been able to access benefits to move to safer housing. Such funding will be far more difficult, if not impossible, to access with the loss of CSUMB. In the absence of adequate property standards by-laws and enforcement, low-income tenants will be forced to remain in unacceptable, and sometimes dangerous, living conditions.

### **The province to continue its role in setting and enforcing property maintenance standards**

In addition to cutting homelessness prevention funding, the 2012 Ontario budget also announced the province's intention to discontinue its role in setting and enforcing provincial maintenance standards for residential rental properties.

Municipalities that have elected not to enact property standards by-laws or where only partial by-laws exist (e.g. by-laws that apply only to the exterior of dwellings), are governed by a provincial maintenance standard. Where the provincial standard applies, tenants may report maintenance issues to the provincial Investigations & Enforcement Unit (IEU). Complaints to the IEU can result in an inspection by a provincial property



standards officer and, in the case of a violation of the provincial standard, a work order may be issued to the landlord. The province's decision to end its role in setting and enforcing property standards means that there would be no maintenance standard in municipalities that lack a property standards by-law or that have only a partial by-law. Tenants in such municipalities would lose the ability to have a property standards inspection and to obtain a work order requiring repairs to be done. This move will affect an estimated 1,000 tenant households living primarily in smaller municipalities in Hastings County and Lennox and Addington County. Most significantly, all tenant households in Prince Edward County will be affected since that municipality has only an exterior property standards by-law. It is significant that Prince Edward County and the Township of Stirling-Rawdon both ranked in the top ten municipalities in the province in provincial property standards inspections from 2005/06 to 2011/12. The province's decision should be of particular concern to tenants in those municipalities.

Even without a provincial maintenance standard, landlords would continue to have an obligation under the *Residential Tenancies Act* to maintain residential complexes and rental units in a state of good repair and fit for habitation. Likewise, tenants would still have the ability to make applications to the Landlord and Tenant Board against landlords who fail to comply with their maintenance obligations. That said, the intervention of a property standards officer is often a much more timely way of ensuring necessary repairs are completed, and a report or work order from a property standards officer is often a crucial piece of evidence in a disrepair case at the Landlord and Tenant Board.

Historically the clinic has limited representation to tenants in disrepair cases for two principle reasons: 1) demand outstrips clinic resources, so only the most vulnerable clients are offered representation and 2) results from a disrepair case are often negatively disproportionate to the effort required to present a case – especially when the length of time to litigate and get repairs done stretches to months. Often tenants will move out before the process is completed, as the situation has become unbearable.

It is important that a provincial maintenance standard remain in effect to set a minimum standard in those municipalities that may lack the resources or the desire to enact their own property standards by-laws. Continued provincial enforcement of that standard should provide tenants with a timely way to ensure the completion of necessary repairs. The alternative of course is that municipalities that rely on the provincial enforcement mechanism need to turn their minds to enacting an adequate property standards by-law and to provide local resources to ensure its enforcement.



## Poverty Reduction

Affordable housing advocates in Hastings County have been coming together since the mid 2000's under the umbrella of the Affordable Housing Action Network. In addition, other groups and organizations, such as the Food Security Network, Health Units, the United Way, and multiple dedicated organizations, formal and informal, have highlighted the effect of poverty, its prevalence and its costs. Interrupting the cycle of homelessness often translates to interrupting the cycle of poverty, food insecurity, improved employment opportunities, wages and working conditions. The work of each group can support and enhance the work of the other efforts.

### Recommendation # 5

**Recognizing that housing is not affordable for many and housing instability is a direct result of poverty and an inadequate income, our community should:**

- encourage broader community attention to the issue and impact of poverty
- consider convening a Poverty Roundtable or similar initiative with representatives from all sectors to tackle this issue in our community

### Encourage broader community attention to the issue and impact of poverty

Advocacy has always been a key element of our work at the clinic. We continue to advocate for more affordable housing options and better legislation to protect tenants' rights and promote better housing.

The clinic is actively involved in the Affordable Housing Action Network (AHAN) of Hastings County, a group of individuals and organizations working to create affordable housing for people who are precariously housed or homeless through collaborative networking, housing development, capacity-building and advocacy. With both a federal and a provincial election in 2011, AHAN was busy raising awareness about local affordable housing and poverty issues. This included supporting the "Poverty Free Ontario" campaign spearheaded by the Community Development Council of Quinte; working on the "Poor No More" project, which was a collaborative effort to raise poverty



related issues locally and organizing a debate among provincial candidates that focused on poverty reduction and social justice issues. Work with AHAN continues including a successful National Housing Days, sponsored by Canada Mortgage and Housing Corporation, in 2012 and 2013. The clinic chairs the AHAN steering committee and participates actively in both of its working committees.

The clinic also co-chairs the Prince Edward County Affordable Housing Working Group (PECAHWG). In December 2010, PECAHWG released their Strategic Action Plan for Affordable Housing in Prince Edward County. The report's recommendations have been embraced by the Prince Edward-Lennox & Addington Social Services Committee and used in the development of their Affordable Housing Delivery Plan.

PECAHWG, supported by the Canada Mortgage and Housing Corporation, presented affordable housing issues, options and information at their 2012 "Local Challenges – Home Grown Solutions" forum. More than 60 people from a wide range of industry and interests attending, including politicians, builders, bankers, real estate and affordable housing advocates. The PECAHWG prepared its first "report card" on its Strategic Action Plan of 2010, which was presented at the forum. The working group continues to monitor progress, including amendments to the Official Plan and Secondary Plans in the County. The clinic is a member of Housing Action in Lennox & Addington (HALA), which successfully obtained funding for a Community Facilitator position and organized its first National Housing Day on November 22, 2011. Unfortunately the funding for the Community Facilitator position ended in the spring of 2013, so this highly valuable community service was almost lost. In response, collaboration by community service providers is continuing to provide service by dividing up the key functions, but with no additional financial support to do so.

**Consider convening a Poverty Roundtable or similar initiative with representatives from all sectors to tackle this issue in our community**

The clinic believes that problems such as homelessness and the lack of affordable housing in our community cannot be addressed in isolation. The issues are so closely tied with social assistance rates, changes to program funding (such as the elimination of CSUMB and a new homelessness funding formula for municipalities), food security and health. The Affordable Housing Action Network has established a solid relationship among housing related services, and other relevant agencies. The logical extension of the Affordable Housing Action Network is a broader Poverty Reduction Coalition or



Roundtable, addressing the broader issues of Poverty. The clinic, the Affordable Housing Action Network and a committed group of other individuals and agencies came together on the “Poor No More” initiative in 2011, as a broader strategy to address the issues. Continuation of these partnerships would strengthen our community’s ability to address systemic issues and advocate broadly for change.

Early in 2013 invitations were issued to a cross section of agencies, groups and individuals to explore the idea of a broader Poverty Roundtable approach to addressing issues in our community. By May 2013 the group had identified its mission and vision and will continue to forge ahead with a broader mandate and strategy to address systemic issues.

The most effective approach to the issue of poverty in our community would be served by ensuring contribution to this group by poverty advocates of with a variety of expertise and interests.

## Options and Supports

As identified in Recommendation #1 and illustrated in the chart at page 5, average rents in our geographic areas are beyond the affordability reach of low income tenants in our community.

The Affordable Housing Action Network, with financial assistance of the United Way of Quinte, will be releasing a detailed report in early 2014 that will speak to updated data regarding rents, vacancy rates and the increase in affordability issues. This report will illustrate that affordable units are moving out of reach of low income tenants at alarming rate. The Ontario Non-Profit Housing Association reports that Hastings County has seen an increase of more than 58% on its social housing wait list since 2007. More than 1300 households are currently waiting for geared-to-income housing, with non-senior singles possibly waiting more than 4 years for a unit.

Affordability however, is not always the culprit when it comes to housing some of the most vulnerable in our community. The need of support to maintain affordable housing is a particular issue for the “hard to house” – those who may find it difficult to maintain affordable housing once it is found – due to personal challenges that lead to eviction and sometimes long term difficulties accessing existing affordable housing programs.



## Recommendation #6

### Recognizing that there are not enough rental units to house those in need, our community should

- advocate for the development of more rent-geared-to-income units, and other affordable housing options
- encourage supportive housing models for the hard to house
- advocate for changes to local policy that may prevent the hard to house from accessing geared-to-income housing

### Advocate for the development of more rent-geared-to-income units, and other affordable housing options

Although rent-geared-to-income housing is of great value to low income tenants, it need not be the only solution considered to alleviate affordable housing concerns. Affordable housing can consist of a wide spectrum of housing options – shared accommodation, encouraging the development of second suites, affordable home ownership programs, and so on. It is beyond the scope of this paper to address these many options, except to mention those as they most clearly affect our low income tenants.

