



SASKATCHEWAN
HUMAN RIGHTS
COMMISSION

**Access and Equality for
Renters in Receipt of Public Assistance:
A Report to Stakeholders**

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I. The Saskatchewan Human Rights Code

The *Saskatchewan Human Rights Code* is part of the statutes of Saskatchewan. The objects of this quasi-constitutional legislation are:

- (a) to promote recognition of the inherent dignity and the equal inalienable rights of all members of the human family; and
- (b) to further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.¹

Discrimination can be described as an action, policy, or procedure that puts a person at a disadvantage by:

- Treating them differently from others, or by
- Applying the same rule to everyone, which can result in a person being denied opportunities or receiving fewer benefits

From a human rights perspective, discrimination is connected to differential treatment and/or loss of opportunity based on prohibited grounds. Prohibited grounds are protected personal or individual characteristics. Section 11 of *The Saskatchewan Human Rights Code* (the *Code*) prohibits discrimination in the area of rental accommodation. Further, receipt of public assistance is defined as a protected ground in Section 2(1) (m.1) as “assistance as defined in *The Saskatchewan Assistance Act* or a benefit as outlined in the *Saskatchewan Income Plan Act*.”

II. Background

In August 2015, the Community Legal Assistance Services For Saskatoon Inner City (CLASSIC; a pro bono legal clinic), and the Saskatoon Housing Initiatives Partnership (SHIP), contacted the Saskatchewan Human Rights Commission (SHRC) about online rental accommodation advertisements that targeted, and denied access to, people in receipt of public assistance. These advertisements stated, for example, that applicants for rental housing must be working and not “on social assistance.”²

Both agencies reported that tenants receiving public assistance are often hesitant to make a complaint that would identify themselves or landlords. The reasons for this hesitancy include:

- Fear of reprisal from landlords who may evict them, making them vulnerable to homelessness,
- That their name will be placed on a “blacklist” of renters who are deemed undesirable,³ and
- Distrust of public agencies who may be associated with government authorities.

¹ *The Saskatchewan Human Rights Code*.

² Most of the tenants consulted for this initiative received benefits under the Saskatchewan Assistance Program (SAP) or the Saskatchewan Assured Income for Disability (SAID) program.

³ While no evidence of such a list has been brought to the Commission’s attention, this fear is a consideration for many vulnerable people that may prevent them from coming forward with complaints.

The Commission's records also demonstrate a small but increasing number of individual complainants between 2011 and 2015, with a slight decline in 2016.

In 2011/2012 and 2012/2013 there were seven housing accommodation complaints each year, with five and six being formalized, in respective years. A formalized complaint indicates that the information submitted by complainants was sufficient to believe discrimination may have occurred. The number grew to twelve in 2013/2014 and peaked in 2014/2015 at twenty-one. 2015/2016 saw nineteen housing accommodation complaints and a rise in the number of complaints formalized to fourteen. A small portion of these complaints each year were based on the ground of receipt of public assistance, though seven of the nineteen complaints in 2015/2016 were based on this protected ground, as compared to five on the basis of disability, one on the basis of race and one on the basis of age.

Given the discriminatory advertisements, concerns with reporting, and complaints, the Commission initiated a public consultation to understand the human rights and other concerns of people receiving public assistance who are having difficulty seeking or maintaining rental accommodation.

In December 2015, the Chief Commissioner of the Saskatchewan Human Rights Commission and the Director of the Office of Residential Tenancies (ORT) issued an open letter criticizing discriminatory practices against renters receiving public assistance and encouraging coordinated efforts to address the problem.

Many families live on fixed incomes of pension benefits, disability benefits, or provincial income assistance benefits. The struggle to secure safe, appropriate and affordable housing is real.

...

We recognize municipal and provincial government organizations are working with community-based organizations to end homelessness and poverty in our province. Fair treatment of landlords and tenants in all rental arrangements is one way to support these initiatives.

III. Discrimination and Systemic Advocacy

Discrimination is an action, policy, or practice that puts a person at a disadvantage by treating them differently from others, or by applying the same rule to everyone, which can result in a person being denied opportunities or receiving fewer benefits. Systemic advocacy addresses differential treatment, policies, rules, or actions that unfairly disadvantage an identifiable group. In short, systemic advocacy addresses systemic discrimination.

