

## Housing Principles for The Compass

### Policy and Factual Support

**1. Housing is a human right. Everyone deserves a safe, adequate and affordable place to call home. This human right must not only inform governmental laws and policies, but is also a moral principle that is rooted in scripture.**

The United Nations' *Universal Declaration of Human Rights*, (1948, Article 25(2)) declares: "Everyone has the right to a standard of living adequate for health and well-being ... including food, clothing, housing."

The United Nations' *International Covenant on Economic, Social and Cultural Rights* (1966, 1977, Article 11) determines: "Everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions."

The Government of Canada's *National Housing Strategy* (2017, pp. 5, 7) affirms: "Every Canadian deserves a safe and affordable home...Housing rights are human rights."

The Ontario Commission on Human Rights, *Policy on Human Rights and Rental Housing* (2009, pp. 4, 8) espouses: "Housing is a human right...Affordable, adequate housing is a necessity for everyone in Ontario. There is an undeniable link between affordable and adequate housing and quality of life."

The Ontario Government's *Expert Advisory Panel on Homelessness* (2016, p. 6) "...views homelessness as the lack of a safe and secure place to call your own. The Panel envisions an Ontario where all people have access to home, where home is understood as a 'safe and secure place to call your own, where freedom, comforts, and needs are met, and where people have access to jobs, education, and supportive communities.'"

The City of Mississauga's *Housing Strategy for Mississauga* (2017, p. 7) states: "All residents [should] have access to safe, stable and appropriate housing that is affordable."

The Region of Peel's *Housing and Homelessness Plan* (2018, p. 22) argues: "...only with a home that is affordable can people thrive. Having an affordable place to live significantly contributes to an individual's peace of mind and sense of place and belonging...The Region of Peel's vision:...A place with adequate affordable housing and supports where no one needs to be homelessness. A place where people can live and thrive."

The Toronto Christian Resource Centre (cited in OHRC, 2019) supports "the right to shelter, to have one's own bed to sleep in, a roof over one's head, a place where one's person and possessions are safe is a human right. It is essential to the preservation of one's dignity and health – their own space in the world."

**2. Canada is in the midst of affordable housing and homelessness crises that are getting worse. Their effects are particularly acute in the Mississauga-Lakeshore community.**

## Canada

According to the Government of Canada's *National Housing Strategy* (2017, p. 3), "across Canada, 1.7 million people are in housing need, living in homes that are inadequate or unaffordable. Another 25,000 Canadians are chronically homeless."

"One in five Canadian renters face an affordable housing crisis, spending more than half their income on shelter costs, a problem that appears to be even more acute in suburbs and small cities than in major urban centres" (Globe and Mail, 2015)

"35,000 Canadians are homeless on a given night; At least 235,000 Canadians experience homelessness in a given year" (Homelessness Hub, 2016, p. 5)

"Approximately 150,000 people use the emergency shelter system in Canada every year" (Government of Canada's National Shelter Study, 2012)

## Mississauga

The City of Mississauga's *Housing Strategy* (2017, pp. 4, 7, 10) explains: "Nationally, housing affordability has reached a crisis-point in some cities. As such, a proactive intervention is absolutely necessary...In Mississauga, the supply of housing that is affordable to a range of household incomes is diminishing...1 in 3 households are spending more than 30% of their income on housing...; this will rise. The cost of housing in Mississauga is high and continues to go up. Already 30,000 households spend too much on housing. Low income households are affected most severely, but middle income households are not immune. More than a quarter of middle income households and 70% of all low income households, face affordability challenges."

"Only one third of new ownership housing stock created in Peel by the private market between 2011 to 2016 was affordable for middle and low income families" (The Region of Peel's Housing and Homelessness Plan, 2018, p. 4).

The Region of Peel's *Housing and Homelessness Plan* (2018, p. 4) confirms "growing levels of unmet need for emergency shelter, affordable housing for low and middle income households and for supportive housing."

"Census data was analyzed for low income households...and middle income households...The largest gap exists for low-income households or households that earn \$59,156 per year or less. 70% of these households (just over 90,000 households in Peel) are living in housing that is not affordable, that is, housing that costs less than 30% of their income. A relatively smaller gap exists for middle income households. 29% of these households, defined as households that earn \$59,156 – \$106,002 per year, are living in housing that is not affordable. The existing supply of supportive housing meets just 50% of the demand for this housing type. Emergency shelters, which serve a smaller population, are often in overflow" (The Region of Peel, 2018, p. 4).