Our client data suggests that more and more tenants on fixed incomes are electing to share accommodation in the interest of affordability. Perhaps consequently, the clinic is also seeing an increase in cases of co-tenant disputes, sometimes resulting in one tenant leaving a unit and the other left facing eviction due to rent arrears. In most cases, the tenant remaining in the unit continues to pay his share of the rent, but cannot afford to pay the co-tenant's share as well.

This is a trend that is likely to continue, and the current state of the law does not offer an easy solution to the remaining tenant. Most often, the tenancy will be considered “joint” so that the entire tenancy is in jeopardy if one of the tenants fails to pay. This approach is favourable to a landlord, who can then get possession of the entire unit. Otherwise a landlord might be in a position to have to rent an already partially occupied unit (i.e. find the paying tenant a roommate) in order to receive all the rent.

The current state of social assistance law does not allow for needed flexibility in co-tenant situations. As an example, Tenant A lives in a 2 bedroom unit, and can no longer afford



the total rent because she is in receipt of Ontario Works (OW) or Ontario Disability (ODSP). Tenant A seeks out a roommate, Tenant B. Tenant B pays one half of the rent to Tenant A, who pays the total rent to the landlord. In this situation both OW and ODSP will attribute “rental income” to Tenant A and reduce her total benefits. Only if Tenant B pays the rent directly to the landlord will this situation be averted. For many good reasons, this direct payment to the landlord is sometimes not suitable for Tenant A or the landlord. Tenant A may wish to ensure she has the ability to replace Tenant B at any time, without ending her tenancy. The landlord may not wish to have the additional burden of dealing with Tenant B. The end result is that Tenant A gets less money to live on, even though the rent expense is supposed to be equally shared. Both Tenant A and B can be affordably housed with a change to OW/ODSP legislation.

Other affordable housing options can be created by municipalities by ensuring that the community is friendly to the development of second suites. Not only do second suite options create new affordable rental units, but also make home ownership more affordable for many.

Increased height, density or inclusionary zoning and development may require a municipality to change the Official Plan and/or zoning by-laws. Many communities have been successful in encouraging or requiring affordable housing creation in new developments by such changes, which may allow increased density in a new development in exchange for the creating of some “inclusionary” affordable housing. Locally, Prince Edward County Council has committed to the creation of new affordable housing in that community. Other municipalities may wish to consider this public commitment to ensuring affordable housing options are always part of new development.

Local affordable housing groups, while continuing to advocate that all levels of government adequately support affordable housing in our communities, must also continue to look at outside sources of funding to move forward with plans to develop affordable housing. Partnerships with private sector builders have been highlighted in some affordable housing development – in Hastings County in past years, and in 2013 the first partnership for an affordable housing build in Prince Edward County. Although these programs have been funded by provincial government programs, they have also created the opportunity to raise awareness with private sector builders about the need for and the possibility of partnerships to create affordable housing.



## Encourage supportive housing models for the hard to house

Mental health is a common theme in the clinic's housing work. People who self-identified as having one or more mental health issues were strongly represented among our clientele in our 2011 statistics and this trend is consistent in 2012 and 2013. A striking number of these individuals stated that their mental health issues were implicated in eviction-related experiences.

It is clear that mental health issues contribute to housing insecurity for some. As well, housing insecurity can create – or exacerbate – mental health issues. In light of the number of calls from tenants with mental health issues, they are a group particularly prone to housing instability.

The clinic provided counsel to a number of tenants who had been served with notice from their landlords to vacate their units due to noise, damage or other issues impacting the safety or reasonable enjoyment of other tenants, which were linked directly to the caller's mental health, for example hoarding or addictions.

These tenants often require multiple supports to avoid eviction, including the clinic, other community organizations, as well as friends and family. Sometimes preventing eviction is just not possible. These tenants, if evicted, are often hard to re-house.

The Landlord and Tenant Board (LTB) is aware of, and must turn its mind to, accommodation due to disability related issues. However there are usually competing interests, which often include many other tenants in a rental complex.

Social Housing is rarely the only solution for the hard to house. Lists for rent-geared-to-income housing are years long. In addition, although local housing providers are able to sometimes provide more supports to the hard to house due to their connection to other social service supports, it is generally speaking not a supportive housing model. These concerns underscore the need for urgent development of additional, supportive space for low income tenants who are hard to house.

The hard to house are a very big challenge. There are no emergency shelters addressing the need of the homeless in Hastings, Prince Edward or Lennox & Addington County. There is some transitional housing available in Belleville and some supported housing in various areas of our communities. However there is no "Housing First" strategy in place



that could address the needs of this particular group and more effectively interrupt the cycle of homelessness.

In the preparation of the Housing and Homelessness Plans municipalities should consider clear adoption of a Housing First approach, which has been shown effective in cities across Canada.

### **Advocate for changes to local policy that may prevent the hard to house from accessing geared-to-income housing**

The clinic noted a small number of tenants evicted from social housing who had little chance for future return to that affordable option. Sometimes tenants had been evicted for violent or drug related offenses, but others had caused damage. In some of these cases, the individuals were finding it very difficult to find suitable housing post-eviction. In recent years, a local service manager has implemented a policy that prevents a tenant who has been evicted for a serious behaviour or criminal matter from future eligibility for geared to income housing. Although it is early to assess the impact of this policy, its likely effect will be to make those currently hard to house even more vulnerable to long term housing instability, as they will not be able to access truly affordable housing in the future. In addition, if the policy is applied to those with disabilities, it may be open to human rights challenges.

When a tenant leaves a rent-geared-to-income (RGI) unit, money that the service manager claims is owed gets added to the tenant's "ledger". Sometimes these amounts are as a result of a Landlord and Tenant Board proceeding, which a tenant would have had the option to participate in.

However, sometimes these amounts are determined by local staff and added to the tenant ledger, without any legal proceeding. Often the tenant has moved on and does not become aware of the amounts until applying for RGI housing again.

This gives rise to two major issues: the first is that there is no process for the tenant to challenge the amount owing or the reasons for the amount owing; the second is that if the tenant owes more than the service manager has determined by policy is acceptable, the tenant can be refused a place on the waiting list.



These historic arrears or damages claims can be dealt with by entering into an agreement with the service manager for payment. However, if a tenant has a social assistance income and is paying market rent, there is no ability to make even minimal payment. The practical result for many, who tend also be hard to house, is a lifetime ban on reentry to social housing – the (often unproven) debt will continue to exist on the “ledger” until it is paid. The former tenant has no ability to pay.

Service managers need to ensure that claims for money owing are substantiated by documentation in their files and that prospective tenants are not unduly penalized by old, poorly documented claims. Service managers also need to ensure that a prospective tenant’s change in circumstances, for example onset of serious illness or disability and minimal ability to pay, is taken into consideration. Given wait lists are years long in many circumstances, minimal payments over long time frames, are not unreasonable.

## Programs and Laws

Financial programs that are accessible to tenants through basic financial support and rent assistance can prevent evictions. Improved social assistance rates and rent assistance programs that allow quick and timely action when eviction is pending prevent loss of housing. Tenants can be further protected by the law, which can be used to ensure adequate remedy when eviction is looming through no fault of a tenant and to avoid excessive rent increases. Further, in many rural communities such as ours, homelessness can loom for homeowners as well as tenants, when basic repairs are beyond the limited income of the household. The impact of loss of funding opportunities to help these homeowners is an issue that requires study in the coming years.

## Recommendation #7

**In recognition that actions by the provincial government have further eroded poor people’s ability to remain housed, the provincial government should:**

- ensure housing affordability through social assistance, housing benefits and other financial programs
- amend the *Residential Tenancies Act* to promote affordability for tenants, ensure fairness in the process, and adequately compensate tenants for no-fault evictions



- amend the *Residential Tenancies Act* and the *Housing Services Act* to increase procedural fairness and protections for social housing tenants
- simplify tenant forms and adopt a fee waiver program to improve tenant access to remedies at the Landlord and Tenant Board

### **Ensure housing affordability through social assistance, housing benefits and other financial programs**

As already noted under Recommendation #1, current shelter amounts allowed under OW/ODSP legislation do not adequately reflect the actual cost of shelter.

In addition to the recommendation of Commission for the Review of Social Assistance in Ontario to increase shelter amounts, it also provided a recommendation focussed directly on housing. The Commission stated that if the provincial government adopts a housing benefit, it should be made available to all low-income people, not just those on social assistance. This recommendation acknowledges that many people not on social assistance also have great difficulties in finding and maintaining affordable housing. This is not surprising given the high volume of interactions between clinic staff and tenants who are in rent arrears. Extending a housing benefit to all persons living in poverty and on a low-income could be part of the solution to the affordable housing crisis, provided the adoption of such a benefit was not funded through a reduction to other benefits for social assistance recipients.

