Standing Committee on Social Development



# Report on Committee Project: Housing as a Human Right

20th Northwest Territories Legislative Assembly

Chair: Mrs. Jane Weyallon Armstrong

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### SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Social Development is pleased to provide its *Report on Committee Project: Housing as a Human Right* and commends it to the House.

MLA Jane Weyallon Armstrong /

Chair, Standing Committee on Social Development

# STANDING COMMITTEE ON SOCIAL DEVELOPMENT

# COMMITTEE REPORT: HOUSING AS A HUMAN RIGHT

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# STANDING COMMITTEE ON SOCIAL DEVELOPMENT

### REPORT ON COMMITTEE PROJECT: HOUSING AS A HUMAN RIGHT

### EXECUTIVE SUMMARY

The Standing Committee on Social Development presents this *Report on Committee Project: Housing as a Human Right*, to advise the Government of the Northwest Territories (GNWT) on how to implement the right to adequate housing through updates to territorial laws and policies. The report outlines Committee's study, public engagement, findings, and positions on key legislative and policy updates needed to advance housing rights in the Northwest Territories (NWT). The Report puts forward 44 recommendations to guide the GNWT's response which will strengthen housing policy, improve access to adequate housing across the northern housing continuum, and ensure that all residents can live in dignity and security.

Committee's study was guided by the question: What does a right to adequate housing mean for law and policies in the Northwest Territories? The project involved literature and legislative reviews, policy analysis, and engagement with Indigenous governments, non-profit organizations, housing researchers, landlords, developers, and individuals with lived experience. Committee received 20 written submissions and presentations between August 2024 and March 2025.

Witnesses and subject matter experts describe the housing situation in the NWT as dire and urgent. Nearly 1 in 4 households in the NWT live in unsuitable, inadequate, or unaffordable dwellings and cannot afford alternative housing. Nearly half of homes are unsuitable or require major repairs. Close to 10% of households are informally sheltering someone experiencing homelessness. Outside Yellowknife, 73% of tenant households rely on public housing, with waitlists representing an additional 8% of households. These realities reflect systemic barriers to accessing safe, adequate, culturally appropriate, and climate-resilient housing.

Committee's study found that the housing crisis is rooted in historical and ongoing policy failures. Public housing has long dominated the northern housing landscape, with limited alternatives available. Federal funding for public housing has declined since the 1990s, and the Northwest Territories Housing Corporation (now Housing NWT) has

shifted its role from direct delivery to partnership facilitation. This transition has opened opportunities for Indigenous governments and community organizations to lead housing initiatives, though outcomes vary across regions.

Committee examined the distinction between market and non-market communities. Most NWT communities lack a functioning housing market, meaning residents have few options beyond public housing. In these communities, the conventional housing continuum promoted by the Canada Mortgage and Housing Corporation does not reflect local realities. Committee supports the development of a northern housing continuum that includes transitional housing, supportive housing, community-led housing, and subsidized homeownership.

Committee also explored the principle of housing as a human right under international law, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. The right to adequate housing includes security of tenure, affordability, habitability, access to services, location, accessibility, and cultural adequacy. Committee heard that realizing this right requires governments to establish mechanisms that make housing accessible, enforceable, and responsive to the needs of marginalized populations.

Committee reviewed the federal *National Housing Strategy Act*, which recognizes housing as a human right and outlines mechanisms such as the Federal Housing Advocate and National Housing Council. Witnesses emphasized the need for territorial legislation to mirror these mechanisms and ensure accountability. Committee also examined eviction practices, access to justice, culturally appropriate advocacy, and the need for legal supports for tenants.

Throughout the study, Committee identified gaps in the northern housing continuum and emphasized the need to invest in all housing types. Committee supports a shift toward affordable homeownership, particularly in non-market communities, and highlights innovative models such as the Northern Transitional Homeownership Model. Examples from communities like Fort Good Hope demonstrate how community-led housing initiatives can produce homes, create jobs, and foster economic development.

Committee reviewed Housing NWT's policies and programs, including homeownership initiatives, appeal processes, tenant eligibility, repair programs, and funding mechanisms. Committee applied a rights-based lens to assess whether these policies support the progressive realization of housing rights. Committee also examined

barriers to construction, land access, and trades capacity, and emphasized the importance of wrap-around supports for tenants and shelter users.

The housing crisis in the NWT continues to affect thousands of residents across the territory. Committee urges the GNWT to take timely and coordinated action to implement the 44 recommendations outlined in this report. These recommendations reflect the collective input of Indigenous governments, housing experts, service providers, and residents, and offer a clear path forward to strengthen housing policy and delivery. By committing the necessary resources and working collaboratively across departments and with communities, the GNWT can make meaningful progress toward realizing the right to adequate housing.

### LIST OF RECOMMENDATIONS

Recommendation 1: The Standing Committee on Social Development recommends the Government of the Northwest Territories formally and officially recognize housing as a human right. Specifically, the Standing Committee on Social Development recommends the Government of the Northwest Territories urgently create new legislation that recognizes the right to adequate housing as it is articulated in international human rights law in the United Nations Convention on Economic, Social and Cultural Rights and the United Nations Declaration on the Rights of Indigenous Peoples. This new legislation should incorporate accountability mechanisms found in Canada's National Housing Strategy Act, including developing and maintaining a robust housing strategy to progressively realize housing as a human right in the Northwest Territories.

Recommendation 2: The Standing Committee on Social Development recommends the Government of the Northwest Territories publicly recognize the colonial legacies that have contributed to Indigenous homelessness in the Northwest Territories. To address these legacies, the Government of the Northwest Territories should use the principles outlined in the Northwest Territories' *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act* to guide policy changes in the housing sector and increase local government decision-making to facilitate the co-development of new housing policies by council leaders and Indigenous Governments.

**Recommendation 3:** The Standing Committee on Social Development recommends the Government of the Northwest Territories create the Office of the Territorial Housing Advocate and appoint a Territorial Housing Advocate. The Territorial Housing Advocate

and its Office should operate as an independent, nonpartisan entity, modeled after the Federal Housing Advocate. Its objective should be to advance meaningful action to address inadequate housing and homelessness in the Northwest Territories. The Office should be created within the 20th Legislative Assembly. An implementation plan to create this Office should be developed and tabled in the House within one year.

**Recommendation 4:** The Standing Committee on Social Development recommends the Government of the Northwest Territories assign the Territorial Housing Advocate and its Office to investigate how human rights and advocacy organizations can pursue legal remedies for violations of the right to housing through legal or policy frameworks. This research study should identify existing legal barriers to housing-related claims, consider amendments to the Northwest Territories' *Human Rights Act* or other relevant statutes, and establish clear mechanisms for litigation and legal recourse. The research study should be done in consultation with affected communities and legal experts and presented to the Legislative Assembly for consideration within the first year of the Office's creation.

**Recommendation 5:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review and amend the Northwest Territories' *Residential Tenancies Act* to include a proportionality framework that considers reasonable alternatives and ensures that evictions are used as a last resort only in serious situations, such as those where criminal activities are present.

**Recommendation 6:** The Standing Committee on Social Development recommends that the Government of the Northwest Territories review the Evictions from Public Housing Policy to incorporate consideration of multi-generational living arrangements prior to eviction decisions.

**Recommendation 7:** The Standing Committee on Social Development recommends that the Government of the Northwest Territories increase the number of supportive living and transitional housing options for individuals who are evicted from public housing. Steps and timelines to achieve this should be included in the Government's costed action plan as referenced in Recommendation 22.

**Recommendation 8:** The Standing Committee on Social Development recommends the Government of the Northwest Territories amend the *Legal Aid Act* and its regulations to include matters arising under the *Residential Tenancies Act*, as well as other housing-related legal matters, such as evictions, that may fall outside of the *Residential Tenancies Act*, as subjects to which legal aid services may be provided.

The Government of the Northwest Territories should utilize the upcoming new federal Blueprint for a Renters' Bill of Rights to inform the development of effective legal aid services for tenants that reduce the power imbalance. To provide effective legal services, the Government of the Northwest Territories should allocate funding to the Legal Aid program to support services provided for housing-related matters.

**Recommendation 9:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review and ensure that Housing Northwest Territories' policies are culturally appropriate, including that any related applications be available in Indigenous languages. The Government should also implement policies to train Government Service Officers on culturally appropriate advocacy related to housing issues.

**Recommendation 10:** The Standing Committee on Social Development recommends the Government of the Northwest Territories present a legislative proposal by mid 2026 to significantly modernize the Northwest Territories' *Residential Tenancies Act*. The amendments should be centered on the right to adequate housing and provide clear guidance to tenants and landlords on their rights and responsibilities.

**Recommendation 11:** The Standing Committee on Social Development recommends the Government of the Northwest Territories conduct an operational review of the Northwest Territories Rental Office, including whether it is accessible for tenants and landlords, whether it is adequately staffed, and whether access to justice through the Northwest Territories Legal Aid Commission is integrated within the roles and responsibilities of the Rental Office.

Recommendation 12: The Standing Committee on Social Development recommends the Government of the Northwest Territories work with Housing Northwest Territories and the Canada Mortgage and Housing Corporation to develop and endorse a draft definition of the housing continuum that reflects the northern context. This preliminary northern housing definition should incorporate Indigenous understandings of housing and home and support a reframing of housing policy and funding models to align with the lived realities of northern communities. Committee encourages the use of the alternative framework developed through the "At Home in the North" project led by Dr. Julia Christensen. It is further recommended that Housing Northwest Territories publicly release this draft definition by the end of 2026 to support ongoing dialogue and policy development.

**Recommendation 13:** The Standing Committee on Social Development recommends the Government of the Northwest Territories reassess its role in providing homeownership programs in communities that are initiating their own locally led housing programs. Where there are locally led initiatives, the Government should redirect its investments to empower Indigenous Government-led or other locally led homeownership programs that offer cultural and community specific supports.

**Recommendation 14:** The Standing Committee on Social Development recommends the Government of the Northwest Territories reinstate the 1980's Homeownership Assistance Program, with modern adjustments to reflect current needs. Committee further recommends the Government implement the "northern transitional homeownership model "which was presented to Committee.

**Recommendation 15:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review municipal funding policies administered by the Department of Municipal and Community Affairs to ensure they do not create barriers to community-directed housing initiatives, including staff housing, and to commit to a timeline for when this review will be complete.

**Recommendation 16:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review the current housing policy environment to identify and implement new or expanded incentives that support the development of affordable market housing.

**Recommendation 17:** The Standing Committee on Social Development recommends the Government of the Northwest Territories expedite the development of a Territorial Building Code to encourage the development of safe and appropriate housing and to dismantle barriers to building in the north and to publicly commit to the timelines necessary for this work to be brought forward

**Recommendation 18:** The Standing Committee on Social Development recommends the Government of the Northwest Territories develop and implement a territorial trades strategy for housing-related trades that offers training and certification programs for local residents and builds long-term capacity. This program should establish an agency of tradespeople to ensure access to services across the territory and should subsidize contractors travelling to remote communities.

**Recommendation 19:** The Standing Committee on Social Development recommends the Government of the Northwest Territories sign Memorandums of Understanding with

Indigenous Governments who have settled land claims with land use policies to encourage housing development.

**Recommendation 20:** The Standing Committee on Social Development recommends that the Government of the Northwest Territories develop policies that improve coordination between Housing NWT and other GNWT departments to remove barriers to housing development. This includes urgently increasing the supply of land suitable for residential construction, simplifying land use planning and approval processes, and embedding climate adaptation into land development strategies.

**Recommendation 21:** The Standing Committee on Social Development recommends the Government of the Northwest Territories, through Housing Northwest Territories, collaborate with Local Housing Organizations to revise their repair and maintenance policies in a manner that empowers public housing tenants to undertake minor repairs and maintenance themselves where appropriate

**Recommendation 22:** The Standing Committee on Social Development recommends the Government of the Northwest Territories provide adequate funding and investment in the development of transitional housing and in strengthening the shelter and safe home system in small communities of the Northwest Territories to relieve the burden on the Yellowknife shelter system. As the first step to achieve this, the Government of the Northwest Territories should develop a costed action plan, outlining specific action steps each with an assigned budget and timeline, and table this in the House within the 20<sup>th</sup> Legislative Assembly.

**Recommendation 23:** The Standing Committee on Social Development recommends the Government of the Northwest Territories create a 24-hour shelter in the City of Yellowknife, either through an existing or new program, to ensure wrap-around supports are accessible for those utilizing homelessness shelter spaces to move along the housing continuum.

**Recommendation 24:** The Standing Committee on Social Development recommends the Government of the Northwest Territories create 24-hour shelters in communities across the territory, prioritized according to the urgency of shelter needs in the communities, to ensure wrap-around supports are accessible for those utilizing homelessness shelter spaces to move along the housing continuum.

**Recommendation 25:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review and implement strategies to assist

non-profit and charitable organizations with contracts to provide social housing or Housing First, with the rise of insurance costs, specifically for their rental housing programs.

**Recommendation 26:** The Standing Committee on Social Development recommends that the Government of the Northwest Territories actively collaborate with municipalities and communities across the territory to develop and implement a standardized encampment protocol. This protocol should prioritize the safety and dignity of individuals living in tent encampments, while also ensuring respectful coexistence with neighbouring residents, properties, and public spaces. Establishing clear guidelines and responsibilities will help prevent conflict, support vulnerable populations, and promote community well-being.

Recommendation 27: The Standing Committee on Social Development recommends the Government of the Northwest Territories work with the federal government to ensure that funding mechanisms, such as those established under the Urban, Rural, and Northern Indigenous Housing Strategy, provide direct and equitable funding to Indigenous Governments and organizations, including those with both settled and unsettled land claims. This approach is necessary to address and reduce funding disparities between regions and to support equitable access to housing resources for all Indigenous peoples across the Northwest Territories.

**Recommendation 28:** The Standing Committee on Social Development recommends the Government of the Northwest Territories collaborate with the Yukon Government and the Government of Nunavut to develop a unified pan territorial advocacy plan. This plan should be used to advocate to the Government of Canada to ensure that federal policies and funding are better aligned with Northern realities and Indigenous perspectives in light of federal strategies (i.e. Urban, Rural and Northern Indigenous Housing Strategy) and funding that continues to fall short in reaching the housing needs of northerners.

**Recommendation 29:** The Standing Committee on Social Development recommends that the Government of the Northwest Territories incorporate the recommendations contained in this report into its proposed 3-Year Housing Plan. Committee expects the Housing Plan to clearly demonstrate how each recommendation is being addressed, including the actions to be taken, anticipated outcomes, and timelines for implementation.

**Recommendation 30:** The Standing Committee on Social Development recommends the Government of the Northwest Territories, through Housing Northwest Territories, enhance transparency and reporting of distinction-based funding allocations to ensure that the needs of each community and the overall advancement of housing in the territory are being met.

**Recommendation 31:** The Standing Committee on Social Development recommends the Government of the Northwest Territories establish a mechanism to more equitably assess eligibility for homeownership programs. These programs should take into account individual circumstances, particularly in cases involving outstanding mortgage and rental arrears, to ensure that the programs are responsive to the complex realities faced by residents.

**Recommendation 32:** The Standing Committee on Social Development recommends the Government of the Northwest Territories provide more transparency surrounding the specific age and condition of housing units allowable under the Homeownership Initiative Policy, and publicly publish the age of public housing units that have been deemed eligible for the Homeownership Initiative Program.

**Recommendation 33:** The Standing Committee on Social Development recommends the Government of the Northwest Territories reform the housing appeal process to support the progressive realization of the right to housing and ensure more inclusive, transparent, and efficient oversight. This necessarily includes:

- That all appeals under Public Housing and Homeownership Programs bypass the District Director and proceed directly to the Housing Appeal Committee to streamline the process and reduce administrative burden and barriers:
- That the composition of the Housing Appeal Committee be revised to require membership of individuals with lived experience of homelessness or housing need, and where possible, individuals with expertise in human rights, to ensure a more representative and rights-based approach to decision-making.

**Recommendation 34:** The Standing Committee on Social Development recommends the Government of the Northwest Territories transition all current housing rating systems to a rights-based approach, focusing on ensuring fair and equitable access to housing for all, particularly those in greatest need. This should involve prioritising

vulnerable groups, promoting non-discrimination, and empowering tenants in the housing process

**Recommendation 35:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review the Public Housing Tenant Eligibility Policy to ensure that it provides those ineligible for public housing a clear and time-bound response to how they could have their eligibility reinstated.

**Recommendation 36:** The Standing Committee on Social Development recommends that the Government of the Northwest Territories revise the Community Housing Plan policy to include capacity-building supports tailored to community needs. This should include additional human, financial, and technical resources to support implementation of housing plans.

**Recommendation 37:** The Standing Committee on Social Development recommends the Government of the Northwest Territories conduct an audit of the Small Community Homelessness Fund to determine and report on its overall policy performance.

**Recommendation 38:** The Standing Committee on Social Development recommends the Government of the Northwest Territories revise and adjust the eligible income thresholds for co-payment for the Senior Home Repair Program, the Seniors Aging in Place Program, and the Home Repair Program based on inflation and cost of living increases, and review every 3 years thereafter.

**Recommendation 39:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review and revise the eligible properties for the Senior Home Repair Program, the Seniors Aging in Place Program, the Home Repair Program, and the Preventative Maintenance Program, specifically expanding the eligibility coverage of each policy to include primary residences outside municipal boundaries.

**Recommendation 40:** The Standing Committee on Social Development recommends that the Government of the Northwest Territories review the Disposal of Residential Property Policy to ensure that Housing Northwest Territories' assets located on treaty territory, and subject to disposal under the policy, provide Indigenous governments with the first right of refusal

**Recommendation 41:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review the Community Housing Support

Initiative program to ensure it is reaching its goals and full effectiveness. Specifically, Committee recommends interviewing current and past recipients on the feasibility of supporting housing affordability and adequacy beyond the duration of their contribution agreement in order to evaluate the initiative's long-term impact on housing. It is recommended that the Government of the Northwest Territories publish the results of the program review and share it with the Standing Committee on Social Development.

**Recommendation 42:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review all Housing Northwest Territories' financial policies, including policies respecting loans and grants, to ensure treaty obligations are upheld. Specifically, to ensure that policies safeguard against unfairly including treaty-related income such as dividend payments, or gifts, into an applicant's income and thus disproportionately impacting their eligibility or level of assistance. The Standing Committee on Social Development recommends the Government of the Northwest Territories make any necessary policy changes to achieve this.

**Recommendation 43:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review and revise the Collections Policy to ensure that the policy prioritizes the well-being and dignity of individuals and their right to adequate housing. Collection actions should not jeopardize an individual's ability to secure and maintain adequate housing. Further, the Collections Policy should establish clear accountability mechanisms to ensure that collections comply with human rights standards. In its review, the Government of the Northwest Territories should engage individuals and communities experiencing housing challenges.

**Recommendation 44:** The Standing Committee on Social Development recommends the Government of the Northwest Territories respond to this report within 120 days.

### ACKNOWLEDGEMENT

The Standing Committee on Social Development (Committee) acknowledges the historical and present challenges that many people in the Northwest Territories have faced with all aspects related to secure, safe and reliable housing. Committee is committed to advocating for the establishment of mechanisms that uphold the right to adequate housing in the NWT. Committee affirms that all residents of the territory should have access to safe, secure and appropriate housing as a fundamental human right.

Committee greatly appreciates the recommendations and observations made by all witnesses as part of its study to examine how the right to adequate housing can be fully realized and upheld in the NWT. Committee strongly agrees that there needs to be significant strides in ensuring adequate and affordable housing for residents in the territory, particularly for those in small communities.

Committee acknowledges that some sections of this report, particularly those sharing lived experiences and testimony, may be distressing or triggering for some readers. Readers are encouraged to take care when engaging with this material. If you need support, please consider accessing local mental health services, community organizations, or other trusted resources.

### INTRODUCTION AND PROJECT PURPOSE

Committee received direction in the House on February 28, 2024, to undertake a study on the implementation of adequate housing as a fundamental human right within the laws of the NWT and policies of the Government of the Northwest Territories (GNWT) through Motion 20 - 20(1). Committee's project intended to study the right to adequate housing, and how its principles and theories can be applied to the NWT through engagement with subject matter experts, as well as Committee's own independent research.

Throughout this study, Committee aimed to address the following question: What does a right to adequate housing mean for law and policies in the Northwest Territories? Ultimately, Committee believes that that everyone in the NWT is equally entitled to live in dignity and in a safe, suitable and secure home. Committee's belief in this inherent right, and the desire to positively impact and improve the lives of residents in the NWT drove all aspects of the research and the recommendations made. This study is also aligned with one of the priorities of the 20<sup>th</sup> Legislative Assembly: the suitability, accessibility and affordability of housing.

### SCOPE OF WORK

The project scope of work involved a combination of desk-based research, a literature and legislative review, a policy and program review, feedback and learnings through presentations from Indigenous governments, key experts and stakeholders, and those with lived experiences.

To respond to the research question in greater detail, Committee undertook the following activities:

- Engaged Indigenous governments and communities, stakeholders and subject matter experts to inform how the right to housing can be applied at a local level, and examined how principles of human rights law can be applied to the territorial context;
- Completed a literature and legislative review to understand how jurisdictions have considered, applied and treated housing as a human right in law and policy, and considered how these principles and learnings could be applied to the territorial context;
- Examined existing housing programs in the NWT and other jurisdictions, focusing on how they address homelessness, and improve housing affordability, accessibility and suitability;
- Developed and proposed recommendations to the GNWT on ways to recognize and apply the right to housing in alignment with international human rights principles and obligations. These include those outlined in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the United Nations Declaration on the Rights of Indigenous Peoples

### PUBLIC ENGAGEMENT

Between August 2024 to March 2025, Committee engaged the public to inform Committee's project. Committee sent twenty-five (25) targeted engagement letters to Indigenous governments, researchers, non-profit and charitable organizations, landlords, and developers. Committee also proposed a generalized public request to landlords and developers on the implementation of the right to housing in the Territory. Committee received written submissions and presentations from<sup>1</sup>:

- Kristel Derkowski, Northern Housing Researcher
- Salvation Army Yellowknife
- National Right to Housing Network
- Federal Housing Advocate, Canadian Human Rights Commission
- Dr. Sarah Buhler, Associate Professor, University of Saskatchewan, College of Law
- YWCA Northwest Territories
- Habitat for Humanity Northwest Territories
- Gwich'in Tribal Council

- Janine Harvey and Lisa Alikamik, Inuit Housing Researchers
- Borealis Developments Inc.
- Outpost North
- Canadian Centre for Housing Rights
- Midwest Property Management
- Northview Residential REIT
- Dr. Julia Christensen, Associate Professor, Queens University
- Sherman Cavanaugh
- Rashmi Patel, Private Landlord in Fort Smith
- Kevin Sheedy
- Yellowknives Dene First Nation, Housing Division
- Yellowknife Women's Society

The submissions and presentations are included in Appendix A & B.

Committee extends its appreciation to all individuals and organizations who contributed feedback at public meetings and in written submissions. This informed input and support was essential in shaping meaningful recommendations to recognize and uphold the right to housing in the NWT.

Committee categorized the content of the public comments received into eight (8) themes:

- Historical Context of Housing in the Northwest Territories
- Present Day Conditions of Housing in the Northwest Territories
- Defining Housing as a Human Right
- Principle of Housing as a Human Right in Law
- Eviction and the Right to Housing
- Updates to the Residential Tenancies Act
- Filling Gaps in the Northern Housing Continuum
- Housing Northwest Territories Policy Review

Each theme explored in Committee's study is presented in a dedicated section in this report. These sections include a summary of what Committee heard and conclude with specific recommendations related to that theme. To support the discussion of each theme and its recommendations, this report begins with several sections that provide the context and definitions that guided Committee's deliberations.

### **BACKGROUND**

# History and Legacy of Housing Policy and Programs in the NWT

There has never been a point in time where the Northwest Territories has not had a housing crisis. We have never had enough housing in the NWT ever since the federal government got involved with delivering housing in the North.

Kristel Derkowski, Northern Housing Researcher

On August 12, 2024, the Standing Committee on Social Development received a presentation from Northern housing researcher Kristel Derkowski, whose work traces the evolution of housing policy in the Northwest Territories. Her research provides a detailed account of the historical development of housing programs in the territory and identifies key factors that have shaped the current housing landscape. On February 6, 2025, Dr. Julia Christensen presented her research on the impacts of housing policy in the North, including findings from the "At Home in the North" project, which proposes an alternative framework to the Canada Mortgage and Housing Corporation's housing continuum.

Together, these presentations offered critical context for understanding the persistent housing challenges in the Northwest Territories and informed Committee's recommendations to support the progressive realization of the right to housing. Derkowski emphasized that the territory's housing system has long been in a state of crisis, shaped by four interrelated factors: social, economic, geographic, and political (see figure 1, next page). These complex and compounding influences have contributed to both historical and ongoing barriers to adequate housing across the territory.

SOCIAL FACTORS Intervention in traditional economie Social construct of dependency Fractured educational pathw High costs of living Figh Constitution costs No local construction market Barriers to di Infrastructure deficit Portionate wear & tear Top-down administration Context-inappropriate bureauccael Escalating climate insecurity ORGANIZATIONAL FACTORS

**Figure 1: Factors Contributing to the Northern Housing Crisis** 

In her research, Derkowski (2024) described how, in the 1950s, the discovery of resource extraction potential in the territory led to increased investment in infrastructure and the federal expansion of social welfare to the territory. The federal government began delivering public housing in the territory in 1959. Public housing was initially offered at a very low cost as part of a federal centralization scheme to impose a southern-based economic and community model in the north.<sup>2</sup>

The federal government was the public housing provider for only ten years before devolving administration to the territorial government in 1969. The territorial government, via the Northwest Territories Housing Corporation (NWTHC), took responsibility for public housing in 1974. Derkowski emphasized in her research that public housing rates in the territory has always been exceptionally high compared to provinces, with few alternative providers available. As a result, the role of NWTHC is "disproportionally significant in the landscape of NWT housing."

NWTHC delivered thousands of new units over the next two decades but continued to report that quantities of housing in the territory remained deeply insufficient compared to the need for housing. Committee learned that throughout the late 1900s, the territorial government made attempts to stimulate housing markets by raising rental fees for public housing in selected communities. These communities continued to have a heavy reliance on public housing, while the quantity, quality, and cost of these units remained problematic both for the NWTHC and for its clients. Dr. Christensen voiced to Committee that by 1990, it was reported that if housing delivery were to continue at the same rate, and if the population were to remain stable, it would take 30 years for the territorial government to meet the existing demand. Housing delivery did not, however, continue at the same rate, but rather sharply declined.

Committee emphasizes that federal contributions to the operations budget of the NWTHC began to decline in 1996, with an aim to reach \$0 by the year 2038. With federal contributions in decline and further sources of operational funding uncertain, the NWTHC ceased adding new units to its stock of public housing.<sup>4</sup> In her presentation to Committee, Derkowski highlighted the NWT's extreme dependency on federal funding by stating:

The sustainable provision of northern housing has also been marred by consistently inadequate funding – which is the fundamental cause of the persistent northern housing crisis we face today.

Dr. Julia Christensen, Associate Professor, Queens University

Prior to the federal government's freeze on operational funding for housing across Canada in 1996, the quantity of public housing in the territory equated to 50-60% of the total social housing need. Following the freeze, the quantity of housing equated to 49.9% of demand in 2004, and dropped further to 40.8% by 2019.<sup>5</sup> Dr. Christensen highlighted that the NWT has some of highest rates of "Core Housing Need" in the country. Core Housing Need refers to households that are unable to access housing because they lack the funds necessary to acquire housing that is affordable and

adequate. These rates have been increasing since 2000 and by 2019, nearly 1 in 4 households (or 25% of households) in the NWT live in unsuitable, inadequate, or unaffordable dwellings and cannot afford alternative housing. This is in stark contrast to the national rate of 12%.<sup>6</sup>

Dr. Christensen emphasized that rates of Core Housing Need vary significantly across regions. For example, Yellowknife and the South Slave regions report considerably lower rates compared to all other regions. As Derkowski noted, a longstanding deficit in operational funding for social housing has led to a shortage of public housing stock. This shortage triggered stricter regulations around public housing provision and fostered a punitive policy environment for clients. With rising demand and limited supply, vacant units became increasingly difficult to find. Long waitlists emerged, making the process highly competitive, even for those who met eligibility criteria under the points-rated system. For households that did not align with policy standards, or "rate high enough," public housing became virtually inaccessible.

Declining federal funding and limited unit availability also prompted strict cost recovery measures, including aggressive enforcement of arrears and evictions. Derkowski argued that these punitive policies deepen vulnerabilities and fail to offer pathways out of institutionalization. Since the number of public housing units effectively froze after 1996, and private or alternative providers did not fill the gap, housing need in the territory has continued to grow.

Through its study, Committee has noticed that the responsibility for housing in the NWT has, within very recent years, become diversified. The federal government has begun to release capital funding for the construction of affordable housing directly to Indigenous Governments. Also, the NWTHC re-branded to Housing NWT and has strategically redefined its own mandate: from directly aiming to meet the housing need in the territory, towards acting as a partner to Indigenous and community-based housing providers. Thus, new opportunities are being created for community-based organizations to take an active, empowered role in supplementing, improving, diversifying, and fundamentally altering the landscape of northern housing. The outcomes for this shift are yet to be seen, and they may also vary significantly between communities and between regions. However, Committee has heard of some promising examples which are shared in later sections of this report.

<sup>&</sup>lt;sup>1</sup> The Public Housing Point Rating System assigns points to rate applicants for public housing priority cased on a number of weighted criteria including suitability and overcrowding, consideration for victims of domestic violence, chronic homelessness, adequacy and housing condition, affordability, metrics on "housing readiness," and time on the waitlist.

In concluding this section, Committee underscores the words of Derkowski: "There has always been a gap in reaching housing needs." This historical context is essential to understanding the persistent and widespread housing challenges facing the Northwest Territories today. The legacy of underinvestment, policy fragmentation, and limited alternatives to public housing has contributed to the current crisis. Addressing these issues requires a systemic approach that includes coordinated interdepartmental action, integrated service delivery, and long-term planning. These efforts must be responsive to the diverse realities of communities across the territory. Understanding these differences is critical to developing effective housing strategies, particularly in distinguishing between market and non-market communities.

### **Market Versus Non-Market Communities**

Several witnesses noted to Committee the stark differences in the housing landscape for market versus non-market communities. A "non-market community" is one that does not have a private housing market or a resell market. The reality, as presented by Dr. Christensen, is that the vast majority of NWT communities are considered non-market (29 out of 33 communities). Non-market communities are characterized by unsuitable and inadequate homes and high rates of unemployment, which are often intertwined.<sup>7</sup> Across non-market communities, the average rate of households in unsuitable or inadequate condition is more than five times the national average.<sup>8</sup>

Outpost, a real estate investment company operating in Yellowknife, informed Committee that of the total number of homes in the territory, approximately 70% are deemed as market homes. In contrast, 92% of housing in the City of Yellowknife is considered market housing which showcases a key difference for the capital region.

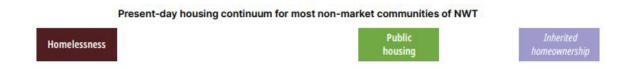
Committee believes it is important to highlight differences in the housing market, as it is key to conceptualizing the housing continuum in small communities across the NWT. The housing continuum, a phrase coined by the Canadian Mortgage and Housing Corporation (CMHC), is the range of options from homelessness to market housing (see Figure 2).<sup>9</sup>

**Figure 2: The Housing Continuum** 



The housing continuum is different in non-market communities compared to larger regional centres in the territory. Due to economic circumstances in many communities across the territory, the housing options captured in CMHC's housing continuum would not be available without some type of subsidization. In most non-market communities, market housing is not part of the continuum and there often isn't an option outside of public housing. In her research, Derkowski visualized a present-day housing continuum for most non-market communities in the NWT. Figure 3, below highlights the present-day housing continuum for non-market communities. Committee underscores the extreme shortage of housing options in non-market communities and the urgent need for targeted strategies to expand the housing continuum.

Figure 3: Present-day Housing Continuum for Non-Market Communities



In many cases, individuals and their families face a limited set of options: homelessness, public housing, or inherited home ownership as a best-case scenario. This gap highlights the importance of developing more diverse and accessible housing solutions tailored to the realities of non-market communities.

# **Defining the Northern Housing Continuum**

Committee aims to explore what a practical, context-specific and achievable northern housing continuum could look like, grounded in the realities of the communities across the NWT. Despite the absence of a conventional housing market in non-market communities, Derkowski created a non-market housing continuum that includes options besides public housing, which she considers achievable, including shelters, transitional housing, supportive housing, community housing, affordable rentals, and subsidized homeownership (see Figure 4). She notes in her research:

"Housing providers (and funders) may need to accept the reality that the market-based model of community imposed on the North some decades ago has failed to flourish, and that the landscape of many northern communities will remain distinct from that of southern Canada, in many ways, for the foreseeable future". 12

Figure 4: Ideal Non-Market Housing Continuum (Derkowski)



For many northerners, owning the physical structure of their home is a long-term goal. However, achieving homeownership in northern communities is complex. The conventional housing market model used in southern Canada does not function in the same way in the North. Committee emphasizes that pathways to homeownership must exist, but they should not rely solely on market-based systems that do not reflect northern realities.

Research presented to Committee, including work by Derkowski, highlights that creating sustainable change in housing requires coordinated and long-term efforts from multiple partners. Committee agrees and believes it is essential to expand housing options, particularly in non-market communities, to address longstanding gaps as shown in Figure 4. Committee acknowledges that innovative approaches are already being pursued by Indigenous governments and Housing NWT, as discussed in the section entitled *Filling the Gaps in the Northern Housing Continuum*, later in this report. Committee commends these efforts and sees value in building on this progress.

### **Present Day Housing Conditions in the Northwest Territories**

Committee heard from witnesses across the non-profit, private, and public sector describing the present-day conditions of housing in the NWT. Non-profit organizations that operate shelters, Indigenous Governments and Indigenous Organizations, and housing researchers all portrayed a dire and emergency state of housing. Many residents face accessibility and cultural adequacy barriers to housing, challenges to access to safe and secure housing with adequate living standards, as well as challenges related to climate change.

Committee received key facts about the current state of housing in the Northwest Territories:

- nearly 1 in 4 households (or 25% of households) in the NWT live in unsuitable, inadequate, or unaffordable dwellings and cannot afford alternative housing.
- Approximately 1 in 2 homes is either unsuitable or in need of major repairs;
- Almost 10% of households in the territory are informally hosting a homeless individual; and
- Outside the capital city, 73% of tenant households are living in public housing, while the waitlist for public housing equates to an additional 8% of all households.

These housing realities are crucial to address to further the progressive realization of the right to housing in the NWT.

### Shelters

We need to all get on the same page of what housing looks like for vulnerable individuals – and that will differ from person to person.

Major Tony Brushett, Salvation Army – Yellowknife

For context, Committee wishes to express the types of homelessness and housing instability shared during engagement. The YWCA emphasized the presence of *hidden homelessness* in the NWT, which is particularly prominent among families. Hidden homelessness describes those who lack stable housing but are not living on the streets or in shelters. Because this type of homelessness is not visible, it is not properly enumerated or recognized. In addition, the YWCA expressed that women-led households disproportionately live in core-housing need, meaning their housing fails to meet the standards of adequacy, affordability or suitability. Violence in the home is a major driver of housing insecurity for women. Without safe alternatives, many are forced to return to unsafe living situations.

Shelter services are available in several regions across the territory, provided by a range of organizations and Committee commends these initiatives. In Yellowknife, the Salvation Army operates the Men's Shelter, while the Yellowknife Women's Society manages the Women's Centre. Home Base offers a Youth Emergency Shelter. The YWCA NWT runs two domestic violence shelters: the Allison McAteer House in Yellowknife and the Sutherland House in Fort Smith.

The Inuvialuit Regional Corporation, the Gwich'in Tribal Council, and the Town of Inuvik jointly support two facilities: the Inuvik Emergency Warming Shelter and the Inuvik Homeless Shelter. In Hay River, the Hay River Committee for Persons with Disabilities operates an emergency shelter. In Fort Simpson, the Village of Fort Simpson coordinates shelter operations in collaboration with community partners, including the Łíídlij Kúé First Nation.

Organizations such as the Salvation Army and the YWCA NWT described the shelter system in the NWT as deeply inadequate. As stated by the Salvation Army: "the current shelter model here in the NWT is awful," raising concerns about the lack of dignity afforded to individuals when shelter access is limited to overnight hours, typically from 7 p.m. to 7 a.m. The Organization emphasized that shelters are not a long-term solution to housing needs. However, Committee heard that in the absence of alternative housing options, shelters serve as a vital and life-saving resource for individuals experiencing homelessness in Yellowknife.

### **Encampments**

Committee is aware of the presence of encampments in the territory and recognizes that homelessness manifests differently across communities and population groups. Committee has heard that some individuals living in encampments may feel safer than in the emergency shelter system. Barriers such as overcrowding, lack of culturally appropriate services, restrictions, and concerns about safety or privacy can discourage people from accessing shelters and shelter services.

### **Public Housing**

Public and transitional housing services are available in some regions across the territory. In Yellowknife, the Salvation Army operates the Bailey House, a transitional housing initiative for homeless men. Home Base provides both a Youth Housing Program and Youth Dorms to support young people in need of stable housing.

The YWCA NWT manages Lynn's Place, which offers transitional housing for women leaving violent relationships, as well as other supportive housing options. The Yellowknife Women's Society operates the Housing First program, which prioritizes immediate access to housing without requiring individuals to meet preconditions such as sobriety or readiness. This program currently supports 20 participants.

Territory-wide, Housing NWT delivers the Public Housing Program. This rental initiative provides income-based subsidies to residents in need across 31 communities.

As expressed by the Salvation Army, some participants in supportive housing programs face significant barriers to maintaining stable housing. Due to affordability challenges or reluctance from landlords to rent to individuals, participants are sometimes released from these programs and forced to return to the shelter system.