For example, in 2018, there were 13,519 visits (5,897 clients) to shelters and 13,726 households were on the wait list for subsidized/affordable housing units (Region of Peel, Housing Facts, 2019).

## Ontario

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“Provincewide, 168,711 households were waiting for social housing at the end of 2014” (Ministry of Municipal Affairs and Housing, Government of Ontario, *A Place to Call Home, Report of the Expert Advisory Panel on Homelessness*, 2015, p. 7)

“In 2011, 11.4 per cent of Ontario renters were experiencing extreme affordability problems, meaning that they had low incomes and were spending more than 50 per cent of their income on rent, putting them at risk of becoming homeless” (Ministry of Municipal Affairs and Housing, Government of Ontario, *A Place to Call Home, Report of the Expert Advisory Panel on Homelessness*, 2015, p. 8)

### **3. The burdens of the affordable housing and homelessness crises increasingly fall heavily on the most vulnerable Canadians and marginalized groups.**

“Historically, individuals experiencing homelessness in Canada were older, single men. The homelessness crisis we see today is much more diverse. More women, families and youth are experiencing homelessness than in the past” (Homelessness Hub (Gaetz et al., 2016, p. 5)). For example, approximately 30% of people experiencing homelessness are women and 20% are youth (Gaetz et al., 2016, pp. 5, 8).

According to the Government of Canada’s *National Strategy* (2017, p. 18) “...vulnerable populations, include...: the LGBTQ2 community, homeless women, women and children fleeing family violence, seniors, Indigenous peoples, people with disabilities, those dealing with mental health and addiction issues, veterans and young adults.”

In particular, Indigenous homelessness is increasing rapidly - 28-34% of the shelter population is indigenous (while only 4.3% of Canadians are indigenous) (Gaetz et al., 2016, pp. 17, 50).

The Government of Ontario has also identified populations of specific interest. “These include people experiencing chronic homelessness, indigenous communities, survivors of domestic violence, people transitioning from provincial institutions and youth,” immigrants and refugees, and victims of human trafficking (Region of Peel, 2018, p. 4).

Further, “...in order to understand and solve homelessness, race matters. When it comes to poverty, housing access, and social inequality in Ontario, racialized communities are disproportionately affected” (Ministry of Municipal Affairs and Housing, 2015, p. 22).

### **4. The best communities are diverse and inclusive. Mississauga-Lakeshore is a stronger community when it includes a diversity of income levels and affordable housing is fundamental to achieving this.**

The Government of Canada’s *National Housing Strategy* (2017, pp. 4-5) states: “affordable housing is a cornerstone of inclusive communities...[It] promote[s] diverse communities. It [is] housing that is sustainable, accessible, mixed-income, and mixed-use.”

The City of Mississauga’s *Housing Strategy* (2017, pp. 6, 7, 10) agrees: “The provision of a range of housing choices for all household incomes is critical for the long term health and viability of our city...There is room for everyone in the City of Mississauga. All residents [should] have access to safe, stable and appropriate housing that is affordable at all income levels. Affordable housing is fundamental

to healthy, inclusive and sustainable communities. As it becomes increasingly unaffordable, quality of life will diminish.”

**5. People should not have to leave their traditional communities in order to find housing they can afford.**

The City of Mississauga’s *Housing Strategy* (2017, p. 7) purports “affordable housing is a fundamental component of a livable city. It should support the vision for the city – a place where all can live, work and prosper. As Mississauga continues to grow, affordable housing will enhance city neighbourhoods, be available across the city, and support public infrastructure investments and services.”

**6. Emergency shelters and in from the cold programs, while vital, are not acceptable long-term solutions to the affordable housing and homelessness crises in our community and our country.**

The Governments of Canada and Ontario’s *National Housing* (2017) and *Poverty Reduction Strategies 2014-2019* (p. 32) explain that “research tells us that a Housing First approach, [like *Ontario’s Community Homelessness Prevention Initiative*], where people experiencing homelessness obtain permanent housing and appropriate supports, is more cost-effective over the long term than emergency responses. The idea behind Housing First is that when people have a stable home along with the right services and supports, they are better able to manage other challenges in their lives. It is an important first step to moving out of poverty.”