The current housing and homelessness funds, which had replaced former CSUMB and Rent Bank programs, appear to have come with additional administrative trappings. To be effective to prevent eviction, the programs must be readily and easily accessible with a minimum amount of paperwork. They must also be responsive to the short time lines of the eviction process.

Home owners must be able to access funds for emergency repairs, or risk homelessness. The loss of the HRB and the RRAP funds, as previously noted, leave this group particularly vulnerable and with nowhere to turn for funding help.



**Amend the *Residential Tenancies Act* to promote affordability for tenants, ensure fairness in the process, and adequately compensate tenants for no-fault evictions**

A discussion of the many challenges faced by low-income tenants would not be complete without some consideration of the ways in which the Ontario's housing legislation contributes to the affordable housing crisis. The laws that most directly impact affordable housing in the province are the *Residential Tenancies Act, 2006* and the *Housing Services Act, 2011*.

Our clinic statistics clearly show that many tenants face challenges with affordability. The affordability problem is driven in part by Ontario's current rent control regime, which is characterized as a system of "vacancy decontrol". While landlords are generally limited to increasing the rent for a rental unit once every 12 months by a percentage set by the government ("guideline rent increase"), there are some important exceptions. First and foremost, when a unit turns over, a landlord may charge whatever rent he wants. This system of rent control means that long-time sitting tenants whose rents are lower than market rent for a comparable vacant unit, can be faced with "constructive eviction". A landlord may refuse to do repairs, harass a tenant, or find some way to regain possession of a rental unit in order to re-rent for a higher amount.

A second major problem is a provision of the *RTA* which exempts "new units" from the guideline rent increase, which could allow a landlord to increase the rent by any percentage once every 12 months. Strengthening of the rules around rent control could provide increased protection from eviction and better affordability for Ontario tenants. The clinic frequently encounters tenants who have received notices of termination for landlord's own use or purchaser's own use. Terminating a tenancy based on these grounds has nothing to do with the conduct of a tenant and is thus termed "no fault" grounds of eviction. However, receiving such a notice places a tenant in a very difficult situation and only 60 days to find accommodation in a competitive, unaffordable rental housing market. Without taking away a property owner's right to regain possession of a rental unit for residential occupancy, or a right to sell the property to someone who intends to live in the unit, the *RTA* could provide for mandatory compensation that would cover the cost of moving expenses and compensate tenants for an inconvenience that resulted through no fault of their own.

The 'no fault' evictions – purchaser's or landlord's own use – are frequently perceived by tenants, and with reason, to be a simple way to evict a tenant. The threshold applied to determine the validity of the landlord's applications is quite low, and the procedure for a



tenant to prove bad faith after the fact is difficult. A compensation requirement for tenants may reduce the number of questionable landlord applications.

The *Residential Tenancies Act* in its current form also favours landlords in another important respect: limitation periods. While the RTA contains no limitation period for landlords making a claim to the Landlord and Tenant Board against a current tenant (though arguably a limitation period of two or six years would apply), there is a strict one year limitation period for making a tenant application. This unfairness could be remedied if the *RTA* were amended to provide for a two-year limitation for both landlord and tenant applications.

**Amend the *Residential Tenancies Act* and the *Housing Services Act* to increase procedural fairness and protections for social housing tenants**

Social housing tenants are often in very precarious situations, in that the loss of subsidized housing for a low-income person means a very real risk of homelessness. Many social housing tenants are members of vulnerable groups and may lack the capacity to comply with the numerous reporting requirements associated with receiving geared-to-income housing. Section 203 of the *Residential Tenancies Act* can create a very big problem for social housing tenants as it prevents the Landlord and Tenant Board from making findings about eligibility for rent-geared-to-income assistance and the amount of such assistance. Effectively, the Board must accept a social housing provider's decisions about what a tenant's lawful rent is, and whether a household is eligible for assistance. The inability of the Board to make determinations around geared-to-income rent decisions was cited as a factor in the death of Al Gosling, a tenant who was evicted from social housing due to arrears when he lost his rent subsidy for failing to provide information to his social housing landlord, and became ill while homeless and living in a shelter.

The problem identified in the discussion of s. 203 of the *Residential Tenancies Act* is compounded by the inadequacies of the review processes set out in the *Housing Services Act* for rent-geared-to-income eligibility decisions. The clinic is fortunate that one local service managers' practice is to hold in-person reviews. However, in order to ensure procedural fairness to tenants of social housing, the province should amend the *HSA* to require in-person oral hearings in any case of subsidy removal or initial ineligibility. Further, there should be clear rules in place to ensure that tenants receive full disclosure



in advance of a hearing, and that any persons hearing a review are clearly independent from the person who made the initial decision.

Finally, a potentially dangerous trend has come out of the ability of social housing landlords to track arrears and damages on a provincial basis. In some areas, social housing landlords have assessed bills for “damages” on to tenants in cases of wear and tear or where there is insufficient proof to show that a tenant caused undue damage to a rental unit. This can potentially prevent a tenant from becoming eligible for social housing in the future, as if a tenant disputes a “damages” claim and refuses to enter into a payment plan for the amount, they could be found ineligible for rent-geared-to-income assistance. Therefore, in addition to strengthening the review processes available under the *Housing Services Act*, the province would do well to clarify that “damages” can only include undue damage to a rental unit that was wilfully or negligently done by a tenant, and for which the housing provider can provide clear, cogent evidence. The *HSA* must include an independent, accessible review mechanism to challenge any such decision.

### **Simplify tenant forms and adopt a fee waiver program to improve tenant access to remedies at the Landlord and Tenant Board**

In 2007 the *Residential Tenancies Act* (RTA) replaced the *Tenant Protection Act* (TPA). There were some changes that tenant advocates had long requested, such as eliminating the need for a tenant to file a “dispute” in order to have a hearing. There was also some improvement in the new Landlord and Tenant Board forms.

Our day to day work frequently involves explaining the content and meaning of forms to tenants because they are still difficult to understand. In some cases, tenants arrive at the Landlord and Tenant Board only to find that they have completed the incorrect application form and are told that the LTB will not be able to address their complaints that day. If the tenants wish to have their complaints addressed, they would have to file a new application, wait for a hearing date, and go through the time and expense of attending again at the LTB. This is especially frustrating in cases where tenants were told by the LTB call centre that they should file a certain type of application. This issue could be avoided if the LTB had one tenant application form that could be used to deal with all tenant issues. LTB adjudicators could also take a more flexible approach in allowing tenants to amend their application on the day of their hearing rather than requiring tenants to re-file using a different form.



Despite the frequency that tenants complain of inadequate repair to their rental units, the number of tenant applications about maintenance to the LTB locally is low. In 2011 3% and in 2012 5% of the cases seen by TDC were tenant complaints of disrepair. Certainly having to enter into personal litigation with your landlord is a deterrent. In addition the financial outcome is often disappointingly low. Clinic recording of financial outcomes indicate that damage awards to tenants average about \$1500. Provincially, the Clinic Resource Office, which provides support to legal clinics, reviewed 1329 LTB decisions on tenant initiated cases. In half of those cases no compensation was awarded to the tenant. Only 19 cases had awards of more than \$5,000. The average award for tenants who received compensation was \$1200. In comparison, the 2012 Pinto report on the Ontario Human Rights Tribunal found that awards at that tribunal were often between \$500 and \$15,000 and those awards were considered too low.

On a positive note, the clinic welcomes the decision to include an amendment to the RTA that would allow the Landlord and Tenant Board to waive or defer application fees as part of Bill 14, the Non-profit Housing Co-operatives Statute Law Amendment Act. If this Bill is passed, the LTB would be empowered to waive its application fees for low-income individuals. This step would improve access to justice for low-income tenants, who often lack the financial means to enforce their rights before the LTB.

## Government Action

The provincial government through its adoption of a Long Term Affordable Housing Strategy has required local Service Managers to create long term plans for housing and homelessness, based on the need in each community.

In addition to the creation of these county-wide plans, local governments have the ability to take concrete steps to increasing the supply of rental housing and encourage the development of affordable housing options.

It should be noted that the federal government has failed to address the repeated call for a National Housing Strategy.



## Recommendation #8

**Recognizing that municipalities have significant responsibilities to provide affordable housing and address the housing and homelessness needs of local communities, municipalities should:**

- demand that the federal and provincial government adequately fund affordable housing and homelessness prevention programs
- take steps to fill funding gaps resulting from government cutbacks
- ensure that local Housing and Homelessness Plans protect and expand the existing social housing stock, encourage the expansion of affordable housing, and address the needs of vulnerable tenants

### **Demand that the federal and provincial government adequately fund affordable housing and homelessness prevention programs**

Due to the change in provincial funding, Hasting County has had to rethink allocation of funding of various programs, including the clinic's Eviction Prevention Project. For more than 10 years the clinic has been the recipient of the additional funds through Hastings County, which has increased our capacity to provide resources to tenants and trusted intermediaries.