Northview Residential leases 15% of its units to public housing programs, including Housing First, the YWCA NWT, and other support organizations. Northview expressed its challenges with offering public housing. In some buildings, non-tenants are forcing entry into buildings, loitering in stairwells, damaging common areas, and breaking and entering units. Some buildings have created makeshift shelter spaces for individuals who have been removed from the shelter system. As a result of increased criminal activity, Northview had to invest significantly in security incurring a financial loss. Because of these security and property damage concerns, nearly 2% of Northview's market units (approximately 25 units) have been deemed unrentable to market tenants.

# Housing Affordability

Committee heard that housing affordability remains a critical concern across the NWT. In non-market communities, the cost to construct a modest three-bedroom home can exceed \$1 million, while the resale value of that same home may be less than \$200,000. This stark disparity between construction costs and market value presents a major barrier to private sector involvement and undermines the financial viability of new housing development. The lack of return on investment discourages developers from building in communities where housing need is most acute, further deepening the gap in available housing options.

Additionally, Committee learned that the cost of living in non-market communities remains high, while income opportunities are limited. As a result, many residents struggle to afford both housing and basic living expenses. Committee heard that individuals are spending 40–50% of their income on shelter, and thus, families are reliant on food banks to survive. The cost of housing in the North remains disproportionately high compared to the economic opportunities available to residents. This imbalance continues to strain the system and limit access to stable housing.

### **DEFINING HOUSING AS A HUMAN RIGHT**

To direct its study, Committee first established a clear definition of what the right to housing is. Committee relied on the definition established through international human rights law and subsequently met with key stakeholders to help further define, learn about, and apply the right to adequate housing in the territory.

The right to adequate housing is "about the progressive realization of housing, and the right to housing that flows to the individuals, whatever their current housing situation is", as highlighted to Committee by the National Right to Housing Network. 13 Fundamentally, the right to housing means that everyone in the NWT is equally entitled to live in dignity and in a safe, adequate and secure home. It was relayed to Committee that having a safe, dignified place to call home is one of the most basic human needs, and that it is connected to many other human rights, including the right to education, physical and mental health, political participation, and the right to life. Committee understands that the right to housing encompasses many dimensions and dynamics and believes in the establishment of safeguards and policies that will allow for the realization of the right to housing.

Committee learned of the importance of a rights-based approach to housing and recognizes that historically, focus has been on the construction of homes. It was articulated that:

Without a rights-based approach [and] without the human rights framework, the focus on building housing becomes for the accumulation of capital [and] the accumulation of wealth. So why in that case would you not prioritize those who are the most marginalized [and] those who are most in need?

National Right to Housing Network

While Committee understands there should be important emphasis on building homes and putting "doors in ground" in the NWT, this needs to be balanced with establishing human rights-based mechanisms so that those who are most vulnerable are supported throughout the housing continuum. Committee feels it is necessary to find solutions to the systemic barriers people are facing to secure their housing – and that cannot happen without mechanisms in place to meaningfully address those barriers.

Notably, Dr. Christensen emphasized that recognizing housing as a human right requires an understanding of how housing needs vary across the lifespan. For instance, the 2018 Auditor General's report on Child and Family Services in the NWT<sup>14</sup> observes that housing plays a critical role in the removal of children from their families, securing of foster family placements, as well as in the ability of parents to regain custody of their children. Housing also affects education by impacting the recruitment and retention of teachers in small communities and providing safe and secure home learning foundations for children. It plays a vital role in food security, aging in place for elders, and ensuring safety for survivors of intimate partner violence. In considering housing as a human right, Dr. Christensen underscored that the ways in which the right is recognized will differ across the lifespan and life circumstances.

### PRINCIPLE OF HOUSING AS A HUMAN RIGHT IN LAW

# The Right to Adequate Housing under International Human Rights Law

In the history of recognizing rights – there is always a moment where we have to decide that we have to prioritize people and their dignity. There is a moment in time where folks decide to make the commitment.

National Right to Housing Network

Committee heard from a number of witnesses who explained how the right to adequate housing is recognized under both Canadian and international law. A central focus of the study is to critically assess how this right is defined in legal frameworks and how those principles can be applied at the local and territorial levels.

The right to adequate housing was recognized as part of the right to an adequate standard of living in the 1948 Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights. The United Nations Committee on Economic, Social and Cultural Rights (CESCR) has underlined that the right to adequate housing should be seen as the "right to live somewhere in security, peace and dignity." Seven elements of the right to adequate housing are clarified in CESCR's *General Comments No. 4 (1991)*:15

- Security of tenure
- Affordability
- Habitability

- Location
- Accessibility
- Cultural adequacy

### Access to basic services

CESCR defines these seven elements to provide guidance to governments in clearly defining the right to adequate housing. Moreover, international law recognizes that governments must implement reasonable policies and programs to ensure that everyone has access to adequate housing, as can be achieved within available resources.

In its meeting with the Federal Housing Advocate, Committee learned that governments play an essential role in upholding the right to adequate housing. This right does not imply that every individual will be directly provided with a home by the government. Rather, it requires that governments establish and prioritize mechanisms that make the right to adequate housing real and enforceable. Committee considers this distinction crucial to the purpose of its study: to advocate for systems that go beyond physical infrastructure and instead promote meaningful accountability. These systems must ensure that all residents of the NWT have ongoing access to adequate, safe and secure housing, along with wrap-around services, where appropriate, to ensure long lasting security of tenure.

Committee learned that under international human rights law, the right to adequate housing requires governments to take a range of actions beyond the physical construction of homes. These actions include, for example:

- Protecting the right to adequate housing through appropriate legislation and regulation;
- Implementing housing policies and programs focused on those most in need as well as on progressively ensuring access to housing for all;
- Fulfilling the right to housing over time through rights-based housing strategies and programs;
- Protecting affordable housing and ensure security of tenure, including protection from unreasonable rent increases; and
- Ensuring that any upgrades of existing housing or new developments are administered with meaningful participation of existing residents in their design and planning, ensuring that they are able to remain in, or return to their communities, and are ensured access to adequate housing during any necessary relocation.

Committee heard that a rights-based approach to housing also requires that housing decisions, policies and investments are rooted in the meaningful engagement with

affected communities, with human rights experts, advocates and civil society. Witnesses such as the National Right to Housing Network, the YWCA NWT, and the Salvation Army – Yellowknife also noted to Committee the importance of meaningful consultation with affected communities, including residents and representation from the population who are most affected by the homelessness crisis.

# The Right to Housing Architecture and Mechanisms in Canada

In September 2024, Committee heard from the Federal Housing Advocate and the National Right to Housing Network to inform its study. These presentations, along with Committee's literature review, highlighted that both international human rights law and Canadian legislation set out a standard for *how* the right to housing can be achieved.

The federal *National Housing Strategy Act* (NHSA), which received assent in 2019, recognizes "that the right to adequate housing is a fundamental human right affirmed in international law." <sup>16</sup> It also commits Canada to further the "progressive realization" of the right to adequate housing. This principle means taking steps to progressively achieve fulfillment of the right and acknowledges that addressing housing challenges requires sustained, incremental action. This obligates Canada to allocate the "maximum available resources" towards housing, prioritize housing for those in greatest need, and create the conditions to achieve the goal of adequate housing for all. <sup>17</sup>

Committee received background on Canada's legislative approach to recognizing housing as a human right through a presentation by the National Right to Housing Network. The presentation framed this development as a "story of advocacy," highlighting the efforts of individuals and organizations who have worked to make the right to housing tangible and enforceable.

A key example presented was the charter litigation case *Tanudjaja v. Canada (Attorney General)*. <sup>18</sup> The case was brought forward by individuals who had experienced homelessness and inadequate housing, arguing that the federal and provincial governments' failure to implement a housing strategy violated their rights under the *Canadian Charter of Rights and Freedoms*. However, before the case could proceed to trial, both governments filed a motion to dismiss, claiming the challenge lacked a legal foundation and had no reasonable chance of success. The Ontario Superior Court agreed, dismissing the case without a trial. The Court of Appeal upheld this decision, stating that the matter was "not a question that can be resolved by application of law, but rather it engages the accountability of the legislatures. Issues of broad economic

policy and priorities are unsuited to judicial review."<sup>19</sup> Although the litigants were unsuccessful, the National Right to Housing Network highlighted that this case shows a history of advocates across the country having a "deeper hunger to see the right to housing as something that is tangible and meaningfully accessible".

As presented to Committee by the National Right to Housing Network, the NHSA intends to provide a foundation for advancing the right to housing through practical mechanisms so that the voices of rights-holders are heard and upheld. Examples of these mechanisms include the establishment of a National Housing Strategy, a National Housing Council, a Federal Housing Advocate, and a Review Panel that holds hearings on systemic issues to submit findings and recommendations to the federal Minister of Housing, Infrastructure, and Communities.

These mechanisms are paralleled in international human rights law, as shown in *Figure* 5 from the National Right to Housing Network. For example, the National Housing Council is established in parallel to the United Nation's CESCR. Similar to the CESCR, the purpose of the National Housing Council is to further rights-based housing policy and the National Housing Strategy by: 1) providing advice to the Minister, on its own initiative or at the request of the Minister, including, among other things, on the effectiveness of the National Housing Strategy; and 2) undertaking any other activity that the Minister specifies.<sup>20</sup>

INTERNATIONAL HUMAN RIGHTS CANADA'S PARALLEL MECHANISMS UNDER THE NHSA **MECHANISMS** THE COMMITTEE ON ECONOMIC, SOCIAL AND **NATIONAL HOUSING COUNCIL (NHC)** Advises the Minister to ensure that the NHS Comprised of 3 NHC members (with lived Issues General Comments and statements on "furthers the progressive realization of the right to experience of homelessness and housing emerging issues housing" need, human rights expertise) Hears from NGOs, all levels of governments, and Appoints a 3-person Review Panel to hold hearings Holds hearings on systemic issues; hears human rights commissions during periodic reviews; on systemic issues from rights-holders and organizations with issues Concluding Observations human rights/housing expertise and Considers individual and systemic cases from submits findings and recommendations to countries that have ratified the Optional Protocol to the Minister the ICESCR; issues findings and recommendations FEDERAL HOUSING ADVOCATE Independent but supported by the Office of the Federal Housing Advocate (OFHA) at the Canadian Human Rights TO ADEQUATE HOUSING MINISTER OF HOUSING Actively engages with rights holders, experts and Independent but supported by the Office of the High research into systemic issues, identifying critical systemic Commissioner on Human Rights at the United Nations issues and clarifying obligations under international Receives findings and recommendations human rights law; submits findings and recommendations from the Housing Advocate, NHC, and to the Minister Review Panel Actively engages with rights holders and experts; issues thematic reports, identifying critical systemic Receives "submissions" on systemic issues, conducts Must respond to findings and issues and clarifying obligations under international reviews, and refers certain issues to the Review Panel recommendations of the Panel within 120 human rights law days via a tabled report with the House of Monitors goals and timelines and progressive realization Commons and the Senate Conducts missions to countries and submits reports under the NHSA on findings and recommendations

Figure 5: Mechanisms that Advance the Right to Housing (National Right to Housing Network)

Committee heard from Dr. Christensen who emphasized the importance of maintaining a critical lens on the NHSA, particularly as NWT housing levels of Core Housing Need continue to fall short of the national average, despite federal commitments through the legislation:

We can call into question the real significance in the National Housing Strategy Act when funding for Northern housing continues to fall far short of where it must be to bring NWT Housing levels of Core Housing Need down to even the national average.

Dr. Julia Christensen, Queens University

Committee also examined the structural limitations of the NHSA. As noted by Dr. Christensen, the Act lacks enforcement mechanisms and does not provide

individuals or groups with a legal pathway to claim violations of their right to housing. This absence of enforceability undermines the practical impact of the legislation and raises concerns for Committee about its effectiveness in addressing systemic housing inequities in the North.

Through this study, Committee seeks to understand which mechanisms should and could be established at the territorial level. The following section outlines Committee's recommendations to apply to right to adequate housing to the law of the NWT.

# Applying the Right to Adequate Housing in the NWT

# Recognizing the Right to Adequate Housing in Legislation

Witnesses from the National Right to Housing Network, the Canadian Centre for Housing Rights and the Federal Housing Advocate urged Committee to recommend that the GNWT create their own legislation, like the *National Housing Strategy Act*, that recognizes the right to adequate housing as it is articulated in international human rights law.

Committee acknowledges the importance of formally recognizing adequate housing as a human right in the NWT. Establishing this right in legislation is a necessary step toward creating the systems and structures required to support its full realization. Committee believes that legislative recognition must be accompanied by clear mechanisms for accountability, implementation, and enforcement to ensure that all residents have access to safe, adequate, and secure housing. As noted by the National Right to Housing Network, the NWT could "be one of the first jurisdictions to make the right to housing infrastructure real". It is important to note that although Canada has adopted federal legislation that enshrines housing as a human right, no jurisdictions have followed suit with their own legislation to ratify international law and the right to housing.<sup>21</sup>

The Gwich'in Tribal Council (GTC) presented to Committee on October 23, 2024. The GTC emphasized that legislation recognizing housing as a human right in the NWT should underscore that for Indigenous groups, housing is not just a legal right but also a cultural necessity that supports traditional ways of life, reduces poverty, and answers to community wellbeing. By creating this piece of legislation, Committee aims for the voices of Indigenous people to be upheld and that swift, impactful actions to addressing housing need will follow. The GTC highlighted to Committee that advocating for housing, and related social programs is not just a need, but a fundamental human right. As a nation, they continuously advocate for culturally appropriate housing solutions for

their residents, including advocating to the Government to develop housing strategies and policies that include Gwich'in and Indigenous values and Gwich'in self determination. In establishing legislation that recognizes the right to housing in the NWT, Committee believes this piece of legislation will create clear avenues for Indigenous governments such as the GTC to advocate for their residents, and for housing programs and policies that are rooted in community wellbeing and are community-led solutions.

Committee therefore presents its first recommendation, to recognize housing rights through legislation, mirror mechanisms created through the *National Housing Strategy Act*, and most importantly, ratify the right to adequate housing as articulated in international human rights law. Committee heard clearly from witnesses throughout this project: the establishment and creation of legislation is the key to underpin housing as a human right, and it needs to be done urgently.

Committee's first recommendation is as follows:

Recommendation 1: The Standing Committee on Social Development recommends the Government of the Northwest Territories formally and officially recognize housing as a human right. To achieve this, the Standing Committee on Social Development recommends the Government of the Northwest Territories urgently create new legislation that recognizes the right to adequate housing as it is articulated in international human rights law in the United Nations Convention on Economic, Social and Cultural Rights and the United Nations Declaration on the Rights of Indigenous Peoples. This new legislation should incorporate accountability mechanisms found in Canada's National Housing Strategy Act, including developing and maintaining a robust housing strategy to progressively realize housing as a human right in the Northwest Territories.

## Policy Changes Consistent with UNDRIPA

Dr. Christensen outlined critical resources within the territory that can support a rights-based approach to housing. The critical resources she listed include an incredible community knowledge base, innovation and capacity built from generations of self-determination, a diverse array of Indigenous and non-profit community-led housing initiatives that are responsive to the cultural and contextual needs of northern communities, HNWT with strong leadership and a desire to promote homemaking for all northerns, and strong leadership and vision from Indigenous Governments and Indigenous Organizations.

Committee believes the most important asset in the territory is Indigenous Governments and Indigenous Organizations, and there is opportunity to use the principles in the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) to guide housing policy change, integrate Indigenous perspectives, and uphold the right to self-determination. As suggested by the GTC, the GNWT is encouraged to integrate Indigenous values into housing policy and ensure policies are aligned with national and international commitments. Many communities across the NWT are developing their own housing programs and policies, and therefore collaborating with Indigenous Governments and Indigenous Organizations is crucial to ensure culturally appropriate housing solutions.

Efforts to grapple with and dismantle the colonial history of housing in the Territory need to also be situated within the overall struggle for the recognition of Indigenous rights.

Dr. Julia Christensen, Queens University

As highlighted by Dr. Christensen, the struggle of Indigenous rights to land and sovereignty is recognized in the territory's *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act* (UNDRIPIA). She emphasized that affirming housing as a human right within the NWT is to recognize that it cannot be separated from the other essential dimensions of Indigenous home.

Further, the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls calls on all governments to ensure that equitable access to basic rights such as housing is recognized as a fundamental means of protecting Indigenous and human rights.<sup>22</sup> Committee underscores the critical link between the right to adequate housing and the prevention of gender-based violence, particularly in relation to missing and murdered Indigenous women and girls. Access to safe and secure housing has been identified as a key protective factor. Survivors of domestic violence often rely on safe housing and shelter access as a means of escaping abuse and rebuilding their lives. Ensuring adequate housing is essential to advancing both public safety and human rights.

By using our resources and working closely with Indigenous governments, Committee urges the territorial government to publicly recognize the colonial legacies that have influenced housing policy and enact solutions that are guided by national and international commitments. Committee presents the following recommendation:

**Recommendation 2:** The Standing Committee on Social Development recommends the Government of the Northwest Territories publicly recognize the colonial legacies that have contributed to Indigenous homelessness in the Northwest Territories. To address these legacies, the Government of the Northwest Territories should use the principles outlined in the Northwest Territories' *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act* to guide policy changes in the housing sector and increase local government decision-making to facilitate the co-development of new housing policies by council leaders and Indigenous Governments.

## Territorial Housing Advocate

The NHSA lead to the creation of a Federal Housing Advocate, described as a federal watchdog who ensures that the voices of people in Canada are heard by decision makers at the highest level. Based at the Canadian Human Rights Commission, the Office of the Federal Housing Advocate is independent and non-partisan. The role of the Advocate is to hold all levels of government to account for their human rights obligations.

The NHSA stipulates that the Advocate must work on *systemic* housing issues. This means that the Advocate makes recommendations to governments to improve laws, policies, and programs to uphold the right to housing and improve outcomes for people in Canada. Some aspects of this role include conducting research, reviewing systemic issues, engaging with rights holders and civil society, monitoring the housing situation in Canada and raising concerns to the federal Minister Responsible for Housing. The Advocate herself noted that she is a connector of governments – not a resource mechanism for individual complaints.

The recommendations from the Federal Housing Advocate as well as the National Right to Housing Network were clear: for the GNWT to create an independent Territorial Housing Advocate who can help realize the right to housing in the territory.

Committee believes that a Territorial Housing Advocate can help address systemic policy barriers to housing. If and when the GNWT recognizes the right to housing, having an advocate with territorial jurisdiction will drive progress. Committee believes the Territory needs a "housing watchdog". A Territorial Housing Advocate could review policies and programs at HNWT to ensure the Government of the Northwest Territories is developing policies and programs with meaningful engagement from communities and stakeholders and is using maximum available resources for housing the most vulnerable people.

Additionally, a recommendation from Janine Harvey, a researcher in the field of housing in the north, is to establish Indigenous local housing advocate positions. She described this as an actionable solution that would assist people in dealing with lack of access to housing and support services, debt reductions, and health and safety issues. It was also brought forward to Committee the importance of involving Dene, Inuit and Métis with lived experience of being unhoused into decision-making positions related to housing and support services, program design, implementation and evaluation.

Committee believes that establishing a Territorial Housing Advocate is an important tool to uphold the right to housing. Being the first jurisdiction to create a Housing Advocate would be a unique opportunity for the Territory, and an important step forward for advocacy and holding the Government accountable for the progressive realization of the right to housing. Committee notes this important step and recommends the following:

**Recommendation 3:** The Standing Committee on Social Development recommends the Government of the Northwest Territories create the Office of the Territorial Housing Advocate and appoint a Territorial Housing Advocate. The Territorial Housing Advocate and its Office should operate as an independent, nonpartisan entity, modeled after the Federal Housing Advocate. Its objective should be to advance meaningful action to address inadequate housing and homelessness in the Northwest Territories. The Office should be created within the 20<sup>th</sup> Legislative Assembly. An implementation plan to create this Office should be developed and tabled in the House within one year.

On December 4, 2024, Committee heard from the Canadian Centre for Housing Rights, one of the leading organizations working to advance the right to adequate housing. The organization outlined key ways in which the GNWT can use a right to housing framework for the NWT to help analyze where existing laws, policies and government approaches are currently experiencing gaps. They also urged Committee to look at how other jurisdictions, both nationally and internationally have used a right-based framework for housing and have incorporated community engagement and advocacy as well as how to address legal challenges or litigations to the right to housing.

Committee acknowledges that the current model of the NHSA does not allow for litigation or the ability for groups to make legal claims on violations to the right to housing. Notably, Committee heard from Dr. Christensen and the YWCA NWT on this matter. Dr. Christensen noted the option to enshrine the right to housing in the NWT's Human Rights Act. This strategy would give the "legal teeth" necessary to be able to

litigate against the government for failing to provide adequate resources. Furthermore, she notes that this could provide stronger advocacy behind a demand for increased funding and make it an enforceable right. Committee therefore presents this Recommendation:

**Recommendation 4:** The Standing Committee on Social Development recommends the Government of the Northwest Territories assign the Territorial Housing Advocate and its Office to investigate how human rights and advocacy organizations can pursue legal remedies for violations of the right to housing through legal or policy frameworks. This research study should identify existing legal barriers to housing-related claims, consider amendments to the Northwest Territories' *Human Rights Act* or other relevant statutes, and establish clear mechanisms for litigation and legal recourse. The research study should be done in consultation with affected communities and legal experts, and presented to the Legislative Assembly for consideration within the first year of the Office's creation.

#### EVICTION AND THE RIGHT TO HOUSING IN THE NWT

Dr. Sarah Buhler of the University of Saskatchewan College of Law shared her research with Committee on evictions and the right to housing. First, she reiterated that the experience of losing one's home is deeply tied to human dignity and human rights. She states the importance of looking at broader systemic issues when analyzing the intersections of housing as a human right and evictions, such as:

- Ensuring that housing is affordable;
- Ensuring that tenants have enough resources to pay for housing;
- Establishing mechanisms to prevent evictions (i.e. legal aid and legal assistance); and
- Working towards a society where everyone has affordable and adequate housing to meet the needs of their families and to feel secure.

Often, evictions can play out in an extremely uneven field, with tenants who are most vulnerable to eviction already facing multiple and intersecting forms of oppression. Evictions can occur formally and informally, and Dr. Buhler highlighted that the research shows that most evictions may be more informal in nature. Evictions can have an intense impact on an individual as well as the broader community and neighbourhoods, which strongly points to the need for a fair and open formal eviction system which can largely influence informal evictions.

One of the primary reasons for evictions in the NWT is due to rental arrears, even those living in public housing. Dr. Buhler states:

This means that people are struggling for different reasons to pay their rent and there are underlining issues in terms of just making it possible for people to afford their rent and have security of tenure.

Dr. Sarah Buhler, University of Saskatchewan, College of Law

Notably, the GTC highlighted that housing is a cultural necessity for its members, in that it supports their traditional ways of life, reduces poverty, and fosters community wellbeing. Thus, in contemplating the eviction framework, the GTC advocated for the inclusion of local knowledge to inform the most appropriate approaches for eviction.

### **Proportionality in Evictions**

The Canadian Centre for Housing Rights outlined the need for policies that promote long term stability in housing, using evictions as a last resort, and stronger protections for those facing domestic violence. In Dr. Buhler's presentation, Committee learned about the proportionality framework to evictions in international human rights law. Under this framework, evictions should be treated as a last resort, with all reasonable alternatives considered. An eviction is only justified if:

- The eviction has a legitimate objective;
- There is no reasonable alternative to eviction; and
- The consequences of eviction are proportionate to the objective.

Decision makers must also consider the full context of each case, which might include considerations such as the interests of any child or elders in the household, individuals with disabilities, or those requiring medical or social supports.

In her review of eviction jurisprudence in the NWT, Dr. Buhler observed that adjudicators generally do not treat eviction as a first resort. In many cases, alternatives such as payment plans are considered before proceeding with termination. However, Committee notes that there is no explicit requirement for decision-makers to apply a proportionality framework or to assess the broader circumstances of the tenant. This absence of formal guidance can limit the consistency and fairness of eviction decisions, particularly in cases involving vulnerable individuals or complex household situations. Committee therefore recommends:

**Recommendation 5:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review and amend the Northwest Territories' *Residential Tenancies Act* to include a proportionality framework that considers reasonable alternatives and ensures that evictions are used as a last resort only in serious situations, such as those where criminal activities are present.

### Eviction Policy in Public Housing for Multi-Generational Tenants

Housing NWT also has its own evictions policy for tenants in public housing. The policy outlines the legal and procedural framework for evicting tenants from public housing after a tenancy has been terminated, aiming to strike a balance between supporting tenants and ensuring fair housing allocation<sup>23</sup>. Committee commends that this policy intends to emphasize tenant support, equitable housing access, and the protection of tenant rights to community safety.

However, Committee is concerned that some public housing tenants may face eviction following the passing of their elderly parents. Committee believes that multigenerational living arrangements should be considered before any eviction decisions are made. To avoid destabilizing families, the Committee recommends that the Evictions from Public Housing Policy be reviewed accordingly:

**Recommendation 6:** The Standing Committee on Social Development recommends that the Government of the Northwest Territories review the Evictions from Public Housing Policy to incorporate consideration of multi-generational living arrangements prior to eviction decisions.

## Increased Transitional Housing for Those Evicted

Even in a system that applies the proportionality framework, Committee recognizes that evictions, while a last resort, may be necessary in certain circumstances. Evictions inevitably impact an individual's right to adequate housing. To mitigate these impacts, Committee emphasizes the importance of increasing the availability and accessibility of transitional housing. Doing so would ensure that those evicted still have housing options, thereby upholding their right to adequate housing and the dignity of the individual. Committee therefore recommends:

**Recommendation 7:** The Standing Committee on Social Development recommends that the Government of the Northwest Territories increase the number of supportive living and transitional housing options for individuals who are evicted from public housing. Steps and

timelines to achieve this should be included in the Government's costed action plan as referenced in Recommendation 22.

#### **Access to Justice**

Access to justice is also a crucial component to tackling evictions. Dr. Buhler made suggestions to Committee on promoting the right to adequate housing through enhanced legal assistance. Access to justice for evictions can often be contradicted as "non-complex" law, although research has shown there is no lesser form of legal need. There is often a visible (or invisible) power differential between a landlord and a tenant. It is difficult to receive access to legal help or representation for tenants across Canada, and this struggle often means that tenants do not have coverage when facing eviction. Experiences for tenants navigating the legal system are described by Dr. Buhler as confusing and intimidating. Notably, the *Legal Aid Regulations* expressly excludes matters arising under the *Residential Tenancies Act* as services for which legal aid is provided. Experiences for under the *Residential Tenancies Act* as services for which

Dr. Buhler highlighted the need to assess what further legal assistance could be provided to tenants facing eviction. Committee has learned of the federal Blueprint for a Renter's Bill of Rights, which aims to build a national consensus on principles to protect renters' rights. It includes the principles of fairness and transparency, specifically in respect of ensuring the protection and enforcement of existing tenant rights.

Committee presents the following recommendation to increase legal assistance for tenants. Committee also includes this recommendation in its Report on the Statutory Review of the *Legal Aid Act*.

**Recommendation 8:** The Standing Committee on Social Development recommends the Government of the Northwest Territories amend the *Legal Aid Act* and its regulations to include matters arising under the *Residential Tenancies Act*, as well as other housing-related legal matters, such as evictions, that may fall outside of the *Residential Tenancies Act*, as subjects to which legal aid services may be provided. The Government of the Northwest Territories should utilize the upcoming new federal Blueprint for a Renters' Bill of Rights to inform the development of effective legal aid services for tenants that reduce the power imbalance. To provide effective legal services, the Government of the Northwest Territories should allocate funding to the Legal Aid program to support services provided for housing-related matters.

## **Culturally Appropriate Advocacy**

Committee heard about the need for culturally appropriate advocacy in housing and support services. Janine Harvey and Lisa Allikamik, Inuit housing researchers, emphasized that a commitment to decolonization and the development of culturally safe tools would benefit housing providers across the spectrum. They recommended that Dene, Inuit, and Métis individuals with lived experience of homelessness be meaningfully involved in decision-making positions related to the design, implementation, and evaluation of housing and support service programs.

Harvey and Allikamik emphasized that non-Indigenous service providers, including government agencies, must demonstrate efforts to become culturally proficient. In their research, they found that when it came to signing documents and lease agreements, there was no culturally appropriate legal or advocacy support to clarify what tenants were signing. Further, they advocated for dedicated culturally appropriate advocacy workers to support tenants and individuals experiencing homelessness with tasks such as completing applications, managing paperwork, accessing funding, and attending hearings. These supports must be delivered in culturally appropriate ways, with materials and services available in Indigenous languages.

Committee recognizes that culturally appropriate advocacy is essential to ensuring equitable access to housing and support services. Therefore, Committee recommends the following:

**Recommendation 9:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review and ensure that Housing Northwest Territories' policies are culturally appropriate, including that any related applications be available in Indigenous languages. The Government should also implement policies to train Government Service Officers on culturally appropriate advocacy related to housing issues.

# UPDATES TO THE NORTHWEST TERRITORIES' RESIDENTIAL TENANCIES ACT

The YWCA NWT recommended that the principle of housing as a human right be enshrined in the NWT *Human Rights Act* and that it be a general rule within the NWT's *Residential Tenancies Act (RTA)*. Committee believes amending the RTA to align with the principles of the right to housing would support Committee's recommendation on the establishment of a new piece of legislation on the right to adequate housing in the NWT.

Therefore, Committee presents the following recommendation:

**Recommendation 10:** The Standing Committee on Social Development recommends the Government of the Northwest Territories present a legislative proposal by mid 2026 to significantly modernize the Northwest Territories' *Residential Tenancies Act*. The amendments should be centered on the right to adequate housing and provide clear guidance to tenants and landlords on their rights and responsibilities.

A number of suggestions on improvements to the RTA were provided by Midwest Property Management and Northview. Some of these improvements include:

- Including a process for emergency filing for evictions to take immediate action against those that are endangering life and health of other residents, property or safety systems;
- Standardizing or modernizing the current process for rental officers when determining or evaluating contractor rates and market conditions;
- Expedited hearings involving repeat offenders;
- The removal of the provision for the expiration of eviction orders;
- Including guidance in the RTA that allows for a landlord to remove a resident once an order is received from the Rental Officer;
- Including clear guidelines for evidence submissions including timelines to ensure consistency and fairness;
- Including a process to enable the ability to change locks once an eviction order is received to enforce the order; and
- In terms of the responsibility for damages and the burden of repairs, it is recommended to include in the RTA a process for reimbursement relative to the evidence provided.

Midwest and Northview advised the Committee that several proposed amendments to the Residential Tenancies Act (RTA) could lead to increased operating costs, primarily due to ongoing property damage, which is often reflected in higher rental rates for tenants. To address this concern, both organizations recommended establishing a standardized process for assessing contractor rates and prevailing market conditions when evaluating evidence-based property damage. They emphasized the need for significant improvements to the RTA to streamline cost recovery procedures, including clearer provisions for contractor testimony and repair invoices. As a potential model, they referenced British Columbia's residential tenancy legislation, which incorporates

structured assessment protocols, ensures fair compensation, and helps prevent inflated claims.

Committee emphasizes that changes to the RTA must be made to align with principles of the right to adequate housing, especially consideration for the potential of the development of legislation that mirrors the NHSA. Committee believes the right to adequate housing is applicable to everybody in the territory, but that the onus should be on the Government to establish programs and mechanisms that provide supports to those facing eviction or housing insecurity. Committee therefore recommends:

**Recommendation 11:** The Standing Committee on Social Development recommends the Government of the Northwest Territories conduct an operational review of the Northwest Territories Rental Office, including whether it is accessible for tenants and landlords, whether it is adequately staffed, and whether access to justice through the Northwest Territories Legal Aid Commission is integrated within the roles and responsibilities of the Rental Office.

#### FILLING GAPS IN THE NORTHERN HOUSING CONTINUUM

We are a colonial government. And to change housing policies in the NWT, we have to fundamentally change the model.

Salvation Army - Yellowknife

It is essential to invest in all levels of the housing continuum. This is especially important for non-market communities, where there are few options for residents outside of public housing. Highlighted by Derkowski through her presentation to Committee, the housing continuum should involve stages that move someone from a state of homelessness to self-sufficiency and a better housing situation. Throughout its research, Committee has learned that investments in the housing continuum must be made in a multitude of areas including affordable and accessible social housing, approachable homeownership programs, and wrap-around supports for those experiencing homelessness.

In addition to targeted investments along the housing continuum, it is essential to support the broader foundational elements that contribute to a meaningful sense of home. Dr. Christensen emphasizes that housing must be understood in connection with key social systems such as health, child and family services, education, and justice, which collectively shape the lived experience of home. She notes that housing

governance is frequently siloed from other areas of territorial and federal policy, which limits the effectiveness of housing initiatives. Reframing housing policy to integrate these systems is critical to rebuilding and sustaining a sense of home for all northerners.

On a similar note, in their presentation, the YWCA NWT recommended an acknowledgement from the GNWT on the full scope of housing insecurity in the North and that needs differ from individual to individual and community to community. Committee believes a rights-based approach to expanding the northern housing continuum should be centered around policy and program changes that are multifaceted and target and prioritize those in greatest need.

In fact, housing policy today really privileges the Canada Mortgage Housing Corporation's Housing Continuum.

Dr. Julia Christensen, Queen's University

Committee maintains the strong need to expand options along the housing continuum and especially in non-market communities across the NWT. As it stands today, housing policy and the way that housing programs are funded is due to the CMHC's conceptualization of the housing continuum. Dr. Christensen also noted to Committee that northern partners in the housing sector have often advocated that CHMC's housing continuum cannot be universalized, and that northern housing should promote independence, safety, self-determination, and a sense of homeownership regardless of the housing type and tenure. It was made clear to Committee: "a sense of homeownership and autonomy is critical as the end goal of the northern housing continuum", but it will need to be achieved differently from other Canadian jurisdictions.

The following recommendation is brought forward in an effort to recognize that homeownership in market-based communities may not function for non-market communities, and homeownership as the end goal in non-market communities requires examination to determine how it can be achieved. The first step to this examination, as Committee sees it, is to redraft CMHC's housing continuum to be relevant in non-market communities:

**Recommendation 12:** The Standing Committee on Social Development recommends the Government of the Northwest Territories work with Housing Northwest Territories and the Canada Mortgage and Housing Corporation to develop and endorse a *draft definition* of the housing continuum that reflects the northern context. This preliminary northern housing

definition should incorporate Indigenous understandings of housing and home, and support a reframing of housing policy and funding models to align with the lived realities of northern communities. Committee encourages the use of the alternative framework developed through the "At Home in the North" project led by Dr. Julia Christensen. It is further recommended that Housing Northwest Territories publicly release this draft definition by the end of 2026 to support ongoing dialogue and policy development.

The following sections delve deeper into some of the needed shifts, success stories, supports, and findings to filling gaps in the Northern housing continuum.

#### A SHIFT TO AFFORDABLE HOMEOWNERSHIP

What does homeownership look like in the context of a northern community where a housing market as it exists in southern Canada doesn't necessarily exist?

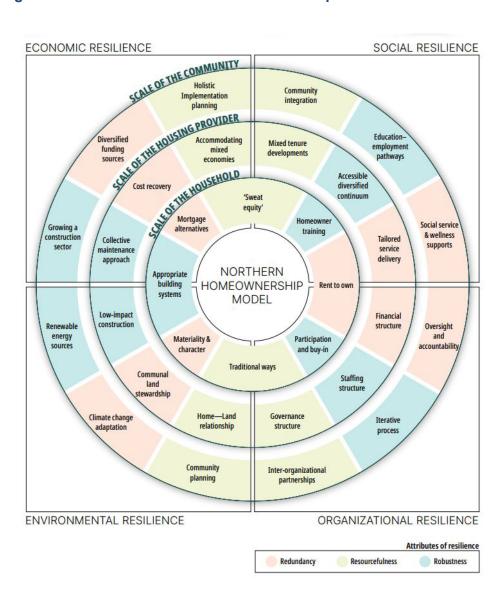
Dr. Julia Christensen, Associate Professor, Queen's University

Committee emphasizes that it is essential that the Government work with communities on homeownership models that make sense for the non-market community context. Committee understands that homeownership is often the goal for many northerners in non-market communities. Committee believes a shift to establishing more accessible homeownership opportunities is crucial for individuals and families across the NWT, and for the future of a sustainable northern housing sector. Habitat for Humanity NWT shared the historical and existing barriers to homeownership in the NWT with Committee in a public briefing. These barriers include:

- Saving for a down payment;
- High purchase costs and high build costs;
- High debt to income ratios making it hard to qualify for traditional bank mortgage;
- Increasing interest rates:
- Feeling overwhelmed with the process and requirements to own a home;
- Land tenure and availability:
- A lack of market communities.

In her presentation to Committee and in her research, Derkowski proposes a "Northern Transitional Homeownership Model" for northern, non-market communities (see Figure 6, next page). The model balances individual and community responsibilities. The innermost circle outlines household-level recommendations. The middle ring

addresses housing provider-level actions, applicable across programs and households. The outer ring includes community-wide recommendations, requiring collaboration between Indigenous and community governments, often in partnership with regional and territorial agencies. These broader measures are essential to the sustainable implementation of community-led housing models. The approach emphasizes shared responsibility, avoiding placing the full burden of homeownership on individuals, and ensures that programs are guided by priorities that focus on both the physical homes and the support required by individual households and housing providers.<sup>26</sup>



**Figure 6: Northern Transitional Homeownership Model** 

Recognizing that homeownership may need to be addressed strategically or differently in non-market communities, Committee remains strong advocates to developing innovative homeownership programs that meet the needs of residents and boost economic opportunity.

## Implementing the Northern Transitional Homeownership Model

In many ways, the Gwich'in Tribal Council (GTC) is creating housing programs that emulate elements of Derkowski's Northern Transitional Homeownership Model. For example, the Gwich'in Homeownership Program offers two avenues to homeownership: purchasing a home from the GTC, or rent-to-own, whereby the participant purchases the home within five years. The GTC provides the downpayment for a home at a forgivable loan, and the home is sold to participants at a reduced cost. Committee also learned about the GTC's Tiny Home Project, set to open in Fall of 2025, which is designed to provide transitional housing and supports to women and children fleeing family violence.