The City of Mississauga’s *Housing Strategy* (2017, p. 6) concurs that “...research shows...[the affordable housing crisis] will not improve without an intervention by the City and other partners...[For example,] it recommends a change to traditional approaches to planning. No longer should the City be simply a passive facilitator of housing development. Best practices research and a growing body of evidence shows that in the absence of policy intervention and actions, the housing market [and the associated lack of affordable housing and rising homelessness] will not correct itself.”

**7. The Compass supports human rights-based and housing first governance approaches to alleviating the affordable housing and homelessness crises.**

The Governments of Canada and Ontario’s *National Housing* (2017) and *Poverty Reduction Strategies 2014-2019* and the Region of Peel’s *Housing and Homelessness Plan* (2018, pp. 11, 21) emphasize: “Developing and implementing a Housing First approach to serving people experiencing chronic homelessness will be critical to success.”

For example, “...by the end of 2018, 50 people [in the Region of Peel] experiencing chronic homelessness will be housed through the *Home for Good Housing First Program*” (Region of Peel, Housing and Homelessness Plan, 2018, pp. 11, 21).

The City of Mississauga’s *Housing Strategy* (2017, p. 18) further recommends the implementation of “a “Housing First” policy for surplus City lands...Not only is land a major cost element in a development project, but it is also difficult for affordable housing providers to find and compete on the open market for development sites. The City can assist by making surplus lands available for affordable housing proposals and consider how housing could be incorporated into City facilities.”

## Overall Explanation for the Proposed Housing Principles and Conclusion

### **Why Should the Compass Support the Proposed Housing Principles and Human Rights-based and Housing First Governance Approaches to Alleviating the Affordable Housing and Homelessness Crises?**

International law deems that Canada must work towards making sure everyone has access to adequate and affordable housing. The United Nations (UN) *Universal Declaration of Human Rights* proclaims the inviolability of social and economic rights, and declares adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context. Article 25(1) states: "Everyone has the right to a standard of living adequate for health and well-being ... including food, clothing, housing." Building on the Universal Declaration, Article 11 of the UN *International Covenant on Economic, Social and Cultural Rights* (the *ICESCR*) deems: "Everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions." Other international treaties that have affirmed the right to housing include the *International Convention on the Elimination of All Forms of Racial Discrimination*, the *Convention on the Elimination of All Forms of Discrimination against Women* and the *Convention on the Rights of the Child* (OCHR, 2009, p.8). More recently, Canada has committed to the 2015-2030 UN *Sustainable Development Goals*, such as poverty reduction, reducing income inequalities, improving health and well-being, and building sustainable and inclusive cities and communities. Specifically, target 11.1 of the *Agenda for Sustainable Development*, commits to eliminating homelessness and ensuring access for all to adequate housing by 2030.

The Government of Canada has ratified the above international agreements and must adhere to their legal principles. For example, it reports on a regular basis to the UN Committee on Economic, Social and Cultural Rights Committee about compliance with all of the provisions in the *ICESCR*. The Committee then responds to this report. In its concluding observations two decades ago, the Committee (1998) said, "[it]...is gravely concerned that such a wealthy country as Canada has allowed the problem of homelessness and inadequate housing to grow to such proportions that the mayors of Canada's largest cities have now declared homelessness a national disaster" (OHRC, 2009, pp. 8-9). A decade later in 2007, Miloon Kothari, the former UN Special Rapporteur on adequate housing, described Canada's housing situation as "very stark and very disturbing" and amounting to a "national crisis" (OHRC, 2009, pp. 8-9). Finally, with another decade passed, presently the current UN Special Rapporteur on adequate housing, Leilani Farha, is declaring global homelessness and inadequate housing as a human rights crisis: "Homelessness is an egregious violation of human rights occurring in all countries, threatening the health and life of the most marginalized. Homelessness is the unacceptable result of states failing to implement the right to adequate housing" (UN Commission on Human Rights, Office of the High Commissioner, 2019, p. 1). "Worldwide it is now accepted and understood that there is a global housing crisis and I would say Toronto [and the GTA] is in the thick of it...Th[e] visible homelessness on the streets is unacceptable in a rich country and a rich city like Toronto" (Farha cited in the Toronto Star, 2019).