Funding has been dedicated to ensure tenants are able to get immediate information when calling the clinic through the operation of the Tenant Hotline. Housing related calls are consistently around 40% of total calls into the clinic, year after year – which was more than 3000 calls in 2011/2012.

Our “Need Help to Pay the Rent?” financial resource page has been widely distributed by way of paper copies to callers, provided at legal education events, Landlord and Tenant Board sittings, and viewed on our website. In 2011/2012 more than 2000 copies of this resource were distributed by mail, given directly to tenants or service providers and it was viewed more than 400 times on our website in 2011 alone. Our ‘tear off’ advertising and “true or false” coasters have been distributed throughout Hastings County and our other catchment areas, in the hundreds.

EPP funding has increased our capacity to provide other key services such as training to Ontario Works staff and to maintain our involvement in the Affordable Housing Action



Network. It has also allowed us to provided enhanced service by Tenant Duty Counsel at the Landlord and Tenant Board.

A reduction in the County's ability to fund programs like the clinic's EPP project would directly impact the service available to tenants facing proceedings that are the last thing between them and eviction. It would impact the clinic's ability to maintain some of these activities, not only the provision of direct service but also the important work of increasing the capacity of both trusted intermediaries and tenants by providing timely information in easily understood formats.

### **Take steps to fill funding gaps resulting from government cutbacks**

Government funding, with or without cuts, cannot be the sole source of addressing affordable housing needs. Affordable housing advocates, service providers and private individuals can all contribute to filling the gaps and creating more affordable housing options.

Local Housing and Homelessness Plans can address the issues of protecting and expanding the existing social housing stock, encouraging the expansion of affordable housing and addressing the needs of vulnerable tenants. A plan by the Service Manager that highlights and publicizes these needs is a valuable tool for all proponents of affordable housing.

Local municipalities can also be effective in helping to address the affordable housing crisis. Increased enforcement and follow up of basic property standards by-laws can improve and maintain existing housing. Deliberate action to allow second suites, re-zoning for increased density of new residential development, reduced development charges for affordable housing projects, and implementation of inclusionary zoning are but a few methods available to municipalities to encourage or require the development of affordable housing.

Those concerned about affordable housing have been, and must continue to be, creative in finding non-government sources of funds to move projects forward. For example, for many years there has been the possibility of gambling facility in the Quinte area. AHAN has suggested to the City of Belleville that a small percentage of the proceeds of such a gaming facility be dedicated to affordable housing projects.



On the federal government level, it has already been noted that that the Residential Rehabilitation and Assistance Program (RRAP) was discontinued. The RRAP program assisted low income homeowners to do essential repairs. Particularly in rural areas home ownership is common. Without access to a program for essential repairs like roofs or water pumps these home owners may well be unable to stay in their home.

**Ensure that local Housing and Homelessness Plans protect and expand the existing social housing stock, encourage the expansion of affordable housing, and address the needs of vulnerable tenants**

In 2012/2013 local Service Managers have been preparing their ten year Housing and Homelessness Plans, as required by the Housing Services Act and as part of Ontario’s Long Term Affordable Housing Strategy. These reports will outline of local affordable housing and homelessness needs, identifying goals, objectives and measurements for the years to come. A “Housing First” approach in these plans will help to address the needs of the most vulnerable tenants in our communities.

Local groups such as the Affordable Housing Action Network, Housing Assistance Lennox & Addington and the Affordable Housing Working Group in Prince Edward County have been provided the opportunity to contribute input to these ten year plans. Many other community agencies and groups have also been consulted in their preparation.

At the date of this report these draft plans have been submitted to the Ministry of Municipal Affairs and Housing for approval, but the plans have not yet been made public. It is anticipated that the Service Managers have taken the recommendations from the studies that have been published over the past decade and more, and have identified actions to move forward to deal with the housing crisis of the poor in our communities.

**Conclusion**

Our actions to ensure that everyone has a roof over their head and food on the table are strong indicators that we live in a healthy and caring community. Providing an adequate supply of safe, secure, affordable housing is an essential component of any community’s poverty reduction strategy. Over the years, there has been some progress in improving



access to adequate housing for those living on low income in Hastings, Prince Edward, and Lennox & Addington Counties. Many of these achievements have been the result of recommendations made in previous reports. Yet the challenges of lack of affordability and disrepair persist and past recommendations have not been acted upon. Signals from the provincial government suggest that we are now moving backwards. It is hoped that this “Call for Action” will mobilize our community partners to continue advocating for homelessness prevention and an increase in safe, affordable housing based on the recommendations contained in this report.

What can we, as a community, do to address the recommendations in this report? How can we take right action to interrupt the cycle of homelessness and intervene at critical junctures? No one group or organization can take on the entire “Call for Action” by itself; ask yourself, how can the “Cycle of Homelessness” be interrupted by action?

**Can you take action on income and affordability issues by asking our Provincial Government to ensure that:**

- social assistance rates remain on the increase?
- no more social assistance programs that target housing are eliminated and that those that were lost are replaced?
- the minimum wage increases to a level that allows a worker to pay the rent?

**Can you inform and advocate by:**

- ensuring that local eviction prevention programs are funded to interrupt the cycle of homelessness with timely help?
- providing easy to find and easy to use information for tenants facing eviction?
- providing help to tenants at the Landlord and Tenant Board to avoid last minute evictions?

**Can you educate and raise awareness by:**

- ensuring service providers who have contact with tenants can identify tenant problems early and know where to get help?
- increasing availability of written and web-based tools for tenants, landlords and trusted intermediaries to help understand the problems and solutions?



**Can you ensure safety and repairs to rental units by:**

- requiring good property standards by-laws and their enforcement?
- insisting that the Province continue to be involved in property standards enforcement?

**Can you reduce poverty by:**

- bringing it to the attention of our community?
- creating a Poverty Roundtable that addresses the issue systemically?

**Can you look at options and supports for affordable housing by:**

- supporting and creating more affordable and supportive housing options?

**Can you influence the change of programs and laws to ensure:**

- there is adequate financial help in place to keep people housed?
- access to the legal system and changes to laws to better protect tenants?

**Can you demand government action to:**

- ensure adequate funding of affordable housing and homelessness programs?
- change local by-laws to encourage development of affordable rental units?

The Community Advocacy & Legal Centre will continue to provide access to justice through quality legal services, advocacy and information for those living in poverty or on a low income in Hastings, Prince Edward, and Lennox & Addington Counties. We will continue our commitment to influencing positive social change in our community, our institutions and the law, and advocate for more safe, secure and affordable local housing. We will help tenants to protect their rights, ensure their properties are properly maintained by their landlords, that property standards by-laws are enforced, and that evictions are prevented wherever possible. However, to have the greatest impact on affordable housing and homelessness, the community must take up the “Call to Action” to prevent the downward spiral to homelessness.



## PART II – A Review of the Last 10 Years

### Introduction

It has been more than 10 years since the clinic released its Eviction Prevention Report entitled “*Beyond Band-Aids: A Community Response to Homelessness*”. “*Beyond Band-Aids*” was followed by a report of the Hastings County Affordable Housing Research Project Team entitled “*Boxed In: The Affordable Housing Crisis in Hastings County*”. This part of “*Spinning in the Cycle of Homelessness*” is a brief review of progress and challenges with respect to the findings and recommendations contained in these two historic reports.

### Local Housing Reports – 2001 - 2013

In 2001 the clinic released a report entitled “*Beyond Band-Aids: A Community Response to Homelessness*” ([http://www.communitylegalcentre.ca/services/docs/Beyond\\_Bandaids\\_Report\\_incl\\_Bill\\_36.doc.pdf](http://www.communitylegalcentre.ca/services/docs/Beyond_Bandaids_Report_incl_Bill_36.doc.pdf)). The report documented the clinic’s Eviction Prevention Project (EPP), begun in 1999, which was funded through the Provincial Homelessness Initiative Fund and provided to the clinic by Hastings County.

“*Beyond Band-Aids*” was specifically addressed to our funders, the County of Hastings. Recommendations were addressed to Hastings County and its municipalities. However, we are confident in stating that tenants and municipalities in Prince Edward and Lennox & Addington Counties experienced similar challenges.

The report also contained a number of recommendations to the provincial and federal governments, and others, about ensuring safe, secure and adequate housing; statutory reform; the involvement of law enforcement; changes to social housing and social assistance and eviction prevention.

In 2002 a National Housing Strategy Day was held in Belleville. As a result of that event, community members and agencies concerned about homelessness and affordable housing formed the Housing Working Group (HWG) which was a unique and ground-breaking partnership between diverse organizations that did not always have a history of working together.