Another example of an affordable homeownership initiative in the Northwest Territories is Habitat for Humanity. The territory's affiliate was established in 2012, and by 2019, the organization had delivered three new homes in Yellowknife. This number grew to eight by 2020, with an additional three homes expected to be completed in 2025. Habitat for Humanity's homeownership model requires participating households to contribute 500 volunteer hours before moving into their new home, including training programs related to homeownership. The traditional downpayment is replaced by this in-kind contribution of volunteer hours. Homeowners then enter into a mortgage agreement with Habitat for Humanity for 75% of the home's fair market value, with monthly payments capped at no more than 30% of their gross household income. <sup>28</sup>

# **Housing as an Economic Development Opportunity**

Committee is particularly interested in positioning housing as an opportunity for economic development in northern communities. A historical example of this alignment is Fort Good Hope's initiative in the 1970s, when the community declined further public housing units and instead proposed to the territorial government a locally administered home construction program. This shift aimed to reduce reliance on public housing and reintroduce pathways to homeownership, ultimately leading to the creation of the Homeownership Assistance Program (HAP).

HAP, operated from 1983 to 1992 and is widely recognized as a successful model which produced high-quality housing, stimulated community development and local economic activity, and restored community control over housing delivery.<sup>29</sup>

In its initial phase, the program provided funding to the Dene Band Council of Fort Good Hope. Eligible residents received a housing materials package and a cash grant to cover transportation, site preparation, and electrical installation. Financial assistance was structured as a forgivable loan, with 20% forgiven annually over five years, contingent on continued residency. Upon completion, homeowners gained full ownership.<sup>30</sup> HAP participants contributed "labour credits" through volunteer hours toward the construction of their homes, including hands-on construction and training in foundational building skills.<sup>31</sup>

The program resulted in the creation of over 1,500 housing units, an increase of approximately 31% over the existing public housing stock. A study conducted between 1988 and 1990 identified several key benefits stemming from the program's design and community-led delivery<sup>32:</sup>

- Improved housing quality: homes were tailored to local needs rather than relying on southern prefabricated models.
- Skill development: Residents gained construction skills, enabling them to participate in homebuilding and pursue employment in the trades, while also enhancing community capacity for maintenance and repairs.
- Enhanced housing conditions: Homeowners demonstrated greater care for their properties compared to rental tenants.
- Incentives for employment: Ownership also incentivized self-sufficiency, as rent-geared-to-income models could discourage employment with rising income.
- Social benefits: Residents reported that homeownership contributed to increased self-respect, personal well-being, and stronger family relationships.
- Community empowerment: Local control over housing delivery fostered community pride and enabled responsive, context-specific program delivery.

Overall, the program aligned with broader goals of self-governance and greater community self-sufficiency. The study concluded that Fort Good Hope's self-management of HAP improved both the quantity and quality of housing while contributing meaningfully to community pride, independence, and self-esteem. It remains a compelling example of how local control can lead to superior program outcomes and address broader social and economic challenges.<sup>33</sup>

Throughout her research, Derkowski continues to highlight the RádeyĮlĮ Kǫ Housing Society and the Fort Good Hope Construction Centre as innovative examples of community-led housing initiatives, producing not only homes but also jobs in the communities. The Yamoga Land Corporation (responsible for managing the RádeyĮlĮ Kǫ́, or Fort Good Hope, community's land claims funds and resources) established the Ne'Rahten Development Ltd (NDL) Construction Crew to provide maintenance and repair services for local homeowners. The team includes a Senior Foreman and Foreman hired from within the community, an interim Construction Manager based in Yellowknife who works in Fort Good Hope on a rotational basis, and six skilled preapprentices who are all community members.<sup>34</sup>

The NDL Construction Crew delivers emergency repairs and maintenance projects to community homeowners, and in some cases, undertakes larger projects such as full renovations.<sup>35</sup> Prior to the Construction Crew's formation, contractors had to be hired from outside Fort Good Hope. The cost to import skilled labour was substantial, as were the wait times.<sup>36</sup> A 2021 article highlighted that 80% of work orders were completed by the crew in under three hours, compared with previous timelines where "residents waited months."<sup>37</sup> In addition to reducing costs and delays, hiring locally ensured that financial resources remained within the community.

Several years after establishing the Construction Crew, the community proposed the creation of a Fort Good Hope Construction Centre, where modular homes would be built year-round by the NDL Construction Crew.<sup>38</sup> The project aims to simultaneously address housing inadequacy and insufficiency, high unemployment, and unstable income access. This initiative represents a significant step toward community housing resilience. As Dr. Christensen notes, the program is "supporting an economy that is in demand." Derkowski emphasizes that these initiatives actively counteract the deeprooted vulnerabilities imposed by top-down housing systems.<sup>39</sup>

Supporting Indigenous government-led housing programs can stimulate local economies while addressing extreme housing needs in northern non-market communities. Committee believes long-term investment in such initiatives is essential. Strategies like Derkowski's northern transitional homeownership model offer alternatives to public housing, recognizing that market-based models are not viable in non-market contexts. Reinstating or adapting programs like the 1980s HAP is a necessary step toward sustainable housing solutions.

Committee therefore presents the following three recommendations:

**Recommendation 13:** The Standing Committee on Social Development recommends the Government of the Northwest Territories reassess its role in providing homeownership programs in communities that are initiating their own locally led housing programs. Where there are locally led initiatives, the Government should redirect its investments to empower Indigenous Government-led or other locally-led homeownership programs that offer cultural and community specific supports.

**Recommendation 14:** The Standing Committee on Social Development recommends the Government of the Northwest Territories reinstate the 1980's Homeownership Assistance Program, with modern adjustments to reflect current needs. Committee further recommends the Government implement the "northern transitional homeownership model "which was presented to Committee.

**Recommendation 15:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review municipal funding policies administered by the Department of Municipal and Community Affairs to ensure they do not create barriers to community-directed housing initiatives, including staff housing, and to commit to a timeline for when this review will be complete.

# **Construction and Building**

The HAP and the Fort Good Hope Construction Centre serve as examples of successful initiatives that have, or could, improve housing construction outcomes in the territory. However, Committee also heard about persistent barriers to building homes in the North. Meetings with landlords and developers revealed concerns about the right to housing and the challenges of northern development. The YWCA NWT recommended that the GNWT collaborate with private landlords to expand housing availability. Midwest Property Management emphasized that limited development is a key driver of the housing crisis, echoing concerns from other witnesses that without more housing options, rents will continue to rise.

# **Expanding Affordable Market Housing Stock**

In Yellowknife, market housing makes up 92% of the housing stock and supports approximately 70% of residents across the Northwest Territories. Despite its dominance, new market housing development faces significant barriers. Financing is difficult to secure, especially for speculative projects in smaller or non-traditional

markets. Rising costs for building materials further challenge project viability. Market housing requires a return on investment, and long-term commitments are essential to attract capital.

Committee heard from one presenter that increasing the supply of market housing across the housing continuum can improve affordability through vacancy chains. When new units are added, residents move between housing types, freeing up non-market and public housing for those who need it most. This approach reduces pressure on government-supported housing and supports a more balanced system.<sup>40</sup>

Policy changes are needed to enable market housing growth. Committee also heard that the *Building Act* can either support or hinder development depending on how it is applied. Access to titled land in all communities is essential to facilitate private investment. Aligning territorial policies with other jurisdictions and encouraging creative solutions will help attract developers and unlock new housing options.

Expanding affordable market housing is a practical and necessary step to address the housing crisis. It supports economic development, reduces reliance on public housing, and creates a more resilient housing system for northern communities. Taking these facts into consideration, Committee therefore recommends the following:

**Recommendation 16:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review the current housing policy environment to identify and implement new or expanded incentives that support the development of affordable market housing.

## **Building Code**

In her research, Derkowski identifies the increasing complexity of national building codes as one of the most significant barriers to implementing a program like the HAP in the present day. As one HNWT manager remarked to her, "there's just no possible way that a layperson could put a house together that would stand up to the codes that are required today."

The NWT does not have its own territorial building code and instead relies on the National Building Code of Canada, which outlines technical requirements for the design and construction of buildings. However, Derkowski notes that the prescriptive application of these national standards, developed primarily for southern, market-based communities, often fails to reflect the realities of remote northern regions. She

emphasizes that the National Building Code is built on assumptions that may not be applicable in northern communities. For instance, the fire code assumes the presence of fire crews capable of timely emergency response. In communities like Fort Good Hope, however, no such services exist. Similarly, the construction methodologies and building systems prescribed by the National Building Code often assume access to established supply chains and certified training programs, which are limited or unavailable in remote areas.

These misaligned assumptions create regulatory barriers to housing development and contribute to higher construction costs, as well as ongoing challenges in operations and maintenance. Derkowski questioned the applicability and practicality of the National Building Code in the northern housing context.<sup>42</sup> Committee therefore recommends:

**Recommendation 17:** The Standing Committee on Social Development recommends the Government of the Northwest Territories expedite the development of a Territorial Building Code to encourage the development of safe and appropriate housing and to dismantle barriers to building in the north and to publicly commit to the timelines necessary for this work to be brought forward.

#### Local Trades

Committee has learned that a significant barrier to both the construction of new housing and the maintenance of existing units in the Northwest Territories is the limited capacity in local housing trades. Committee heard from witnesses about the critical importance of investing in trades training to build local capacity and strengthen the housing sector. Derkowski notes that among the obstacles to reinstating programs like the HAP is the need for certified labour to oversee or participate in construction, a difficult resource to find in many northern communities.<sup>43</sup>

One witness emphasized the difficulty of maintaining housing units in the territory, where tradespeople are scarce and emergency repairs are particularly expensive. Committee learned about how the shortage of skilled tradespeople in the territory inflates construction and maintenance costs. When tradespeople must be flown into communities, the cost of travel and accommodation for that person must be built into the contract price. As Derkowski approximated, per-square-metre construction costs in Yellowknife are double those in a southern urban centre such as Edmonton. In Fort Good Hope, those costs are estimated to be twice as high again compared to

Yellowknife.<sup>45</sup> As a result, the cost to build a modest home in a community like Fort Good Hope can reach one million dollars.<sup>46</sup>

This gap is being addressed through initiatives such as the proposed Fort Good Hope Construction Centre, which aims to build long-term capacity in the trades by creating permanent employment opportunities and connecting residents with training.<sup>47</sup> Additionally, one witness recommended that the Government take a more proactive role in training local individuals and establishing a coordinated system of tradespeople, such as a cooperative, network, or agency. This system should be reliable, responsive to community needs, and supported by subsidies to offset travel costs to remote areas.

Committee recognizes the urgent need to address the shortage of skilled tradespeople in the territory and affirms that increasing the availability of skilled workers within communities is essential to improving housing development, maintenance, and affordability.

Therefore, Committee recommends the following:

**Recommendation 18:** The Standing Committee on Social Development recommends the Government of the Northwest Territories develop and implement a territorial trades strategy for housing-related trades that offers training and certification programs for local residents and builds long-term capacity. This program should establish an agency of tradespeople to ensure access to services across the territory and should subsidize contractors travelling to remote communities.

#### Access to Land

A recurring issue raised was the lack of available land, which significantly hinders new construction and development. In her research, Derkowski states that the land tenure system "is a serious impediment" to housing development for individuals and community initiatives. <sup>48</sup> Derkowski notes that if there is tenure, in some cases, the land is still under lease from the Commissioner. The absence of land tenure makes homes uninsurable and ineligible for a conventional mortgage. <sup>49</sup>

Derkowski's research identifies land administration as a barrier to community housing initiatives. To access land within municipal boundaries, communities must apply to the Department of Environment and Climate Change (ECC) for a lease or title transfer and meet requirements from both ECC and the Department of Municipal and Community Affairs (MACA). These include land surveying, clearing, and proper zoning. These steps are often hindered by a shortage of certified surveyors and planners in the

territory, high service costs, and limited municipal funding.<sup>50</sup> Aimee Pugsley's 2023 thesis on housing self-determination, using Fort Good Hope as a case study, highlights the cost-prohibitive nature of survey requirements, noting that bringing a surveyor into the community can cost several thousand dollars. She recommends easing access to land tenure, including subsidizing survey costs, to support community housing development.<sup>51</sup>

Other witnesses noted that other aspects of "red tape" at the municipal level, such as the permitting process, zoning rules, and behaviour of building department officials, are disincentives for market-driven new construction. One witness emphasized that the extreme lack of available fee simple land across the Northwest Territories remains a challenge. The struggles related to building and development in the North are cause for concern for Committee and a barrier to realizing the right to adequate housing.

Committee presents the following recommendations to address these barriers:

**Recommendation 19:** The Standing Committee on Social Development recommends the Government of the Northwest Territories sign Memorandums of Understanding with Indigenous Governments who have settled land claims with land use policies to encourage housing development.

**Recommendation 20:** The Standing Committee on Social Development recommends that the Government of the Northwest Territories develop policies that improve coordination between Housing NWT and other GNWT departments to remove barriers to housing development. This includes urgently increasing the supply of land suitable for residential construction, simplifying land use planning and approval processes, and embedding climate adaptation into land development strategies.

# **Support for Tenants**

Committee heard from a number of witnesses on the importance of ensuring there are wrap-around supports for individuals in community and transitional housing, particularly for those who are vulnerable. As noted by the Federal Housing Advocate, there has often been a jurisdictional issue or struggle over who is responsible for what area of support. As mentioned previously, needs differ from individual to individual and community to community, which underlines the importance of an all-of-government approach to housing – including Ministers and Government departments not solely focused on housing, but also health, mental health, and justice.

Janine Harvey and Lisa Allikamik conducted research whereby they interviewed tenants across the Beaufort Delta region about their experiences with housing. The need for increased protections for tenants in transitional housing, missing personal freedom, providing notices and reasons before evictions occur, and appropriate addictions and mental health treatment are some examples of their findings. The researchers recommended legislating protections for tenants in transitional housing under current landlord tenant legislation, and that forced programming should not be a requirement for housing.

Northview Residential and Midwest Property Management both noted that market housing providers or companies should not be responsible for providing social service supports to tenants that require it. Committee reiterates that it is fundamental that the Government provide wrap-around services and establish mechanisms that will uphold the right to adequate housing and make it clear that those in the market housing space are not expected to provide social services to residents.

### Housing Repairs and Maintenance

In addition to other support programs, the Yellowknives Dene First Nation (YKDFN) emphasized the importance of equipping tenants with practical skills such as courses on basic cleaning, maintenance, and repairs skills to help them thrive in their living spaces. YKDFN noted that many tenants do not take responsibility for maintenance and repair such as replacing tissue roll dispensers, changing light bulbs, or addressing minor pest issues. They recommend that offering maintenance workshops could help tenants feel empowered and responsible for basic upkeep.

Dr. Christensen recommended that public housing tenants be granted greater autonomy to carry out their own repairs, rather than waiting on lengthy service lists. She submitted that empowering tenants to address minor maintenance issues themselves could improve housing conditions, reduce delays, and foster a sense of ownership and dignity.

Committee therefore recommends:

**Recommendation 21:** The Standing Committee on Social Development recommends the Government of the Northwest Territories, through Housing Northwest Territories, collaborate with Local Housing Organizations to revise their repair and maintenance policies in a manner

that empowers public housing tenants to undertake minor repairs and maintenance themselves where appropriate.

# **Support for Landlords**

Northview is drowning in this crisis. In 2022 – the downtown buildings in Yellowknife result in a Net Operating Income of negative \$630,000.

Northview Residential

Committee acknowledges the financial strain faced by landlords operating in the Northwest Territories, particularly those providing public and affordable housing. Northview Residential, for example, reported a net operating loss of \$630,000 in 2022 from its downtown public housing units, largely due to high operating costs. The company highlighted a 450% increase in tenant-related damages over four years, along with rising security expenses, ten buildings incurred over \$500,000 in security costs in 2024 alone. Unpaid rent further compounds these pressures; Northview noted that the NWT has the highest rate of unpaid rent in Canada, exceeding the national industry standard by 300%.

Furthermore, a striking example emerged during the 2023 wildfire evacuation. With buildings vacant for over three weeks, Northview saw a 105% increase in income due to reduced operating costs. This underscores a troubling reality: under current conditions, it can be more financially viable to leave units empty than to absorb the costs of renting them out.

Northview Residential and Midwest Property Management also raised the question of who shoulders the expense of non-payment of rent and the associated eviction process, particularly in light of ongoing and substantial operational costs. Committee acknowledges that some housing development depends on financially viable landlords. Without adequate support, landlords may be unable or unwilling to invest in new housing developments, exacerbating the territory's housing shortage.

# **Investment in Transitional Housing and Emergency Shelters**

Every year, we need to find funding to do the same thing. Homelessness is not a one- or two-year problem.

#### YWCA Northwest Territories

Committee heard that a lack of continuous, multi-year funding remains a major barrier to addressing the homelessness crisis in the NWT. Non-profit and charitable organizations require stable, year-over-year funding to retain qualified staff and deliver wrap-around supports for individuals experiencing homelessness. Dr. Julia Christensen emphasized the importance of reliable funding for Indigenous Governments, community organizations, and non-profits to develop and sustain housing programs. The YWCA further noted that program costs have increased significantly while funding levels have remained stagnant. Committee recognizes that these organizations are essential to resolving the housing crisis and require consistent annual investment to maintain and expand their critical services.

As described by the Salvation Army – Yellowknife; a lack of stable funding does not set up their programs for success. Like the YWCA NWT, they require stable and appropriate funding to provide them with trained and qualified staffing. Committee understands that organizations that operate shelters in Yellowknife and the NWT are desperate to move on from band-aid solutions. Salvation Army noted to Committee: "We need to collectively include the shelter population in a much larger housing puzzle – and stop using shelter as simply a place to dump people".

The YWCA NWT also noted the difficulties in finding options for clients after their attendance at safe homes or domestic violence shelters, especially in smaller communities such as the Mackenzie Delta or Tłįchǫ Region which may not have shelters. They recommend an investment in short-term and long-term transitional housing, to bring more options along the housing continuum in smaller communities. They stated numerous times in their presentation to Committee, families are coming to larger centres, such as Yellowknife because of the resources available and this problem needs to be solved in the smaller communities. They also highlighted a key statistic: that 80% of YWCA's clients are from communities outside of Yellowknife.

Indigenous governments are key to broadening the options available across the northern housing continuum and have long reported on innovative and creative solutions to housing stock and housing inadequacy. Committee was presented with the recommendation to provide funds and other resources for transitional housing and other housing initiatives directly to Dene, Inuit and Métis organizations and communities. These resources could include staff training to increase capacity to design and deliver services such as on-the-land camps.

The Salvation Army – Yellowknife suggested that the new proposed wellness centre being constructed in Yellowknife should be a 24-hour shelter to be able to meaningfully reach clients and offer a continuum of services without the worry of a restrictive operating hours. The Salvation Army emphasized the importance to "start by focusing on those who are chronically homeless", further recommending that if their shelter was 24-hours, that shelter uses would have the opportunity to access supports such as counsellors and nurses. Committee believes this is an extremely crucial piece to helping move individuals along the housing continuum, and fill gaps in the housing continuum. The GTC also highlighted the need to focus on vulnerable populations, including targeting policies to support low-income families, Elders, and those in climate-affected areas.

Committee is deeply concerned about the state of the shelter system in the NWT and believes that emergency and homelessness shelters are a crucial piece of the housing continuum. Considering this, Committee presents the following recommendations:

**Recommendation 22:** The Standing Committee on Social Development recommends the Government of the Northwest Territories provide adequate funding and investment in the development of transitional housing and in strengthening the shelter and safe home system in small communities of the Northwest Territories to relieve the burden on the Yellowknife shelter system. As the first step to achieve this, the Government of the Northwest Territories should develop a costed action plan, outlining specific action steps each with an assigned budget and timeline, and table this in the House within the 20<sup>th</sup> Legislative Assembly.

**Recommendation 23:** The Standing Committee on Social Development recommends the Government of the Northwest Territories create a 24-hour shelter in the City of Yellowknife, either through an existing or new program, to ensure wrap-around supports are accessible for those utilizing homelessness shelter spaces to move along the housing continuum.

**Recommendation 24:** The Standing Committee on Social Development recommends the Government of the Northwest Territories create 24-hour shelters in communities across the territory, prioritized according to the urgency of shelter needs in the communities, to ensure wrap-around supports are accessible for those utilizing homelessness shelter spaces to move along the housing continuum.

## Co-Location of Housing Programs

Committee heard that the Yellowknife Women's Society proposed a dedicated building for Housing First to Northview Residential in 2023. The intent was to consolidate

Housing First units into a single location, allowing the Yellowknife Women's Society to maintain the building and offer wrap-around supports to residents. However, Northview Residential declined the proposal, citing a 3% vacancy rate across Housing First units and safety concerns about current residents.

Committee supports the principle of co-location and believes that both the current Housing First program and any future initiatives should be designed to centralize residents. This approach would enable service providers to deliver support services more effectively and foster a more stable and supportive housing environment.

#### **Insurance Costs**

Committee heard concerns from YWCA NWT regarding the escalating cost of insurance and the impact on non-profit housing organizations. The YWCA NWT noted that they previously managed approximately 60 units to house families that were unable to acquire a rental unit of their own. Unfortunately, and primarily due to the rising cost of insurance, the YWCA NWT no longer operates many of these units. These rising costs are crucial to address to ensure the longevity of non-profit and charitable housing programs in the territory.

Committee therefore presents the following recommendation:

**Recommendation 25:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review and implement strategies to assist non-profit and charitable organizations with contracts to provide social housing or Housing First, with the rise of insurance costs, specifically for their rental housing programs.

### **Encampments**

As discussed throughout this report, Committee acknowledges the presence of encampments in the territory and recognizes them as a complex outcome of homelessness. In some cases, barriers that prevent individuals from accessing emergency shelter services, including concerns about safety, overcrowding, lack of culturally appropriate supports, and restrictive shelter policies. Committee is also aware of encampments raising public safety concerns.

Notably, in 2024, the Federal Housing Advocate published a review of homeless encampments in the context of upholding dignity and human rights. The federal government committed \$250 million in Budget 2024 for human-rights based community encampment response plans. This funding will be distributed to the provinces and territories, who must cost-match the funding, to address the urgent issue of encampments and unsheltered homelessness by opening more shelter spaces and transitional homes and services.

Committee encourages all levels of government to collaborate in enhancing the safety of individuals and therefore recommends:

**Recommendation 26:** The Standing Committee on Social Development recommends that the Government of the Northwest Territories actively collaborate with municipalities and communities across the territory to develop and implement a standardized encampment protocol. This protocol should prioritize the safety and dignity of individuals living in tent encampments, while also ensuring respectful coexistence with neighbouring residents, properties, and public spaces. Establishing clear guidelines and responsibilities will help prevent conflict, support vulnerable populations, and promote community well-being.

#### **Rent Scales and Rent Control**

Committee heard from a number of witnesses on what it would mean to review rental scales, rental regulations, or instill rent control into the territory's legislation. Some witnesses, including Habitat for Humanity NWT, raised concerns about the lack of rent control regulations and emphasized the need for safeguards to protect renters. The Canadian Centre for Housing Rights recommended that rent increases follow a set guideline percentage, with above-guideline increases permitted only in rare circumstances and subject to approval by the Rental Office.

Other witnesses expressed the view that rent prices are driven by supply and demand, and that increasing housing supply would naturally lower rent prices. They cautioned that rent control measures could discourage new rental housing development. One witness, referencing Yellowknife's rental market, noted that the primary issue to high rental costs is a shortage of supply. He stated that in his experience, rent controls have significantly contributed to the difficulty of building new apartment buildings across Canada.

Committee notes that these issues are contentious and complex and would emphasize that consideration of these matters should be dealt with in any future reviews of the *RTA*.

# **Advocating for Public Housing Funding at the Federal Level**

A number of witnesses brought forward the decline of federal support to operate, maintain and build public housing. Dr. Christensen noted that this has been happening since the 1990s and is a trend across Canada. The goal of this decline is to reach zero federal funding support for public housing by 2036. This will mean a significant funding deficit for social and public housing, and because non-market communities have little options along the housing continuum beyond public housing, this funding trend is crucial to address.

The Federal Housing Advocate also spoke to this trend and mentioned to Committee that since the early 1980s and 1990s, the federal government stepped away from building non-market housing. She noted that this had an incredible impact on the housing sector, putting more pressure on the private sector to fill the gap and is the primary cause of the affordability issue we see today. Her first call to government was to reverse this trend. This has a unique impact in remote areas such as the NWT, and she called on Committee for general advocacy on non-market housing, including public housing, co-operative housing, and housing programs within the non-profit and charitable sector. The Federal Housing Advocate made it clear to Committee: It is still important that we develop and maintain public and social housing. Derkowski also reiterated in her presentation that the public housing system may be difficult to fully dismantle. And, repeating similar sentiments as the Federal Housing Advocate, Derkowski underlined that there needs to be a resolve about the source of funding for social housing. This resolve will require advocacy to the federal government with the GNWT working in partnership with Indigenous Governments and Indigenous Organizations.

Funding programs such as the federal Urban, Rural and Northern Indigenous Housing Strategy are an example of a promotion for innovation in the housing sector, and the encouragement to develop housing programs that are appropriate and adequate for small communities. However, Dr. Christensen notes a limitation of the Strategy that it provides funding to Indigenous governments that have settled land claims or setting self-government agreements. She concluded to Committee that this creates disparity between regions where there may be a settled land claim or self-government in operation, or regions that are still in the negotiation process.

Considering the decline of federal funding to public and social housing and in advocating for the public housing system, Committee believes in the redirection of attention to developing local housing programs that seek to expand options along the housing continuum, particularly in non-market communities. Committee also reiterates its sentiments that investments into the public and social housing sector remain an important advocacy piece for the GNWT. Committee therefore presents the following recommendation, to refocus funding and investments to build capacity for Indigenous Governments to develop local housing solutions:

**Recommendation 27:** The Standing Committee on Social Development recommends the Government of the Northwest Territories work with the federal government to ensure that funding mechanisms, such as those established under the Urban, Rural, and Northern Indigenous Housing Strategy, provide direct and equitable funding to Indigenous Governments and organizations, including those with both settled and unsettled land claims. This approach is necessary to address and reduce funding disparities between regions and to support equitable access to housing resources for all Indigenous peoples across the Northwest Territories.

**Recommendation 28:** The Standing Committee on Social Development recommends the Government of the Northwest Territories collaborate with the Yukon Government and the Government of Nunavut to develop a unified pan territorial advocacy plan. This plan should be used to advocate to the Government of Canada to ensure that federal policies and funding are better aligned with Northern realities and Indigenous perspectives in light of federal strategies (i.e. Urban, Rural and Northern Indigenous Housing Strategy) and funding that continues to fall short in reaching the housing needs of northerners.

In recognizing the right to adequate housing as a human right, the GNWT should take all possible measures to progressively realize this right, regardless of reductions in federal funding. While Committee acknowledges that federal support remains a critical component of housing in the North, the GNWT must also demonstrate accountability in addressing housing needs across the territory. Committee emphasizes that the territorial government cannot rely solely on federal contributions, and to ensure transparency and accountability in this regard, and to support public confidence in the GNWT's commitment to housing, Committee recommends:

**Recommendation 29:** The Standing Committee on Social Development recommends that the Government of the Northwest Territories incorporate the recommendations contained in this report into its proposed 3-Year Housing Plan. Committee expects the Housing Plan to clearly

demonstrate how each recommendation is being addressed, including the actions to be taken, anticipated outcomes, and timelines for implementation.

## **Distinction-Based Funding**

In relation to federal funding, Committee learned greater detail about the NWT Housing Forum. The NWT Housing Forum arose in 2023 from the Housing NWT Renewal Strategy and replaced the Council of Leaders Housing Working Group. It is composed of Housing NWT and Indigenous Governments, with Housing NWT co-chairing alongside Yellowknives Dene First Nation. The Forum acts as a guiding body to share information, discuss and advocate for improvements to the NWT housing system, allow members to share their own housing-related plans, and find opportunities for collaboration. Committee has learned that the Housing Forum holds discussions around the allocation of federal dollars and directly engages with the Federal Government to advocate for funding based on the unique needs of the territorial and Indigenous Governments.

Committee commends the objectives of the NWT Housing Forum, particularly its commitment to ensuring that Indigenous Governments have a meaningful voice in addressing the housing needs of their communities. However, concerns were raised regarding the transparency of new direct federal funding to Indigenous Governments, known as distinction-based funding. Specifically, it is unclear how funding is allocated to communities and how decisions are made about which communities are in greatest need.

Committee recognizes that each Indigenous Government faces unique housing challenges. It is essential that funding be distributed to communities experiencing the most significant need. Committee therefore recommends:

**Recommendation 30:** The Standing Committee on Social Development recommends the Government of the Northwest Territories, through Housing Northwest Territories, enhance transparency and reporting of distinction-based funding allocations to ensure that the needs of each community and the overall advancement of housing in the territory are being met.

# HOUSING NORTHWEST TERRITORIES POLICY REVIEW AND RECOMMENDATIONS

As part of the project scope of work, Committee underwent a review of HNWT's policies. In its review, Committee applied learnings from presentations and submissions received throughout the study and reviewed each policy currently housed at HNWT. Through the HNWT policy review, Committee used principles learned during its presentation from the Canadian Centre for Housing Rights (CCHR). The CCHR provided guidance that reasonable policy development, from a human rights standpoint, starts by considering the dignity and rights of those who need housing. Furthermore, they emphasized that government policy and response to housing must be made in a way that is reasonable and proportional. As suggested by CCHR, Committee used the following guiding question when reviewing policies at HNWT: Are programs and policies consistent with a commitment to realize the right to adequate housing for all, in the shortest possible time?

Committee recognizes this important lens to a policy review and believes there is more work to be done beyond this initial review of HNWT policies to evaluate their alignment to human rights priorities within available resources. Committee understands that a rights-based approach to HNWT policies will take time to address and implement, and therefore Committee believes the policy review will also be a key role for the appointed Territorial Housing Advocate. Committee believes incorporating local and on-the-ground knowledge is crucial to further its policy review.

# Home Purchase Program & Homeownership Initiative Policies

The HNWT offers two programs designed to support residents in becoming homeowners: the Home Purchase Program and the Homeownership Initiative.

The Home Purchase Program assists first-time home buyers in purchasing a modest home by providing a forgivable loan used towards a portion of the down payment. To be eligible, applicants must be at least 19 years of age, have lived in the NWT for three years, and have resided in the community where they are applying for at least one continuous year. An applicant must also meet specific income and debt-service thresholds, demonstrate satisfactory credit, and must not currently own a home or have received homeownership program assistance within the past 10 years. Individuals with outstanding rental or mortgage arrears under any HNWT program are ineligible.

Complete loan forgiveness is granted after one to three years, subject to the amount of the loan and provided the resident remains in compliance with certain conditions. For instance, sale of the home before the loan is forgiven or defaulting on the mortgage or program agreement triggers repayment of the remaining loan balance. The Home Purchase Program is only available in Zone A communities (Yellowknife, Hay River, Fort Smith, Inuvik, Norman Wells, and Fort Simpson). Residents in Zone B and C communities may pursue homeownership through the Homeownership Initiative.

The Homeownership Initiative intends to provide eligible public housing tenants living in detached units in rural and remote communities with the opportunity to purchase their units to become homeowners, if they have sufficient income to pay for the operating and maintenance costs. Applicants must be at least 19 years of age and have lived in the HELP unit or Public Housing unit for three years. The applicant must also meet specific income and debt-service thresholds (i.e. have sufficient income required to pay shelter costs), demonstrate satisfactory credit, and must not currently own a home or have received homeownership program assistance within the past 10 years. Individuals with outstanding rental arrears owed to HNWT or LHOs are ineligible.

Complete loan forgiveness is granted after three to five years, subject to the value of the home and the participant's compliance with the loan agreement. The loan agreement requires that the home be used as a primary residence and maintained at the participant's expense. Failure to abide by these conditions, or sale of the home before the loan is forgiven, triggers repayment of the remaining loan balance.

Committee heard concerns with the age and condition of the houses available for purchase through the program. Derkowski's research showed that while some public housing clients met eligibility requirements and applied, they were ultimately not interested in purchasing older units. A representative from Housing NWT iterated to her:

the only way that [applicants] would be interested is if they had a newer unit. These were applicants that were living in, probably, homes that were 50-plus years old. And really, in the communities [the units are] probably not in that great of a shape. And so they were not interested in becoming homeowners of these older units. And of course we want to get rid of the older units, so that we can build newer ones for our public housing stock. But we certainly don't want to saddle a new homeowner with an old unit either.

Derkowski found that HNWT had no viable possible option to provide newer homes for purchase, as any newer units that did exist were already occupied. While the program addresses affordability through mortgage support, its impact is constrained by the persistent inadequacy of the territory's housing stock.<sup>52</sup>

Committee presents the following two recommendations that are designed to help improve access to homeownership opportunities in the NWT:

**Recommendation 31:** The Standing Committee on Social Development recommends the Government of the Northwest Territories establish a mechanism to more equitably assess eligibility for homeownership programs. These programs should take into account individual circumstances – particularly in cases involving outstanding mortgage and rental arrears – to ensure that the programs are responsive to the complex realities faced by residents.

**Recommendation 32:** The Standing Committee on Social Development recommends the Government of the Northwest Territories provide more transparency surrounding the specific age and condition of housing units allowable under the Homeownership Initiative Policy, and publicly publish the age of public housing units that have been deemed eligible for the Homeownership Initiative Program.

# **Appeal Policy**

Committee believes HNWT's Appeal Policy requires review to align with a rights-based approach, as well significantly reduce the burden placed on staff of Local Housing Organizations and HNWT staff. Applicants, tenants, and clients of HNWT's Public Housing Program and Homeownership Programs may appeal certain decisions made by HNWT or Local Housing Organizations (LHO). The appeal mechanism is designed to address how HNWT policies are applied to individual circumstances. For example, individuals may appeal decisions related to eligibility, rental payment calculations, or the level of assistance provided. However, appeals cannot be made against the policies themselves, nor can they address matters governed by the *Residential Tenancies Act* or decisions rendered by a Rental Officer.

There are two appeal processes, depending on the housing program.

Applicants or tenants of Public Housing or Market Housing may appeal a decision made by a LHO to the LHO's Board of Directors. In communities without an LHO, appeals may be submitted directly to the HNWT District Director. If an applicant or tenant disagrees with the outcome of an appeal reviewed by the LHO Board of Directors, they may escalate the appeal to the District Director. If they remain dissatisfied with the District Director's decision, a final appeal may be submitted to the Housing Appeal Committee. Applicants or clients of the Homeownership Program who wish to appeal a decision made by HNWT must submit their appeal to the HNWT District Director. If they disagree with the District Director's decision, they may escalate the appeal to the Housing Appeal Committee.

The Housing Appeal Committee reviews appeals to ensure procedural fairness, and may recommend corrective actions or propose policy changes to enhance consistency and accountability across HNWT programs. The Committee is composed of senior government employees from various GNWT departments, along with members from the general public. Committee presents the following recommendation:

**Recommendation 33:** The Standing Committee on Social Development recommends the Government of the Northwest Territories reform the housing appeal process to support the progressive realization of the right to housing and ensure more inclusive, transparent, and efficient oversight. This necessarily includes:

- That all appeals under Public Housing and Homeownership Programs bypass the District Director and proceed directly to the Housing Appeal Committee to streamline the process and reduce administrative burden and barriers;
- That the composition of the Housing Appeal Committee be revised to require membership of individuals with lived experience of homelessness or housing need, and where possible, individuals with expertise in human rights, to ensure a more representative and rights-based approach to decision-making.

#### **Social Factor Points Framework**

Committee reviewed the *Framework for Assessing if an Applicant is Eligible for Social Factor Points*, which determines whether a public housing applicant qualifies for social factor points based on homelessness, using a structured set of criteria aligned with national standards. Social factor points are used to prioritize public housing applicants based on need.

Committee emphasizes that the core issue is the limited supply of housing units. While the points rating system helps prioritize those most in need, it does not uphold the right to adequate housing for all. To truly realize this right, the policy must be paired with efforts to expand the range and availability of housing options. Committee appreciates the work that was done by HNWT in 2023 to update and modernize the social points rating system<sup>53</sup>. Committee believes the Framework can be further improved,

especially to reflect needs in smaller communities and the different needs of individuals across the housing continuum.

Therefore, the following recommendation is presented:

**Recommendation 34:** The Standing Committee on Social Development recommends the Government of the Northwest Territories transition all current housing rating systems to a rights-based approach, focusing on ensuring fair and equitable access to housing for all, particularly those in greatest need. This should involve prioritising vulnerable groups, promoting non-discrimination, and empowering tenants in the housing process.

# **Public Housing Tenant Eligibility Policy**

The Public Housing Tenant Eligibility Policy defines the conditions under which an individual is deemed ineligible for public housing and the process for review and appeal. Under the policy, applicants are deemed ineligible who have:

- 1. A history of rental arrears without a repayment plan in place.
- 2. A record of unsuitable upkeep or damage to a unit that is the subject of a Rental Officer Order.
- 3. A history of disturbing other tenants' right to "quiet enjoyment" and other complains that are subject to a Rental Officer Order.
- 4. Criminal or otherwise illegal convictions from activities on LHO premises that are subject to a Rental Officer Order.

Where an applicant is deemed ineligible, the application is referred to the LHO Board of Directors for review. If an applicant is confirmed to be ineligible by the Board, the LHO Manager must notify the applicant in writing and include suggestions to the applicant to address their ineligibility. Ineligible applicants are not placed on the waiting list for housing until meeting the eligibility criteria.

The Board must review ineligible cases at least every six months or on the applicant's request, if the Board is satisfied that the applicant has taken steps to address the issues, such as completing the transitional housing program or programming to address social well-being factors, paying arrears in full, or following a repayment plan. Applicants determined ineligible by the Board may appeal through the HNWT Appeal Policy.

#### Committee recommends:

**Recommendation 35:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review the Public Housing Tenant Eligibility Policy to ensure that it provides those ineligible for public housing a clear and time-bound response to how they could have their eligibility reinstated.

#### **Community Housing Plan**

HNWT's Community Housing Plan policy supports Indigenous and community governments in developing Community Housing Plans that reflect local housing goals, needs, and priorities. It is understood that each plan includes a housing needs assessment that identifies existing condition, infrastructure gaps, and demographic trends, to align housing development with short-to-medium term priorities. Committee believes in the importance of developing Community Housing Plans but also recognizes that each community has varying levels of capacity to implement these plans.