The SHRC has a legislated mandate to address this discrimination. Section 25(h) of the Code states, "The commission shall promote and pursue measures to prevent and address systemic patterns of discrimination."⁴ This report presents and summarizes views expressed by stakeholders that participated in the consultation process and as found in the literature. As a stakeholder engagement

⁴ See Appendix A.

tool, it includes sometimes conflicting viewpoints and may not reflect the views of any particular organization or ministry. The goal is to help address the concerns raised by renters receiving public assistance and their advocates.

IV. The Importance of Housing Stability

Housing is recognized across the literature as a basic need, and fundamental to human development. There is evidence that children who live in affordable, good quality accommodations in safe neighbourhoods have better educational, social, and health outcomes.⁵ Stable, secure, adequate, and affordable housing is also associated with higher levels of employment and improved health and economic status for adults, particularly for those from vulnerable groups. Clearly, quality of life is impacted by housing; discrimination which impedes equal access to housing has a significant detrimental effect on its victims.

V. Defining Homelessness

Fear of homelessness is a constant tension for people receiving public assistance and other renters with low income. The Homeless Hub, an organization dedicated to research on homelessness in Canada, defines homelessness as follows:

[T]he situation of an individual or family without stable, permanent, appropriate housing, or the immediate prospect, means and ability of acquiring it.⁶

Further, some people are “unsheltered,” or living on the streets or places not meant for habitation, while others stay in short-term emergency shelters or are “provisionally accommodated,” meaning their accommodation is temporary or insecure.

A person whose accommodation is precarious, or is living in accommodations that are in violation of public health and safety standards, is considered to be at risk of homelessness. Homelessness is typically a fluid experience, with some people undergoing episodic homelessness while others may be considered chronically homeless if their circumstances endure over time.

⁵ http://www.urbancenter.utoronto.ca/pdfs/elibrary/CPRN_Housing-Good-Soc-Polic.pdf

⁶ <http://homelesshub.ca/homelessdefinition>

VI. Consultation Process

With the support of CLASSIC, SHIP, the Food Bank, and individuals with lived experience, plans for public consultations were developed. The consultations were limited to Saskatoon, with a view to the potential for proposing resolutions in other jurisdictions in the future.

In total, four public consultations were held:

- 2 at the Friendship Inn,
- 1 at the Food Bank, and
- 1 at AIDS Saskatoon/ 601 Outreach.

Additionally, submission forms were given to fifteen community agencies who agreed to distribute them to people who may be affected by discrimination in the area of rental housing (see Appendix C). Approximately forty submissions were received. Investigators also heard accounts of renters' experiences at meetings of Renters of Saskatoon and Area (ROSA) and The Saskatoon Anti- Poverty Coalition.

In order to include the views of renters with lived experience, the submission process needed to be flexible. Few contributors wished to give their full name. Many chose to share their stories verbally rather than in writing. In some instances, advocates and service providers transcribed or summarized client experiences. Even with these accommodations, renters with lower levels of literacy, and/or less capacity to attend scheduled meetings, did not attend in significant numbers.

Representatives from the Landlord's Association, the Ministry of Social Services, the Saskatoon Fire Department, Public Health, and Crime Free Multi Housing were consulted as well. In total, interviews were conducted with over thirty service providers and agencies working with affected populations. Their accounts were remarkably similar to those of individuals with lived experience.

While the focus of this initiative is discrimination in housing based on the receipt of public assistance, the consultations revealed a high degree of intersectionality with racial discrimination and disability in the lived experience of participants. Discrimination based on family status, specifically against families headed by single parents, was a factor in many of the interviews.

VII. Homelessness in Saskatoon

The Community-University Institute for Social Research (CUISR) conducted Saskatoon's most recent "point in time" homeless count in June 2015. This survey provides a "snapshot" of homelessness on a given day. It found that a total of 450 people were counted as without permanent shelter, including 45 children.⁷ While efforts were made to be as accurate as possible, it is likely that there were

⁷ <http://www.usask.ca/cuisr/node/137>

some “hidden homeless” people who were not counted on this day for various reasons.