In 2005 the HWG conducted a participatory action research project, which resulted in the report “*Boxed In – The Affordable Housing Crisis in Hastings County*” ([http://www.hastingshousing.com/docs/wysiwyg/Boxed-in\\_report.pdf](http://www.hastingshousing.com/docs/wysiwyg/Boxed-in_report.pdf)). The goal of “*Boxed In*” was to enhance the understanding of the community’s needs and capacities to deal with the issue of homelessness, to identify the needs and causes of homelessness and to gather information that could assist in its prevention. A submission to the “*Boxed In*” report, called “*Observations from the Front Line*” was prepared by the clinic. The legal issues of the day, as identified by our work with tenants, were summarized in that document.

A direct result of the “*Boxed In*” report was the formation of the Affordable Housing Action Network (AHAN). The clinic continues to participate in and provide support to the AHAN, partially through continued funding by Hastings County of our Eviction Prevention Project.

The existence of the AHAN has provided a forum for information sharing and networking among individuals and groups that may not identify homelessness as their primary function. Some members of AHAN’s ‘Bricks and Mortar’ task force created a separate not-for-profit entity, All Together Affordable Housing Corporation, which has purchased and operates an affordable, supported housing project known as Tom’s Place.

In Prince Edward County, the Housing Working Group (PECAHWG) came together, starting in 2007. Functioning as a collaborative group of concerned individuals and agencies, including a number of County politicians, funding was obtained to produce a report about affordable housing in that County. The “*Strategic Action Plan for Affordable Housing in Prince Edward County*” ([http://www.pecounty.on.ca/government/eng\\_dev\\_works/development\\_services/pdf/PECStrategicActionPlanForAffordableHousingDec1510\\_000.pdf](http://www.pecounty.on.ca/government/eng_dev_works/development_services/pdf/PECStrategicActionPlanForAffordableHousingDec1510_000.pdf)) was published in December 2010. The group created and produced its first “report card” in December 2012, providing its own “snapshot” of the status of the 31 recommendations made in the original report.

The United Way of Kingston Frontenac funded an affordable housing needs assessment for Lennox & Addington in 2010 ([http://www.unitedwaykfla.ca/default/assets/File/Housing\\_Homelessness\\_Plan\\_for\\_LA\\_finalJune24,2010.pdf](http://www.unitedwaykfla.ca/default/assets/File/Housing_Homelessness_Plan_for_LA_finalJune24,2010.pdf)). The local working group, Housing Assistance Lennox & Addington (HALA) has been working for a number of years to address the issues of affordable housing and homelessness. They experienced success in moving forward with some of their goals, particularly in applying for and getting funding for a Housing Coordinator position for 2 years. Unfortunately the financial



support for that position ended in 2013. Recognizing that the position provided a valuable service to citizens in finding and maintaining affordable housing, the members of HALA implemented a plan that member agencies would take responsibility for maintaining the system by dividing the work among them. This has been done without any additional financial resources.

In addition, the HALA group spearheaded the incorporation of “*At Home in L&A*”, a non-profit charity, formed in response to a growing need for more quality, affordable housing options for those struggling with basic needs like food and shelter.

Both the PECAHWG and HALA have provided membership to the Community Advisory Committee formed to make recommendations to the PE/LA Housing and Homelessness plan of 2013.

The following charts provide a snapshot of the recommendations contained in both “*Beyond Band-Aids*” and “*Boxed In*” as well as a summary of the current state of the recommendations.

The purpose of this section is to highlight the successes and failures of the recommendations over the past 10 plus years, to provide an easy document of reference and to generate discussion for future plans and to support the “Call to Action”.

**ENSURING SAFE, SECURE AND ADEQUATE HOUSING**

2001 - BEYOND BANDAIDS	2011 -
<p>That Hastings County Council encourages its member municipalities to:</p> <ul style="list-style-type: none"> <li>ensure current property standards bylaws complied with the Tenant Protection Act (TPA), and consider adopting the Property Standards and Occupancy Standards bylaw created by the Ontario Association of Property Standards Officers for all rental housing</li> </ul>	<p>In 2011 and currently the challenges have continued:</p> <ul style="list-style-type: none"> <li>Annually the clinic contacts municipalities to remind of the model property standards by law some of our larger local municipalities have completed a consolidation of property standards by laws (leftover issues from amalgamation).</li> </ul>
<ul style="list-style-type: none"> <li>encourage member municipalities to ensure enforcement of existing</li> </ul>	<ul style="list-style-type: none"> <li>Our two larger municipalities have increase staffing of property standards offices and these office actively seek to enforce the existing by laws.</li> </ul>



2001 - BEYOND BANDAIDS	2011 -
<ul style="list-style-type: none"> <li>to revise access to information policies to ensure tenants receive copies of property standards reports and correspondence after initiating a complaint</li> </ul>	<ul style="list-style-type: none"> <li>Tenant access to property standards reports is inconsistent through the clinic service area; our larger municipalities and the provincial property inspection process routinely provide the tenant and/or the clinic with reports.</li> <li>Resources for inspection and enforcement of property standards complaints are scarce in smaller communities; for example, in one centre an inspector was off work sick and not replaced. The content and quality of by-laws vary by municipality and most have not been updated in many years. By laws and the lack of enforcement poorly address emergency situations.</li> <li>Property standards inspections are complaint driven. Not only must tenants initiate the complaint but in most cases must also follow up to ensure enforcement. The process is onerous for tenants and anecdotal evidence suggests that many cases are abandoned because tenants move out before the issue is resolved. It is clear that procedural reform is needed.</li> </ul>
<ul style="list-style-type: none"> <li>sponsor a one-day forum on safety standards issues in rental housing</li> </ul>	<ul style="list-style-type: none"> <li>In 2002 the clinic sponsored a forum for Property Standards inspectors. In 2006 some local Property Standards inspectors participated in an AHAN sponsored event which discussed enforcement issues.</li> </ul>
<ul style="list-style-type: none"> <li>to enact vital services bylaws.</li> </ul>	<ul style="list-style-type: none"> <li>Five municipalities in Hastings County enacted a Vital Services by-law in 2007. Hastings County provides administrative support for enforcement of these by laws. Hastings County has been a leader in the creation and implementation of Vital Services By-Laws. The by law helps to protect tenants from displacement due to a cut off of a utility that is unpaid by the landlord.</li> </ul>



2001 - BEYOND BANDAIDS	2011 -
<p>That the Ministry of Municipal Affairs and Housing Investigations Unit (now called the Investigations and Enforcement Unit):</p> <ul style="list-style-type: none"> <li>investigate all alleged TPA offences in a timely manner;</li> </ul>	<ul style="list-style-type: none"> <li>The Ministry of Municipal Affairs and Housing improved its website in 2007 to provide more information about its processes.</li> </ul>
<ul style="list-style-type: none"> <li>create a protocol for dealing with emergencies due to TPA breaches;</li> </ul>	<ul style="list-style-type: none"> <li>none created</li> </ul>
<ul style="list-style-type: none"> <li>ensure immediate action by intervening directly with landlords accused of these breaches</li> </ul>	<ul style="list-style-type: none"> <li>The Investigation Unit will intervene directly with landlords to protect tenant rights when they deem the case warrants; they will also follow up in writing; investigators will attend at the Landlord and Tenant Board.</li> </ul>
<ul style="list-style-type: none"> <li>lay charges where breaches by landlords are found</li> </ul>	<ul style="list-style-type: none"> <li>In 2011 they report 52 prosecutions, 47 convictions and fines of \$104,250. In contrast we at the clinic report that our tenants had financial gain of \$126,000 in 2011 due to our interventions.</li> </ul>
<ul style="list-style-type: none"> <li>undertake an audit of the Investigations Unit to ensure that tenants' rights under the TPA were being adequately enforced.</li> </ul>	<ul style="list-style-type: none"> <li>unknown if this took place</li> </ul>
<p>Locally:</p> <ul style="list-style-type: none"> <li>That the fire departments improve the consistency of fire code violation inspections.</li> </ul>	<ul style="list-style-type: none"> <li>Fire departments, at least in our larger centres, have educated widely and enforced codes, particularly with respect to smoke/fire detection equipment.</li> <li>Fire departments have become far more responsive to tenant concerns.</li> <li>Fire departments are an important element in dealing with hoarding situations and most appear to understand the problem well and deal with it in a sensitive manner.</li> </ul>