Committee therefore presents the following recommendation:

**Recommendation 36:** The Standing Committee on Social Development recommends that the Government of the Northwest Territories revise the Community Housing Plan policy to include capacity-building supports tailored to community needs. This should include additional human, financial, and technical resources to support implementation of housing plans.

# **Small Community Homelessness Fund**

HNWT's Small Community Homelessness Fund is available to support projects that address homelessness in NWT communities, excluding Yellowknife. Committee highlights that this funding is available to non-governmental organizations, Indigenous Governments, and community governments for initiatives that directly assist individuals experiencing homelessness. Committee reiterates the importance of creating more options along the housing continuum than is currently available in communities and moving people along that housing continuum.

Subsequently, Committee recommends:

**Recommendation 37:** The Standing Committee on Social Development recommends the Government of the Northwest Territories conduct an audit of the Small Community Homelessness Fund to determine and report on its overall policy performance.

#### **Repair Programs**

HNWT provides repair funding programs for homeowners and seniors, including the Seniors Home Repair Program Policy, Seniors Aging in Place Policy, Home Repair Program Policy, and Preventative Maintenance Policy. These programs provide forgivable loans of various amounts for essential home repairs. The dwelling being repaired must be located within municipal boundaries, have access to a continuous supply of electricity, potable water and heat, and have a functional sewage containment system. For the Seniors Home Repair Program Policy, Seniors Aging in Place Policy, and Home Repair Program Policy, applicants whose household income is \$60,000 or over must co-pay 10% of the repair costs.

In light of rising inflation and costs of living, and the realities of northern housing, Committee presents the following two recommendations:

**Recommendation 38:** The Standing Committee on Social Development recommends the Government of the Northwest Territories revise and adjust the eligible income thresholds for co-payment for the Senior Home Repair Program, the Seniors Aging in Place Program, and the Home Repair Program based on inflation and cost of living increases, and review every 3 years thereafter.

**Recommendation 39:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review and revise the eligible properties for the Senior Home Repair Program, the Seniors Aging in Place Program, the Home Repair Program, and the Preventative Maintenance Program, specifically expanding the eligibility coverage of each policy to include primary residences outside municipal boundaries.

# **Disposal of Residential Property**

The Disposal of Residential Property Policy specifies that HNWT will dispose of residential property owned by HNWT in a manner that encourages and enables people

to be self-reliant through homeownership and maximizes public benefits. Disposing of a property may consist of sale, donation, negotiation, or demolition.

Existing tenants and approved housing program applicants are given priority to purchase the property, with access to subsidies through HNWT, before sale is offered to GNWT Departments, public processes, or otherwise. If the property is unsuccessfully sold through a public process, the property may be donated, negotiated, or sold to Community Governments, Indigenous Governments or Organizations, or non-profits. Net gains from the property disposal are reinvested in housing projects.

Committee presents the following recommendation:

**Recommendation 40:** The Standing Committee on Social Development recommends that the Government of the Northwest Territories review the Disposal of Residential Property Policy to ensure that Housing Northwest Territories' assets located on treaty territory, and subject to disposal under the policy, provide Indigenous governments with the first right of refusal.

#### **Community Housing Support Initiative**

The Community Housing Support Initiative provides funding to community organizations for the purpose of improving community housing. These funds are in the form of grants, grants-in-kind, or contributions.

Projects are funded on a case-by-case basis, and evaluated based on alignment with HNWT's principles, including promoting community prosperity, supporting the health and wellbeing of residents, developing and managing independent housing projects that deliver community benefits, and creating affordable housing that is adequate, suitable, and culturally appropriate. Funded projects are evaluated for performance within three years after completion, with a focus on their impact in advancing HNWT's principles. Committee therefore recommends:

**Recommendation 41:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review the Community Housing Support Initiative program to ensure it is reaching its goals and full effectiveness. Specifically, Committee recommends interviewing current and past recipients on the feasibility of supporting housing affordability and adequacy beyond the duration of their contribution agreement in order to evaluate the initiative's long-term impact on housing. It is recommended that the Government of the Northwest Territories publish the results of the program review and share it with the Standing Committee on Social Development.

#### **Verification of Income**

The Verification of Income policy specifies the way applicants demonstrate their financial eligibility for assistance and ensures that all applicants' income is verified accurately and consistently across the NWT.

Income is verified through Canada Revenue Agency (CRA) records, employer verification forms, and other relevant documentation depending on the applicant's employment type. Sources of income that are considered include salaries and wages, government benefits, Impact Benefit Agreement income, investment and rental income, land claim settlements, treaty entitlements, and specific educational and retirement benefits. However, treaty-related income as defined by the CRA can improperly inflate an individual's income and thus make them less eligible for assistance, or eligible for less assistance, which is inequitable.

To uphold treaty obligations, Committee presents the following recommendation:

**Recommendation 42:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review all Housing Northwest Territories' financial policies, including policies respecting loans and grants, to ensure treaty obligations are upheld. Specifically, to ensure that policies safeguard against unfairly including treaty-related income such as dividend payments, or gifts, into an applicant's income and thus disproportionately impacting their eligibility or level of assistance. The Standing Committee on Social Development recommends the Government of the Northwest Territories make any necessary policy changes to achieve this.

# **Collections Policy**

The Collections Policy establishes a standardized process for collecting rent, mortgage payments, and arrears across HNWT programs. For tenants with rent overdue by two months, the LHOs may file applications to the Rental Officer for arrears payments or termination of the tenancy. The LHOs must file these applications to the Rental Officer where rent is overdue by four months. For arrears, the Collections Section files Orders to Pay with the Territorial Court to obtain a judgment. If a favourable judgement is given, the Collections Section commences collection. To terminate the tenancy, the Programs and District Operations Division files an application for an Eviction Order with the Rental Officer. For participants of the Homeownership Programs, the District Offices are obligated to file a claim in Territorial Court for those with mortgage payments overdue by four months.

Given the significant hardship that evictions can cause to individuals and families in a climate where housing availability is limited, Committee presents the following recommendations:

**Recommendation 43:** The Standing Committee on Social Development recommends the Government of the Northwest Territories review and revise the Collections Policy to ensure that the policy prioritizes the well-being and dignity of individuals and their right to adequate housing. Collection actions should not jeopardize an individual's ability to secure and maintain adequate housing. Further, the Collections Policy should establish clear accountability mechanisms to ensure that collections comply with human rights standards. In its review, the Government of the Northwest Territories should engage individuals and communities experiencing housing challenges.

#### CONCLUSION

The right to adequate housing in the Northwest Territories is a clear and needed path to meaningful address the ongoing housing crisis. It was made clear to Committee – The Northwest Territories needs mechanisms in place to address systemic issues to accessible, culturally appropriate, and adequate housing for residents.

Committee is grateful to all the witnesses who provided extensive information on implementing the right to housing in the Territory.

**Recommendation 44:** The Standing Committee on Social Development recommends the Government of the Northwest Territories respond to this report within 120 days.

#### **ENDNOTES**

<sup>&</sup>lt;sup>1</sup> The list is presented in order of appearance before Committee by date.

<sup>&</sup>lt;sup>2</sup> Derkowski, Kristel, *Retracing Pathways Home in Radeyili Ko: Towards a Resilient Homeownership Model for Northern Indigenous Communities* (2024), p. 21.

<sup>&</sup>lt;sup>3</sup> Derkowski, p. 23.

<sup>&</sup>lt;sup>4</sup> Derkowski, p. 12.

<sup>&</sup>lt;sup>5</sup> Derkowski, p. 26.

<sup>&</sup>lt;sup>6</sup> Presentation by Dr. Christensen, Associate Professor, Queen's University.

<sup>&</sup>lt;sup>7</sup> Derkowski, p. 55.

<sup>&</sup>lt;sup>8</sup> Derkowski, p. 55.

<sup>&</sup>lt;sup>9</sup> Canadian Mortgage and Housing Corporation, *About Affordable Housing in Canada* (2018): <a href="https://www.cmhc-schl.gc.ca/professionals/industry-innovation-and-leadership/industry-expertise/affordable-housing/about-affordable-housing/affordable-housing-in-canada">https://www.cmhc-schl.gc.ca/professionals/industry-innovation-and-leadership/industry-expertise/affordable-housing/about-affordable-housing/affordable-housing-in-canada</a>

<sup>&</sup>lt;sup>10</sup> Derkowski, p. 137.

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<sup>11</sup> Derkowski, p. 55.
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- <sup>15</sup> CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), Adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on 13 December 1991 (Contained in Document E/1992/23).
- <sup>16</sup> National Housing Strategy Act, SC 2019, c 29, s 313 (Assented to 2019-06-21), paragraph 4(a). <sup>17</sup> John Harvey, National Housing Council, *The right to adequate housing: what it means and why it matters for addressing Canada's housing affordability crisis*: <a href="https://nhc-cnl.ca/publications/post/the-right-to-adequate-housing-what-it-means-and-why-it-matters-for-addressing-canada-s-housing-affordability-crisis-">https://nhc-cnl.ca/publications/post/the-right-to-adequate-housing-what-it-means-and-why-it-matters-for-addressing-canada-s-housing-affordability-crisis-</a>
- <sup>18</sup> Tanudjaja v Canada (Attorney General), 2014 ONCA 852.
- <sup>19</sup> Tanudjaja v Canada (Attorney General), 2014 ONCA 852, para 33.
- <sup>20</sup> National Housing Strategy Act, SC 2019, c 29, s 313 (Assented to 2019-06-21), subsection 6(1).
- <sup>21</sup> Smellie, Sarah, Canada Recognizes Housing as a Human Right. Few Provinces Have Follow Suit (CBC News, 2024): <a href="https://www.cbc.ca/news/canada/newfoundland-labrador/canada-recognizes-housing-as-a-human-right-few-provinces-have-followed-suit-1.7187292">https://www.cbc.ca/news/canada/newfoundland-labrador/canada-recognizes-housing-as-a-human-right-few-provinces-have-followed-suit-1.7187292</a>
- <sup>22</sup> Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Calls for Justice 1.1.
- <sup>23</sup> Housing Northwest Territories, Evictions from Public Housing Policy: <a href="https://www.nwthc.gov.nt.ca/sites/nwthc/files/resources/2023-04-01-evictions">https://www.nwthc.gov.nt.ca/sites/nwthc/files/resources/2023-04-01-evictions</a> from public housing policy.pdf
- <sup>24</sup> Lorne Sossin, *Access to Administrative Justice and Other Worries* in Colleen M Flood & Lorne Sossin, eds, Administrative Law in Context (2nd edition) (Toronto: Emond Montgomery Press, 2012), p. 211–212.
- <sup>25</sup> Legal Aid Regulations, R-132-2014, section 3.
- <sup>26</sup> Derkowski, p. 166-167.
- <sup>27</sup> Derkowski, p. 81.
- <sup>28</sup> Derkowski, p. 81.
- <sup>29</sup> Derkowski, p. 31.
- <sup>30</sup> Derkowski, p. 31-32.
- <sup>31</sup> Derkowski, p. 32.
- <sup>32</sup> Derkowski, p. 32.
- 33 Derkowski, p. 32.
- <sup>34</sup> Derkowski, p. 110.
- 35 Derkowski, p. 110.
- <sup>36</sup> Derkowski, p. 110.
- <sup>37</sup> Derkowski, p. 111.
- <sup>38</sup> Derkowski, p. 130.
- <sup>39</sup> Derkowski, p. 13.
- <sup>40</sup> Presentation from Rob Warburton, Outpost.
- <sup>41</sup> Derkowski, p. 127.
- <sup>42</sup> Derkowski, p. 129.
- <sup>43</sup> Derkowski, p. 129.
- <sup>44</sup> As stated in a witness' presentation before Committee.
- <sup>45</sup> Derkowski, p. 128.
- <sup>46</sup> Derkowski, p. 129.
- <sup>47</sup> Derkowski, p. 146.

<sup>&</sup>lt;sup>12</sup> Derkowski, p. 137.

<sup>&</sup>lt;sup>13</sup> As presented by Michèle Biss, Project Manager of the National Right to Housing Network.

<sup>&</sup>lt;sup>14</sup> 2018 October Report of the Auditor General of Canada to the Northwest Territories Legislative Assembly, Child and Family Services – Department of Health and Social Services and Health and Social Services Authorities.

<sup>&</sup>lt;sup>48</sup> Derkowski, p. 121.

<sup>&</sup>lt;sup>49</sup> Derkowski, p. 121.

<sup>&</sup>lt;sup>50</sup> Derkowski, p. 121.

<sup>&</sup>lt;sup>51</sup> Derkowski, p. 71.

<sup>&</sup>lt;sup>52</sup> Derkowski, p. 78.

<sup>&</sup>lt;sup>53</sup> Government of the Northwest Territories, *GNWT announces changes to points rating system for public housing clients* (News Release, 2023): <a href="https://www.gov.nt.ca/en/newsroom/gnwt-announces-changes-points-rating-system-public-housing-clients">https://www.gov.nt.ca/en/newsroom/gnwt-announces-changes-points-rating-system-public-housing-clients</a>.

# APPENDIX A PRESENTATIONS

# Housing as a Human Right in the Northwest Territories:

How did we arrive at a crisis state & What are some ways to intervene?

Presentation to the Standing Committee on Social Development

Kristel Derkowski

August 14, 2024

### Introduction

- Taylor Architecture Group
  - » Fort Good Hope Construction Centre
  - » Research on the impacts of the building code
- Master of Environmental Design thesis (University of Calgary / Dr Sasha Tsenkova)
  - » Overview of housing policy evolution in the NWT
  - » Analysis of housing conditions and policy outcomes
  - » Prototyping a homeownership model for the K'ásho Got'ine Housing Society

# "Retracing Pathways Home" — Research approach

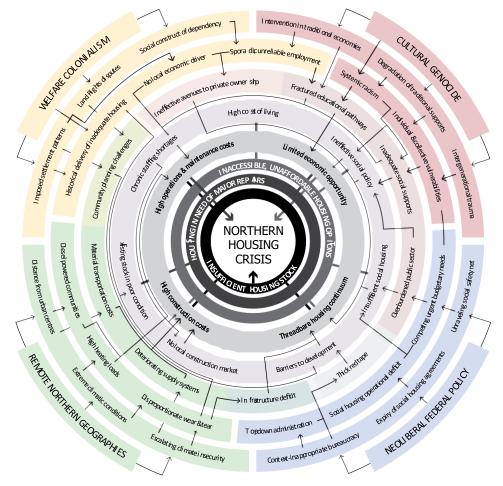


Ch.2: Housing in the Northwest Territories: historical context

Ch.3: Housing in the Northwest Territories: present conditions

Ch.4: Fort Good Hope and the K'ásho Got'ınę Housing Society

Ch.5: Non-market homeownership: themes and parameters

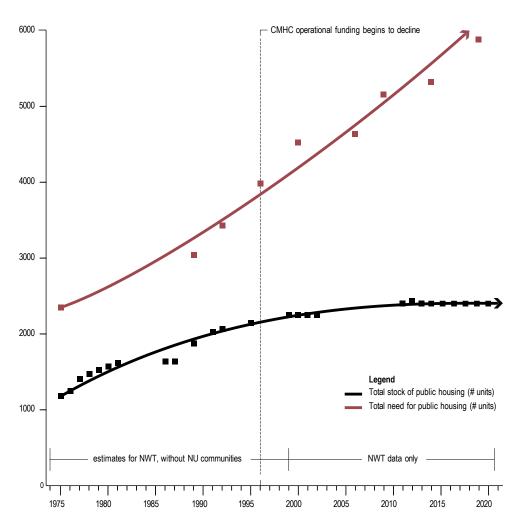


#### **Historical context:**

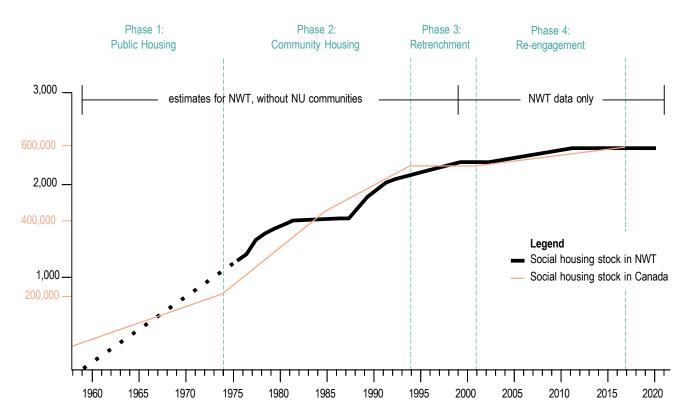
# Legacy of social and spatial injustice

- Insufficient housing
- Ineffective, inappropriate, and inadequate policy intervention
- Economic and cultural conflicts

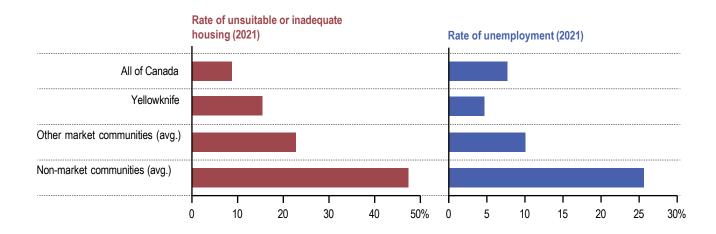
# Historical context: A growing gap



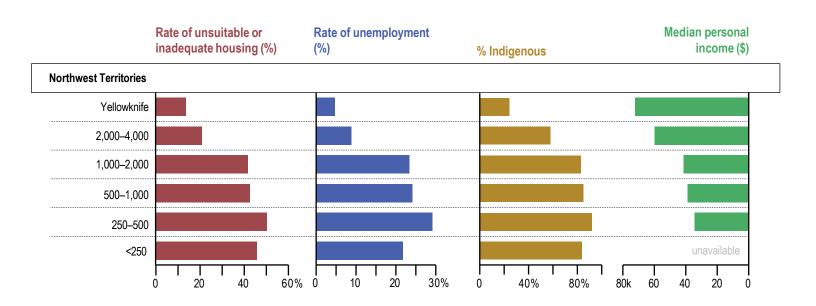
# Historical context: Federal funding dependency



### Market vs non-market communities



# Spatial and racial inequity



# Ineffective policy interventions

- Punitive policies exacerbate vulnerabilities, fail to provide pathways out of institutionalization
- Strategic Renewal of the territorial housing corporation
  - » Pivoting from 'landlord' to 'social agency'
  - » Mandate no longer expresses a goal to meet the territory's housing need

# Gaps in the housing continuum

#### A viable housing continuum for non-market communities

Homelessness	Emergency shelter	Transitional housing	Supportive housing	Community housing	Affordable rentals	Subsidized homeownership
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#### Present-day housing continuum in non-market NWT

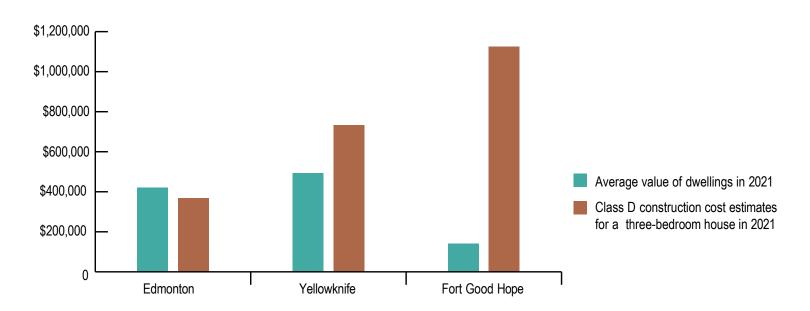
Homelessness

Public housing

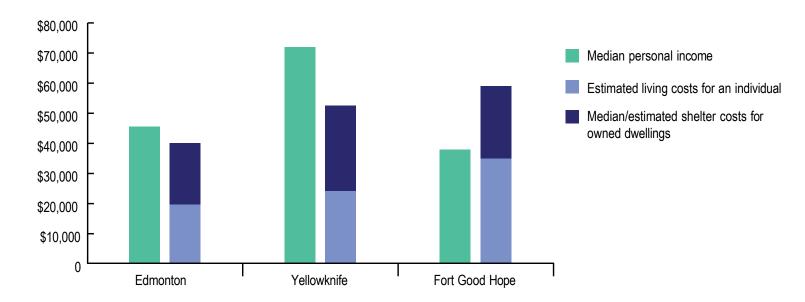
Inherited homeownership

# Affordability crisis:

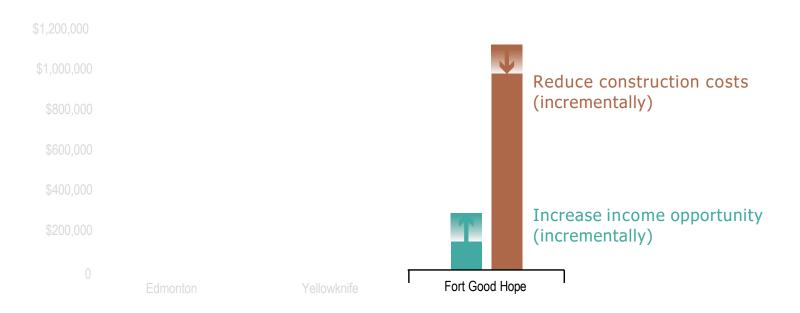
# Capital Cost



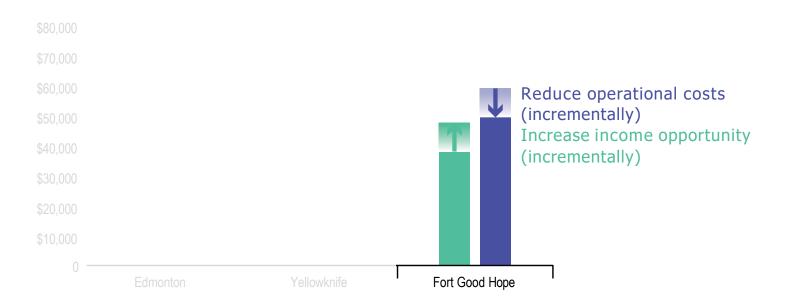
# Affordability crisis: O&M



# Addressing the affordability crisis: Capital



# Addressing the affordability crisis: O&M



# Intervention #1: Fort Good Hope Construction Centre

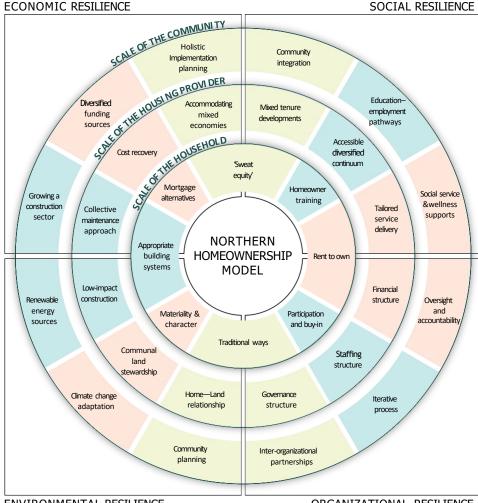


# Intervention #1: Fort Good Hope Construction Centre



# Intervention #2:

# **Transitional** Homeownership Model



Attributes of resilience Redundancy Resourcefulness Robustness

#### Intervention #2:

# Transitional Homeownership Model

- Forgivable loan / mortgage alternative
- Communal land ownership
- Appropriate building systems
- Recognizing & celebrating mixed economies ('sweat equity')
  - » in-kind contributions, woodstove, harvesting spaces, access to land
- Growing a construction sector
- Collective approach to maintenance
- Homeowner training programs
- Local administration
- Education-employment pathways



### Intervention #3:

# Alternative interpretations of the Code

# Ongoing research study by TAG:

- How does the prescriptive application of national codes and regulations influence the northern housing crisis?
- Are there alternative solutions for building northern housing?

Thank you

# Discussion

#### Notes for Legislative Assembly – Standing Committee on Social Development – Housing as a Human Right

I am not sure how familiar you are with my role in the homelessness continuum. Suffice it to say, here in the NWT's, we, The Salvation Army, are usually tasked with housing the very hardest individuals to house.... the vulnerable, and homeless population.

Adequate housing, is defined under international law, as "the right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity." This right is so much more than simply four walls and a roof over your head.

In 2019, Parliament passed the National Housing Strategy Act. The Act recognizes housing as a human right, and commits organizations and governments to reform housing laws, policies, and programs from a human rights perspective; and to involve communities in meaningful ways.

And I did witness this community engagement several months ago, when MLA Morgan, and Premier Simpson, held a constituency meeting that almost from the start, gravitated towards this issue.

The National Housing Strategy Act calls for the "progressive realization" of the right to housing.

This means Canada must set specific timelines and goals in its housing strategy that make tangible progress towards the right to housing.

It also means Canada must prioritize the most vulnerable groups and those in greatest need of housing while it works towards housing as a human right for all.

Not being from a legal background, I take this to mean, that while it is not governments responsibility to provide a house for every resident of Canada, it is every level of governments responsibility to ensure that they are doing all they can, to encourage reform of housing laws, policies, and programs from a human rights perspective.

And to involve communities, including residents of our Cities, NGOs, and most importantly, representation of the population most effected by the homelessness crisis.

And that brings me to what I would like to share today....

Based on what I just read to you, housing rights amount to much more than just a roof over a person's head, which is what we, in the NGO world, are barely able to do daily.

The definition of adequate housing means that it meets all the social, economic, environmental, cultural, and basic needs of each distinct, and often different individual.

And, as we are all supposed to be considered as equal in the eyes of the government, as citizens of this country, it needs to be recognized that this definition of adequate housing can mean something different from one person to the next, depending on their circumstances.

A person who has a physical disability will have different needs than a person who is physically capable of looking after themselves.

Just because they may need ramps, accessible appliances, and living spaces, it should never mean that they move further down a list for housing. But, because the supply is not there, this is almost always the case.

Then there are those who are emotionally & mentally unwell, what should housing look like for them? A traditional 3-bedroom, 2-bathroom home is likely not the appropriate answer.

Right now, because for the most part, nobody has been able, or willing to seriously take on the fight for the vulnerable, it means, they end up in our shelter system, or worse.

And sometimes, but not often enough, if we are able to graduate a shelter user to our mental health or addictions floors, which is still temporary, and woefully understaffed to deal with the complexities that they come with, the supports for success are not always available.

If we find somebody who is doing very well under our care in any of our programs, we can sometimes move them into our supportive housing.

But that too is only supposed to be temporary, and the sad reality is, when the maximum stay of 3 years is reached, we have no choice but to release them from the program, and their living arrangements, and often, right back to the shelter system.

Simply because, there are no rentals available, or landlords simply will not rent to individuals coming from the shelter system.

The question that we are often asked about concerning our supportive housing, and around the occupancy time limits is, *why do we force individuals to move out after 3 years of stable living?* The simple answer is, these folks are program participants, and not tenants.

Our goal from the moment you move into our transitional housing, is to help you find suitable permanent housing in the community.

Unfortunately, under law, once someone is defined as a tenant, which legally they can be after the 3 year mark of consistent residency, it becomes difficult to move them out under the Landlord Tenancy act.

And these extended residencies would go against the funding model that we have from the GNWT for this program.

Northwest Territories MLAs have made it very clear in stating that housing should be a fundamental right in the territory and that sentiment is shared by national and international governments in making that a part of the territory's law.

It was brought forward in a motion earlier this year to make housing a fundamental human right in the N.W.T. and all regular MLAs voted in favor.

It was said that "By acknowledging housing as a human right, it means that the [territory] acknowledges that housing is essential to a person's dignity and wellbeing,"

And, thankfully, our current government has made housing one of its four priorities over the next four years.

But, by making it a human right, it sends the message that it is even more than "just" a priority.

MLA Sheryl Yakeleya said the motion pushes the territory to evaluate housing programs and to reduce homelessness and increase affordability.

And she finishes the statement with... "It's been said in this house many times, the N.W.T., s is in a housing crisis,".

Allow me to echo the MLA's words; in saying, I have been doing this for a long time for TSA, and I can also say without hesitation, that yes, we are in a housing crisis.

And, dare I say, this crisis may even be disproportionately higher here in the NWT's, compared to most of Canada.

I have recently met several individuals who are looking to move to Yellowknife, mostly for high paying positions and better careers, but there is simply little to no housing available.

But those are not the people I want to bring before you today. These folks have decisions they can make on whether they should or can move here. Many of our permanent NWT's residents do not.

I want to talk about the rights, and the human rights of the person who lives in my shelter, surfs couches for years, or even worse, sleeps rough outside.

I recently spoke with a young man in his early 20's, who looked very much out of place lining up at our shelter.

I asked him how he ended up there, and he said, "Mom couldn't take me sleeping on the couch in her one-bedroom apartment anymore and told me I had to go."

So, to finally get to the answer to the question: "What does a right to housing mean for law and policies in the Northwest Territories?"

We would all agree that homeless shelters are not housing, and they are certainly not the answer to housing. But I do not think I will see them disappearing anytime soon.

So, we, collectively, need to at least temporarily, include the shelter population as a piece of a much larger housing puzzle, and stop just using shelters simply as a place to dump our down and out.

What if we looked at the vulnerable population and start with those who are chronically homeless? This is where the initial conversations and actions can happen around human rights and housing for these individuals.

The current shelter model here in the NWT's is awful.

And anyone

who knows me at all knows that I mean no disrespect to anyone and I'm not here to lay blame on any one entity. We all have a stake in this. This is just a sad fact and reality of where we are.

Here is our current situation at TSA... As a man, who is homeless, for one or more of many reasons, you come into my shelter at 7:00 pm, we will feed you, & you can have a shower and then go to bed.

At 7:00 am, you are up and out the door. Does that sound like ANY definition of housing? Does that show any dignity? Where does that fall when thinking about human rights?

There is practically no chance for meaningful conversation or counselling to determine if an individual can survive outside shelter life and move into more stable housing in those few short hours.

Especially since the individuals come to us at the end of a hard day, emotionally and/or physically not willing, or able to have meaningful conversation, and we basically kick them out as soon as they open their eyes in the morning.

If the shelter was open 24/7, as it is in all the other 53 shelters The Salvation Army operates across the country, then shelter users could have the opportunity during the day, to meet with counsellors, whether they are housing, mental health, addictions or so much more.

That is the dignity piece, and possibly even a human rights piece we talk about. Allowing grown men and women, the chance to share, or vent, and it would give our staff the opportunity to do initial assessments, to help determine what next steps, including appropriate housing could look like for the individual.

Next, let me speak about our addictions and mental health floors. And I do that because, the reality is, individuals are often put into these programs because they have nowhere else to live, as much or more as they would be there for mental health or additions issues.

These programs, while shorter by design, are not funded adequately, and are woefully understaffed by people who are not as well trained as they would need to be. And these programs are not a home. But they are treated as one. They should be an early step for individuals on the way to becoming a good candidate for some for of housing.

Because of the funding model, our staff are only partially qualified and can only take these individuals so far on their journey, and it is often not enough to appease any of our landlords and give them the chance to move out on their own with some supports.

The system is just not set up for any form of success for this population.

And let's think about it, these are the individuals most at risk of getting caught up in the criminal justice system without appropriate support. And where do they end up?

In jail, and then released to homelessness.

Then, there is our Bailey House, which is a 32-bed supportive housing facility.

Let me be clear... this is a vital, and dare I say, often, a life-saving program in Yellowknife, and almost every one of the 32 participants would be homeless if that program was not there.

If there was a stock of adequate available, affordable housing for these individuals, once we get them stabilized, most would only stay with us for months, and not years, opening beds for others.

This COULD mean, the folks from shelter, mental health, addictions, and other areas, could then move into these units, if they were appropriately supported along the way.

Right now, instead of an ideal turnover rate of up to 150 individuals a year in our supportive housing, we are more around about 10 to 15 a year.

So, "What does a right to housing mean for law and policies in the Northwest Territories?"

It means that we, the City, GNWT, the Feds, and NGO's that do this work, need to all get on the same page on what housing looks like for the vulnerable populations. Because, right now, we are not. And again, that will differ from person to person.

There could be transitional processes, moving individuals along the homelessness/housing continuum, that we could follow at our facility, if there was appropriate funding, giving us appropriate staffing, to ensure that EVERY PERSON who walks through our doors, is given a fighting chance for appropriate housing, based on the individual's needs.

That could mean, moving from, emergency shelter, to mental health floor, or addictions floor, or even straight to supportive housing.

Right now, people are not being appropriate assessed for suitable housing.

But even that cannot happen, because the system is not equipped to deal with these individuals at the mental and emotional stage they are at when we receive them.

Then, if we do manage to walk them through the stages of recovery, everything seems to stop again for this population now, as they are at the end of their supportive housing stay. And this starts the cycle all over again.

I know I am oversimplifying this, but:

Somebody (all levels of government, and obviously, community partners) needs to facilitate building more affordable housing
especially for this population. Somehow, government and big business need to partner to make this work.

The building of all these new condominiums, with rentals of \$2,000, \$3,000, and \$4,000 a month, while they're much needed here in YK, *it does zero to very little* to help those who are vulnerable and financially struggling.

NGO's who are already trying their best to care for this population, need to have more qualified staff to work with these
individuals, giving them a fighting chance at getting back into community in a meaningful way.

I may have taken a little different approach to the question of housing as a human right, but I do it from my area of expertise, and that is in looking after a population, who some would simply like to just see disappear.

I think we all agree, we are far from that scenario.

I think, if we were to ask every single individual who is experiencing homelessness, or in danger of becoming homeless, is this where they want to be in life, not one person would say yes.

Everyone just wants, needs, and deserves a dignified place to rest their head at night and call it home.

I know, it's all about the money!

And, while every level of government will almost always say, we do not have any additional money, aren't we already spending a ton of money on systems that are not always dignified, do not work in the best interests of its users, and certainly, in some instances, do not offer much in the way of any human rights?

So, a final statement...from "The National Right to Housing Network."

The right to housing under international human rights law does not mean that the government must provide everyone with housing.

It recognizes that all people have the "right to live somewhere in security, peace and dignity" and that governments must implement reasonable policies and programs which will ensure that everyone has access to adequate housing by one means or another, as soon as this can be achieved within available resources.

The National Housing Strategy Act affirms that this commitment must guide housing policy and programs, prioritizing those in the greatest need.

#### ONLY IF TIME ALLOWS, I'll read this statement from a long-time front-line supervisor and caseworker.

In closing, I asked some of my front-line managers this question...

"How would you see housing as a basic human right, from within the sphere of the work that you do?"

While I got multiple answers like what I've already said, this one stuck out to me, from my Mental Health Manager...

To answer this question from the perspective of the clientele I work with, housing is one of the biggest challenges and acts as a barrier to integrate them back into the society. Some of our clients who have overcome the mental health challenges and are stable enough to start the independent journey are placed on long waiting lists for housing for years. Yellowknife certainly does not have the capacity to meet the growing housing demands.

For instance, when the clients have completed their program or if the program no longer is needed or if they are discharged from a particular program then they have no other place to go. Therefore, it leads to an increase in homelessness, accessing shelters and it has a direct negative impact on their mental health.

In my opinion, if somebody is stable enough to start their independent journey of life in the community then having access to housing is a basic human right.

"I can tell you that we currently have several individuals who could and should be housed, as they have been successful in gaining control of their mental health and/or addictions.

But, if I release any of them from the program, with no place to go, they are going to fail, and thus, we have failed them in assisting them with the basic human right of adequate housing."

Honorable Chairperson, and all members of this committee, I thank you for this opportunity to share, and I welcome any questions and comments you may have.



# The Right to Housing in Canada

September 5, 2024

Presented by Michèle Biss, National Director of the NRHN



### **Outline**

- Story of advocacy to get to the National Housing Strategy Act (NHSA)
- 2. What does the right to housing mean?
- 3. Application to the North and report developed by Janine Harvey and Lisa Alikamik







# The story of advocacy to get to the NHSA

- The right to housing in the courts
  - The Tanudjaja v. Canada (AG) case
- Going to treaty bodies reviews of Canada
- Open letter campaign
- National Housing Strategy Act legislated in 2019



### INTERNATIONAL HUMAN RIGHTS MECHANISMS

### THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (CESCR)

- Issues General Comments and statements on emerging issues
- Hears from NGOs, all levels of governments, and human rights commissions during periodic reviews; issues Concluding Observations
- Considers individual and systemic cases from countries that have ratified the Optional Protocol to the ICESCR; issues findings and recommendations

### UN SPECIAL RAPPORTEUR ON THE RIGHT TO ADEQUATE HOUSING

- Independent but supported by the Office of the High Commissioner on Human Rights at the United Nations (UN)
- Actively engages with rights holders and experts; issues thematic reports, identifying critical systemic issues and clarifying obligations under international human rights law
- Conducts missions to countries and submits reports on findings and recommendations

#### CANADA'S PARALLEL MECHANISMS UNDER THE NHSA

#### **NATIONAL HOUSING COUNCIL (NHC)**

- Advises the Minister to ensure that the NHS
   "furthers the progressive realization of the right to
  housing"
- Appoints a 3-person Review Panel to hold hearings on systemic issues

### FEDERAL HOUSING ADVOCATE: MARIE-JOSEE HOULE

- Independent but supported by the Office of the Federal Housing Advocate (OFHA) at the Canadian Human Rights Commission
- Actively engages with rights holders, experts and research into systemic issues, identifying critical systemic issues and clarifying obligations under international human rights law; submits findings and recommendations to the Minister
- Receives "submissions" on systemic issues, conducts reviews, and refers certain issues to the Review Panel
- Monitors goals and timelines and progressive realization under the NHSA

#### **REVIEW PANEL**

- Comprised of 3 NHC members (with **lived experience** of homelessness and housing need, **human rights expertise**)
- Holds hearings on systemic issues; hears from rights-holders and organizations with human rights/housing expertise and submits findings and recommendations to the Minister

### MINISTER OF HOUSING, INFASTRUCTURE, AND COMMUNITIES

- Receives findings and recommendations from the Housing Advocate, NHC, and Review Panel
- Must respond to findings and recommendations of the Panel within 120 days via a tabled report with the House of Commons and the Senate

### Background on the NHSA (i.e. "the Act")

The *National Housing Strategy Act* requires the government of Canada to:

- Recognize the right to housing as a **fundamental human right based on international human rights law**. a)
- b) Establish that the National Housing Strategy, the National Housing Council and the Federal Housing Advocate must further the progressive realization of the right to housing.
- Mandate the Federal Housing Advocate to engage with rights-claimants and civil society, receive c) submissions on systemic housing issues and submit findings and recommendations on the realizing the right to housing to the government.
- Establish a Review Panel with human rights and lived experience expertise to hold public hearings in d) systemic issues, ensuring participation by affected groups and civil society organizations and make findings and recommendations to the government.
- Respond to all findings and recommendations. e)





CONSOLIDATION

### National Housing Strategy Act

S.C. 2019, c. 29, s. 313

[Enacted by section 313 of chapter 29 of the

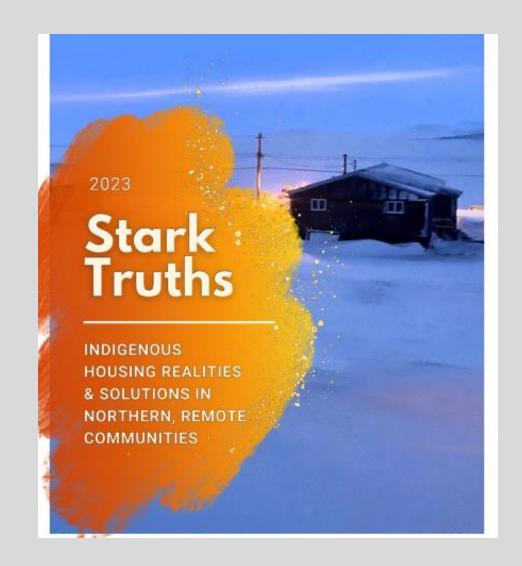
Current to June 28, 2021

Last amended on July 9, 2019

"The right to housing is not just a rallying cry. It, like human rights more generally, offers concrete standards that can be implemented and measured for progress."