Section 7 of the *Canadian Charter of Rights and Freedoms* (1982) further guarantees the right to life, liberty, and security of the person and subsection 15(1) protects people from discrimination. Even though the UN Human Rights Commission (1998), found that homelessness can affect these rights, the *Charter* does not expressly recognize a free-standing right to adequate housing nor expressly protects against homelessness. The equality rights protection under Section 15 of the Charter has instead informed domestic legislation that ensures equal access to adequate housing in Canada. Bodies such as the Supreme Court of Canada and Canadian Human Rights Commission play special roles in helping the

federal government fulfill its Charter and international human rights commitments. However, to date, the Supreme Court of Canada has been unwilling to interpret that Section 7 includes the right to adequate housing and protection against homelessness. The Commission has also not recognized homelessness as a violation under the *Canadian Human Rights Act*.

Thus, Canadian law has not yet developed sufficiently for it to be possible to assert that we have a recognizable legal right to adequate housing. However, the international community has made it clear that this right exists, and that it should be recognized in Canada. Moreover, the Government of Canada's first *National Housing Strategy* (2017) and new legislation are attempts to catch up Canadian jurisprudence and affirm principles of the UN International Covenant on Economic, Social and Cultural Rights as well as meet Canada's commitments to the Sustainable Development Goals. Here, the Government of Canada (2017, p. 4) espouses that the best ways to solve the current affordable housing and homelessness crises are to take a human rights-based approach to housing based on a housing first approach. The new legislation will require the federal government to maintain a *National Housing Strategy* that prioritizes the housing needs of the most vulnerable. It will also require regular reporting to Parliament on progress toward the Strategy's targets and outcomes. A detailed *National Housing Strategy* report will be tabled every three years, starting in early 2020. The legislative approach will ensure that the *National Housing Strategy*, human rights and housing first-based approaches become permanent priorities. In addition to this strategy, Canada currently addresses issues of adequate housing and homelessness through a wide range of other federal, provincial, territorial and municipal policies and programs.

Other sources of human rights protection related to adequate and affordable housing in Canadian law are human rights legislation found in the provinces. If people experience discrimination and harassment in housing – for example, they are turned away from rental accommodation because of their source of income, race, ancestry, place of origin, religion, citizenship, sex, marital status, family status, sexual orientation, age, disability, receipt of public assistance or other related grounds - they can complain to the human rights commission in their province and obtain a remedy. In Ontario, the associated legislation is the *Ontario Human Rights Code* (1962) with accompanying policies such as the Ontario Commission on Human Rights' (2009) *Policy on Human Rights and Rental Housing* and the Government of Ontario's *Long-Term Affordable Housing Strategies, Community Homelessness Prevention Initiative, and Poverty Reduction Strategy, Realizing Our Potential, 2014-2019*. Thus, anti-discrimination legislation in Canada and Ontario already both support the right to housing in situations where the problem centers on discrimination. As the OCHR (2009, p.8) states, "the challenge for Canada [the federal government] is to make this high level principle a lived reality for Canadians and to include an explicit right to housing based on an inadequate standard of living." The Government of Canada's (2017) *National Housing Strategy* is considered a first step toward "making international rights lived rights for all [Canadians]."

Leilani Farha agrees, "the [Government of Canada's] plan checks many of the boxes used to define a "human rights approach" to housing, among them legal recognition of the right to housing, a commitment to equality, measurable goals and timelines, and a comprehensive plan and accountability measures. This housing strategy, I can't say it's leading in the world, and there's some real weaknesses that need to be addressed, but it's a solid rights-based strategy" (CBC News, 2017). For example, Farha criticized the pledge to reduce chronic shelter usage by half by the year 2026 as "too timid," and Canada could have set a more ambitious target" (CBC News, 2017). In contrast, Ontario's 2014-2019 *Poverty Reduction Strategy* set an aggressive target to end chronic homelessness within ten years. The Region of

Peel's compatible ten-year plan commits to increase affordable housing and prevent homelessness by 2028.