## STATUTORY REFORM

2001- BEYOND BANDAIDS	2011-
<p>In 2001 the report recommended:</p> <ul style="list-style-type: none"> <li>• Amendments to the <i>Tenant Protection Act</i> to help prevent unnecessary evictions, including enhanced procedural protections, the removal of the requirement that written disputes be filed, and the use of improved forms with simplified language</li> </ul>	<p>In 2011 and currently the success and continuing challenges have been:</p> <ul style="list-style-type: none"> <li>• The <i>Residential Tenancies Act</i> replaced the <i>Tenant Protection Act</i>. Some of the procedural issues were corrected (tenants no longer file written disputes, LTB sends out preliminary notice of hearing date to tenants, tenants may raise any issue in defence, including maintenance and repair issues).</li> </ul>
<ul style="list-style-type: none"> <li>• that the Ontario Rental Housing Tribunal (now the LTB) improve their processes (grant more adjournments, use “forthwith” eviction orders in exceptional circumstances, permit tenants to include disrepair issues as part of their dispute, increase access to Tribunal sittings in Quinte West, Centre and North Hastings, when hearing days are cancelled, provide copy of the hearing list on a weekly basis, continue to allow emergency motions for tenants)</li> </ul>	<ul style="list-style-type: none"> <li>• The ability of tenants to raise maintenance issues in defence has little real effect as tenants usually do not arrive at their hearings with sufficient evidence to adequately defend their cases.</li> <li>• There has been improved communication between legal clinics and the LTB, with assistance of the Advocacy Centre for Tenants Ontario.</li> <li>• LTB website did not function for extended periods of time, creating challenges in accessing information that would otherwise be available and useful.</li> <li>• No improved access to hearing locations in our geographic area.</li> <li>• Systemic issues continue with adjudication; change of Law Society rules to allow an agent to give evidence has normalized a process problem that has always existed due to the informal nature of LTB proceedings.</li> </ul>
<ul style="list-style-type: none"> <li>• that rent controls and a rent registry be re-established.</li> </ul>	<ul style="list-style-type: none"> <li>• No rent control or rent registry established.</li> </ul>



## LAW ENFORCEMENT

2001- BEYOND BANDAIDS	2011-
<p>In 2001 the report recommended:</p> <ul style="list-style-type: none"> <li>Hastings County Council encourage member municipalities and police forces to assist with the enforcement of TPA offence provisions</li> </ul>	<p>In 2011 the success and continuing challenges have been:</p> <ul style="list-style-type: none"> <li>No action pursued</li> </ul>
<ul style="list-style-type: none"> <li>Police be provided with training in TPA issues in order to help prevent illegal evictions</li> </ul>	<ul style="list-style-type: none"> <li>Where it was once common for the clinic to receive complaints about police effecting an eviction, these complaints have all but disappeared in recent years.</li> <li>By the year 2000 a tip card was created by the clinic specifically for police use; this card has been revised and distributed in different parts of the province, and revised and redistributed to local police in 2012 and 2013.</li> <li>The clinic often copies local police forces with our legal opinion letter if an illegal eviction seems likely.</li> </ul>



## CHANGES TO SOCIAL ASSISTANCE AND SOCIAL HOUSING

2001- BEYOND BANDAIDS	2011-
<p>In 2001 the report recommended:</p> <ul style="list-style-type: none"> <li>the provincial government increase the shelter allowances under the OWA and the ODSPA to reflect actual rental costs</li> </ul>	<ul style="list-style-type: none"> <li>Small increases in shelter amounts for social assistance recipients have occurred; however these amounts remain far below even a modest estimate of current market rent; recipients cannot pay for their shelter from the 'shelter' portion of their entitlement<sup>3</sup>.</li> <li>In 2013 the elimination of the Community Start Up and Home Repairs Benefits impact on homelessness and maintaining affordable housing.</li> </ul>
<ul style="list-style-type: none"> <li>the local Housing Authority ensure that tenants who are refused a place on the Consolidated Waiting List be informed in writing of their right to appeal</li> </ul>	<ul style="list-style-type: none"> <li>Local housing service providers have reviewed and revised procedures to ensure consistency and fairness, including notice that an appeal may be filed if denied a spot on a wait list. Hastings County Housing Programs Branch and the clinic meet regularly to discuss concerns and possible solutions.</li> </ul>
<ul style="list-style-type: none"> <li>previous private market arrears not be used as grounds to refuse subsidized accommodation</li> </ul>	<ul style="list-style-type: none"> <li>Rent or other debt owing to any service manager in Ontario creates issues for tenants in accessing social housing eligibility.</li> </ul>

<sup>3</sup> Since 2008, allowance rates have increased 1-2% per year, at a total of 7% since 2005. This rate is lower than the rate of inflation over the same time period. Currently, a single adult on OW receives \$376 per month and a single adult on ODSP receives \$479 per month for 'shelter'.



2001- BEYOND BANDAIDS	2011-
<ul style="list-style-type: none"> <li>Hastings County Council continue to voice its opposition to the to the provincial lien against property requirement for social assistance recipients</li> <li>Joint Social Services Committee requires that the Hastings County Ontario Works department develop a policy to provide for discretionary decision-making and the power not to file Certificates of Liens against homes of OW recipients in appropriate cases.</li> </ul>	<ul style="list-style-type: none"> <li>The provincial requirement of a lien on property for Ontario Works recipients was repealed by the Liberal government. Locally, few liens were registered and none were enforced. All were discharged by 2004.</li> </ul>
<ul style="list-style-type: none"> <li>the province to provide funding for 35,000 new affordable housing units.</li> </ul>	<ul style="list-style-type: none"> <li>New geared-to-income housing has been built in Hastings County over the past 5 years, through federal and provincial programs; however wait lists continue to grow; the need is not being met and demand has increased.</li> </ul>

## PREVENTING EVICTION

2001 - BEYOND BANDAIDS	2011-
<p>In 2001 the report recommended:</p> <ul style="list-style-type: none"> <li>Hastings County provide funding for a early intervention project to reduce the risk of homelessness</li> </ul>	<p>In 2011 and currently the challenge remains:</p> <ul style="list-style-type: none"> <li>Hastings County continued to provide funds to the clinic to operate an Eviction Prevention Project. Over the years this has allowed the clinic to enhance service to tenants in many ways, including the Tenant Hotline.</li> </ul>
<ul style="list-style-type: none"> <li>the clinic contact tenants facing potential eviction from the ORHT to provide them with information about local services and encourage them to file disputes.</li> </ul>	<ul style="list-style-type: none"> <li>The clinic has no access to information about tenants facing eviction in advance of a hearing at the Landlord and Tenant Board. LTB does not release tenant names and addresses due to privacy concerns. Tenants can be best served by having information and referrals in advance of their hearing date.</li> </ul>



2001 - BEYOND BANDAIDS	2011-
<ul style="list-style-type: none"> <li>local public utilities reconsider current cut-off practices where the landlord is responsible for payment.</li> </ul>	<ul style="list-style-type: none"> <li>Hastings County proactively worked with local utility providers to develop a protocol to deal with utility cut offs, both when a tenant was responsible for payment and when a landlord was responsible for payment. This action dramatically reduced the calls the clinic received about utility cut offs and assisted to keep tenants housed.</li> </ul>
<ul style="list-style-type: none"> <li>Hastings County OW reconsider the requirement that recipients apply for OWA in order to receive special need funds, that a source of funding for special needs be clearly identified to tenants and that the local Rent Bank allow loans to needy tenants for utility arrears.</li> </ul>	<ul style="list-style-type: none"> <li>The Community Trust, the Municipal Emergency Fund and Rent Bank were available to assist tenants with utilities and rent through 2012. Community Trust in Hastings County continues, but other programs have been replaced with the Housing and Homelessness fund. Whereas social assistance recipients historically were able to access CSUMB funds for utilities and rent, now must go to the new fund which is not as easily accessible.</li> <li>There was a change to CSUMB funding which allowed ODSP recipient to get help with utility arrears and was a major improvement in program for those tenants.</li> </ul>



## OTHER RECOMMENDATIONS

2001 - BEYOND BANDAIDS	2011 -
<p>In 2001 the report recommended:</p> <ul style="list-style-type: none"> <li>the distribution of “Housing and Housing Related Contact Lists”</li> </ul>	<p>In 2011 and currently the challenge remains:</p> <ul style="list-style-type: none"> <li>There has been no ongoing update of this resource. Increasingly information has been made available through internet resources. See for example the Hastings Housing Resource Centre website.</li> <li>The legal clinic, as part of its Eviction Prevention Project, has distributed its financial resource sheet for tenants, with thousands of copies and hundreds of hits annually on our website.</li> <li>An 800 number was established by the County of Hastings in cooperation with the Salvation Army to improve access to emergency homelessness services after business hours.</li> </ul>
<ul style="list-style-type: none"> <li>a local forum be created to allow people to meet and discuss advocacy and education and the need for safe, adequate and affordable housing</li> </ul>	<ul style="list-style-type: none"> <li>The Affordable Housing Action Network was established in 2005 and has met regularly, organized an annual National Housing Day, and advanced the cause of affordable housing and homelessness in a collaborative model. The success of AHAN is documented on its website. <a href="http://www.hastingshousing.com/ahan">www.hastingshousing.com/ahan</a></li> </ul>
<ul style="list-style-type: none"> <li>a public awareness campaign of housing needs identified by the report</li> </ul>	<ul style="list-style-type: none"> <li>AHAN lobbied federal government to adopt and implement a National housing strategy to address affordable housing and homelessness and lobbied for “Bill C304”.</li> </ul>
<ul style="list-style-type: none"> <li>advocate that governments to enact a Housing Strategy to end homelessness and create affordable housing</li> </ul>	<ul style="list-style-type: none"> <li>AHAN participated in and provided a written submission to the provincial consultation on affordable housing and homelessness which fed the development of the provincial Long-Term Affordable Housing Strategy.</li> </ul>