- UN Special Rapporteur on the Right to Adequate Housing









### Thank You!

Michèle Biss, National Director

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housingrights.ca











### Speaking Notes for Northwest Territories Legislature Study on the Right to Housing

Michèle Biss, National Director

September 5, 2024, at 3:30 pm ET

(Slide one)

Good morning and thank you for the opportunity to speak to this committee. My name is Michèle Biss, and I am the National Director of the National Right to Housing Network. I am joining you today from the traditional lands of the Algonquin Anishinaabe, colonially known as the city of Ottawa.

For some context, the National Right to Housing Network is a broad-based, grassroots civil society network of over 2,000 organizations and individuals, established to fully realize the right to housing in Canada. Since our launch in February 2020, the NRHN has become a key resource in guiding Canada's new human rights-based oversight mechanisms – including the Office of the Federal Housing Advocate, the National Housing Council, and now the upcoming review panels mandated to hold open hearings on systemic violations of the right to housing. We play a critical role as a core convener and representative of rights-based analysis, engagement, and advocacy around housing, collaborating with government authorities to ensure that the historic commitments in the legislated National Housing Strategy Act (NHSA) are meaningfully realized.

I'm pleased to hear that this committee is considering the question, "What does the right to housing mean for law and policies in the Northwest Territories?" I hope to answer some of your questions today and provide you with critical background on what implementing the right to adequate housing has looked like at the national level.

(Slide two)

In my presentation, I will first tell the story of Canada's federal right to adequate housing mechanisms; second, I will outline the norms and principles in international human rights law as they relate to the right to adequate housing; and lastly, I will highlight a report developed by Janine Harvey and Lisa Alikamik, two Inuit right-to-housing advocates, who traveled across the Northwest Territories and Nunavut to conduct culturally appropriate interviews with Indigenous community members, gathering their stories and first-hand experiences of trying to find affordable, safe, and secure housing in the North.

(Slide three)

Before I begin, I would like to share a story about the development of Canada's National Housing Strategy Act, passed by the federal government in 2019. About six years ago, the federal government

began to explore what the right to housing would mean in legislation. This followed an important *Charter* litigation decision that this committee should know about, called the Tanudjaja or "Right to Housing" case. The court challenge was launched by a broad coalition of organizations and individuals affected by homelessness and inadequate housing, claiming that the Ontario and Canadian governments failed to respond to repeated and urgent recommendations from United Nations human rights bodies, human rights commissions, and a range of experts urging these governments to implement comprehensive housing strategies based on the right to adequate housing, including firm goals and timetables for eliminating homelessness.

Despite over 9,000 pages of evidence filed by experts, the Attorneys General filed a motion to strike, which was granted by the trial-level judge and upheld by two members of the Ontario Court of Appeal, although there was a strong dissent from one Ontario Court of Appeal justice, Justice Feldman. I'm sad to say that the case was never heard, and those 9,000 pages of evidence were never reviewed. I tell this story because it is important to know that advocates across the country, including people with lived experience of homelessness, have had a deep hunger for the right to housing to become tangible and meaningfully accessible for decades.

Around 2016, a new federal government began to talk about the right to housing, incorporating it into their National Housing Strategy, which was introduced in 2017. Then, in 2018, a coalition was built of civil society advocates who created draft legislation on the right to adequate housing. Significant community and civil society momentum built behind this movement, and through deep discussions with the government, I am happy to say that in 2019 the federal government passed the National Housing Strategy Act (also known as the NHSA). Critical to this discussion is that the NHSA requires that the 2017 National Housing Strategy be consistent with the progressive realization of the right to adequate housing. However, a fulsome review of the National Housing Strategy has arguably not yet taken place.

#### (Slide four)

The NHSA also introduced the Federal Housing Advocate, the National Housing Council, and review panel mechanisms. I won't go into too much detail because I know you're hearing later this month from the Federal Housing Advocate herself, but the legislation works in such a way that the Federal Housing Advocate can receive submissions on violations of the right to adequate housing and make an investigation. Her findings and recommendations then go to the Minister of Housing, Infrastructure, and Communities Canada, who must respond within 120 days.

The Federal Housing Advocate also has the power to refer a systemic issue to a review panel made up of three members of the National Housing Council. Those three members have the authority to hold open hearings—both written and oral—from those who have expertise (particularly lived expertise) on the systemic issue. After the hearings, the review panel members make recommendations to the Minister of Housing, Infrastructure, and Communities Canada, and the Minister again has to respond to those recommendations within 120 days.

The first systemic review undertaken by the Federal Housing Advocate under the NHSA was launched last year. On February 13, 2024, the Advocate released her final report and recommendations to the federal government on how to address the systemic issue of encampments under the guidance of the right to housing. This report – the first exercise of the accountability mechanisms of the NHSA – has made tremendous waves. Over the past months, media discourse on the report has shifted focus to

ensuring that long-term solutions to homelessness are prioritized, but that in the meantime, the human rights of those in encampments must be respected. Following this report, we saw a commitment of \$250 million from the federal government in Budget 2024 for communities to engage rights-based responses to encampments.

In May 2024, we received recommendations from the first-ever review panel under the NHSA, which conducted oral and written hearings on the financialization of purpose-built rental housing. In this process, 200 organizations and rights holders with lived experience came forward to make submissions in the hearings. This aligns with the federal government's commitment to invest in non-market housing, and develop a *Renter Bill of Rights*.

Perhaps most critically, this fall the second review panel will launch on the failure of government to address the affordable housing and homelessness crisis faced by women and gender-diverse persons – particularly Indigenous women, girls, and two-spirit persons. Despite the National Housing Strategy's recognition of women and gender-diverse individuals as priority populations, there remains a significant gap in how housing policies and programs are designed and implemented to meet their specific needs. The systemic barriers faced by women and gender-diverse individuals in accessing housing are multifaceted and often exacerbated by intersectional factors such as race, socioeconomic status, and disability.

#### What is the right to housing?

(Slide 5)

Canada's historic NHSA reaffirms Canada's international obligations to the right to housing and commits the Government of Canada to implementing housing as a fundamental human right based on the requirements of international human rights. The NHSA commits the federal government to "further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights" and requires that the government develop and maintain a national housing strategy, a coherent set of programs, policies, and budgetary allocations to fulfill this commitment. The NHSA applies to any measures within federal jurisdiction—including the exercise of its spending power for housing programs in federal and other jurisdictions.

The rights-based approach outlined in the NHSA mandates that federal investments in housing programs and policies must apply international human rights norms as defined by United Nations authorities, including the UN Committee on Economic, Social, and Cultural Rights, and Special Rapporteurs.

The federal government must use the "maximum of available resources" and "all appropriate means" (including legislative and other measures) to ensure adequate housing for all. This is a high standard for a wealthy state like Canada, commensurate with the priority that must be accorded what the NHSA affirms as a "fundamental human right ... essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities." It also requires that these investments target and prioritize those in greatest housing need, with an aim of "progressively realizing" the right to housing in the shortest possible time, using clear targets, timelines, and monitoring processes to track progress.

The right to adequate housing, as outlined in the NHSA and international human rights law, recognizes that all people are entitled to adequate housing. There are seven elements to the right to housing:

security of tenure, affordability, habitability, access to basic services, location, accessibility, and cultural adequacy.

A rights-based approach to housing also requires that housing decisions, policies, and investments be rooted in meaningful engagement with affected communities (i.e., people with lived or living experience of homelessness or inadequate housing), human rights experts and advocates, and civil society. Critically, access to justice is a core component of the right to adequate housing—meaning that rights holders need opportunities to speak truth to their experiences and be met with remedies.

(Slide 6)

On this slide, you'll see a quote from the UN Special Rapporteur on the Right to Adequate Housing – if you take anything from this presentation, I hope it is that the right to housing is not just a rallying cry, it is a set of norms and standards articulated by international human rights authorities.

I'd like to pause and highlight two key recommendations:

- That the Government of the Northwest Territories reflect, in legislation, the right to adequate
  housing as it articulated in international human rights law, by the UN Convention on
  Economic, Social, and Cultural Rights, which applies to all levels of government, including
  territorial governments.
- 2. That the Government of the Northwest Territories consider the appointment of a territorial housing advocate who functions in a similar manner to the Federal Housing Advocate.

#### **Cultural Adequacy**

(Slide 7)

The last point I would like to discuss is cultural adequacy, one of the seven elements of the right to adequate housing. Last year, Janine Harvey and Lisa Alikamik of Ulukhaktok, Northwest Territories, conducted culturally appropriate interviews and surveys within their Indigenous communities to hear from local residents about their stories and experiences with housing in the NWT.

The report they produced is called <u>Stark Truths: Indigenous Housing Realities and Solutions in Northern Remote Communities</u>. Critically, the development of the report involved culturally appropriate sessions with those who had experienced the housing crisis in the Northwest Territories. People were more open to sharing their experiences and the solutions they saw available to them because of the deep trust built through culturally appropriate interviews. Their report highlights issues around homelessness, shelters, transitional housing, discrimination, arrears and evictions, safety, basic infrastructure, health and habitability, and education.

In the interest of time, I will not go through all the recommendations in the *Stark Truths* report, but I strongly recommend that this Committee review those recommendations in detail.

I will highlight two key recommendations from their report: one, the appointment of advocacy workers, to help tenants and people experiencing homelessness file paperwork, help with applications, and seek funding to attend hearings in a culturally appropriate way. The second recommendation is for culturally appropriate applications to be available so that people who can

speak Indigenous languages are involved in accepting housing applications and assisting throughout the process.

I will note as well for this committee, that the Federal Housing Advocate released a report in 2023 as an <a href="Observational Report on Inuit Housing">Observational Report on Inuit Housing</a>. I strongly encourage this Committee to review that report, though I anticipate you will hear more about that study during the appearance of the Federal Housing Advocate later this month.

(Slide 8)

Thank you again for the opportunity to engage with this committee. I wish you the very best in your study and look forward to answering any questions you might have.

# Federal Housing Advocate's speech to the Government of the Northwest Territories

September 25, 2024

Invitation: 10-20 minutes

Virtual appearance

Followed by 60-minute Q&A with MLAs

Powerpoint optional

CURRENT WORD COUNT: 2,275 (17.5 minutes)

- Thank you. My name is Marie-Josée Houle, and I'm honoured to join you today.
- Je m'appelle Marie-Josée Houle et je suis honorée de me joindre à vous aujourd'hui.
- Before I begin, I would like to acknowledge the privilege of speaking to you from the traditional and unceded territory of the Algonquin Anishnaabe Nation.
- I also honour the ancestral and unceded territory of all First Nations, Inuit and Métis people from coast to coast to coast.
- This land acknowledgement is a commitment to the relationship we are building with Indigenous peoples one based on friendship, peace, mutual respect and reconciliation.

- I am grateful for the invitation to speak to you today as Canada's first Federal Housing Advocate.
- I'm here as this Committee is exploring an important question: What does a right to housing mean for law and policies in the Northwest Territories?
- I'm encouraged to hear that this study will help to inform the Government of the Northwest Territories on how housing as a human right can be applied here in the territory.
- Because really, this all comes down to one important fact: housing is a fundamental human right.

- Housing is maybe THE MOST fundamental of all human rights. Having a safe, dignified place to call home is one of the most basic human needs.
- The right to housing is connected to so many other human rights the right to education, to physical and mental health, to political participation, and even the right to life.
- And governments have an essential role to play in making sure every person can have their right to housing upheld.

- In my remarks today, I will touch on three topics:
- First, I will provide an overview of Canada's human rights architecture, including my role as Federal Housing Advocate.
- Second, I want to cover what recognizing the right to housing means for governments and why it matters.
- And finally, I will touch on what the right to housing looks like in Canada today and where we go from here.

- To my first point: Canada has recognized housing as human right in federal law. I want to unpack what that means, as well as what my role entails.
- The human right to housing is more than four walls and a roof. It is a human right that is defined in international law.

- The right to adequate housing means that all people are equally entitled to live in dignity in a safe and secure home, and that everyone should be able to access housing that meets their needs without discrimination or harassment.
- Under international law, housing must meet seven conditions to be considered adequate.
- That criteria includes being protected from forced eviction, being affordable, being habitable with enough room for the inhabitants, it must provide basic services like clean water and sanitation, it must be accessible for people of all abilities, in a location that provides access to basic services, and it must be culturally appropriate.

- Housing advocates tirelessly campaigned for years to have Canada recognize the human right to adequate housing.
- Their work led to the passing of the National Housing Strategy Act in 2019.
- The Act recognizes and enshrines housing as a human right in Canada's federal law.
- It also creates important accountability mechanisms to uphold the right to housing, including the National Housing Strategy, the National Housing Council, and the role of the Federal Housing Advocate.

(pause)

• Amplifying the voices of people in vulnerable housing circumstances is at the heart of my work as the Federal Housing Advocate.

- The work my team and I are doing is all about ensuring that the voices of people in Canada are heard by decision-makers at the highest levels.
- As a housing rights watchdog, my role is to hold all levels of government, in particular the federal government, to account for their human rights obligations.
- My office and I are independent and non-partisan, which is why we are based at the Canadian Human Rights Commission and not a federal department.
- The Act also makes it clear that my role is to focus on systemic housing issues.
- I make recommendations to governments to improve laws, policies and programs so that they uphold the right to housing and improve outcomes for people in Canada.
- The Advocate's role also includes conducting research, reviewing systemic issues, engaging with rightsholders and civil society, monitoring the situation in Canada, and raising concerns with the federal minister responsible for housing.
- It is important to recognize that my role does not provide a recourse mechanism for individual complaints.
- But rather, I am here to amplify the concerns and solutions of people experiencing homelessness and inadequate housing to the federal government, which is legally obligated to respond to my recommendations.

- One of my areas of focus has been housing in Canada's north.
- In October 2022, I travelled to Nunavut and Nunatsiavut in partnership with Nunavut Tunngavik Inc. and the Nunatsiavut Government to learn more about housing in Inuit communities, and visit people and organizations firsthand.
- The housing conditions there are dire, and the result of a failure by multiple levels of government to invest in and respect the human right to housing for Inuit.
- Our co-developed report documents these conditions, and at the same time, identifies long-term and sustainable solutions and a road-map of recommendations to governments.
- We have met with federal ministers, MPs and Senators to discuss the report.
- We also engaged with the Premier of Newfoundland and Labrador on the recommendations that can be implemented in the province.
- The report continues to be an advocacy tool that we are using to engage with the federal, provincial and territorial governments on these critical issues, and to push for action.
- This is a great example of how the Federal Housing Advocate is an important connector. Bringing people together is how we will continue to make progress on the right to housing.

- Second, I want to cover what recognizing the right to housing means for governments, and why it matters.
- In addition to setting out **what** the human right to housing is, both international human rights law and the National Housing Strategy Act set

out a standard for **how** it should be achieved.

- They use a term called "progressive realization". This phrase acknowledges that solving these problems won't be immediate.
- But, progressively realizing the right to housing means that governments need to take steps forward to uphold this right. It provides a human-rights lens that helps to frame how governments should respond to inadequate housing and homelessness.
- Progressive realization stipulates that governments are obligated to take immediate action, use the maximum available resources and prioritize the most disadvantaged groups.
- Recognizing housing as a human right doesn't mean that governments have to hand out homes to everyone, or solve homelessness tomorrow.
- It does mean, however, that they have to create the conditions for everyone to have access to adequate housing and work meaningfully towards that goal.

- And, the fact is, incorporating human-rights based approaches into housing policy is a smart decision for governments.
- A top-down approach never works when addressing systemic issues.
- A human rights-based approach provides better outcomes for people. It asks people what they need, and makes sure those needs are met.
- This must involve meaningfully engaging with the people affected at all stages – in identifying issues, finding solutions, and implementing programs.

- A human rights-based approach makes projects more successful. It saves money in the long run.
- When everyone has affordable and adequate housing, the economy and so many other areas benefit. It allows people to thrive and reach their full potential.
- A human rights-based approach also focuses on groups with the greatest housing need, including people with lived experience of housing need and homelessness.
- It requires helping people who are experiencing the most harm as a first priority.

- I want to give you an example of what this looks like in practice.
- Canada is experiencing an unprecedented encampments crisis. People are living in tents because they have nowhere else to go.
- Last year, I launched a systemic review of this issue to better understand its realities and arrive at solutions.
- It was absolutely critical that I speak with the people affected. I met with encampment residents and community advocates in Montreal, Saskatoon, Winnipeg, Vancouver, Toronto, and Calgary.
- I also received written submissions online from 313 people with lived experience in encampments. Another 53 advocates, organizations and municipalities shared their perspectives and observations.
- What I heard is that encampment residents know what is required to meet their most pressing needs. Above all, it comes down to having adequate housing.
- What is lacking is sufficient resources and coordination amongst governments, as well as the commitment to meaningfully engage with encampment residents.

- My final report includes recommendations aimed at the federal government as well as provincial, territorial and municipal governments.
- I have been engaging with all levels of government as to how they can implement them in their jurisdictions.
- But in particular, I urged the federal government to lead on this issue by swiftly developing an encampments response plan.
- I was pleased to see in the 2024 budget that the federal government has set aside \$250 million dollars for human-rights based encampment responses, which can be matched by the provinces and territories for up to \$500 million in funding.
- While details about the plan are still emerging, I look forward to continued progress and its full implementation in communities across the country.

- And finally, I will touch on what the right to housing looks like in Canada today and where we go from here.
- The Federal Housing Advocate's role is the only one in the world. It's a model that centers deeply on advocacy.
- Having been in this role for two and a half years, I have to say that listening first-hand to people who are most disadvantaged is what makes the Advocate's role unique.
- And I think this gives the Advocate a rare ability to make change.
- To me, advocacy means pushing for change alongside those who are most disadvantaged and whose voices are not reaching the decision makers.
- Theirs are voices that have too often been discredited by the usual mechanisms and policies: the voices of people who are justice involved, who are struggling with addiction, who are racialized, Indigenous, gender diverse, women.

- Looking at systemic failures, and not the failure of the individual, is a powerful framework.
- It helps with not only getting to the heart of issues and finding real solutions, but to also building trust with rights holders. It is a way of recalibrating the existing power structures that too often lead to human rights failures.
- I am a unique bridge between people with lived experience on the ground, organizations in the housing and homelessness sector, and decision-makers that influence laws and policies.
- I can build trust and speak to people that governments can't. I can engage with people when governments do not have the time or the money.
- At the same time, I'm an important resource for governments, who can draw on my research and my work on the ground to guide their policy making.
- I bring all of these groups together to find solutions that get to the root of the housing and homelessness crisis.

- Recognizing the right to housing is an important first step that governments at the territorial, provincial, and municipal levels can take.
- But this recognition needs to be backed up by someone who can drive progress.
- To me, that looks like an independent, territorial housing advocate who can help to realize this right.

- A territorial housing Advocate can make sure the people who are most impacted by inadequate housing and homelessness are heard by decision-makers.
- They can help make sure that the solutions governments are proposing are based in human rights and will make a difference in people's lives.
- The territorial Advocate's role can be created to identify systemic issues based on local priorities.
- And, it can help local governments make sense of and adopt changes identified by the Federal Housing Advocate calling for action across jurisdictions.
- An independent territorial housing Advocate can hold governments, of all political stripes, accountable for respecting people's right to housing.
- Recognizing the right to housing must come with tools to uphold it.
- That is the importance of a territorial housing advocate.

- So, what does the right to housing framework look like today in Canada, almost 5 years after the passing of the National Housing Strategy Act?
- Well, the Act gives us new tools to claim the right to housing.
- At the same time, there are limitations.
- The mechanisms in the Act do not have enforcement powers.
- It doesn't give people the ability to make a complaint to the government for violating their human right to housing.
- I can't use the law to force governments to change their ways.

- That is why it's so critical that we have other levels of government, like the territories, provinces, municipalities and Indigenous governments onboard with the right to housing.
- That's why it's important that they appoint their own housing advocates, so that there are independent voices who can convene civil society and people with lived experience, and continue to push for governments to uphold people's right to housing.
- We need all governments to live up to their responsibilities and do their part to respect, protect, and fulfill the human right to adequate housing.
- Everyone has a role to play.

- The Government of the Northwest Territories has a unique opportunity to be a leader on this issue.
- I truly believe that recognizing and upholding housing as a human right is the path forward.
- Thank you again for inviting me to join you. I look forward to your questions.

#### SEPARATE 30 SECOND CLOSING STATEMENT

• Thank you again for inviting me today.

- The right to housing a fundamental right, and we need all governments across the country to do their part to recognize and uphold it.
- An independent, territorial housing Advocate is a resource that will help government support this right.
- Most importantly, this role will make sure that the voices of people who are facing homelessness and inadequate housing reach decision-makers.
- I know you want the best for your citizens. I know you want every person in the territory to have a safe, adequate place to call home.
- I truly believe that recognizing and upholding housing as a human right is the path forward.



### **Eviction and the Human Right to Housing**

Sarah Buhler
Associate Professor
University of Saskatchewan College of Law



### Introduction and overview

- Eviction from rental housing engages issues relating to the human right to housing.
- Provincial/ territorial governments can ensure that their eviction laws and related policies support tenants' human right to housing.
- I will discuss two ways to promote the right to housing and security of tenure for renters facing eviction: (1) enhanced legal aid for renters; (2) incorporating a "proportionality requirement" into residential tenancies legislation.



### Eviction: Definitions, Contexts, Impacts

#### **Definitions**

- Evictions can be "formal" or "informal".
- My research focuses on "formal" evictions that are enacted through the legal system.
- It is important to make sure the formal system is working fairly because what happens in the formal system influences informal evictions.



### Eviction: Definitions, Contexts, Impacts

#### Contexts of eviction

- Evictions play out in a deeply uneven field.
- Tenants who already face multiple and intersecting forms of oppression and discrimination are most vulnerable to eviction.



### Eviction: Definitions, Contexts, Impacts

#### Impacts of eviction

- Evictions are traumatic events
- Individual impacts
- Community and neighbourhood impacts



### Eviction and International Human Rights Law

Evictions are not prohibited under international human rights law. But certain criteria are set out:

- "Meaningful engagement" with those affected;
- Proportionality and exploration of alternatives to eviction eviction as a "last resort";
- Evictions into homelessness are a "gross violation" of the human right to housing.



#### Background: Eviction law and procedures

- Each province/ territory has its own residential tenancies law and system to deal with evictions.
- "Non-complex" law? But "the rule of law is no less significant in an administrative hearing room...than in a courtroom, and arguably...it may be more so" (Lorne Sossin).
- Given the deeply consequential impacts of eviction, meaningful access to justice is important.



#### Landlords' access to justice

- "repeat players" and social capital
- research showing systemic bias in favour of landlords in eviction hearings
- structural dynamics can skew the process in favour of landlords



#### Tenants' access to justice

- Most tenants in Canada do not have access to legal help or representation because most provinces and territories do not have coverage for tenants facing eviction.
- Tenant experiences of eviction legal processes confusing, intimidating, feeling like outcomes are predetermined.



#### Impacts of legal assistance

- Research: legal representation has a startling impact on outcomes in eviction matters
- Why?
  - Knowledge of law and procedure
  - Lawyers help balance power
  - Deter meritless claims
  - Force tribunals to follow the law
- Other benefits:
  - Moral, emotional, logistical support to tenants
  - Build the law and advance the right to housing



#### The path forward

- Governments should take a new reading of their obligations to ensure vulnerable tenants have access to justice.
- The Federal government should provide funding for provincial and territorial legal aid systems to provide eligible tenants with legal representation. Note that the new federal Blueprint for a "Renters' Bill of Rights" calls on provinces and territories to provide legal aid or representation to "even the playing field for renters.
- Ideally, funding should support legal assistance programs that are immersed in the realities and contexts of local communities and that are focused on both individual representation and systemic strategies to advance the right to housing.



# 2. Incorporate "proportionality" framework into eviction legislation

Proportionality framework – refers to criteria that must be considered by eviction decisionmakers.

Means that a household or person can only be evicted if:

- Eviction has a legitimate objective;
- There is no reasonable alternative to eviction;
- Consequences of eviction must be proportionate to the objective.

Means adjudicators must look at all circumstances of the case, including interests of children, etc.



# 2. Incorporate "proportionality" framework into eviction legislation

Proportionality approach has been adopted by the UN Committee on Economic, Social and Cultural Rights as a means of determining whether evictions are compliant with the International Covenant on Economic, Social, and Cultural Rights.



# 2. Incorporate "proportionality" framework into eviction legislation

#### The Path forward

- Amend legislation to ensure decisionmakers are required to treat eviction as a last resort and consider proportionality in their decisions.
- Training for decisionmakers about the impacts of eviction.
- \*Note that the federal Blueprint for a Renters' Bill of Rights talks about proportionality: urging provinces and territories to adopt

"measures that promote or require proportionality in renting practices...Proportionality means that actions affecting renters such as ...evictions...consider factors like timing and fairness. This is particularly important for renters with fixed incomes, living with disability or complex medical needs, or for families with schoolaged children."



# Thank you!

sarah.buhler@usask.ca

# NORTHWEST TERRITORIES STANDING COMMITTEE ON SOCIAL DEVELOPMENT

# HOUSING AS A HUMAN RIGHT



Hawa-Dumbuya Sesay, Executive Director Kate Wilson, Director of Housing October 10, 2024



# ABOUT YWCA NWT

## Vision:

Equality for women and girls in a safe Northern society.

### Mission:

To build safe and equitable communities where women, girls and families can realize their full potential.

## Our Housing Services

- 21 transitional housing units for families in need of support
- <u>18</u> second-stage housing units for women and children who have left abusive households
- Numerous private units rented in Yellowknife for families unable to secure their own housing (our all-time high was 70 units in our name)
- A <u>6-bedroom</u> emergency shelter for those fleeing violence within the home
- <u>Two</u> safe homes (one in the Dehcho, one in the Sahtu) so women and children fleeing violence have options in their own communities













# HOW DO WE UNDERSTAND HOUSING?

Housing is a basic human needbut it's also so much more than that.

- Key to safety, stability, and sovereignty
- A place of refuge
- A place for families to stay together and grow
- A new start, new opportunities



We are not just thinking of the housing we are thinking of the peoplenside the housing.

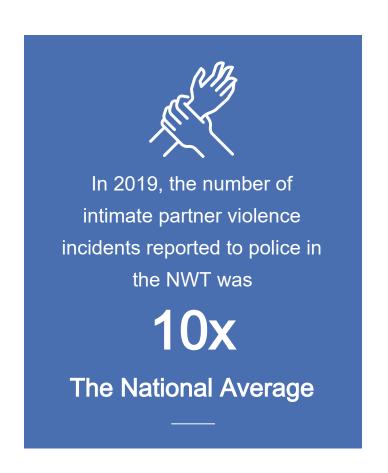
# HIDDEN HOMELESSNESS



- Those who are provisionally accommodated, but do not necessarily have secure housing of their own.
- Includes anyone who is couchsurfing, sleeping in a car or other sort of vehicle, or living in a shortterm shelter with nowhere to go next.
- Referred to as "hidden" because it's not as visible
  as those sleeping rough or frequenting overnight
  shelters but can be just as precarious, unsafe,
  and draining for those experiencing it.
- Often not properly enumerated or recognized.

# A GENDERED HOUSING CRISIS

- Hidden homelessnessis most commonly experienced by women and their families they are more likely to stay in precarious accommodations to keep their children housed.
- Women-led households nationwide disproportionately live in core-housing need, meaning they fall below at least at least one of the accepted adequacy, affordability or suitability standards.
- Violence within the home is one of the primary causesof women's housing insecurity.
- Without anywhere to go once they leave an abuser, many women are forced to return to the unsafe household.











# RISING COSTS, RISING POVERTY

- The cost of living is on a sharp rise, and more and more families are struggling to keep their heads above water.
- Many people have two to three jobs just to make sure they can meet their basic needs, like housing, food, transportation, etc.
- Government funding for social welfare is simply not keeping up with the cost of inflation.
- This pressure is also felt on the service provider side, as the cost of running programs has greatly increased, but funding hasn't.



SERIOUS INVESTMENTS IN LONG - TERM SOLIUTIONS

# WHAT WILL IT TAKE?



Bigger and better investments in affordable and accessible social housing, as well as the supports that are needed to keep people housed.



**Meaningful acknowledgement** of the full-scope of what housing insecurity can look like, and a better understanding of how it impacts various communities.



Government responses and programs that are **compassionate**, **human-centered**, and **keep pace** with an ever-changing world.

#### What Else?

- Legalframework review and system response
- Development of specific policy interventions to help reduce and prevent Indigenous homelessness
  - Affordability
  - Funding and resource allocation
- Community participation and gendered perspective

# THE TIME FOR ACTION IS NOW.

# THANKYOU

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#### HOUSING AS A HUMAN RIGHT: YWCA NWT

#### Introduction:

Good morning. My name is Hawa Dumbuya-Sesay, and I am the executive director of YWCA NWT. Thank you for this opportunity to share our thoughts on Housing as a Human Right this morning.

YWCA NWT presented on the Missing Persons Act several months ago, so members are likely familiar with us. Nonetheless, I'll provide a brief introduction to situate our organization on this topic.

#### About the YWCA NWT:

Our mission is to create safe and equitable Northern communities where women, girls and families can realize their full potential. We operate a variety of services to achieve this, from youth empowerment and after-school childcare, to independent legal advice/representation for survivors of sexual and family violence.

However, our biggest and most established program is housing. This has been a key part of our work since YWCA NWT's inception in 1966.

In Yellowknife alone, we have:

- 21 transitional housing units for families in need of support, with several of these specifically dedicated as emergency housing for families at immediate risk of homelessness at any given time;
- 18 second-stage housing units for women and children who have left abusive households; and
- A 6-bedroom emergency shelter for those fleeing violence within the home.

We also work closely with private landlords in Yellowknife to secure units for families who would otherwise be turned away due to bad credit or previous debts. We support by paying expenses like rental arrears and damage deposits to lessen any barriers, and eventually, leases are turned over to the families themselves.

Wraparound supports are built directly into our housing programs, and are indeed integral to their success. We have a team of support workers who gently walk with families as they navigate all aspects of the system. Other services we provide include wellness programming, employment readiness, and food assistance, to name a few.

Lastly, we have also opened two safe homes in regions without access to a full-service family violence shelter, offering women and children a place within their own community when violence escalates within the home.

#### How Do We Understand Housing?

Suffice to say, YWCA NWT has a lot of experience working in supportive housing.

Given this context of our work, we understand housing as more than just a roof over one's head - though this is, of course, a basic need that must be met for all.

We understand housing as key to safety, stability, and sovereignty (in both the personal and collective sense). Reliable and adequate housing provides refuge. It can offer a new start and facilitate new opportunities. It allows families to stay together, and to grow together.

When we look at housing as an issue, we are also looking beyond the physical structure, and we are considering what it takes to *keep* people housed. It's not enough to simply give someone housing and think the problem is solved - you have to actively support the people that are in there. This means enabling access to food, transit, healing services, community, etc.

So when we talk about housing as a human right, this is what we are thinking about. We are thinking about the people that are living inside the housing, and how they deserve the safety, stability, opportunity, and dignity that accessible, affordable, and reliable housing affords them.

Everyone has a right to housing, regardless of financial or material status, regardless of identity or background, regardless of where one lives or what one does. It's as simple as that!

#### Hidden Homelessness:

We'll now turn our attention to the primary challenges that YWCA NWT routinely witnesses with the territory's current housing system.

As providers of transitional and second-stage family housing, we most often encounter a form of acute housing insecurity known as "hidden homelessness." This is defined as those who are provisionally accommodated, but do not necessarily have secure housing of their own. It includes anyone who is couch-surfing, sleeping in a car or other sort of vehicle, or living in a short-term shelter with nowhere to go next, for example.

This type of homelessness is referred to as "hidden" because it's not as visible as those sleeping rough or frequenting overnight shelters - but that does not mean it doesn't exist! It is incredibly precarious, unsafe, and draining for those experiencing it.

Because hidden homelessness is harder to spot, it's not being properly enumerated or recognized. So, it's important to note that the true number of people experiencing homelessness is so much greater than what statistics - such as Point-In-Time counts or other shelter surveys - are telling us.

Speaking frankly, governments of all levels have blinders on when it comes to addressing or even acknowledging the scope of hidden homelessness in the Northwest Territories.

#### A Gendered Housing Crisis:

These blinders are concerning for a number of reasons, but one of them is that hidden homelessness is highly gendered. It is most commonly experienced by women and their families, as they are more likely to accept precarious accommodations simply to keep their children housed.

Furthermore, women-led households nationwide disproportionately live in core-housing need, meaning they fall below at least one of the accepted adequacy, affordability or suitability standards.

The North is certainly no exception to this. The problem is further exacerbated by our epidemic of intimate partner and family violence, which is occurring at a rate 10 times the national average. A 2019 report conducted by researchers at Aurora College revealed violence to be one of the primary causes of women's housing insecurity.

The same report described survivors of intimate partner violence leaving their abusers, only to return because there is nowhere to live. Women are actually choosing a life of abuse because they don't have anywhere else to go that is affordable and accessible to them.

On the other hand, women who are insecurely housed are more likely to experience violence. It's a self-perpetuating cycle.

At YWCA NWT, we routinely witness this dilemma. Women with or without children come into our family violence shelter, and often with limited financial means, struggle to find housing where they can begin a violence-free life.

Waitlists for public housing can be years long and difficult to get on. We work hard to fill that gap with our second-stage and transitional housing, but our programs are often vastly oversubscribed, and we can't always make up the shortfall.

#### Rising Costs, Rising Poverty

Now, add on to all of this the ever-rising cost of living. Everything has become so much more expensive, and families are sinking deeper and deeper into poverty. The smaller the community, the worse the problem.

We have more and more people coming to us for assistance just to try and keep their heads above water amidst this affordability crisis. We've met many people who are working two to three jobs just to keep a roof over their heads and food on the table.

Sadly, government funding for social welfare is simply not keeping up with the cost of inflation.

One stark example is the housing subsidies that the territorial government currently provides. Applicants are currently eligible for up to \$800 a month. However, with the aforementioned rising costs of living, that \$800 does not go nearly as far as it once did, especially for larger families with more people to accommodate and mouths to feed.

It's worth noting as well that the \$800 is calculated based on gross income, not net income - which means applicants are receiving even less.

This pressure is felt on the service provider side, as well. The funding we receive is relatively static, but the cost to keep the lights on, fix and repair units, staff to support the families living there, etc. have all gone up. We do everything in our power to keep that rise in costs from being passed on to tenants, but we are being left with fewer and fewer options.

We point this out because there have been several examples in recent years of the territorial government taking over programs (such as shelters) from nonprofits, only to greatly increase the budget allocated to it. If the GNWT needs that money to run the service, why are we expecting community organizations to do the same thing with half the money?

It's also deeply troubling when funds for programs and projects are cut mid-fiscal, or only funded one year at a time. This gives the impression that governments cannot be trusted to truly commit and that programs are at the whim of whoever is in power - when housing should be a fundamental right irregardless.

#### What Will It Take?

So, what will it take to address this crisis? We've painted a rather bleak picture, but of course, there are lots of approaches that can be taken.

Short-term shelters are currently necessary so we can ensure the community's most vulnerable aren't left behind or put in harm's way. But they are Band-Aids for a systemic issue. What the NWT - and indeed, the country - requires are sustained ideological, political and financial investments in long-term solutions.

We need more and better investments in affordable and accessible social housing, as well as the supports that are needed to *keep* people housed.

We need to meaningfully acknowledge the full-scope of what housing insecurity can look like, and have a better understanding of how it impacts various groups within our communities, particularly those that are marginalized.

We need social welfare programs that keep pace with the rising cost of living and

As a clear starting point, we suggest members here look back at the 18 recommendations the previous Standing Committee already made in March 2023 on ways to prevent homelessness in the NWT. We are particularly excited by the recommendations made with regards to Lifting Children and Youth Out of Care, Supporting Gender Equity, and Supporting Holistic Health (though all of the recommendations are excellent and needed).

#### Further recommendations include:

- Legal framework review and system response
- Development of specific policy interventions to help reduce and prevent Indigenous homelessness
- Affordability
- Funding and resource allocation
- Community participation and gendered perspective

#### The Time for Action is Now:

We want to end this presentation by reiterating that none of what we just said is at all new.

This is information that communities have shared time and time again, and that leaders have had for years, if not decades. Again, just look at the aforementioned report that came from this same committee a year and a half ago.

