

Rhona Duncan  
Manager, Housing Division  
Ministry of Municipal Affairs and Housing  
College Park  
777 Bay St., 14th Floor  
Toronto, ON M5G 2E5

June 28, 2019

**RE: Proposed Amendment to the Housing Services Act, 2011 to Support Community Safety**

Dear Rhona Duncan,

We are writing this letter in response to the public participation request for the Ontario government's proposed amendment to the *Housing Services Act* regarding community safety.

As outlined on your website, "the current proposal would amend section 50 of Ontario Regulation 367/11 by adding to the circumstances under which a housing provider would be allowed to refuse to offer a unit to a household at the top of the waiting list. This proposed change would give community housing providers the authority to refuse to re-house a household based on a previous eviction for a serious criminal offence."

As an organization committed to effective, just and humane responses to crime and its causes, we are very concerned about this proposed amendment. We do not believe that excluding people from accessing community housing is an effective way to increase community safety.

The proposed amendment would likely compromise community safety and destabilize communities in three key facets:

1. Exclusions from community housing would negatively impact the reintegration process for individuals involved with the criminal justice system. Successful reintegration contributes to reduced recidivism rates and safer communities.
2. The proposed amendment would unduly harm the innocent members of a household, including children and seniors, who may experience homelessness and increased risks of violent victimization.
3. Evictions under the *Residential Tenancies Act* do not require a criminal conviction, hence, individuals who are cleared of their charges in criminal court and presumably do not pose a safety risk would be unjustly excluded from community housing.

As noted in our report *Reintegration in Ontario*, securing adequate housing is one of the central challenges for individuals after release from prison.<sup>i</sup> Stable housing forms the foundation for building on other re-entry successes such as finding and maintaining employment, remaining sober, and becoming involved in conventional social activities.<sup>ii</sup> Due to financial barriers and discrimination based on criminal records, community housing is often the only option for individuals involved with the criminal justice system and is an integral part of the reintegration process. Successful re-entry leads to reduced chances of recidivism and safer communities across Ontario.

The proposed amendment would also have dire consequences for the other members of the household, and inadvertently harm the children and seniors in that home. Since the proposed amendment applies to entire households, innocent occupants, including family members with no criminal involvement,

would be further penalized after already experiencing disruption and hardships caused by an eviction. Many families would have to rely on shelters or face homelessness due to exclusions from community housing for prior actions of one member of that household. Experiencing homelessness is associated with an increased risk of becoming a victim of crime and violence.<sup>iii</sup> The proposed amendment would jeopardize these families' safety and well-being and decrease community safety.

The *Residential Tenancies Act* expressly permits evictions based on an illegal act whether or not the tenant or other person has been convicted of an offence relating to the illegal act.<sup>iv</sup> In some cases, individuals and households may be evicted despite the person who was charged later being found not guilty or having their charges stayed or withdrawn. If an individual is evicted for an illegal act and later cleared of those charges these amendments would result in this individual and members of their household being unjustly excluded from community housing despite their innocence. In Ontario, 40% of all criminal cases are either stayed or withdrawn by the court; the scenario presented above is not aberration.<sup>v</sup>

This proposed amendment will limit housing options available to people across Ontario who are already marginalized, and in the long run cost the province significantly more money. Limiting housing options available to individuals and families that rely on community housing will not result in safer communities.

We would like to see the Ontario government support more inclusive policies and programs to address the underlying issues of crime and violence. The amendment proposed allows community housing providers to exclude and invariably defer the cost of housing the children, seniors, and families affected to the province's shelters and emergency beds. We hope that the Ontario government will continue to work with municipalities and community housing providers to support more inclusive policies that better promote community safety and that reflect the Right to Housing approach outlined in the National Housing Strategy. Organizations and groups like the John Howard Society, the Elizabeth Fry Society, and Crime Prevention Ottawa promote and facilitate evidence-based approaches to inclusion and safety across the province. We would welcome the opportunity to communicate with you further about options, programs, and initiatives available to the province.

Thank you for taking the time to read our concerns about this proposed amendment to the *Housing Services Act*.

Sincerely,



Paula Osmok  
Executive Director

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<sup>i</sup> John Howard Society of Ontario et al. (2016). "Reintegration in Ontario: Practices, Priorities, and Effective Models." Toronto, ON: John Howard Society of Ontario. The Centre of Research, Policy and Program Development. Retrieved from: <https://johnhoward.on.ca/wp-content/uploads/2016/11/Reintegration-in-Ontario-Final.pdf>

<sup>ii</sup> John Howard Society of Ontario et al. (2016). "Reintegration in Ontario: Practices, Priorities, and Effective Models." Toronto, ON: John Howard Society of Ontario. The Centre of Research, Policy and Program Development. Retrieved from: <https://johnhoward.on.ca/wp-content/uploads/2016/11/Reintegration-in-Ontario-Final.pdf>

<sup>iii</sup> Institute for the Prevention of Crime (2008). "Homelessness, Victimization and Crime: Knowledge and Actionable Recommendations." Ottawa, ON: Institute for the Prevention of Crime. Retrieved from: <https://www.publicsafety.gc.ca/lbr/archives/cnmcs-plcng/cn35305-eng.pdf>

<sup>iv</sup> *Residential Tenancies Act*, 2006, S.O. 2006, c. 17, s75.

<sup>v</sup> Statistics Canada. [Table 35-10-0027-01. Adult criminal courts, number of cases and charges by type of decision](#)