2001 - BEYOND BANDAIDS	2011 -
<ul style="list-style-type: none"> <li>and explore the issues of homelessness a home ownership education and training event take place, to help renters transition to home ownership</li> </ul>	<ul style="list-style-type: none"> <li>AHAN, with CMHC, hosted a home ownership forum. The County of Hastings successfully implemented a program that assisted new home owners of modest means to purchase a home.</li> </ul>
<ul style="list-style-type: none"> <li>that local agencies compile landlord referral lists to recognizes landlords who provide accommodation that meets property standards bylaw requirements</li> </ul>	<ul style="list-style-type: none"> <li>The County of Hastings, through the provision of various rent supplement programs, requires landlord participants to meet minimum standards.</li> </ul>



## THEN AND NOW: A LOOK BACK ON BOXED IN: THE AFFORDABLE HOUSING CRISIS IN HASTINGS COUNTY, APRIL 2005

### COMMUNITY CAPACITY BUILDING

2005 - BOXED IN	UPDATE
<ul style="list-style-type: none"> <li>Establish an Affordable Housing Action Network (AHAN) for Hastings County and apply to the federal government's Supporting Community Partnership Initiatives (SCPI) for funding</li> </ul>	<ul style="list-style-type: none"> <li>AHAN has been working as a collaborative since 2005. Through successful funding applications AHAN was staffed for 2 years and was able to move forward with many of the recommendations during that time.</li> </ul>
<ul style="list-style-type: none"> <li>Update the proposed Action Plan to include input received at the June 2004 forum and distribute it widely</li> </ul>	<ul style="list-style-type: none"> <li>The "Boxed In" report has been accessible through the AHAN and CALC website.</li> </ul>
<ul style="list-style-type: none"> <li>Encourage local chapters of the AHAN in rural and small urban areas of Deseronto, Quinte West, Central Hastings, and North Hastings to develop Action Plans specific to their area similar to the Community Plan developed for Belleville</li> </ul>	<ul style="list-style-type: none"> <li>Community Plans for Deseronto, Quinte West were completed in 2007; the Community Plan in Belleville was updated in 2011. All plans are accessible through the AHAN website.</li> <li>Local chapters of AHAN were not developed.</li> </ul>
<ul style="list-style-type: none"> <li>Promote a seamless continuum of support to provide information, advocacy and service homeless persons, persons at risk of being homeless, and precariously housed persons</li> </ul>	<ul style="list-style-type: none"> <li>The County of Hastings has staff dedicated to dealing with housing and homelessness emergencies. Efforts are coordinated with emergency services (such as Red Cross, Salvation Army) and short term housing providers (Canadian Mental Health Association).</li> </ul>
<ul style="list-style-type: none"> <li>Distribute widely the "Housing and Housing Related Contact Lists" (Appendix K to the report), ensure its periodic updating and redistribution, and build on this information sharing initiative by undertaking a "Community Navigation Project" to increase the community's capacity to respond to homelessness and its prevention</li> </ul>	<ul style="list-style-type: none"> <li>There has been no regular update of this resource. It is a very labour intensive undertaking. Since 2005 the availability of information through the internet has quite dramatically changed. The Hastings Housing Resource Centre offers an internet tool that provides comprehensive referrals to housing and many other resources, such as food and clothing.</li> <li>The recent implementation of 211 in our area ought to increase access to resource information without the need of a computer.</li> </ul>



2005 - BOXED IN	UPDATE
<ul style="list-style-type: none"> <li>Undertake a public awareness campaign to inform and educate the community about the range of urgent housing needs identified by this report. The importance of working together with Hastings County, local municipalities, local agencies, those at risk of being homeless, people living on a low income, tenants, landlords, private and non-profit developers, faith communities and any and all other stakeholders in new and collaborative partnerships should be emphasized.</li> </ul>	<ul style="list-style-type: none"> <li>The Hastings Housing Resource Centre has hosted the Affordable Housing Action Group webpage, which has allowed a centralized depository for the housing related reports, studies and community plans that have been created over the past 10 years in Hastings County; the webpage is also used to house some of the AHAN history.</li> <li>Some of the recommended partners have not been successfully engaged in the discussions of affordable housing locally. Other successful partnerships have been created, for example Hastings Housing Programs Branch and Mental Health Services and All Together Affordable Housing Corporation and Canadian Mental Health.</li> </ul>



2005 - BOXED IN	UPDATE
<ul style="list-style-type: none"> <li>• Develop a series of workshops and forums to meet needs identified during the survey and research process, and the public forum. We recommend workshops to: <ul style="list-style-type: none"> <li>• provide information proactively to those at risk of becoming homeless, primarily low income tenants;</li> <li>• a parallel stream on housing rights and issues for service providers and others to prevent eviction and homelessness and maintain safe and secure affordable housing;</li> <li>• build capacity and skill in dealing with issues related to homelessness and homelessness prevention for service providers and others</li> <li>• encourage the creation of new affordable housing by providing potential new landlords with legal information and other workshops of assistance.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• As part of its eviction prevention project the clinic has presented to hundreds tenants.</li> <li>• The clinic annually has provided training sessions for Ontario Works, MCSS staff, other service agencies.</li> <li>• The clinic created landlord and tenant resources, which remain highly popular on the clinic website.</li> <li>• AHAN ran a day long “Walk a Mile in their Shoes” to highlight the complexities of living in poverty and navigating the system, and other community sessions attended by landlords, tenants, property standards officers and service providers.</li> <li>• AHAN produced written tool kit for landlords, distributed at AHAN events; clinic produces landlord information sheet and referrals.</li> </ul>



**ADVOCACY**

2005- BOXED IN	UPDATES
<ul style="list-style-type: none"> <li>Encourage further in depth analysis of the survey results, the demographic profile of Hastings County, and reports including Observations from the Front Lines: Submission to the Affordable Housing Research Project, Walking on Eggshells and other relevant reports and make additional recommendations for advocacy and action by the Affordable Housing Action Network and others.</li> </ul>	<ul style="list-style-type: none"> <li>In February 2012 the AHAN held a consultation with its participants and interested community members. One of the recommendations from that consultation is that there is still a lack of baseline data with which to analyse the affordable housing situation in Hastings County. AHAN has been seeking ways to fund a researcher to fill this gap.</li> </ul>
<ul style="list-style-type: none"> <li>That the County of Hastings advocate to the provincial government to substantially increase the shelter allowance of both Ontario Works and the Ontario Disability Support Program and that these shelter allowances be geared to actual market rents.</li> </ul>	<ul style="list-style-type: none"> <li>Despite modest increases in social assistance rates there has been no significant improvement, especially as it relates to the shelter portion of recipients entitlements. With the cancellation of the CSUMB (see separate section in report) the precarious housing situations of the poorest are deepened.</li> </ul>
<ul style="list-style-type: none"> <li>That the County of Hastings and Members of Provincial and Federal Parliaments advocate for other improvements to social assistance programs and minimum wages to increase the affordability of existing housing stock.</li> </ul>	<ul style="list-style-type: none"> <li>Poverty awareness campaigns have taken place locally, include guest speakers at AHAN housing strategy day events that have focused on poverty reduction; politicians have been lobbied to increase social assistance and wages.</li> </ul>
<ul style="list-style-type: none"> <li>That the County of Hastings and Members of Provincial and Federal Parliament advocate to the Federal Homelessness Secretariat to extend the SCPI funding beyond March 31, 2006 and to increase the funds allocated to the Belleville Area and to provide funding to outlying areas either through SCPI or the Rural Homelessness Initiative.</li> </ul>	<ul style="list-style-type: none"> <li>see below</li> </ul>