What counts is action. The NWT wants to see change, and there is plenty of available information on how to make that change. As always, YWCA NWT stands ready to work with the territorial government at any time to start making it happen.

Thank you!



# Housing as a Human Right

Presentation to Standing Committee on Social Development October 10, 2024, 1:30 p.m.

# **About Habitat for Humanity NWT**

- Non-profit affordable homeownership organization, offering a hand up to own a home.
  - A world where everyone has a safe, decent place to live.
  - Building strength, stability and self-reliance through affordable home ownership.
- Established in 2013 have built 10 homes 7 in the last 3 years
- No-interest, no down payment, payments capped at 30% gross household income.
- Mortgage payments > revolving fund held by Habitat > re-invest in building more homes.
- % equity increases # of years the home is owned



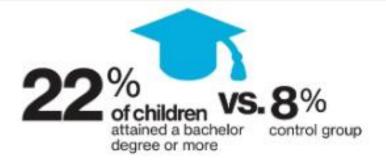
# **Eligibility Criteria**

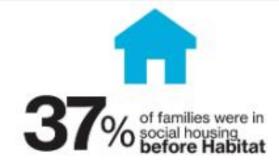
ability to pay an affordable mortgage

need currently in substandard living conditions

3 willingness to partner and build their own home

# **Benefits of Habitat Homeownership**













# **Barriers to NWT Homeownership**

- High cost of living > hard to save for down payment
- High purchase costs, high build costs
- High debt/income ratios hard to qualify for traditional bank mortgage
- Interest rates
- Some people feel overwhelmed by the process and requirements
- Land tenure and availability
- Only a few market communities six in NWT with a recognizable housing market

# **GNWT Homeownership Programs & Policies**

- Home Ownership Program
  - Assists with down payment; high interest rates mean homeowner still paying high monthly costs
  - Challenges with bank policies, inexperienced lenders, lack of program understanding
- Home Ownership Initiative
  - Limited supply of quality public housing stock
- Housing NWT & Habitat
  - Partnered with Habitat on Co-Investment fund
  - Advocacy at Federal level
  - Discussions re: available building lots

# **Housing as a Human Right**

- It's about the progressive realization of housing: the right to housing flows to the individual, whatever your current housing situation is.
- A stronger, more equitable territory begins with ensuring access to safe, affordable housing.
- It's not about either/or. Public policy needs to ensure most vulnerable have their needs met quickly but this doesn't preclude investments in other parts of the housing system.

# **Policy & Programming Recommendations**

- Realization that home ownership creates stability, self-reliance and generational wealth.
- Targeted top-up funding for NWT home ownership programs – e.g. Northern Carve Out.
- Improvements to current GNWT home ownership programs.
- Partnership with organizations such as Habitat.
- Scale working with individual families, keeping scale small is effective.
- Different options to serve residents at different places in their lives and incomes.





# Thank you!



# Standing Committee on Social Development Housing as a Human Right

#### Slide 1

Madame Chairperson and Committee members, thank you for the invitation to present to you today on Housing as a Human Right.

#### Slide 2: About Habitat for Humanity NWT

- Habitat is a non-profit affordable homeownership organization, offering a hand up to working families. Our vision is a world where everyone has a safe, decent place to live, and we build strength, stability and self-reliance by investing in home ownership.
- The Northwest Territories is one of 47 Habitat affiliates across Canada.
- Established in 2013 have built 10 homes 7 in the last 3 years. This is mostly due to funding received through the CMCH Co-Investment fund (now renamed the Affordable Housing Fund) and the Northern Carve out which was transformational for the affiliate and enabled it to hire two part-time staff.
- Homeowners pay a no-interest mortgage geared to their income, which is maximum 30% of household gross income. No down payment is required – we have found this to be the major stumbling block for most middle-income northern families. They may have a good job but with the high cost of living, there's no money left at the end of the month to save for a down payment.
- Mortgage payments go into a revolving fund held by Habitat, used to re-invest in building more family homes.
- The percentage of equity that comes back to the homeowner increases the longer they own the home.
  - This is also a good motivator for people to keep the home in good condition.
- This picture demonstrates where Habitat falls on the housing continuum between rentals and market homeownership. It's not social or subsidized housing.

#### Slide 3: Eligibility Criteria

- There are 3 main criteria all affiliates in Canada follow:
  - Ability to pay capable of making affordable mortgage payments while also paying for other costs that come with ownership including utilities, property taxes and home maintenance.
  - In housing need currently living in housing that is unaffordable, unsafe, or not suitable for their family. In our experience, this is families living in crowded housing, or rental housing that is not well maintained or even unsafe for their family's needs.
  - Willingness to partner homeowners must contribute 500 volunteer hours either in building their home or in the community

#### Slide 4: Benefits of affordable home ownership

- Studies with Habitat homeowners have found huge benefits to home ownership.
   Kids do better in school, have a higher chance of attending higher education,
   parents often get better jobs, and homeowners are generally happier, healthier, and
   more financially stable. There is less dependence on social services, and
   homeowners are more engaged in their communities by volunteering either time or
   money or both.
- In addition, the sense of responsibility and accomplishment creates a huge sense of pride and helps to break the cycle of poverty. Homeowners have a sense of security they just don't get with public or rental housing.
- Also, because homeowners pay an affordable mortgage, they are finally able to start saving money and many of our homeowners are finally able to start putting some money in savings. People aren't stressed every day about a potential rent increase or losing their housing entirely. We had one homeowner who was paying close to \$3,000 in rent who had their payments cut in half because of the 30% payment cap.

#### Slide 5: NWT Barriers to Homeownership

Habitat wouldn't exist if there weren't barriers to homeownership.

- Cost of living makes it difficult to save for down payment for those with moderate incomes
- High purchase costs and build costs mean higher monthly costs
- High debt to income ratios makes it hard to qualify for a traditional bank mortgage
- Fluctuating interest rates can make it hard to budget monthly costs
- Land tenure and availability also make applying for a traditional bank mortgage challenging
- Only a few market communities six with a recognizable housing market.

#### Slide 6: GNWT Home Ownership Programs & Policy

There are some GNWT programs that try to address the needs of people struggling to get into home ownership.

- Home Purchase Program with down payment assistance up to 5% and an
  education component, this can be a great program. However, still has barriers such
  as rigid bank policies, inexperienced lenders, mortgage stress test, ability to pay and
  credit worthiness of applicants. Also doesn't consider money spent on interest over
  the life of the mortgage amortization.
- Home Ownership Initiative unfortunately, the limited supply of quality public housing stock usually doesn't make this a good or affordable investment for the homeowner.
- Housing NWT & Habitat
  - Partnered with HFHNT for Co-investment funding they agreed to make a financial contribution per unit over the life of the 5-year agreement.

- Advocate at the Federal level the Minister of Housing and CEO of Housing NWT have been good advocates for continued housing investment into home ownership programs.
- Discussions around availability of land owned by Housing NWT staff have reviewed the department's land availability and discussions are ongoing on those residential lots that could be suitable for Habitat to build on.

#### Slide 7: Housing as a Human Right

- The right to housing is about the progressive realization of housing and that the right to housing flows to you, whatever your current housing situation is. You have a right to pursue the housing of your choice.
- While public policy needs to ensure the most vulnerable have their housing and other basic needs met as quickly as possible, that doesn't preclude investments in other parts of the housing system.
- A stronger, more equitable country and territory begins with ensuring access to safe and affordable housing. Habitat believes in affordability for all, and that all levels of government and decision makers must invest across the housing continuum and increase opportunities for those living with moderate incomes to access affordable home ownership.
- It's not about either or, but rather about prioritization and scale of investment.

#### **Slide 8: Policy & Programming Recommendations:**

- There are changes to policies and programs that can make home ownership and housing more accessible to NWT residents.
- Addressing the needs of the segment of NWT residents who want to become
  homeowners should also be recognized and reflected in any work to implement
  housing as a human right in the NWT. It's all about shifting people along the housing
  continuum if there's a breakdown in the continuum, that's where you get housing
  insecurity.
- Targeted funding for northern construction and northern home ownership programs that consider the high cost of construction in the North e.g. Affordable Housing Fund was complemented by the Northern Carve Out.
- Make improvements or revamp GNWT home ownership programs providing the 5% down payment may have been a good option years ago when interest rates were 1-3%. Paying interest over the life of a 25-year amortization is still going to make someone house poor. Banks also have strict rules around what can classify as a down payment, and many lenders are inexperienced and unsure or unaware about the administration of this program.
  - Educating banks about this program is also key they are tightly regulated and can only use certain types of funding for down payments.
- Expanding partnership with organizations such as Habitat: We've already had success working with Housing NWT. This partnership could be expanded to expand access to affordable home ownership. People know about the program, they

understand the program, demand is high, and it's been proven to work. Habitat can often be more nimble than a government department.

- Part of it is about scale, and Habitat has demonstrated that working with individual families instead of whole segments of NWT residents and deliberately keeping the scale small is an effective way to achieve success.
- The GNWT making meaningful, incremental investments and policy changes to improve housing availability and affordability including homeownership could make a positive, concrete difference for NWT residents.

#### Slide 9

Thank you. I look forward to answering any questions you may have.





# **Table of Contents**

- Presentation Objectives
- Legislation
- Challenges
- Impacts
- Opportunities
- GTC Housing Programs

# Objectives

 Advocate for the recognition of housing, including related social programs as a fundamental human right

 Advocate for access to safe, adequate, and affordable housing for NWT residents

 Provide Committee with an update on the Gwich'in Tribal Council Housing Program

# Legislation

#### Canadian Charter of Rights and Freedoms

• Although the Charter does not explicitly mention housing, it implies rights to security, dignity, and an adequate standard of living, which can be interpreted to include housing.

#### Declaration of Human Rights

• Housing is recognized as a fundamental human right under international law, particularly the Universal Declaration of Human Rights (Article 25).

#### UNDRIP

 Recognizes the rights of Indigenous peoples to improving economic and social conditions including housing

# Challenges

- Accessibility
- Affordability
- Adequacy
- Security of Tenure

### Impacts

#### Health Consequences

- Mental and physical health issues
- Increased risk of infectious diseases

#### . Social Implications

- Homelessness and displacement
- Strain on social services and healthcare systems

#### . **Economic Effects**

 $_{\circ}$  Lower productivity and higher unemployment rates

### Opportunities

- Policy Development
  - UNDRIP
  - Focus on Vulnerable Populations
  - Support Services
- Indigenous Governments Partnerships
  - Programming Partnerships
  - Infrastructure Co-operation

#### Homeownership

- Participant will be required to qualify for and obtain a mortgage
- GTC will provide the downpayment for the home
  - Down payment will form part of a forgivable loan program
- Homes will be sold to participants at a reduced cost
  - There will also be a forgivable loan portion. A percentage will be forgiven yearly. Full amount will be fully forgiven in 10 years.
- Homeowner will be responsible for all utilities, maintenance, insurance, taxes and land lease costs
- Land will be leased from GTC to the homeowner for 25 years. Once the lease has
  expired GTC will transfer the land to the homeowner, land may be transferred
  early if the participant has fully paid their mortgage. If the home is sold before the
  land is transferred the new owner will be required to obtain a lease with GTC, GTC
  will only lease to participants.

#### **Rent to Own**

- Renter will pay a set amount of rent each month
  - 75% of the payments will go towards the rental fee
  - 25% will be set aside for a future downpayment
- Program length is a maximum of 5 years. Participant has the option to purchase the home anytime during the 5 years
  - The downpayment portion will be applied towards the purchase price
  - If the participant does not buy the home after 5 years, they forfeit the downpayment amount and will be transferred to a market rental lease
- The sale price of the home will be determined at the beginning of the program (will be discounted substantially)
- Tenants will be responsible for all utilities, renters' insurance and tenant damages
- GTC will be responsible for property taxes and insurance
- GTC will work with homeowners on required maintenance

#### **Potential Program Recipients**

- Working Participant families (preferably younger <40 years of age)</li>
- Participants paying market rent in Public Housing
- Participants close to retirement who have sufficient income to rent/own and maintain a home, who want to retire in the GSA

#### Program Cost

- Based on feedback from community sessions, programs will be finalized
- Initial concept is a Participant must have sufficient income to rent/own and operate the home, estimated monthly costs are in the \$1,500 - \$2,500 range

#### What this Program is NOT

#### This Program is NOT

- Public Housing
- Eligible for those who are members, beneficiaries or participants of other modern treaties
- An ability for Participants to 'flip' a new home and make a profit within a short period of time
- An opportunity for existing homeowners to get into a new or second home
- Eligible for those who are engaged in illegal or illicit activity in the community

#### Home Assessment Program

Home assessments inside and outside of the Gwich'in Settlement Area

#### Emergency Repair Program

- Policy in Development
- Home Assessment Program being used to identify scope
- Funding Applications

#### The next five years

- Modular/Stick Built/Log homes
- Nihtat Tiny Home Village
- Outside of the Gwich'in Settlement Area

#### Mahsi!

# **Discussion and Questions**



# Application of the Right to Housing

Margaret Flynn, Director of Policy and Law Reform

December 4, 2024



# **Key Points**

- 1. Right to housing framework
- 2. Applying the framework
- 3. Recommendations for renters' rights

# Right to housing framework



# The right to housing framework

All Canadian governments have a duty to use maximum available resources to work towards progressively realizing the right to housing.

Prioritize the groups most in need

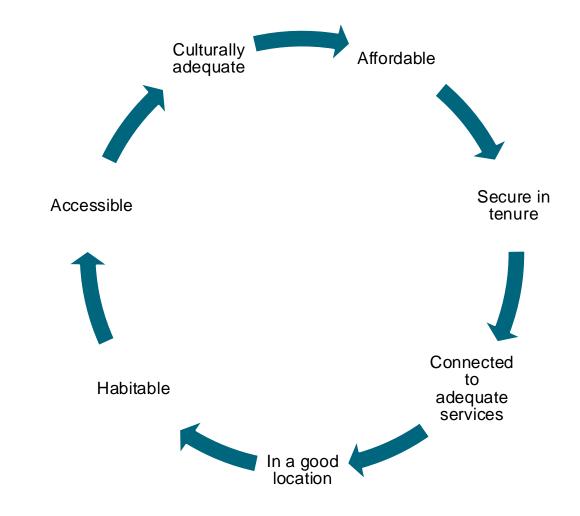
Plan for the long term

Use maximum available resources

Implement plans swiftly

# The right to housing framework

The right to housing means everyone should have a **safe** and **adequate** home that is:





# The right to housing framework

Housing should be offered in a dignified, non-discriminatory way.

People should have access to justice with regard to their housing.

# Applying the framework

# **Applying the framework**

The Northwest Territories government can:

- Use the framework to help analyze where existing laws, policies and government approaches have gaps.
- Look to how others have used the framework in, for example:
  - Community engagement & advocacy
  - Legal challenges

# **Applying the framework**

Analyzing existing laws and policies

- Was this law/policy/approach developed after meaningful engagement with the people most impacted?
- Does this law/policy/approach:
  - o Prioritize the needs of those most impacted?
  - o Promote safe and adequate housing?
  - Promote housing that is affordable, secure, habitable, accessible, close to services, in an acceptable location, culturally appropriate?
  - Treat people in a dignified and non-discriminatory way with regard to housing?
  - Offer a plan for monitoring and enforcement?
  - Use maximum available resources for housing for the most vulnerable people?

# The right to housing framework in action



# The right to housing at the territorial level

#### Review laws and policies around housing and homelessness, including:

- Rental housing
- Shelters and transition homes
- Alternatives to affordable rentals (home ownership programs, etc.)

#### Ask questions from a right to housing framework:

- Do these laws and policies work towards (or against) the right to housing?
- Do these laws and policies reflect consultation with those most affected?
- Do these laws and polices direct maximum available resources towards affordable and adequate housing, and do they prioritize people who are most vulnerable?
- Where new laws and policies are needed?

# The right to housing at the territorial level

Rights-based territorial housing approaches

How/where the territorial government can have the most direct impact:

- Affordable housing preservation and development
- Renter protections and supports
- Ensuring access to justice
- Public consultations

Indigenous and community partnerships

Culturally supportive housing

Rent regulations

Rental assistance programs

Access to justice

## Advocacy and political pressure

Communities can use right to housing language to call governments to account.

One level of government can also use right to housing language to call another level of government to account.

Individuals, groups, and First Nations, Inuit and Métis nations and governments can also call on the Federal Housing Advocate to investigate a systemic housing problem, report on it, and make recommendations to the federal government about it.

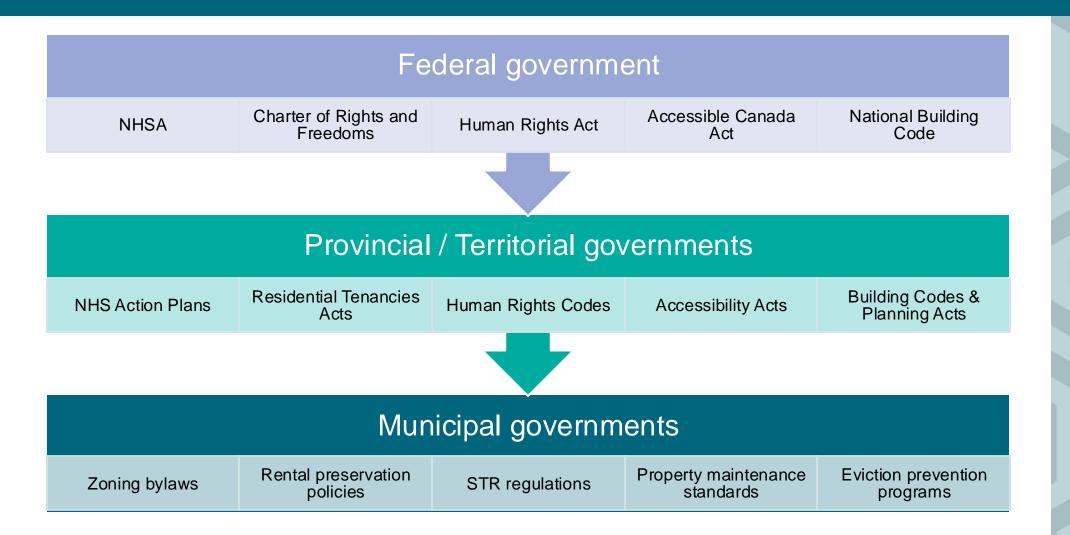
# Legal framework

Certain right to housing principles are also protected in various laws:

- The Canadian Charter of Rights and Freedoms
  - Right to life, liberty and security of person
  - Right to be free from discrimination
- The NWT Human Rights Code
  - Right to have access to and enjoy housing, free from discrimination
- The NWT Residential Tenancies Act
  - Right to safe (well maintained) housing
  - Rights around eviction
- Other safety and zoning laws and bylaws

While bringing a complaint about a violation of one of these laws, one can also refer to principles in the *National Housing Strategy Act*, and international laws and principles around the right to housing.

# Legal framework



# Legal framework: Application

Courts in Waterloo and Kingston, Ontario, found that municipalities cannot evict residents of homeless encampments unless they have first offered them "truly accessible" accommodation alternatives. Otherwise, they would be in breach of section 7 of the *Charter* (the right to life, liberty and security of the person).

Accommodation alternatives must be low barrier and meet the **individual** needs of people experiencing homelessness. Standard shelters will not work for everyone.

Truly accessible accommodation alternatives should offer:

- Daytime sheltering;
- Space for couples or families;
- Space for pets;
- Accommodations for people who use substances, and for people who need to be distanced from substances;
- Storage space for belongings;
- Safeguards for personal security.

# Recommendations for renters' rights

# **Affordability**

- Right to an affordable rent
  - Rent increases by a guideline percentage only, reflecting the cost of living
  - Guideline applied to units rather than tenants (i.e., rent control and vacancy control)
  - Above-guideline increases allowed in extremely rare circumstances only: should require specific approval of the Northwest Territories Rental Office in a process that tenants participate in; should require clear proof of landlord expense; and should never exceed a maximum percentage threshold set in legislation
  - Enact a primary residence requirement for short-term rentals

## Security of tenure, and location

- Right to protection against unnecessary, unfair and/or automatic eviction
  - Evictions as a last resort only
  - Strong protections for people facing gender-based violence
- Right to remain in the rental unit through continuing tenancies
  - No fixed term leases
  - Protections around redevelopment (including continuing tenancies)
  - Ability of non-named occupants to stay on
- Right to sublet and assign a rental to another renter
- Right to have guests and roommates



## Habitability and access to services

- Right to timely repairs and maintenance
  - Onus on landlord to do the repairs, not on tenant to report the need
- Right to essential services: drinking water, sanitation, heating/cooling, etc.
- Right to housing that is resilient against the effects of climate change, and that incorporates Indigenous and community knowledge



# Accessibility and cultural adequacy

- Right to accessible and culturally adequate housing
- Right to accommodations and/or adaptations for accessibility and cultural adequacy



# **Equity/equality**

 Right to equitable treatment in accessing and maintaining housing – at both the individual but also systemic level

### Access to justice

- Right to transparency in rental pricing and landlord information
  - Rental registry
- Right to clear, accessible legal information and supports
- Right to legal counsel
- Right to effective, procedurally fair dispute resolution
- Right to effective, timely enforcement of rights which recognizes the imbalance of power between landlords and tenants, includes strong accountability and enforcement mechanisms, and places the onus wherever possible on housing providers to prove that they are following the rules – instead of on tenants to advocate for their rights
- Right to a landlord who knows the law
- Right for tenants to organize and collectively bargain without penalty

# Thank you!



# Keep in touch



HousingRightsCanada.com



@HousingRightsCA



@ CanadianCentreforHousingRights



@ Canadian Centre for Housing Rights





# What is Market Housing?

- Housing that is privately owned by an individual (or a company) who generally does not receive direct subsidies to purchase or maintain it.
- Prices are set by the private market.
- About 92% of housing in Yellowknife is market housing, either rental market housing or home ownership.
- Approximately 70% of NWT residents live in some form of a market housing community.



## Financing

- Lenders are reluctant to finance speculative housing projects, especially in non-traditional markets, leading to higher financing costs for capital.
- Inflation in the costs of building materials and make housing projects financially challenging.
- Market housing requires a return on investment.
- Long term commitments greatly assist in acquiring funding for projects.
- Private market has more options than government.



## **Increase All Types of Housing**

- Build More Housing in all parts of the Housing Continuum.
- Increased supply of Market Housing creates affordability through Vacancy Chains.
- Adding Market Housing helps free up Non-market and Public Housing Units.



## Policy and Process Recommendations

- · Building Act can drive or hinder new Housing.
- Titled land in all communities to facilitate market housing.
- Adjust policies and legislation to match other jurisdictions and attract investment.
- Leverage the private sector and be open to creative solutions.





## HOUSING AS A HUMAN RIGHT IN THE NWT:

PRESENTATION TO THE STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Dr. Julia Christensen Associate Professor, Geography and Planning Director, At Home in the North Queen's University

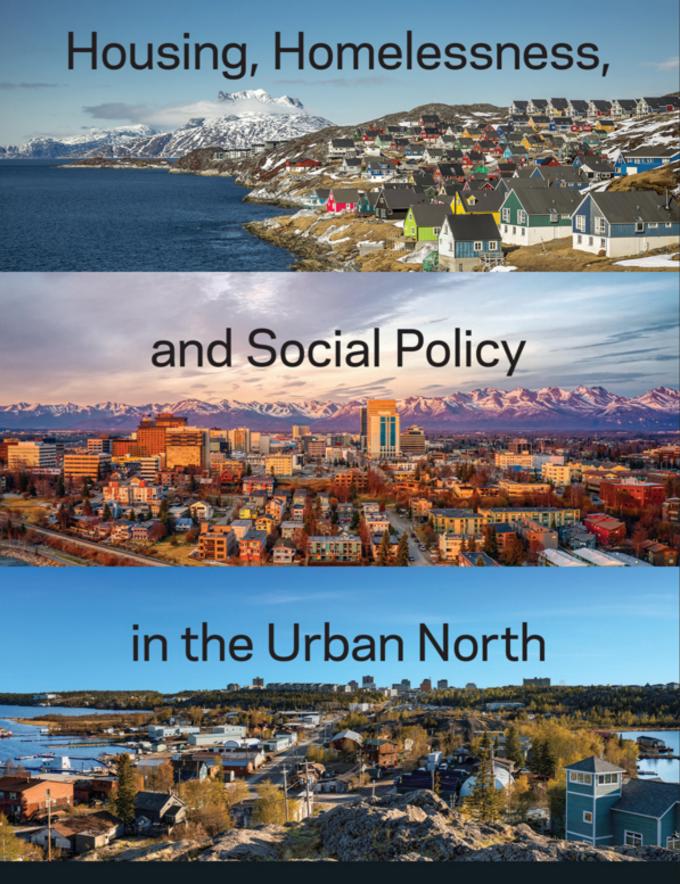


# No Home in a Homeland

Indigenous Peoples and Homelessness in the Canadian North



Julia Christensen



EDITED BY JULIA CHRISTENSEN, SALLY CARRAHER, TRAVIS HEDWIG, AND STEVEN ARNFJORD



## IMMIGRATION, HOUSING, AND INFRASTRUCTURE DEFICITS IN THE URBAN NORTH:

SITUATING NORTHERN IMMIGRATION POLICY AND EQUITABLE PROSPERITY WITHIN A CONTEXT OF CHRONIC HOUSING NEED

**Yolande Pottie-Sherman and Julia Christensen** 

Preliminary publication (December 4, 2024)





## THE SCHOOL OF PUBLIC POLICY PUBLICATIONS

SPP Research Paper

**VOLUME 16:25 | AUGUST 2023** 

**CANADIAN NORTHERN CORRIDOR SPECIAL SERIES** 

## IMPLICATIONS OF A NORTHERN CORRIDOR ON SOFT INFRASTRUCTURE IN THE NORTH AND NEAR NORTH

Julia Christensen

http://dx.doi.org/DOI 10.11575/sppp.v16i1.75178





At Home In The North

## AT HOME IN THE NORTH

- ➤ Project Director
- ➤ Pan-northern research
  partnership bringing together
  Indigenous and public
  governments, NGOs and other
  community initiatives from
  across the North working to
  alleviate the northern housing
  crisis
- ➤ Funded by CMHC as part of the National Housing Strategy and its Collaborative Housing Research Network
- https://athomeinthenorth.org/



## HOUSING IN THE NWT

- ➤ Relatively recent introduction of housing programs in the territory designed to bring northerners into the wage economy and administer social welfare and health programming
- ➤ Policy indecision and culturally and contextually inappropriate design and administration characterized the early decades of housing provision



## HOUSING IN THE NWT

- ➤ Rates of Core Housing Need are among the highest in Canada, with significant regional variation
- ➤ Role of government in the provision of affordable housing is unique to the territories—in particular the NWT and Nunavut
- ➤ 29 out of 33 communities considered non-market



## **HOUSING IN THE NWT**

- ➤ Housing needs vary across the lifespan, with housing playing a critical role in the health, safety and wellbeing of all northerners, including children and families, survivors of intimate partner violence, youth, students and Elders.
- ➤ Yet demographics in the territory are changing, with an increasing number of newcomers to the territory also experiencing unique housing needs.

## A Strategy for Renewal of the Northwest Territories Housing Corporation

Purpose

People

Programs

Partnerships

October 2021

## HOUSING IN THE NWT

➤ In its Strategic Renewal,
Housing NWT (formerly the
NWT Housing Corporation)
recognized its responsibility to
"promote reconciliation,
recognizing that choices about
housing location and type
have been a tool of
colonization in the NWT in
the past."

## A Strategy for Renewal of the Northwest Territories Housing Corporation

Purpose

People

Programs

**Partnerships** 

October 2021

## HOUSING IN THE NWT

Commitment of Housing NWT to facilitating Indigenous self-government of housing included a specific call to "advance selfgovernment, even where Indigenous governments have not yet chosen to exercise their law-making powers under a self-government agreement."

#### Political Geography 118 (2025) 103278



Contents lists available at ScienceDirect

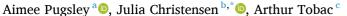
#### Political Geography





#### Full Length Article

"Home has always been at the heart of our self-government": Housing, home and Indigenous self-determination in Fort Good Hope, Canada



- Memorial University of Newfoundland, 230 Elizabeth Avenue, St John's, NL, A1C 5S7, Canada
- <sup>b</sup> Queens University, 99 University Avenue, Kingston, ON, K7L 3N6, Canada
- <sup>c</sup> K'ásho Goi'ine Housing Society, PO Box 68, Fort Good Hope, NT, XOE OHO, Canada

#### ABSTRACT

The colonial geographies of northern and Indigenous housing have long been the focus of research attention, particularly the transformative and destructive role the assimilative power of social welfare has played in State interventions into Indigenous lives at the bodily, familial, community and national scales. Recent literature in the areas of northern and Indigenous housing has underscored the need for increased community self-determination over housing in order to uproot structures of colonial domination and attend to specific cultural and contextual realities, visions and needs—necessary for the sustainable alleviation of a longstanding "housing crisis" in northern Canada. This paper examines differing discourses of Indigenous self-determination through recent efforts by the K'asho Gotine Housing Society (KGHS) – an Indigenous community housing organization – and the territorial and federal governments to promote Indigenous self-governance of housing. Drawing on critical analyses of self-determination led by Indigenous scholars, and engaging a series of qualitative interviews with Indigenous and settler policymakers and housing administrators at the community, territorial and federal levels, we examine how differing Indigenous and settler conceptualizations of the self-determination of housing are evident in critical barriers presented by the governance of land and the "compartmentalization" of home. Ultimately, we argue that full selfdetermination of Indigenous home through housing is fundamentally impeded by current housing governance processes, though the multiscalar nature of Indigenous home simultaneously challenges the capitalist, settler-colonial structures holding up these processes, and also cultivates the everyday, placed-based resistance of the individual, family and community by creating space to imagine housing through Indigenous epistemologies.

#### 1. Introduction

"Our Dene sense of home has always been at the heart of our selfgovernment. We have always been clear that housing and home are at the center of everything for our communities." - Edwin Erutse, President of the Yamoga Land Corporation, the governing body for all Sahtu Dene

In 2016, the K'asho Gotine Housing Society was incorporated in the community of Fort Good Hope, Northwest Territories, Canada to address persistent housing need in the community. Using funds acquired through the Sahtu Dene and Métis Comprehensive Land Claim Agreement (SDMCLCA), the Society was to work with Fort Good Hope's Chief and Council to build consensus around community housing objectives and strategic planning. This development was part of a long trajectory of community resistance to colonial housing policy, and the welfare colonialism introduced by the settler State in northern, Indigenous communities in Canada since the mid-20th century. Deliberate efforts on the part of the State to undermine Indigenous home through housing policy, as well as specific policies directed at the disintegration of Indigenous families and cultural modes of knowledge transmission (for example,

residential schools and the child welfare system), have rendered home a particularly profound site of settler colonial intervention in the lives of Indigenous peoples (Christensen, 2017; De Leeuw, 2016). Home in this context captures values, feelings, and the relations of homemaking that support wellbeing, extending beyond the physical infrastructure and material space of a dwelling to which housing refers. It is no surprise, then, that the self-determination of Dene homemaking and housing delivery has been central to the visions of self-government offered by Sahtu Dene leaders for decades, as home and its nuanced meanings across scales is seen as the defining nexus point for the intersection of all components of Dene life.

The need for Indigenous self-determination of housing as a critical and sustainable response to persistent, systemic failures in northern housing delivery has been repeatedly highlighted by Indigenous leaders and housing advocates. Refusal to continue waiting for meaningful response from settler State governments – at the territorial/provincial level where issues such as housing are governed locally through specified programming, and the federal level where the higher State power over housing is held and exercised through national policies and funding - has led to the development and implementation of community housing

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"Our Dene sense of home has always been at the heart of our selfgovernment. We have always been clear that housing and home are at the centre of everything for our communities."

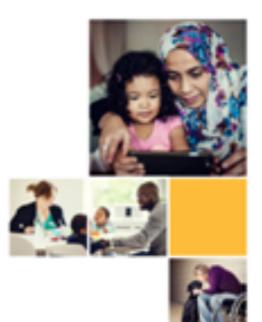
> - Edwin Erutse, President of the Yamoga Land Corporation



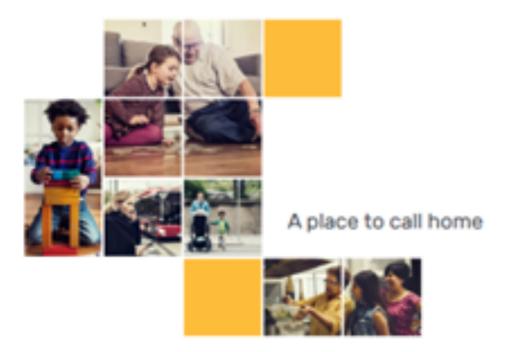
## HOUSING AND INDIGENOUS RIGHTS

- ➤ Bill 85: The United Nations
  Declaration on the Rights of
  Indigenous Peoples
  Implementation Act
- ➤ Focus on the collective rights of Indigenous Peoples to Land, Sovereignty, Dignity and Self-Determination
- ➤ To recognize housing as a human right in the context of the NWT would mean recognizing the inextricability of housing from the other core elements of Indigenous home





## Canada's National Housing Strategy



Canada

## HOUSING AS A HUMAN RIGHT

- Canada's 2017 National Housing Strategy/A Place to Call Home
- ➤ 2019 National Housing Strategy Act (S.C. 2019, c. 29, s. 313): "recognize(s) that the right to adequate housing is a fundamental human right affirmed in international law" and that "housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities."

placetocallhome.ca

## CRITICAL RESOURCES: IMPLEMENTING HOUSING AS A HUMAN RIGHT IN THE NWT

- 1. Incredible community knowledge, innovation and capacity built from generations of self-determination
- 2. Diverse array of Indigenous and NGO community-led housing initiatives that are **responsive to the cultural and contextual needs** of northern communities
- 3. Housing NWT with strong leadership and a desire to promote homemaking for all northerners
- 4. Strong leadership and vision from Indigenous governments

## CORE CHALLENGES: IMPLEMENTING HOUSING AS A HUMAN RIGHT IN THE NWT

- 1. Lack of adequate, sustainable funding
- 2. Siloed housing governance: housing as home
- 3. Federal approaches to northern and Indigenous housing, including the **Urban**, **Rural and Northern Indigenous**Housing Strategy
- 4. Housing across the lifespan
- 5. Homelessness on the rise
- 6. Climate change sensitivity of the northern housing system
- 7. Market-based housing system in a largely non-market context: privileging the CMHC's Housing Continuum



### Introduction

The governance of housing in northern Canada – through policies, budgets, and standardized regulations – repeatedly fails to recognize the North's unique, place-based housing needs and social, cultural and economic contexts that have been shaped by colonial state relationships. This failure shapes a housing landscape that is characterized by insecurity, unaffordability, inconsistency, and inadequacy.

This decontextualized approach to northern housing governance is driven in large part by a one-size-fits-all housing continuum model that frames federal housing policy. Utilized across Canada, the Canada Mortgage and Housing Corporation (CMHC) housing continuum (Figure 1) displays the housing options that are or should be available to people at all income levels and life circumstances and illustrates an ideal progression through the continuum towards the end goal of market home ownership. To that end, the continuum shapes housing dialogues, governance, and experiences in Canada, with much of what it means to be successful in housing connected to the provision of housing along the continuum and a person's progress along it.

#### THE HOUSING CONTINUUM



Figure 1. CMHC Housing Continuum (CMHC, 2018)

Yet the CMHC housing continuum fails to reflect the real landscapes, options, and end goals of housing in northern Canada, particularly in Indigenous and non-market communities outside of central hubs such as Yellowknife, NWT and other service centers in the territorial and provincial Norths. A significant flaw of the CMHC continuum is that it fails to consider the other







## Reframing Indigenous housing policy in northern Canada

Julia Christensen<sup>a</sup> (D), Christina Goldhar<sup>a</sup> (D), Shelagh McCartney<sup>b</sup>, Mylene Riva<sup>c</sup>, Rebecca Schiff<sup>d</sup> and Jeffrey Herskovits<sup>c</sup>

<sup>a</sup>Department of Geography and Planning, Queen's University, Kingston, Ontario, Canada; <sup>b</sup>Department of Geography, McGill University, Montreal, Quebec, Canada; <sup>c</sup>School of Urban and Regional Planning, Toronto Metropolitan University, Toronto, Ontario, Canada; <sup>d</sup>University of Lethbridge, Lethbridge, Alberta, Canada

#### **ABSTRACT**

This review offers a critical discussion of the contemporary housing policy framework in northern Canada. The severity of housing need among Indigenous households in northern Canada has led to a 'crisis' framing that dominates northern policy discourse, shapes northern housing policy and programs, and ultimately undermines efforts to provide meaningful, evidenced and northern-driven housing policy. We focus our attention on two critical elements of contemporary northern housing policy: 1) the linear 'housing continuum' model and metrics used to measure housing need according to national standards; and 2) sporadic, crisis-driven funding for northern housing. Each of these policy tools have significant implications for the ways in which northern housing policy is developed and implemented across the homelands of northern and Indigenous peoples in Canada, and none are responsive to or reflective of northern housing needs and realities. We call instead for a reframing of northern Indigenous housing policy towards conceptualising housing as 'home' by centreing individual and community wellness and Indigenous self-determination through housing. This discussion contributes to our understanding of appropriate approaches to the development of housing policy among Indigenous communities and among other communities experiencing disproportionate levels of housing need.