Saskatoon’s Housing and Homeless Plan (2011 – 2014) describes the hidden homeless as:

[P]eople who find a temporary couch to sleep on with friends or family while seeking affordable housing, adults who live in cars and abandoned buildings and sleep in church basements and women who accept housing from a man, even in dangerous situations, rather than being on the street. It is estimated that for every homeless person you see on the street there are four that you don’t see.”⁸

Another important finding in the CUISR study was the subjects’ self-report of discrimination as a cause of their homelessness. In fact, discrimination was the fourth most commonly cited barrier to finding housing, behind lack of affordable housing, health issues (including mental health and disabilities), and “overwhelming life stresses.” Other issues raised were family situations and lack of trust in services and supports.

VIII. Summary of Findings from Stakeholder Meetings

The following findings emerged from the public consultation process (the following are numbered for convenience only). The comments below reflect the views of the participants of the consultations; therefore they speak to unique individual experience and may not be reflective of practice or policy in the area of public assistance. Some of the views are conflicting and highlight the complexity of issues pertaining to discrimination, and the need for further dialogue among stakeholders.

1. Public Assistance

Public Assistance vs. Real Rental Costs

The most often-cited concern throughout the consultation process was the high cost of rent, and the inability to cover the rent through social assistance benefits. For example, the basic shelter allowance for a “single unemployable” recipient of the Saskatchewan Assistance Program (SAP) is up to \$459.00 per month, with a family with up to two children receiving up to \$711.00 per month.⁹ These amounts reflect only the shelter portion of the SAP benefits available to individuals and families. Additional benefits are provided for basic living needs and an array of special needs, including shelter benefits. Families and singles with a disability may also be eligible to receive a benefit from the Saskatchewan Rental Housing Supplement in addition to the amount they receive under SAP, Saskatchewan Assured Income for Disability (SAID), or Transitional Employment Allowance (TEA).

⁸ <https://www.saskatoon.ca/sites/default/files/documents/community-services/planning-development/Neighbourhood-Planning/Housing%20and%20Homelessness%20Report%202011%20final.pdf>

⁹ Saskatchewan Assistance Program Manual http://www.qp.gov.sk.ca/Publications_Centre/Social-Services/Saskatchewan-Assistance-Program-Manual.pdf

Benefits in the SAID and TEA programs are generally “flat rated” which allows the beneficiary to decide how to direct their benefits. To reflect the cost of living with a significant and enduring disability, the average monthly benefit in SAID is considerably higher than benefits in other income assistance programs. In addition to shelter benefits in these programs, beneficiaries of SAP and SAID may also be eligible for “excess” shelter benefits to address a range of specific situations such as when there is a change in family composition, exceptional medical circumstances, or needing temporary accommodation while receiving medical treatment. The average two-bedroom apartment for rent in Saskatoon in 2017 cost \$1,082 per month, according to the Canada Housing and Mortgage Corporation.¹⁰ A bachelor suite the same year typically cost \$684 per month. Despite Saskatchewan’s ranking among the fourth highest benefit rates in the country when compared to other provinces, public consultation participants largely found it a struggle to afford suitable housing.

Participants reported that the distinction between rental allowances afforded to individuals living together, and rental allowances afforded to couples, sometimes caused difficulty. Multiple social assistance recipients spoke of being challenged about the nature of their relationship with a person they reported as a roommate, but whom their Income Assistance worker presumed was a romantic partner. A professional working in the field expressed their opinion that the low rates of social assistance encourage people to lie about their circumstances in order to get by.

Provincial Income Assistance shelter rates vary by family size. The Ministry of Social Services points out their regulatory requirement to validate the relationship status of clients to ensure correct benefits are being provided.

The relationship between vacancy rates and rent has typically meant that as vacancy rates increase, rents tend to decrease. SHIP’s research indicates there has been an increase in the number of rental units in the past three years, during which time the apartment vacancy rate increased by 7.6%. However, despite the vacancy rate reaching its highest point in the past twenty-five years, prices have not dropped as significantly, making the vacant units largely unaffordable for many. This may be due, in part, to the dramatic increase in the cost of real estate over the past decade. SHIP explains that “core housing need” is experienced when households are paying more than 30% of their income toward housing. By this definition, the majority of recipients of public assistance live with core housing need.

Shelter vs. Other Needs

Most participants spoke of spending money from their food budget to cover their rent. In doing this, they often relied on food programs and food foraging to sustain them.

One participant indicated he used to collect recycling to supplement his public assistance benefits in order to afford his rent and groceries, however, he acquired

¹⁰ www.cmhc.ca/housingmarketinformation

a disability and could no longer do this work. Another man acknowledged he has resorted to shoplifting when he ran out of funds due to using his food budget to cover rent.