2005- BOXED IN	UPDATES
<ul style="list-style-type: none"> <li>• That the County of Hastings advocate to the provincial government to provide funding for 35,000 new affordable housing units during this legislative term.</li> </ul>	<ul style="list-style-type: none"> <li>• Although the County took advantage of all available initiatives to increase affordable housing options (including rent supplement programs and subsidy programs for private development), increase geared-to-income stock and assisted a number of households to move to home ownership, the supply has not met the demand.</li> </ul>
<ul style="list-style-type: none"> <li>• That the County of Hastings considers funding models whereby federal dollars for affordable housing initiatives would flow directly to municipalities.</li> </ul>	<ul style="list-style-type: none"> <li>• Be careful what you wish for. Although the province has moved forward by developing an affordable housing blueprint and giving the responsibility to municipalities to develop their own plans, the province also cancelled Community Start Up programs and reduced the transfer of funds for homelessness initiatives. Federal money? Well it's all done.</li> </ul>

***PRESERVING EXISTING STOCK AND ENCOURAGING NEW HOUSING OPTIONS***

2005 - BOXED IN	UPDATES
<ul style="list-style-type: none"> <li>• That the County of Hastings collaborate with the AHAN and the Canada Mortgage and Housing Corporation to sponsor home ownership education and training to help renters move to home ownership. This training should include people living in market and subsidized rental accommodation.</li> </ul>	<ul style="list-style-type: none"> <li>• The AHAN successfully organized such a forum, which was followed by a second, similar program by the County of Hastings when home ownership programs became available.</li> </ul>
<ul style="list-style-type: none"> <li>• That the County of Hastings collaborate with the AHAN to encourage the enhanced participation of the private and volunteer sector in creating affordable housing options.</li> </ul>	<ul style="list-style-type: none"> <li>• Some of the funding opportunities that were leveraged by the County of Hastings included private sector landlords (subsidy of cost of creation of new units, Starling Street for example).</li> </ul>



2005 - BOXED IN	UPDATES
<ul style="list-style-type: none"> <li>• That the County of Hastings encourage municipal, provincial and federal governments to create an inventory of current local surplus government properties and to identify which sites may be suitable for affordable housing initiatives. It is also recommended that the commercial and industrial sites no longer in use but suitable for affordable housing developments be identified</li> </ul>	<ul style="list-style-type: none"> <li>• An inventory was undertaken by the County staff.</li> </ul>
<ul style="list-style-type: none"> <li>• That the County of Hastings undertake an information campaign to alert private and not-for-profit housing developers about the full range of federal and provincial affordable housing and complementary funding initiatives.</li> </ul>	<ul style="list-style-type: none"> <li>• Initiatives that have existed since 2005 have been aggressively pursued by the County, resulting in the completion of successful projects. In addition, Canadian Mental Health, All Together Affordable Housing Corporation have pursued funding options and successfully, although modestly, expanded the housing options available in Belleville.</li> </ul>
<ul style="list-style-type: none"> <li>• That the Bricks and Mortar Task Force of the AHAN explore all possible viable forms of affordable housing options, including conversion of existing commercial and industrial buildings, Brownfield developments, single room occupancy units, rooming house systems, mobile homes, and straw bale construction; and that multi-use developments be considered (may include homeownership, rent to own, private rental and affordable housing components all in one development, for example).</li> </ul>	<ul style="list-style-type: none"> <li>• A forum was hosted locally by the CMHC to showcase successful projects. The Bricks and Mortar task force determined that it was advisable to create a separate not for profit (All Together Affordable Housing Corporation) to pursue the actual creation of new affordable housing options.</li> </ul>



2005 - BOXED IN	UPDATES
<ul style="list-style-type: none"> <li>That the AHAN consider "outside the box" alternatives such as those documented in the "Best Practices" chapter of this report and develop a "bricks and mortar" vision and a strategic plan for the creation of more affordable housing for Hastings County</li> </ul>	<ul style="list-style-type: none"> <li>The "bricks and mortar" arm of the AHAN generated a new not-for-profit called All Together Affordable Housing Corporation. All Together was successful in obtaining funding and opened its first shared accommodation home, Tom's Place, in 2009. Tom's Place has drawn on the expertise of Canadian Mental Health for operational assistance and the two groups work collaboratively to maintain this housing option.</li> </ul>
<ul style="list-style-type: none"> <li>That the County of Hastings pursue an allocation of 100 units under the Community Rental Housing Program component of the Canada-Ontario Affordable Housing Program</li> </ul>	<ul style="list-style-type: none"> <li>The County created more than 40 new seniors units (new build) and increase availability of rent supplements.</li> </ul>
<ul style="list-style-type: none"> <li>That the AHAN pursue any other public or private programs or initiatives that would lead to the creation of additional affordable housing units in Hastings County.</li> </ul>	<ul style="list-style-type: none"> <li>Additional affordable housing units have been created in Hastings County since 2005, primarily through funding received by the County. In addition, All Together Affordable Housing Corporation and Canadian Mental Health have created short term transitional housing. Three Oaks Shelter and Services has raised funds for a second stage housing project.</li> </ul>



**OTHER**

2005- BOXED IN	UPDATES
<ul style="list-style-type: none"> <li>• That the Affordable Housing Action Network and the County of Hastings support community agencies pursuing additional funding from the Ministry of Health-Long Term Care and the Ministry of Community and Social Services to address the identified gap in special needs housing.</li> </ul>	<ul style="list-style-type: none"> <li>• Housing for identified groups has been successful primarily through the collaborative effort of the County and local agencies. There has been little progress made in providing affordable housing to special needs groups.</li> </ul>
<ul style="list-style-type: none"> <li>• That the County of Hastings Housing Programs Branch clarify for both applicants and service providers the current screening, priority-setting and selection process for social housing applications</li> </ul>	<ul style="list-style-type: none"> <li>• Increased accessibility to applications through internet may have helped to demystify the process. However, the reality of the ever increasing wait list for social housing usually means that movement to the top of the list is a many year wait for most.</li> </ul>
<ul style="list-style-type: none"> <li>• That Quinte West and North Hastings develop a strategic plan for transportation services, similar to the current plan being developed in Centre Hastings, in order to coordinate the transportation provided by all community partners, increase the access to affordable transportation, to meet the needs expressed by residents interviewed in Quinte West and North Hastings to increase access to affordable housing options.</li> </ul>	<ul style="list-style-type: none"> <li>• In addition to improved options for transportation in North and Central Hastings, and Quinte West, the Town of Deseronto implemented a successful transit program, which also provides some serve in Prince Edward County. Although transportation continues to be a barrier for rural residents accessing most services, there has been considerable progress since 2005.</li> </ul>



## APPENDIX

### About Our Review

The clinic collects information with a system called Client Management Tool (CMT) that has some inherent limitations when collecting and analyzing data.

For each caller to the clinic a record is created in our CMT system. The record allows for the collection of basic identifying information, the reason for the call, the details provided by the caller and the information and advice they are given.

Only one 'code' can be assigned to each record. If a caller presents with more than one pressing issue, it is recorded by adding another 'record' when information or advice is given on the additional issue. For example, if the caller reports 'arrear of rent' and 'disrepair' two records are created to record the information given to the caller. Although this results in some inflation of the statistics, it allows tracking of the legal issues identified and that the appropriate information or advice has been given.

Further, tenants experience a number of problems that are not clearly captured by the codes available in the CMT system. Many records get coded 'other' and the presenting problem is captured in a separate field of the record, the 'incident'. This incident field is not searchable by code, but the system does allow for sorting by this field.

CMT does not allow tracking, by code, of the reason the caller is experiencing a problem. For example, the call may relate to 'arrear of rent' but CMT does not allow coding to identify that the tenant has been unable to pay the rent because of a loss of income, or that the rent was withheld. The additional information is contained in the narrative of the record.

For Part I of this report, all of the 2011 housing related records were reviewed by searching the primary code. A further analysis was done by reviewing the narrative to provide more insight into the reasons why the caller was experiencing the problem.

This report reflects the number of calls received, as identified by code and a further analysis of the information by reviewing 'incident' and the narrative. This approach allowed a closer look at the circumstances surrounding the caller's legal problem.

Client records, as described above, often relate to a matter in which information or advice has been sought and given and there is no prolonged contact with the caller and the clinic is not retained to take any further action. The CMT system does not easily allow for an outcome to be recorded, other than a straight count of the number of times advice has been given and received.



The clinic does record outcomes in matters relating to Tenant Duty Counsel service and matters where the clinic is retained. The outcome includes information such as whether an eviction has been prevented or delayed as well as information about any financial benefit to the tenant. More than one outcome can be assigned to a matter.

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This report can be found online at [http://www.communitylegalcentre.ca/legal\\_information/hsg/docs/Spinning-in-the-Cycle-of-Homelessness.pdf](http://www.communitylegalcentre.ca/legal_information/hsg/docs/Spinning-in-the-Cycle-of-Homelessness.pdf).