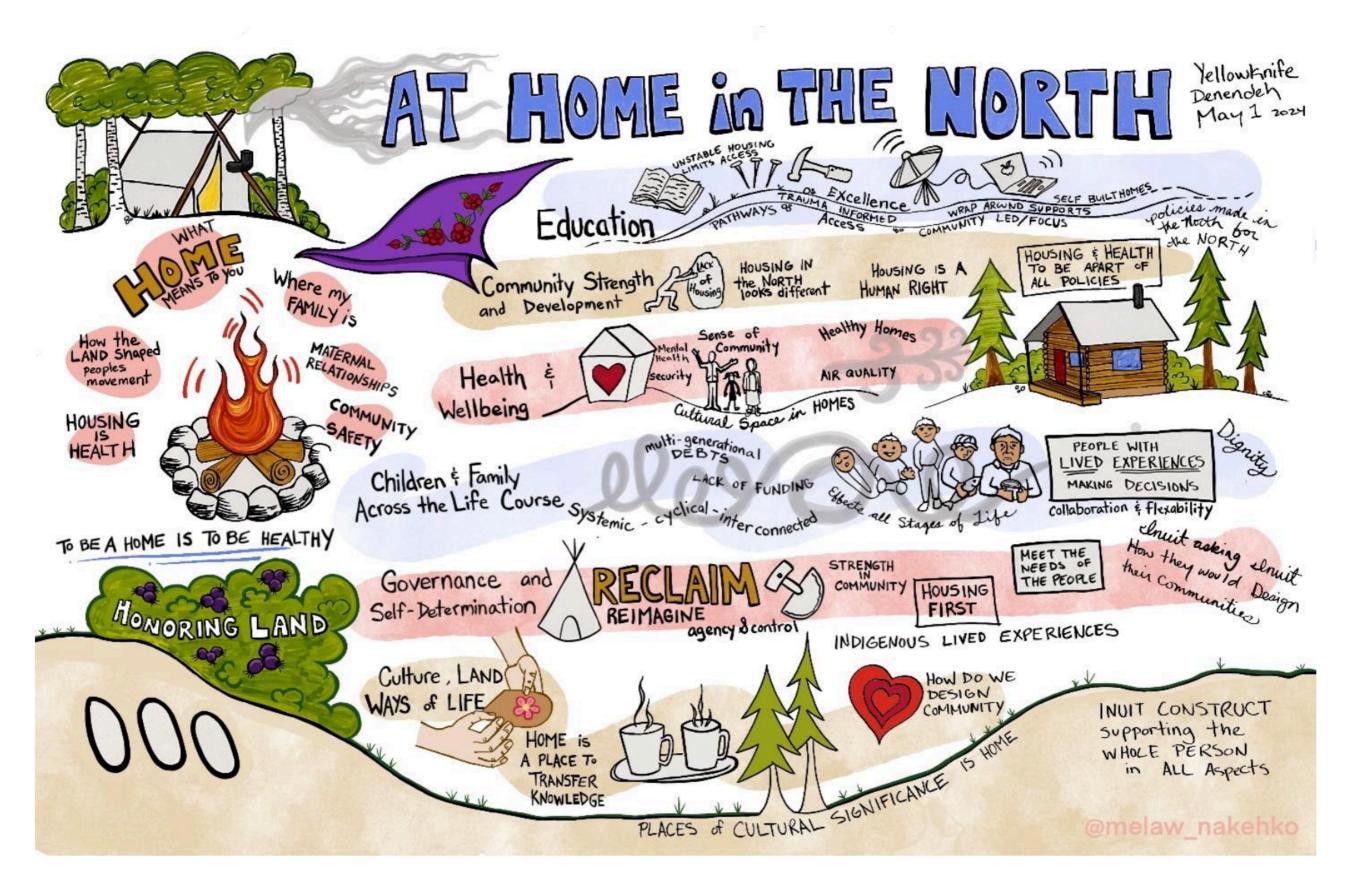


Figure 5. The relationships that make housing important in the North (by Melaw Nakehk'o, graphic facilitator during At Home in the North knowledge gathering May 1st-3rd).

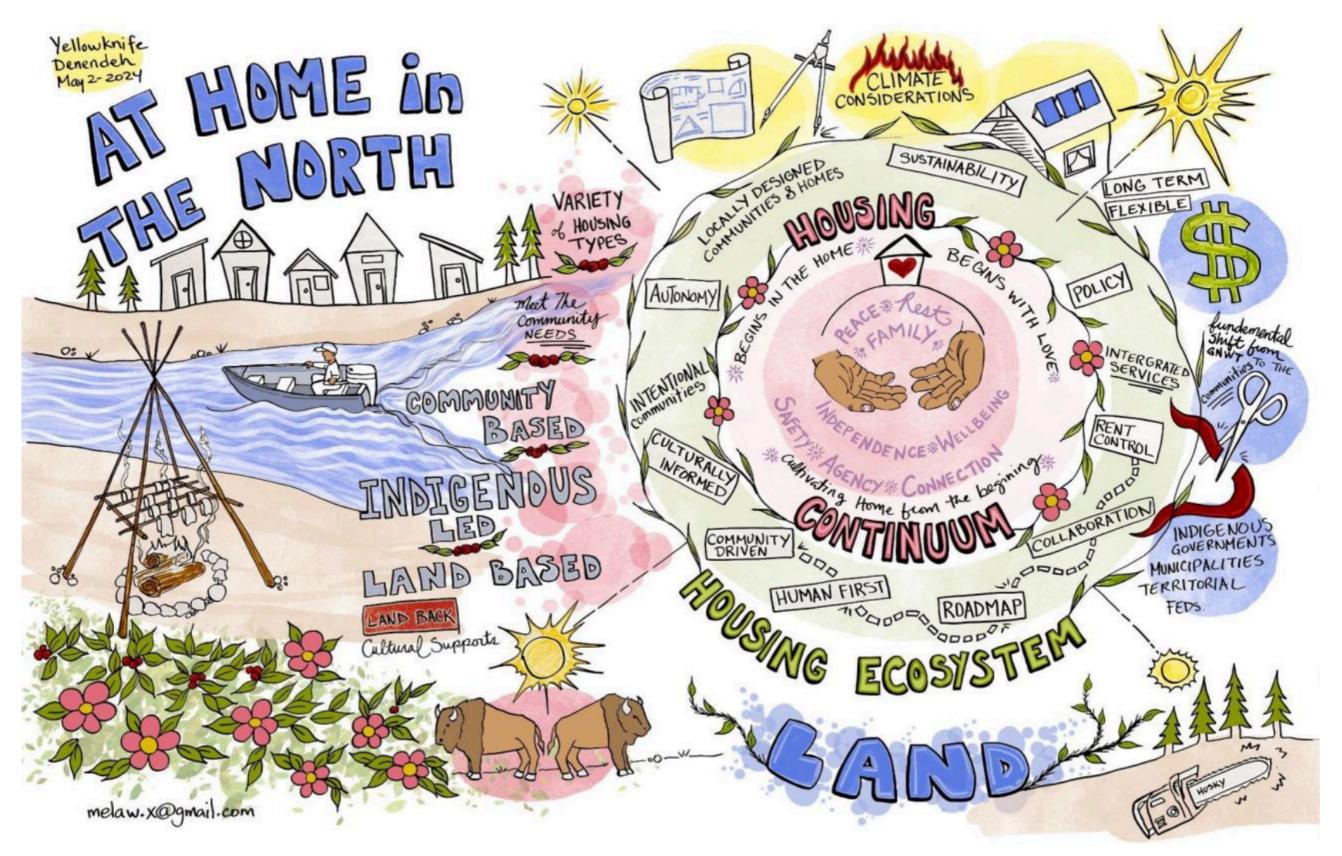


Figure 5. A northern housing ecosystem (by Melaw Nakehk'o, graphic facilitator during At Home in the North knowledge gathering May 1st-3rd).

## REQUIREMENTS: IMPLEMENTING HOUSING AS A HUMAN RIGHT IN THE NWT

- 1. Indigenized approach to housing governance for all northerners
- 2. **Home as a human right**: understanding that home underpins the health, wellbeing, sustainability and autonomy of all northerners and at all scales
- 3. Inter-community, territorial geography of housing and home
- 4. Promotion of **NWT housing as an ecosystem**: collaborative, intergovernmental/interagency support of homes for all northerners
- 5. Promotion of **sustainability across the ecosystem**: funding, policy, governance
- 6. Culturally- and contextually-appropriate alternatives to a market-based approach: a sense of home ownership for all



## MAHSI CHO / QUYANAINNI MARRSÎ / THANK YOU / MERCI





## A Bit About Us...

## Janine Harvey

- Janine Harvey is an Inuk leader from Ulukhaktok Northwest Territories.
- She is passionate about her culture and a strong believer in decolonizing the work she and other Inuit do today to better help their people.
- Janine is the Executive Director of the Tahiqutiit Women's Society, a non-profit organization with a vision to establish a shelter in their community for Inuit women and children who need access to safe housing; and alternative housing where Inuit can practice their cultural rights.
- Janine is also a seamstress and hunts and harvests off the land with her Husband, Children and Graand Children,

### Lisa Allikamik

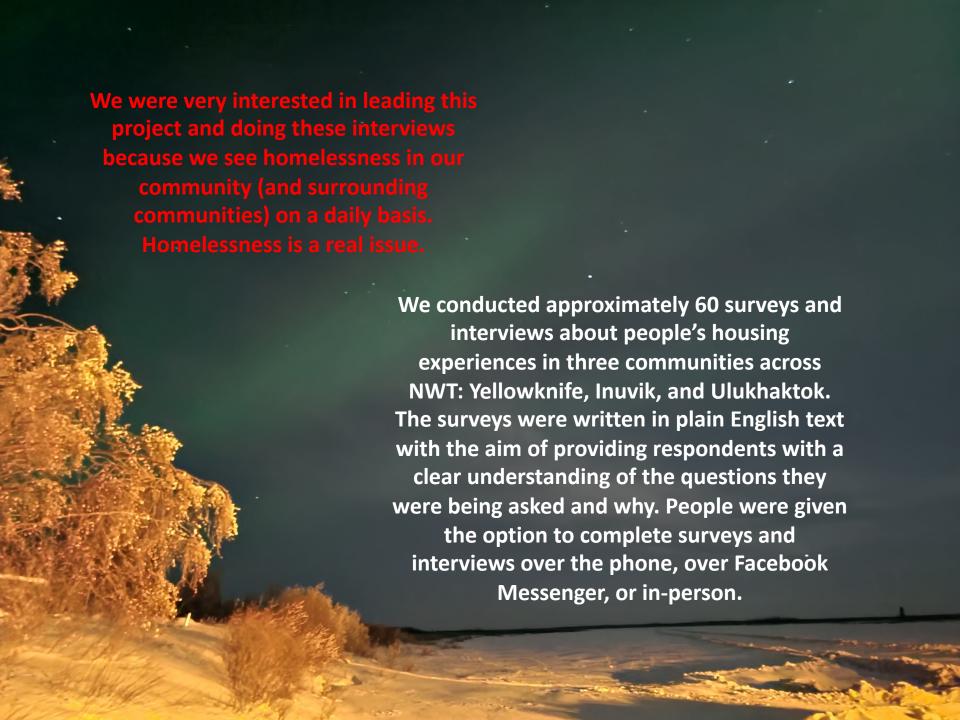
- Lisa Allikamik is an Inuk artist and leader from Ulukhaktok Northwest Territories. Her art represents Inuit culture, and she teaches art classes in the Inuvialuit Settlement Region and across Nunavut.
- Lisa is also a mother of three wonderful children.
- Lisa participated in the Tahiuqtiit Women's Society and served as its President before she took on the role of Project Manager for Shelter Operations.
- Lisa is a has a strong connection toher land, culture and people.



### **Background**

Over the last year, Janine Harvey and Lisa Alikamik, two Inuit right to housing advocates, travelled across the Northwest Territories to conduct culturally appropriate interviews with **Indigenous community** members, gathering their stories and first-hand experiences of what it's like trying to find affordable, safe, and secure housing in the North.







Years of trust, relationship-building, shared understanding, and connection were at the foundation of what made community members receptive to our efforts and made the work meaningful. It was also important to approach these housing conversations with sensitivity, confidentiality, patience, sincerity, and respect





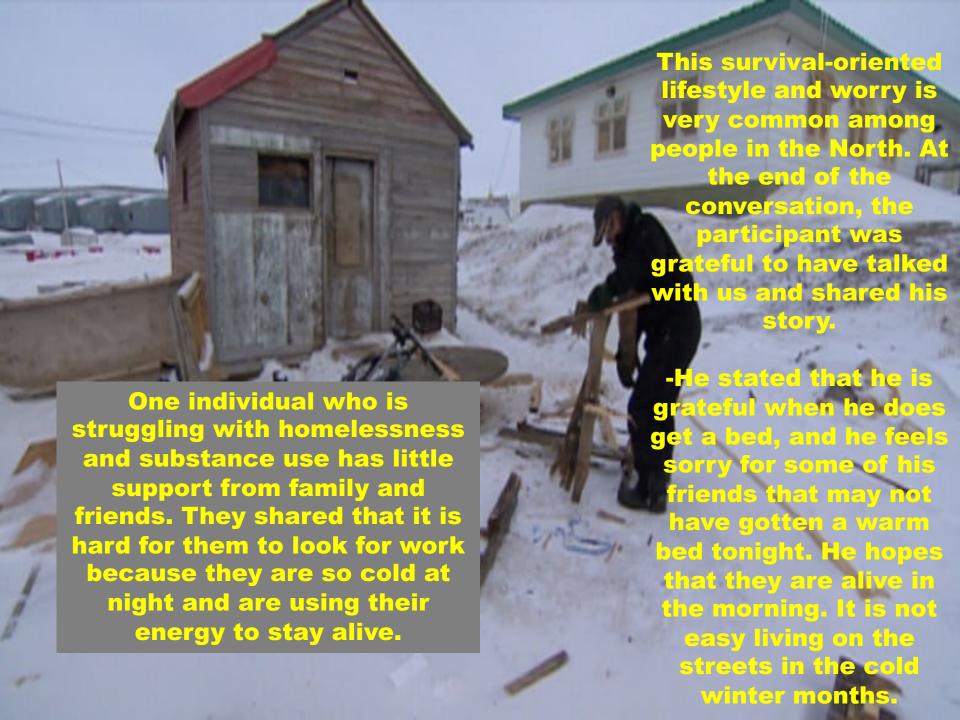
#### **CHALLENGES**

If we did this project again in the future, we would plan our budget to account for inflation. The cost of travel, fuel, and food rose significantly since preparing our project budget, which is an even bigger problem in northern communities where the cost of living is so much higher. There was also much greater interest in participating in the research than we had budgeted for initially.

Local organizations were able to share funding to provide further gift cards, and door prizes at community meetings and town hall sessions. This showed us how much of an impact our work was able to have on the community.







A lot of people expressed having no help or support, or no more options for housing.





When residing in shelters, lack of sleep is inevitable, and this sleep deprivation and anxiety can lead to depression. People question how they will make it through another day. This worry often leads people to cope with their homelessness through substance use.



In transitional housing, it was indicated by residents that they are not allowed to have family visit them. Landlords have the power to decide who is allowed to visit the tenants.

Tenants also felt forced to do programming to obtain their accommodation. A lot of people appreciated the security in their building, but some said they felt scrutinized.

They wait for warmer temperatures to pitch a tent outdoors so that they can enjoy their privacy and freedom for those short months.

Despite this, it was said that people felt controlled.

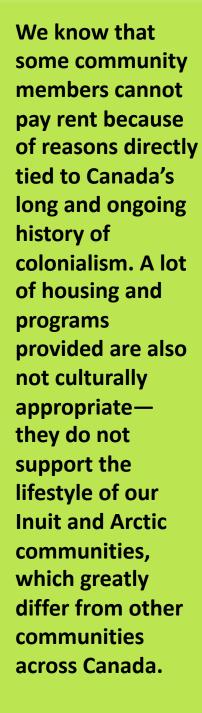
#### **Discrimination**



When it came to signing documents and lease agreements, there was no legal or advocacy support, or clarification of what tenants were signing.

It was also mentioned that housing providers in NWT exerted control over the lifestyles that tenants chose to live.

A participant stated that when he entered the office of a housing provider to submit his application for housing, he was questioned about his completion of an addictions program. He was directed to show proof that he had completed the treatment program and attach it with his application or it would not be considered. This is both an inappropriate violation rooted in discrimination and is a breach of confidentiality for applicants.



# ARREARS, EVICTIONS, & LANDLORDS

A high number of participants stated that it is very stressful to have rent payment amounts overdue or outstanding (i.e., arrears).

It was identified that people feel fear on a day-to-day basis. This frame of mind often led to a pervasive fear of being evicted with short notice. This worry also led to the fear of their children being apprehended by social services because of not being able to obtain a secure home.

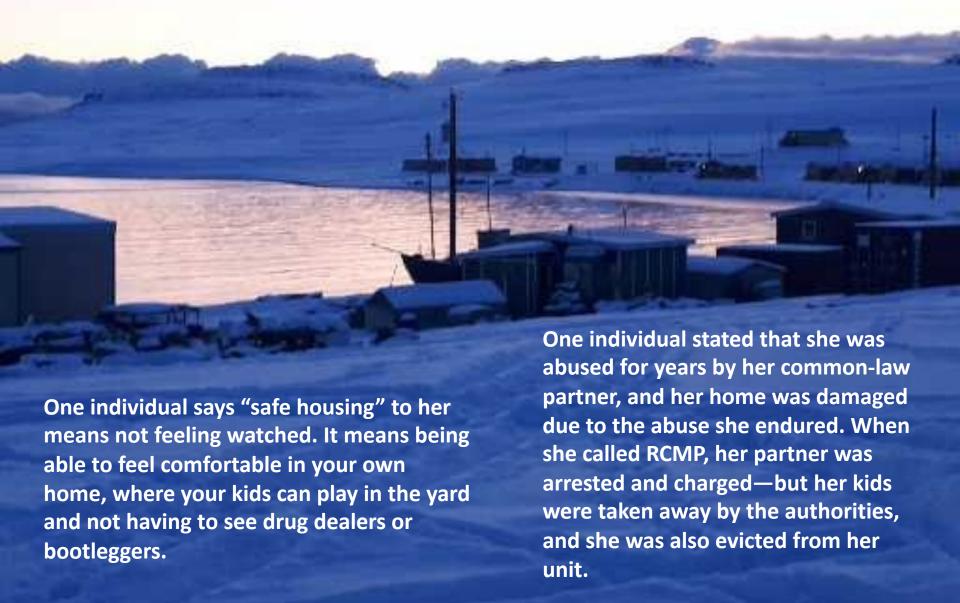


Our people in the Arctic are left with little to no support when it comes to funding opportunities to help alleviate arrears, even through external rental programs offered by housing providers in NWT.

Today, there are people still being evicted because they had not paid their power bill on time. This is an example of the lack of support to prevent eviction.

# **Safety**

People do not want to talk about housing in the North, but they do want to feel safe. They want merely to feel treated fairly, and to feel comfortable in the place they call home.



### BASIC INFRASTRUCTURE, SERVICES, & FACILITIES

In small communities with no road access, living is very complex. We live in a very cold climate. Some communities do not have trees for firewood and live in cabins at -45 degrees Celsius with no other housing options. Often, people resort to living in cabins that are built with plywood. If you don't have firewood, you must use heating fuel which is very costly.

People have no access to basic necessities like laundry. They have no electricity. Often there are health effects to these conditions, like breathing in stove fumes. Many people have no standard oven to cook and no washer and dryer for clean clothes. This makes life very challenging and leaves people with little or no hope for the future.

## **HEALTH & HABITALIBILITY**

People and their health are also affected by living in poor housing conditions. It is not rare to hear about or see mould, broken windows and doors, and holes in walls. These kinds of living conditions can be dangerous. Exposed electrical wires, sharp areas exposed, and mould negatively affects people's health.



Under international human rights law, dignity, equality, non-discrimination, and access to justice are at the core of the right to adequate housing—as well as seven components including:

- 1. Legal security of tenure (i.e., legal protection from tenant evictions)
- 2. Availability of services, materials, facilities, and infrastructure
- 3. Affordability
- 4. Habitability
- 5. Accessibility
- 6. Location
- 7. Cultural Adequacy

There is a housing crisis in the Northwest Territories and in Nunavut. We know the challenges Northerners face. There must be effort to work together and create solutions. It is time to collaborate and work as partners to end homelessness in the North. With the right supports with the right amount of funding, this can happen. There are people with lived and living experiences oh homelessness and deeply inadequate housing who say:

"Enough talking. It is time to see some action on what our government has been promising us for years. We are ready to create partnerships. We are ready to sit at the table for negotiations and we are ready to help our own people. Leaders and individuals are exhausted from the broken promises. Working together is crucial in creating adequate, culturally appropriate, and safe housing in the North. Safe and adequate housing is a human right and everyone deserves housing"

# Thank







Housing as a Human Right

#### MIDWEST PROPERTY YELLOWKNIFE

- 11 buildings in Yellowknife, with a total of 538 apartments
- Our residents have an expectation of security and safety.
- Break-ins and vandalism have been steadily increasing for the last four years at all 11 buildings.





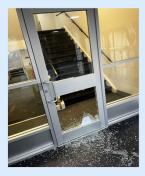
- Midwest Property has operated in Yellowknife for over 50 years and we consider ourselves part of the community. I have personally been with Midwest for over 10 years. In that time, I have seen a dramatic shift in the challenges that face us in our day to day operation.
- We spend, on average, \$225,000/year on repairs from vandalism and cleaning of public areas.
   More than half of this is due to damage and bodily fluids from intruders.
- We also write-off roughly \$150,000/year in bad debt due to residents not paying rent and an inability to collect it from them.

#### MORE DAMAGE AND REFUSE, LESS COOPERATION

Last summer an encampment was established in the center of three of our buildings. There was a notable increase in damage and unauthorized entry of our buildings.







After the encampment was mostly removed, garbage remained on our property and little effort was made to clean up the area.



- This summer, we had over \$80,000 in cameras damaged and doors kicked in in a matter of weeks. Camera footage revealed that it was people living in the encampment.
- We also had issues with feces beside parked cars, extension cords being plugged into car plugins and garbage both on the ground of our property as well as overflowing our dumpsters.
- Our residents have an expectation of security and during this time, they did not feel safe to leave their home.

#### Barriers to building in the north

There are many barriers and costs continue to rise.

- One of the primary contributors to our current housing crisis is the lack of development.
- Without additional housing options, rents will continue to rise.
- The private sector is not able to provide affordable housing due to the costs of construction and availability of land.
- An affordable housing business model must work for public and the private sector. Without a viable model, private companies may not be willing to come to the table.





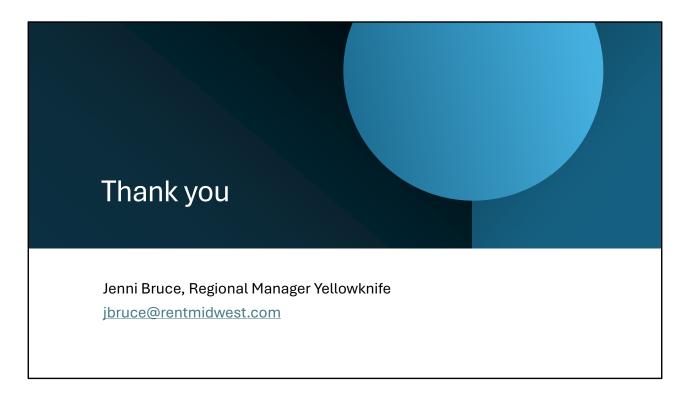
 There are too many barriers to building in the north and even more costs. Without more housing, rents will continue to rise. To create affordable housing, it needs to be a business model that works or the private sector will not be willing to come to the table. The NWT Tenancy Act requires tenants to pay rent as stipulated in their tenancy agreement. Landlords can apply to terminate the tenancy and seek an eviction order if rent is not paid.

This is the only avenue available to a landlord when there is a resident who fails to pay their rent.

- The Rental Office is cumbersome and not the optimal route for eviction. Midwest Property has historically only filed for eviction when we have exhausted all other avenues.
- If there is discussion about eviction for nonpayment of rent being harder for a landlord to get, who should shoulder that expense? Currently it is leaning towards putting it on the private sector and this will just create higher rent increases and make it harder to rent an apartment in the NWT.
- As I present to you today, we have two separate residents who owe more than \$25,000 each in

rent and we have not been successful in evicting them even with an eviction ruling from the Rental Officer. The legal bills alone to get an eviction are close to \$10,000 at this point. Should a private operator be expected to shoulder this expense?

- Private housing operates under different legislation and guidelines than public housing and all too often is brought into conversations that are relevant only to public housing challenges.
- We feel that housing is a human right however encourage you to look at what cost this right comes at and who should bear this cost?



 In closing, I would like to express that we would like to see all of the NWT population housed. We just wonder how to balance this with protecting them at the same time.



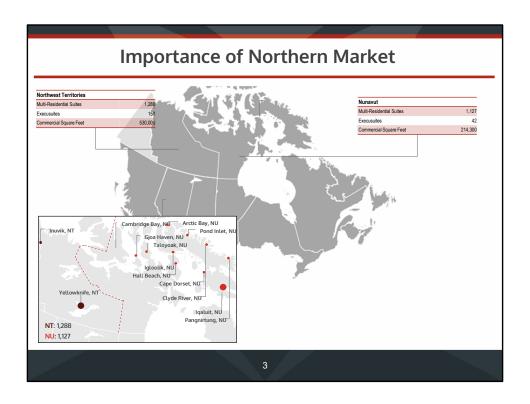
- Thank you to the Committee for inviting Northview to present today.
- My name is Colleen Wellborn, I'm the Regional Director for the Northwest Territories overseeing our operations in both Inuvik and Yellowknife.
- I've been a Northener for over 10 years and have worked in the NWT in the private sector, within the territorial government and again as a Property Manager. I believe this experience provides a wellrounded view of the current issues around

Housing.

# Introduction Housing is a fundamental human right, but market housing is NOT social housing. Private landlords can play a key role in maintaining and expanding housing supply Government and social agencies must provide necessary support services

- Northview agrees that everyone deserves housing.
   However, market housing is not the same as social housing.
- Private landlords can and may contribute to housing supply but are not responsible nor capable of providing social services.
- The importance of government and social agency involvement in addressing housing issues is key to seeing success in housing all types of individuals.
   The wrap around services required to help those at

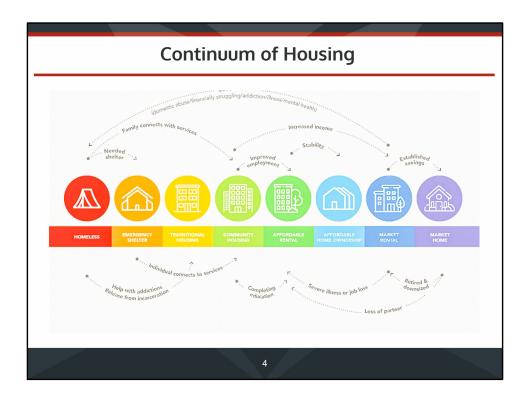
various levels of need is essential.



- Although Northview operates throughout Canada, the North has been and continues to be an integral part of our operations. Northview remains invested and continues to invest in the North.
- We operate with the vision of providing our customers with a place to call home, and work towards ensuring there are housing options available to all.
- We understand that we are often the primary landlord in our Northern communities of Inuvik,

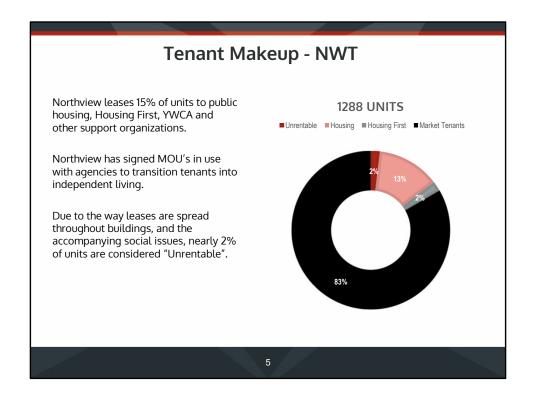
Yellowknife and Iqaluit and we value the partnerships with governments and local organizations.

 Similarly, we understand that Northern communities often face different challenges than those in the south. We remain committed to understanding and adapting to these challenges.



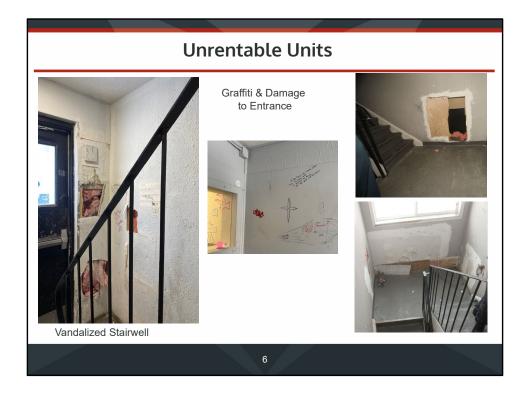
- There is a commonly accepted model of the Continuum of Housing. Based on this model Northview provides solutions in the affordable rental and market rental categories.
- However, many of the tenants being placed in our buildings via social agencies, need significant support services. Those experiencing homelessness, violence, addictions and engaging in criminal activity need to be housed in emergency, transitional or community housing.

Placing these high needs individuals in market housing sets them up to fail, and causes major issues including vandalism, damage to life safety systems and generally unsafe conditions for others. The quality of life for neighbouring tenants is often negatively impacted when living in proximity to high needs individuals.



- Northview has partnered with Housing NWT for over 20 years and has been committed to offering a variety of rental options - always below the market rate.
- Relationships with YWCA and Housing First have been in place for well over 5 years and have yielded success in helping to transition many people into unsupported market rentals.
- 15% of Northview units in the NWT are rented directly to social agencies. These agencies pay

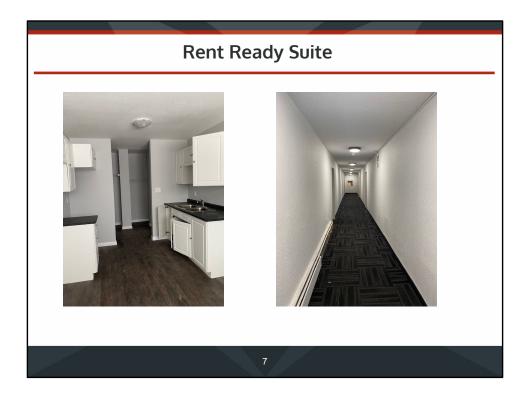
- Northview, but decide who occupies the unit without Northview oversight.
- Northview has continually reaffirmed a commitment to social housing by moderating rental increases and working with organizations through significant financial and behavioural issues.
- Due to increases in disruptive and criminal activity, Northview has had to invest significantly in increased security - often when it doesn't make financial sense.
- These issues have contributed to problem buildings and have essentially left many units in these locations marked as 'unrentable' to market tenants.



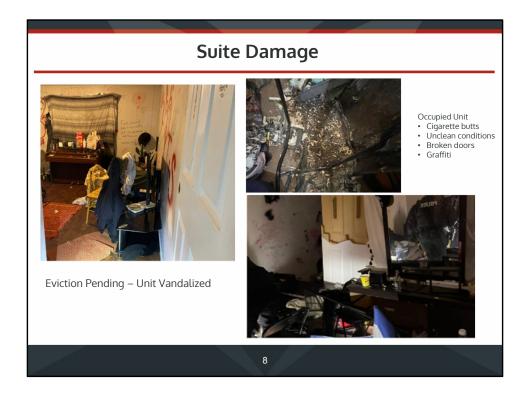
- Northview has over 25 units that are considered 'unrentable'. These units are located in buildings that are 60-75% leased to other agencies. The conditions of the common areas are constantly being vandalized and damaged as noted in the pictures here of the stairwell and entrance.
- Non tenants are often observed sleeping in hallways, forcing entry into the building and loitering in stairwells, damaging common areas, causing mischief, breaking and entering into

#### leased and vacant units.

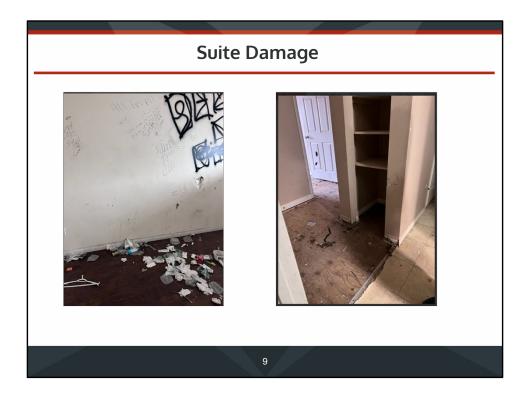
- The significant vandalism and behavioural issues in some of these buildings are so prevalent and serious that perfectly suitable units cannot be rented to market tenants. Attempts to rent these units in the past have led to complaints and ultimately canceled leases.
- Northview has effectively removed these units from the market and deemed them 'unrentable'.



However, it's important to note that the corridors that are extensively camera-ed are in relatively good condition. Similarly, the units themselves are renovated to a modern standard. Both these pictures were taken of the same downtown building as in the previous slide in February.



These are photos of occupied units. Despite repeated site inspections from Northview staff, security staff, social agencies and RCMP, units continue to be vandalized and are unsafe and unsanitary. Northview does not have the ability to manage the occupants in these units and relies on social agencies to deal with problem tenants. Given their limited resources and internal processes, it takes repeated requests and follow up for action.



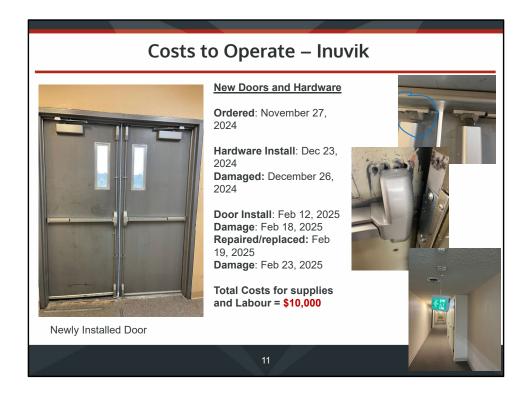
These photos illustrate the damages left after tenants move out. There is an extensive amount of work required to remove belongings, garbage and clean the unit prior to even beginning the renovation process. Damages to suites range from extensive drywall damage and graffiti, to ripped up floors, broken doors, broken windows and damaged appliances. Unit renovations can cost upwards of \$50,000 to get them back to the condition seen in the rent ready suite pictures.



Northview doesn't possess the skills to deal with high needs individuals, and we also don't have the resources. The financial impacts on many properties are so significant that they operate a zero or negative income. In some cases, it costs Northview money to operate these buildings. It's not uncommon for glass to be repaired in a building and have it broken within hours. Similarly, fire extinguishers and hoses are being stolen from cabinets within 24 hours of being replaced.

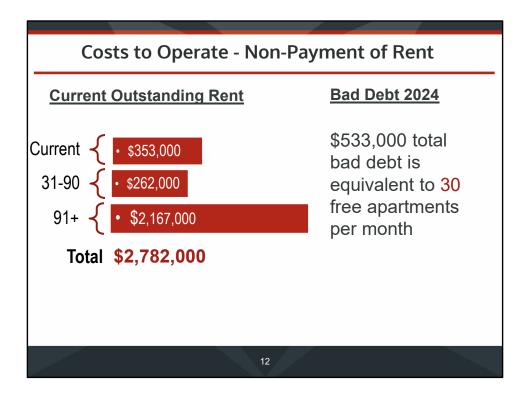
- There is constant common area damage where people punch holes in the walls, draw graffiti in the hallways and smoke and litter in the stairwells. This results in constant cleaning and repair work internally and by contractors.
- In 2022, the downtown buildings of Yellowknife operated at negative \$630K to operate. These financial costs led Northview to secure full time security services for these locations.
- In 2023 Northview gave Yellowknife residents nearly
  1M in rent abatement due to the wildfire evacuation.

  Despite this massive loss in revenue, operating income for downtown buildings was positive because of the massive reduction in costs. It is more advantageous for these buildings to sit vacant than to continue operating with the current issues.



Our Inuvik portfolio also experiences perpetual and constant damage. The doors at this location have been replaced and repaired numerous times. Most recently, we ordered brand new steel gauge doors on November 27<sup>th</sup> at a cost of \$10,000. Due to logistics and freight delays (including flying in some supplies) the doors were installed on February 12, 2025. Within 5 days the doors were so damaged that thew would no longer lock. You can see the photos on the right where the mechanisms have been damaged or removed.

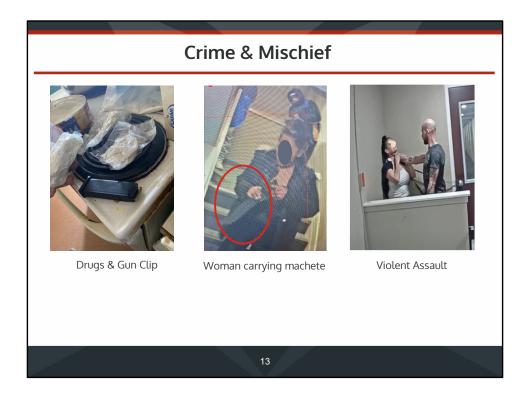
- Repairs were completed within the day, only to find the doors damaged again.
- In addition to the significant work and costs involved to ensure safe and secure access, we find ourselves constantly dealing with inspectors and fire departments who have hinted at fines and additional actions. Despite our best efforts, we are unable to keep up and are assessing additional security measures.
- Most landlords would close these buildings down and refuse to continue renting when there is such a significant cost to remaining open.
- In a 4 year period we have seen damages increase over 450%.



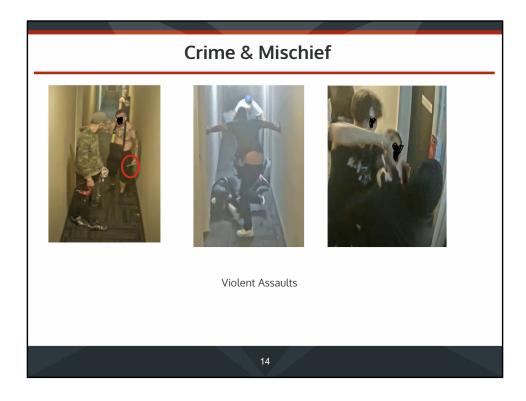
In addition to security, there is a significant issue around non-payment of rent and bad debt. The Northwest Territories has the highest incidence of unpaid rent within Northview of any region in Canada.

The half a million dollars of bad debt in 2024 is the same as giving away 30 apartments for free every month.

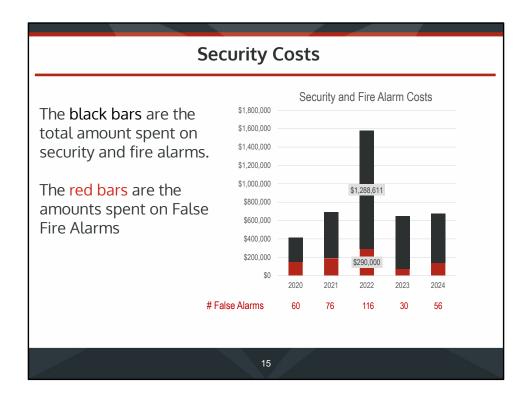
The avenues for dealing with unpaid rent are bureacratic and time consuming and tenants often capitalize on this by living rent free for multiple months.