At the same time, Farha said, "It's historic to have adopted a housing strategy at all, but to have added to that all these strong human rights recognitions ... for me it's a really big step that this government, and all governments of Canada, have really resisted in the past. They've been repeatedly told, since [the 1990s], by the UN that they need a [human rights-based] housing strategy. So, it's been a long time coming" (CBC News, 2017).

Specifically, the Government of Canada's homelessness plan, the "Housing First approach, involves moving people experiencing homelessness —particularly people experiencing chronic homelessness— rapidly from the street or emergency shelters into stable and long-term housing, with supports. Stable housing provides a platform to deliver services to address issues frequently faced among the chronically and episodically homeless. The goal is to encourage housing stability and improved quality of life for persons served by Housing First and, to the extent possible, foster self-sufficiency. Under Reaching Home, the Housing First approach is supported as a proven approach to tackling homelessness, including chronic homelessness, which remains an important priority" (Government of Canada, Housing First, 2019). Six principles of Housing First: 1) Rapid housing with supports; 2) Offering clients' choice in housing; 3) Separating housing provision from other services; 4) Providing tenancy rights and responsibilities; 5) Integrating housing into the community, and; 6) Strength-based and promoting self-sufficiency (Government of Canada, Housing First, 2019).

The Housing First strategy provides direct financial support to urban, aboriginal, rural, remote and other communities across Canada to help them address their local homelessness, focused on permanent housing complemented by the provision of services to assist clients to sustain their housing and work towards recovery and reintegration into the community. It has been widely accepted and implemented across the country at the provincial, territorial and municipal levels. Provincial and territorial governments have also adopted a variety of additional measures in relation to housing and homelessness that reflect regional and local realities (Government of Canada, Housing First, 2019).

In conclusion, we ask that the Board Executive of the Compass approve the seven proposed housing principles supporting human rights-based and housing first approaches to governance. They are required to inform current and future work in this area, including advocacy work for the homes we need and outreach programs involving helping homeless people in from the cold.

## Glossary of Terms

### **Affordable Housing**

Refers to a household that does not pay more than 30 per cent of its pre-tax income for housing. The scope of this definition involves "...permanent housing that costs less than 30% of total household income for low- and moderate- income Canadians. The notion of affordable housing not exceeding 30% of gross household income means that individuals and families are also able to afford food, clothing, taxes, transportation and other necessities that promote health and well-being" (Gaetz et al., 2014, p. 22). The Government of Canada and Canada Mortgage and Housing Corporation refers to this as the 30% shelter cost-to-income ratio (STIR). (Caledon Institute of Social Policy (CISP), 2001 cited in McKay-Panos, 2003, p. 1; Snow, 2008, p. 5).

**Suitable Housing**

Entails that the household has a sufficient number of acceptable sized bedrooms based on the family composition (CISP, 2001, p.1).

**Adequate Housing**

Means the household is safe, has basic plumbing, and is in a reasonable, habitable state of repair (CISP, 2001, p. 1).

**Core Housing Need**

Measures the above three elements: affordability based on the 30% STIR measure, suitability based on acceptable bedroom size and person-to-room ratio, and adequacy based on the need for major repair. If a household falls below any one of these standards and would have to spend 30% of its gross income to find alternative local housing, it is in 'core housing need.' Households spending more than 30% of their income on shelter, particularly those in core housing need, are considered at an increased risk of becoming homeless (the 'at risk' homeless) (Snow, 2008, pp. 5-6). Those that spend 50% or more on shelter are in severe housing need.

**Homelessness**

A term referring to the absence of an acceptable place to live (Snow, 2008, p.5). The Government of Canada (2017) and provincial/territorial governments (e.g. Ontario) accept a definition of the chronically homeless as individuals who are homeless for a long time (six months or more over the span of a year), while the episodically homeless are those who move in and out of homelessness. The 'hidden homeless' are those who cannot afford a place of their own and are housed privately by 'couch surfing' with family or friends (Snow, 2008, p.5).

**Safe Housing**

Housing is not adequate if it does not guarantee physical safety (OHCHR, 2009, p.4).

**Secure Housing**

Housing is not adequate if its occupants do not have a degree of tenure security, which guarantees legal protection against forced evictions, harassment and other threats (OHCHR, 2009, p.4).

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