- The damages that we see are directly connected to crime and mischief.
- Beyond vagrancy and trespassing, there is significant involvement in violent crime in Northview units. Many of these perpetrators are housed under sub leases with social agencies. Weapons, violence and drugs are often on display. Tenants and Northview staff often come upon violent and dangerous situations with little warning.
- There is flagrant drug dealing and drug usage in many buildings.

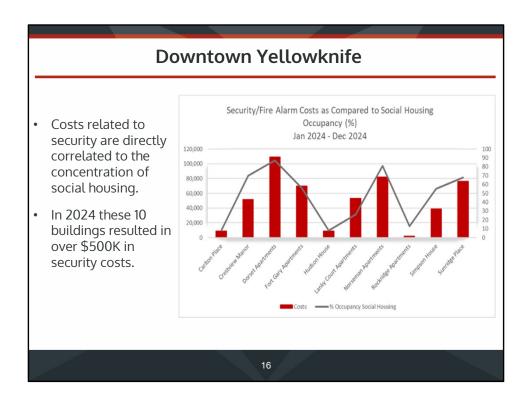


- Our staff and security are often subjected to encountering and viewing disturbing events. We have had to limit access to our cameras to protect staff from seeing violence and sexual assaults.
- These images are shocking and often surprising to those who don't live in rental units.



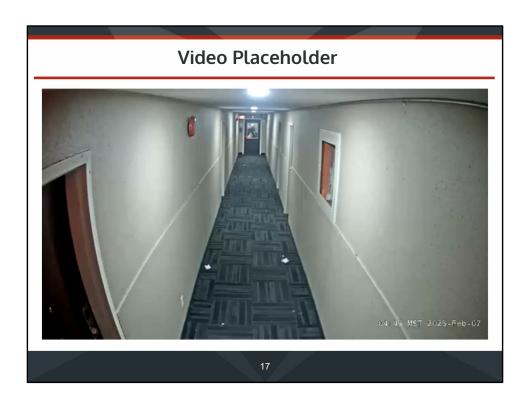
False fire alarm pulls are a result of the crime and mischief we see in our buildings and are a significant cost to regular operations. Both the City of Yellowknife and Town of Inuvik charge landlords if they respond to more than 2 false fire alarms per year. As you can see by this bar graph, the cost of dealing with false fire alarms alone is substantial. In 2022 false fire alarms resulted in bills of nearly 300K or 116 false alarms. That means that tenants were evacuated unnecessarily from their homes over 100 times.

These false alarms are the result of mischief, smoking in hallways, and domestic incidents that escalate resulting in calls for emergency services. These events terrorize residents who are constantly evacuated and place significant stress on municipal fire services.



The cost of providing security is directly correlated to the concentration of social housing tenants in each building. In 2024 the 10 buildings in this graph resulted in over \$500,000 in security costs.

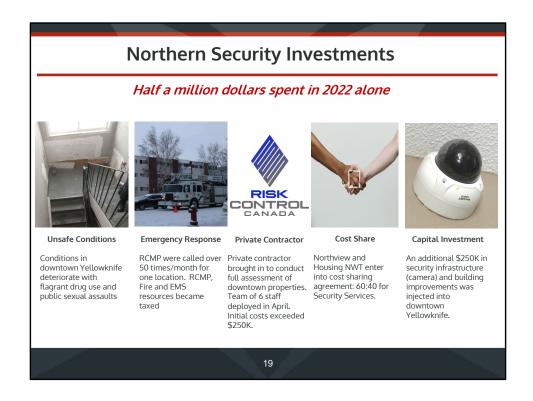
That said, there are many many good tenants who live in social housing and they should be afforded the right to safe and peaceful homes.



The video on screen is of a police event that occurred in a Northview unit.



The information on this slide was gathered from the formal reports from our security company. They have staff on duty 20 hours a day and do regular patrols as well as respond directly to tenant calls and concerns.



Northview has attempted to deal with the problems in our buildings. We flew up a security company to provide 24/hour on site service in 10 of our downtown Yellowknife buildings in the spring of 2022. This program included installing significant camera systems, on site security, an onsite command centre, and new lighting, paint and flooring – at over half a million dollars. In August of 2022 Northview entered into a cost sharing agreement with Housing NWT. Despite this agreement it is still economically unviable to continue to operate these buildings.

The hard costs to operate continue; with continual replacement of doors, security systems, and life safety systems. The soft costs are those associated with the stress and burnout for staff. It is increasingly difficult for employees to go to work each day to clean, maintain and renovate when their work is destroyed and they are harassed and intimidated while on duty. All of these factors take resources away from other locations that also need regular cleaning and maintenance.



In order to combat the serious issues present in the NWT, we offer a number of recommendations.

#### 1. Address Serious Tenant Violations Promptly

The NWT RTA lacks mechanisms for immediate action against tenant behavior that endangers life, property, or safety systems. Unlike Yukon and Alberta, where expedited hearings are available, landlords in the NWT face delays that compromise safety.

#### 2 Define the Rental Officer's Discretion on Damages

The current RTA ties the Rental Officer's hands with vague rules that block reasonable cost recovery. Claims are often dismissed without proper market validation, burdening landlords with unrecoverable losses.

Recommendations:

#### 3. Streamline Eviction Enforcement



The future is uncertain. With challenging economics, low growth numbers and an unwelcoming development environment, future investment in the Northwest Territories is unlikely. However, Northview is committed to continuing to operate in the North despite these challenges.

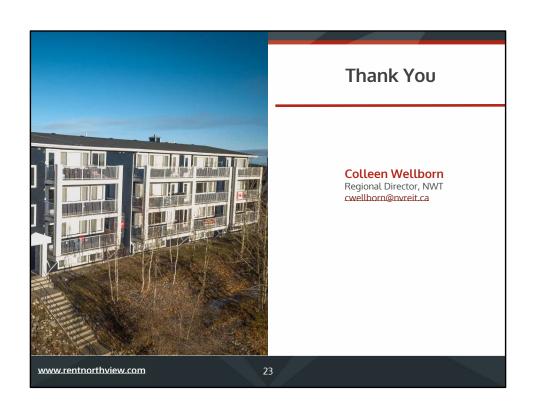
As a publicly traded REIT, we have options to invest and expand throughout the country. Our future expansion and development will focus on other regions in the country.



In closing I'd like to reiterate that Northview believes that housing options should exist for everyone. However, the type of housing and social supports required need to be appropriate to the level of need.

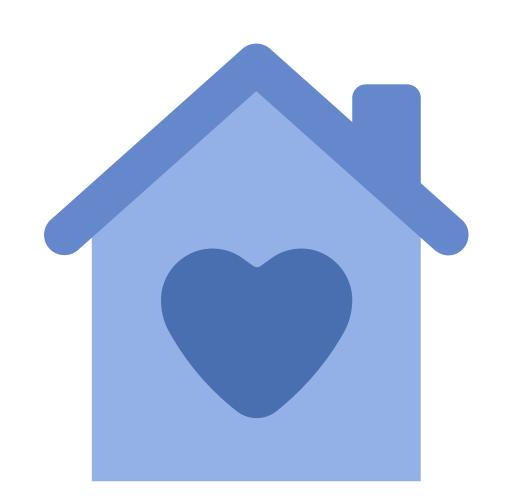
Northview also believes that that vast majority of tenants are good people who need to be protected and afforded the respect to live peacefully in their homes. There needs to be mechanisms to protect these tenants and ensure landlords can effectively manager their properties.

Northview has done and will continue to work collaboratively with government and non government agencies to ensure safe sustainable housing continues in the Northwest Territories.



# NORTHWEST TERRITORIES STANDING COMMITTEE ON SOCIAL DEVELOPMENT

# HOUSING AS A HUMAN RIGHT



Hawa-Dumbuya Sesay, Executive Director Kate Wilson, Director of Housing October 10, 2024



# ABOUT YWCA NWT

#### Vision:

Equality for women and girls in a safe Northern society.

#### Mission:

To build safe and equitable communities where women, girls and families can realize their full potential.

#### Our Housing Services

- 21 transitional housing units for families in need of support
- <u>18</u> second-stage housing units for women and children who have left abusive households
- Numerous private units rented in Yellowknife for families unable to secure their own housing (our all-time high was 70 units in our name)
- A <u>6-bedroom</u> emergency shelter for those fleeing violence within the home
- <u>Two</u> safe homes (one in the Dehcho, one in the Sahtu) so women and children fleeing violence have options in their own communities













### HOW DO WE UNDERSTAND HOUSING?

Housing is a basic human needbut it's also so much more than that.

- Key to safety, stability, and sovereignty
- A place of refuge
- A place for families to stay together and grow
- A new start, new opportunities



We are not just thinking of the housing we are thinking of the peoplenside the housing.

# HIDDEN HOMELESSNESS



- Those who are provisionally accommodated, but do not necessarily have secure housing of their own.
- Includes anyone who is couchsurfing, sleeping in a car or other sort of vehicle, or living in a shortterm shelter with nowhere to go next.
- Referred to as "hidden" because it's not as visible
  as those sleeping rough or frequenting overnight
  shelters but can be just as precarious, unsafe,
  and draining for those experiencing it.
- Often not properly enumerated or recognized.

## A GENDERED HOUSING CRISIS

- Hidden homelessnessis most commonly experienced by women and their families they are more likely to stay in precarious accommodations to keep their children housed.
- Women-led households nationwide disproportionately live in core-housing need, meaning they fall below at least at least one of the accepted adequacy, affordability or suitability standards.
- Violence within the home is one of the primary causesof women's housing insecurity.
- Without anywhere to go once they leave an abuser, many women are forced to return to the unsafe household.











# RISING COSTS, RISING POVERTY

- The cost of living is on a sharp rise, and more and more families are struggling to keep their heads above water.
- Many people have two to three jobs just to make sure they can meet their basic needs, like housing, food, transportation, etc.
- Government funding for social welfare is simply not keeping up with the cost of inflation.
- This pressure is also felt on the service provider side, as the cost of running programs has greatly increased, but funding hasn't.



SERIOUS INVESTMENTS IN LONG - TERM SOLIUTIONS

## WHAT WILL IT TAKE?



Bigger and better investments in affordable and accessible social housing, as well as the supports that are needed to keep people housed.



**Meaningful acknowledgement** of the full-scope of what housing insecurity can look like, and a better understanding of how it impacts various communities.



Government responses and programs that are **compassionate**, **human-centered**, and **keep pace** with an ever-changing world.

#### What Else?

- Legalframework review and system response
- Development of specific policy interventions to help reduce and prevent Indigenous homelessness
  - Affordability
  - Funding and resource allocation
- Community participation and gendered perspective

# THE TIME FOR ACTION IS NOW.

# THANKYOU

Hawa Dumbuya-Sesay
Executive Director
ed@ywcanwt.ca

Kate Wilson
Director of Housing
kate@ywcanwt.ca

Nomazulu Khumalo Associate Director orgmgr@ywcanwt.ca

Meaghan Brackenbury
Advocacy Coordinator
advocacy@ywcanwt.ca

# APPENDIX B WRITTEN SUBMISSIONS



Submission Prepared by: Janine Harvey Executive Director

#### **Question posed by the Committee**

How can transitional housing be improved?

#### Response

By far, most tenants in transitional housing in the NWT are composed of Dene, Inuit and Métis residents. Housing-rights research carried out by Tahiuqtiit Women's Society involved carrying out 60 conversations with Inuit with lived expertise of being unhoused in Yellowknife, Inuvik, and Ulukhaktok.

Tenants expressed concerns that they would face retribution in sharing their experiences, and it was important to protect their identity. Fear of eviction, disempowerment, and hopelessness were overriding themes of these conversations. Tenants talked about housing debt and daily threat of eviction; loss of children to the child welfare system due to housing instability; oversurveillance and enforcement of rules that conflict with their cultural norms; forced program participation and demands for private information to access housing. These systemic issues coupled with lack of safe and healthy housing options and little access to necessities left people with little or no hope for the future.

Establishing Indigenous **local housing advocate positions** is an actionable solution that would assist people in dealing with lack of access to housing and support services, debt reduction, and health and safety issues. Social media has proven to be effective as an outreach, **data collection and communication tool that can track progress in ending homelessness**. A commitment to **decolonization and creating tools to ensure cultural safety** would benefit housing providers across the spectrum. **Local trades training in construction and home maintenance** would address substandard housing stock and enable building new units, including shelters and transitional housing options.

Aside from those measures, other specific steps that can be taken to improve transitional are as follows:

Box 72, Ulukhaktok, NT X0E 0S0 tahiuqtiit\_admin@outlook.com Phone: (867)787-0267



- 1. Currently tenants in transitional housing don't have the same protections as other tenants even though they pay rent. A lot of people missed having personal freedom and being free of the feeling that they were being watched in their own dwelling. Many have been ejected from transitional housing without notice or reason. Legislate protections for tenants in transition housing under the landlord tenant legislation.
- 2. A lot of people who were interviewed felt controlled by service providers and did not feel their needs were being met. They also felt that workers should be from the north and were more open talking to someone with lived experience of being unhoused and struggling. The felt Northerners would have a greater understanding of living with the extreme barriers that exist regarding housing access.

Provide funds and other resources for transitional housing and other housing initiatives directly to Dene, Inuit and Métis organizations and communities to increase our capacity to design and deliver our own services. Aside from capital dollars, provide staff training and program dollars so Dene, Inuit and Métis are equipped to deliver their own housing services and cultural programming including seasonal on-the-land camps.

- Require non-Indigenous service providers, including government agencies to demonstrate they have taken steps to become cultural proficiency and involve Dene, Inuit and Métis with lived expertise of being unhoused in decision-making positions related to housing and support services program design, implementation and evaluation.
- 4. Some people stated they were forced into programming, including addictions counselling that was not appropriate to their needs. While this can be helpful for some people, forced programming recreates trauma and the conditions of residential school. Forced programming should not be a requirement for housing.
- 5. A lot of tenants felt unsafe because staff had access to their unit whenever they wanted or if there was a concern for safety. Everyone is different and has different needs so one rule should not apply to everyone.



6. There was some people who felt they did not feel safe in apartments where there's drugs and alcohol. Many people felt they could not make complaints due to fear of backlash.

We would like funding to continue doing this research and gather more information within the Northwest Territories on housing in ways that are cultural appropriately. Where our people are involved in the surveys, translators are available. It is a safe and comfortable place to conduct interviews with people were more comfortable to speak about their housing issues one of the biggest things was, having the choice to be anonymous.

We are grateful for the Catherine Donley Foundation who funded this project and thankful to our partner the Right to Housing Canada. We know that these projects are underfunded, and we need to move in the right direction, funding our own people to do this work in the north would be the step in the right direction.



Yellowknife Women's Society PO Box 2303 Yellowknife, NT, X1A 2P7 Main Office: (867) 873-2339

Honourable Daniel McNeely Honourable George Nerysoo Honourable Jane Weyallon Armstrong Honourable Kieron Testart Honourable Shauna Morgan Honourable Sheryl Yakeleya

Dear Standing Committee on Social Development:

#### Response to Ms. Colleen Wellborn's Comments on Social Housing and Housing First

I want to provide clarity on comments made by Ms. Colleen Wellborn, Regional Director, Northview REIT, during her presentation to the Standing Committee on Social Development on March 05, 2025, specifically in relation to Ms. Wellborn's comments related to the support provided by social agencies. As the Executive Director of the Yellowknife Women's Society (YKWS), I first approached Northview in July 2023 with a proposal for a dedicated building for Housing First to help address the ongoing challenges within the program.

On February 09, 2024, YKWS met with Ms. Wellborn to discuss this further. On February 28, she informed me that she had identified the Simpson House as a possible option but needed to consult her leadership before moving forward. She assured me she would provide an update within a week. I followed up on March 04, 2024, and she again promised an update in another week. However, no further communication was received.

In July 2024, I received an email from Northview raising concerns about our Housing First residents. From my perspective, these concerns further underscored the urgent need for a dedicated building to house the program. That same day, Ms. Wellborn responded that Northview could not move our program into one building due to a 3% vacancy rate. She said she hoped to have more information within the next month.

On December 23, 2024, I received an email from Ms. Wellborn indicating that she would have a clear direction and timeline regarding access to a dedicated building by February/ March 2025. In a follow-up email on January 09, 2025, she stated that she anticipated having details on logistics and timelines by the end of February 2025.















#### The Need for a Dedicated Housing First Building

Our proposal to Northview was simple: Provide us with a dedicated building where YKWS could oversee maintenance and deliver wraparound support to residents. This solution would have benefited residents and staff, ensuring safety and stability.

We agree with Ms. Wellborn that more support is needed to address homelessness and that systemic changes are required. The proposal from two years ago would have provided an immediate and practical solution. Now, two years later, despite repeated discussions and ongoing safety concerns, we are no closer to achieving this goal.

We recognize that relocating individuals is complex, but further delays put residents and staff at risk. The very issues Ms. Wellborn highlighted—violence, drug use, and dangerous behaviors—are precisely why a dedicated Housing First building is necessary. Immediate action is required to prevent further harm.

#### **Addressing Misconceptions**

Ms. Wellborn also mentioned concerns about residents having only an air mattress in their units. I want to clarify that every Housing First unit is fully furnished. Residents are also provided with cleaning supplies and an initial food hamper, and our staff conducts regular check-ins while offering on-call support. Building trust and providing additional assistance are key priorities for YKWS in delivering this program.

Additionally, we ensure that rent is always paid—even if a resident is temporarily denied income support—by covering the cost ourselves to prevent evictions. We also handle our maintenance and renovations, hiring contractors when necessary to keep units in good condition.

#### **Concerning Eviction Policies**

In May 2024, I received an email from Ms. Wellborn stating that three (3) individuals had been evicted from Northview units and would no longer be allowed on any Northview properties. She further noted that if these individuals were part of the Housing First program, they would not be permitted in any Northview-owned housing.

While Northview has publicly stated that no blacklist exists, this email directly contradicts that claim and raises serious concerns about how individuals are being treated.

#### **Moving Forward**

I stand by the proposal I made two years ago to Northview. A collaborative approach between YKWS and Northview could have prevented many issues from escalating. We must act now to ensure the safety of our residents and the well-being of the staff who support them. YKWS remains committed to being part of the solution, but we need meaningful action from Northview and other stakeholders.

Sincerely,

Renee Sanderson

**Executive Director** 

Yellowknife Women's Society



March 18, 2025

Re: Housing as a Human Right

To the Standing Committee on Social Development,

We extend our sincere gratitude for the opportunity to address the standing committee regarding the critical challenges confronting private landlords in Yellowknife. We believe that targeted amendments to the NWT Tenancy Act are essential to address these issues and foster a more equitable more secure environment for all stakeholders.

Over the past decade we have observed a concerning escalation and instance of violence drug related activities and substantial property damage within our residential buildings frequently attributed to the tenants and their guests this situation creates profoundly unsafe environment for both our valued residents, visitors and dedicated employees necessitating immediate and decisive action. The following are key areas where we seek changes: emergency filings, the appeal process for eviction timelines, enforcement of orders, responsibility for damages, and the burden of repairs

Given the serious risks to the health and safety of our staff and residents, we propose the establishment of a process for emergency filings. Currently, the eviction process can take anywhere from a minimum of one month up to a year, depending on whether an appeal is filed. We are concerned at some point, a preventable incident involving an innocent bystander may occur at one of our properties.

The Act provides that an eviction order granted by the Rental Officer expires six months from service. Should a resident choose to appeal this decision, the next step is the Supreme Court of Canada. With this process the resident can represent themselves while the landlord is required to retain a lawyer to navigate the process. The challenge arises when, despite the Supreme Court ruling, the eviction order expires before the proceedings are completed, forcing the landlord to restart the process. There is no legal justification for the expiration of an eviction order, and we support the removal of this provision.

The enforcement of orders can be challenging as no guidance in the Act allows for the landlord to remove a resident once an order is received from the Rental Officer. Rather, the landlord is required to file a writ and engage the services of the Sheriff's Department which results in unnecessary financial and administrative burdens to both parties. We

recommend a process to enable the ability to change locks once an eviction order is received to enforce the order.

Another challenge landlords face is the damage caused by undesirable tenants. Once they are successfully removed, landlords often bear the full cost of renovating the unit, as it is frequently left in a state of disarray. Currently, repair costs are determined at the discretion of the Rental Officer. As a result, landlords often recover less than 15% of these costs. Consideration in the Act to include reimbursement relative to the evidence provided would address this issue. We have over \$300,000 in outstanding rent related to these evictions. This does not factor in an average of \$200,000 our organization writes off annually in bad debt as it is deemed uncollectable.

In conclusion, several amendments to the NWT Tenancy Act including expediting evictions for clear cases such as non-payment of rent and willful damage of property coupled with well-defined enforcement regulations would support both landlords and existing residents who deserve to live in a safe and healthy environment. Additionally, these measures would assist in reducing increased operating costs which are often passed down to residents through rental increases.

Thank you for your careful consideration and we look forward to the opportunity for productive discussion.

Jenni Bruce

Email: jbruce@rentmidwest.com

Phone: 867-873-4196

Regional Manager Yellowknife Midwest Property Management From: Shauna Morgan

To: Sophie Kirby; Paul Mercredi
Cc: Jane Weyallon Armstrong

Subject: FW: Rental Housing Supply in the NWT - Rent Control

**Date:** March 3, 2025 2:57:35 PM

Hi Jane, Sophie and Paul,

I have a constituent (Kevin Sheedy) who has taken the time to write a letter (see below) on his thoughts on the Committee's work on Housing as a Human Right – specifically how the territory can create better conditions for private developers to build more homes.

Could this input be included in the project report? I don't think it suggests anything brand new, but it might help to support some of the points you are already writing up in the report.

Mársı | Kinanāskomitin | Thank you | Merci | Hại̯' | Quana | Qujannamiik | Quyanainni | Máhsı | Máhsı | Mahsì

#### Shauna Morgan

MLA Yellowknife North | Député de Yellowknife Nord (She/Her/Elle)

Northwest Territories Legislative Assembly | L'Assemblée Législative des Territoires du Nord-Ouest

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From: Kevin Sheedy <5floorconstruction@gmail.com>

**Sent:** February 27, 2025 9:27 AM

**To:** Shauna Morgan <Shauna\_Morgan@ntassembly.ca> **Subject:** Rental Housing Supply in the NWT - Rent Control

**EXTERNAL:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

Good day Shauna, Kevin Sheedy from 49A calling.

I am writing today regarding the ongoing consultation taking place around rental housing in Yellowknife and beyond. Before coming to Yellowknife with the military as a reservist, I spent 2 decades in commercial real estate based in Toronto but working across Canada. My main focus was lending large CMHC insured mortgages to rental apartment owners. In addition, I have previous construction experience and am a long-time

volunteer with Habitat for Humanity. I would like to share some of my experience with you and ask that you consider forwarding my comments to the committee that is conducting the consultations. I'll be in town from 17 March onwards and if possible, would like to elaborate in person what follows in addition to what I have observed since coming to Yellowknife for the first time in 2016.

#### **Rental Housing**

All housing is an inelastic commodity which simply means that it is hard to build, takes time to build, and is therefore slow to respond to market signals like pricing - but it does eventually respond.

Yellowknife apartment renters are not suffering from high lease rates. Rather, there is a shortage of supply. This is true across Canada and has been so since the last wave of significant rental housing construction in the 1970's and before the Canadian federal government introduced wage and price controls to fight inflation. Wage and price controls were eliminated in all sectors of the Canadian economy with one notable exception - rental housing where rent controls of some kind continue today in all provinces except Saskatchewan and Alberta.

In my experience rent controls are one of several reasons why it is almost impossible to build new apartment buildings across Canada.

Historically, CMHC loan insurance has been almost impossible to obtain for new construction despite the stated policies and rules that CMHC is supposed to follow. The reality is that CMHC loan insurance has mobilised Canada's strong credit rating to reduce the cost of capital available for **existing housing** and in so doing has articially inflated the perceived value of existing housing, all at the expense of new construction. Further, construction lending is a higher risk, specialised form of lending. The staff and credit adjudicators at CMHC are oriented towards term lending against existing housing and not new construction. Because new construction takes time, it will take time for this positive change to show effect.

Unitl recently, and also at the Federal level, the builder must pay the full cost of GST on a newly built rental apartment up front. This was not the case for any other form of residential housing. Similarly, it will take time for this positive change to show effect.

At the municipal level, the permitting process, zoning rules, and behaviour of building department officials are all a 100% disincentives for private sector, market driven new construction. This is evident here in Yellowknife.

Lastly, the extreme lack of available fee simple land across the Northwest Territories remains a challenge.

Vacancy rates in all major apartment markets in Canada during my whole working life and today have been and remain virtually zero. This points to a lack of supply.

All other commercial property classes including office, retail and industrial are routinely underwritten by lenders with 10% to 15% vacancy rates which indicates that landlords have to compete for tenants and commercial tenants have choice in where to rent and from whom. If only that were so for apartment renters here in Yellowknife.

If history is any-thing to go by, rent controls, while intended to improve the lives of apartment dwellers, will have the exact opposite effect.

Our community here, and I think elsewhere, needs to figure out how to mobilise the productive capacity of the landlords and developers here now who wish to build but are not incented to do so.

Thanks for all you do for our community and hope to chat soon!

Cheers,

Kevin Sheedy, P.Eng., CD 4230 49A Ave, Yellowknife text or cell 416-948-4746

From: Rashmi Patel

To: DST LEG Committees

**Subject:** Standing committee on social development input

**Date:** October 28, 2024 2:01:20 PM

**EXTERNAL:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

Hi,

I'd like provide feedback on my experience as a landlord on housing as a human right.

I have rented my home out in Fort Smith over the last few years.

I strongly believe that housing is a human right, and housing should not be treated as a commodity.

I have rented to people and families without jobs to help them get started as I know there are not many options for people recovering from health issues, substance abuse, or starting fresh. Sometimes my leniency has caused more heartache and headache when trying to help people out, so here's my feedback.

#### 1. Rent to own

-everyone should have the option of rent to own, even if they are on government assistance -pathways to ownership

#### 2. Repairs and maintenance

- -it is very hard (and expensive)to find local tradespeople, especially in emergency situations -train, employ and keep a standby list available, preferably a coop group, network, or government agency that is more reliable than individual contractors, and subsidize contractor travel to smaller communities
- 3. State of cleanliness
- -annual inspections
- -pest issues due to tenants not maintaining cleanliness
- -people who have never owned a home or had responsibility of a home don't maintain things the same way owners do - provide more pathways to ownership
- 4. License landlords
- -require proof of money set aside for repairs
- -require inspections or standards
- 5. Tenant insurance
- -mandatory
- 6. Landlords should not be subsidized
- -Subsidies can provided to tenants
- -if increased rent due to increased regulations, provide subsidies to tenants

Thank you,

Rashmi Patel 867-876-0864

From: LA PAC

To: DST LEG Committees

**Subject:** FW: Housing

**Date:** October 28, 2024 2:15:22 PM

#### FYI

Public Affairs and Communications Northwest Territories Legislative Assembly WWW.NTASSEMBLY.CA

----Original Message-----

From: sherman cavanaugh <shermancav@hotmail.com>

Sent: Monday, October 28, 2024 11:20 AM To: LA PAC <LA PAC@ntassembly.ca>

Subject: Housing

EXTERNAL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

I could not find any links for input about the housing as a human right. So please forward.

I believe it is a human right; we pay taxes on everything, to have healthcare, services. Housing should be the same. Same as water is needed to survive; housing is as well.

If everyone had housing I think you would see a big reduction in crime and mental illness.

I stress everyday about paying my rent; and we all know too much stress affects our health; in turn increasing healthcare cost.

Everyone should be included in affordable housing, 30%.

When people have to pay 40-50% of their income, less money goes back into the economy; and families have to go to food banks to survive.

This creates isolation; as you can not afford to do anything but just survive; keeping people unable to travel and see family members.

Canada needs to do much better, sends less billions of dollars around the world, take some of the taxes, and create a program for affordable housing for all, it's common sense.

Thank you

Sent from my iPhone



Yellowknife Women's Society PO Box 2303 Yellowknife, NT, X1A 2P7

Yellowknife, NT, X1A 2P7 Main Office: (867) 873-2339

October 27, 2025

#### **BRIEFING NOTE**

Subject: The Right to Housing and Distinctions Between Low-Barrier, Trauma-Informed Indigenous

Housing Models

Prepared For: The Yellowknife Women's Society

Date: June 05, 2025

Prepared By: Arlene Hache

#### **PURPOSE**

To provide an overview of the right to housing and key distinctions between emergency shelters, transitional housing, and permanent supported living units within the context of low-barrier, trauma-informed Indigenous housing models.

#### **BACKGROUND**

Canada officially recognized the right to housing in 2019 under the National Housing Strategy Act, which affirms housing as a fundamental human right. This aligns with international human rights law, including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

For Indigenous Peoples, housing is not only a basic need but a cultural and spiritual right, deeply connected to land, identity, and healing.

Jesse Thistle's definition of homelessness:

Indigenous homelessness is a human condition that describes First Nations, Métis and Inuit individuals, families or communities lacking stable, permanent, appropriate housing, or the immediate prospect, means or ability to acquire such housing. Unlike the common colonialist definition of homelessness, Indigenous homelessness is not defined as lacking a structure of habitation; rather, it is more fully described and understood through a composite lens of Indigenous worldviews. These include individuals, families and communities isolated from their relationships to land, water, place, family, kin, each other, animals, cultures, languages and identities. Importantly, Indigenous Peoples experiencing these kinds of homelessness cannot culturally, spiritually, emotionally or physically reconnect with their Indigeneity or lost relationships (Aboriginal Standing Committee on Housing and Homelessness, 2012).











#### **KEY CONCEPTS**

#### 1. Low-Barrier Housing

Definition: Housing models that minimize entry requirements (e.g., sobriety, identification, income verification), ensuring accessibility for those most marginalized.

Purpose: Designed for people who have experienced chronic homelessness, substance use, trauma, or systemic discrimination.

Indigenous Context: Low-barrier approaches respect non-linear healing, traditional knowledge, and avoid punitive policies that replicate colonial control.

#### 2. Trauma-Informed Practice

Definition: An approach grounded in understanding the impact of historical and intergenerational trauma.

Principles: Safety, trust, collaboration, peer support, empowerment, and cultural relevance. Application in Housing:

- Indigenous staff and Elders are involved in service delivery.
- Tenants are not penalized for symptoms of trauma (e.g., substance use, emotional dysregulation).
- Policies support autonomy, harm reduction, and cultural practices.

#### DISTINCTIVE ELEMENTS OF INDIGENOUS HOUSING MODELS

- Cultural Safety: Spaces that integrate ceremony, language, food, and Elder-led guidance.
- Community Governance: Indigenous-led decision-making and accountability structures.
- Healing over Compliance: Emphasis on self-determination and relational care over bureaucratic conditions.
- Intergenerational Design: Units support extended families, land-based healing, and reconnection with identity.

#### RECOMMENDATIONS

- Adopt Rights-Based Housing Frameworks: Ensure all policies and programs reflect the legal and moral obligation to respect the right to housing, especially for Indigenous Peoples.
- 2. Expand Low-Barrier, Indigenous-Led Housing: Prioritize funding and land transfers for Indigenous organizations to develop culturally safe, trauma-informed housing.
- 3. Phase Out High-Barrier Models: Transition away from shelter systems with punitive or exclusionary practices that re-traumatize residents.
- 4. Support Continuum of Housing: Ensure coordinated systems that flow from emergency to permanent options, without forcing individuals to "prove" worthiness.

#### CONCLUSION

The right to housing is more than shelter—it is a cornerstone of dignity, health, and cultural survival. Indigenous housing models that are low-barrier and trauma-informed reflect best practices rooted in healing and self-determination. A shift away from temporary, compliance-based housing toward permanent, culturally-rooted homes with wraparound support is essential for addressing the housing crisis among Indigenous communities.

#### GENDER LENS AND RISKS IN CO-ED ENVIRONMENTS

Applying a gender lens to Indigenous housing models is essential to address the distinct needs and safety concerns of women, girls, and gender-diverse individuals. These populations experience unique barriers to housing stability, including elevated risks of violence, discrimination, and systemic exclusion, particularly in the North and in rural or remote Indigenous communities.

Co-ed treatment and living environments can pose significant safety risks for Indigenous women and 2SLGBTQIA+ individuals, many of whom are survivors of trauma, violence, and abuse. Mixedgender spaces often replicate power imbalances and contribute to re-traumatization, especially when staff are not adequately trained in trauma-informed, gender-sensitive practices. Best practices include the establishment of women-only and 2SLGBTQIA+-affirming spaces with Indigenous-led programming that centers cultural healing, peer support, and relational safety. Gender-specific housing options are critical in ensuring emotional and physical safety and in creating pathways for long-term recovery, empowerment, and self-determination.

#### DISTINCTION BETWEEN SHELTERS AND SOBERING CENTRES

Shelters and sobering centres serve different functions within the housing and health continuum. Understanding their distinct roles is critical in designing low-barrier, trauma-informed services for individuals experiencing homelessness, substance use, and acute crisis.

Shelters are primarily intended to provide temporary emergency accommodation for individuals and families experiencing homelessness. They may vary in policies—some are low-barrier, others impose conditions such as sobriety or curfews. Traditional shelters may exclude individuals who are visibly intoxicated, creating additional barriers for people with substance use disorders. Sobering centres, by contrast, are medical or harm-reduction-focused facilities designed to provide a safe space for intoxicated individuals to recover under supervision. These centres reduce the reliance on hospitals or police holding cells for managing public intoxication and aim to reduce harm through health-oriented interventions.

A critical gap exists when shelters refuse entry to intoxicated individuals but no sobering centre or alternative low-barrier space is available. This increases the risk of exposure, arrest, or injury. Indigenous-led, culturally-safe models increasingly advocate for integrated approaches that allow intoxicated individuals into designated areas within shelters or offer harm reduction-informed sobering spaces attached to housing services.

Best practice is to design shelters with specific protocols and separate areas to safely accommodate people under the influence, without criminalizing or stigmatizing them. Doing so aligns with trauma-informed care and the human right to shelter, particularly for Indigenous populations disproportionately affected by substance use due to colonial harms.

#### Sincerely,

Arlene Hache, CM Interim Executive Director arlene@ykws.ca 867-446-0723 From: Rose Black <Rose\_Black@gov.nt.ca>
Sent: Tuesday, March 11, 2025 2:49 PM

To: DST\_LEG\_Committees < committees@ntassembly.ca>

**Cc:** Micheal Dawodu <Micheal\_Dawodu@gov.nt.ca>; Matthew Spence <ceo@ykdene.com> **Subject:** FW: 2025-03-05 SCOSD to Yellowknives Dene First Nation Housing Division- Invite to

Provide Feedback on Committee's Study - Housing A Human Right in the NWT

Dear Members of the Standing Committee on Social Development,

Thank you for the opportunity to provide input on your study regarding the implementation of housing as a fundamental human right in the Northwest Territories. With 16 years of experience at the Local Housing Organization (LHO) level, I have witnessed firsthand the challenges that come with providing low-cost housing in our communities. While the intent behind recognizing housing as a human right is understandable, I believe implementing this approach into policy and law would create significant operational and financial challenges.

From my experience, the following key issues must be considered:

#### 1. Expectations of Free Housing

Many tenants already expect housing to be provided **free of charge** and resist paying rent, even at reduced rates. Implementing a housing-as-a-right framework could reinforce this expectation, making rent collection even more difficult and **jeopardizing the financial sustainability** of housing programs. Without rental contributions, maintaining and expanding affordable housing would be an even greater challenge.

#### 2. Addictions and Tenant Damages

Substance abuse and related social issues often lead to severe damage to housing units. Many tenants do not take care of their units, knowing they will not face significant consequences. Currently, we have measures in place to ensure that applicants are demonstrating responsibility before being allocated a unit. However, if housing becomes an unconditional right, our ability to enforce accountability may be diminished, leading to further property damage and increased repair costs.

While I fully support the goal of ensuring safe and adequate housing for those in need, I believe a balanced approach is required—one that includes personal responsibility, financial sustainability, and adequate support services for tenants facing social challenges. If housing as a right is to be implemented, it must be paired with strong policies that ensure tenants contribute to the cost, take responsibility for their living conditions, and receive the necessary support to succeed in stable housing.

Additionally, it is crucial to implement support programs to ensure tenants can thrive in their living spaces. Some of these supports should include:

- **Financial Workshops:** Many tenants express that they cannot pay rent because they prioritize other bills like cell phone, cable, or vehicle payments. There is a lack of understanding that rent is a priority bill, and without financial literacy programs, this trend will continue to undermine the sustainability of the housing system.
- Cleaning Courses: A significant number of tenants do not know how to properly maintain their units or may neglect this due to social challenges. Providing cleaning courses could help tenants take better care of their living spaces, leading to fewer property damages and a better quality of life. A properly cared for home can last a lifetime without ever needing a renovation.
- Maintenance Courses for Basic Home Repairs: Many tenants do not take responsibility for minor repairs (e.g., replacing Kleenex roll dispensers, changing light bulbs, performing home remedies to remove pests, or simply calling us for mold when the solution could be as simple as washing the windows and turning on the fan when showering to avoid water damage). Offering maintenance workshops could help tenants feel empowered and responsible for basic upkeep.

Housing staff are also consistently overexerted as we are expected to go above and beyond our job descriptions. We are often expected to act as janitorial staff, moving company, social workers dealing with child complaints and mental health issues, counselors, RCMP/Bylaw officers, and even dog catchers. This list is just a glimpse of the additional roles we take on daily, and it significantly impacts the quality of service we can provide.

Thank you for your time and consideration. I hope this feedback helps inform the direction of your study. I strongly believe that a balanced approach with a focus on personal responsibility, proper support services, and financial sustainability is key to making housing a fundamental human right in a practical and sustainable way.

#### Rosebud Black

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Yellowknives Dene First Nation - Housing Division

Agents on behalf of Housing Northwest Territories

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