Moving to a new dwelling is a particularly stressful time for renters in receipt of public assistance. Not only do they have to come up with the difference between the rent and the amount they receive from public assistance, they also have to come up with the difference between the damage deposit being asked and the guaranteed amount available through the public assistance program. The Ministry of Social Services points out that assistance with the costs of moving is often available.

Landlords reported that tenants get behind in their rent twice per year in a predictable fashion: in September, when children need school supplies, and at Christmas, despite extra funding provided by the Ministry of Social Services to recipients for school supplies. When faced with the choice between rent and their children's needs, it seems parents will choose to meet their children's needs. However, this may set them on a cycle of paying rent late, which could take months to redress, and which requires the patience of the landlord to avoid an eviction. An empathetic property manager commented, "Child tax benefits should not have to go towards paying rent."

Another particularly troubling trend is the need for parents to have roommates, often not well known to the family, in order to afford rent. Parents expressed their anger and helplessness at having no choice but to expose their children to violent behaviour and addictions when these roommates proved to be unhealthy. In some cases, roommates of this kind have forced people to go to a shelter. Single women also spoke of the risks of feeling compelled to live with a roommate whom they don't trust. One participant reported he was pressured to exchange sexual favours for a cheaper rent. Theft among roommates was mentioned frequently.

2. Landlords

Credit Checks as a Means of Discrimination

Credit checks are also frequently used in screening applicants. A credit check involves contacting a credit bureau, which keeps detailed records about a person's financial history as well as where they live and work. This information can be used to predict whether an individual will repay a loan or whether they will pay the rent on time¹¹. A landlord or property management company may consider a person with a bad credit rating to be unlikely to meet the financial obligations of a renter. A landlord might also consider a person with no credit rating, such as a recent newcomer to Canada or a newly single person who previously relied on a spouse's income, to be a bad risk by a landlord. However, these are also protected grounds under *The Saskatchewan Human Rights Code*, and landlords must also consider other information, such as references.

An advocate said the practice of credit checks usually results in the rejection of the applications of her clients, whose primary income is typically through

¹¹ https://www.cmhc-schl.gc.ca/en/co/reho/yogureho/fore/gest/gest_004.cfm

the SAID program. A participant noted she has bad credit history, impacting her search for stable and safe housing, which in turn makes it difficult for her to stabilize and improve her credit rating. The requirement that renters obtain tenant insurance, a common stipulation on application forms, is also prohibitive for most people in receipt of public assistance, as they do not receive funding for such coverage. A service provider noted it is not uncommon for recipients of public assistance to be asked to have a cosigner for their rental application. While this may make sense in the case of renters who have few references or poor rental history, if applied to those in receipt of public assistance, regardless of their circumstances, the practice could be discriminatory.

Even when landlords and property management companies do not employ these screening requirements, tenants with low income may be steered towards particular kinds of housing. A service provider that was assisting a young mother to find housing shared her experience of accompanying her to the rental company to apply. When they learned that SAID was her source of income, she was automatically steered towards housing units in the core of the city and away from apartments in other neighborhoods. These units were for “working people” according to the company. The rental company did not ask about her rental history, which the advocate could verify was positive. According to the mentor, this young woman did not even recognize this experience as discrimination.

Refusing Letters of Guarantee

A landlord’s refusal to accept Social Services’ letter of guarantee in lieu of a damage deposit was another theme that emerged from the public consultations and interviews with professionals. The *Residential Tenancies Act, 2006* states in section 24 (2) a) that, “If the minister responsible for the administration of *The Saskatchewan Assistance Act* guarantees all of the payment of a security deposit, that guarantee is deemed to be a sufficient compliance by the tenant of payment of all of the security deposit for the purposes of this section.” However, instances of landlords demanding a cash payment for security deposit were reported, and, in most cases, applicants were deterred from pursuing their application.

A renter persevered in her application after the letter of guarantee was rejected, and she was told cash or money order was required. Her lawyer contacted the rental company to explain the legal responsibility to accept the letter of guarantee and her application was then accepted. However, the renter stated that:

The relationship deteriorated. I was asked if I have bed bugs, if I could pay the bills, if I have a co-signer, and if I could budget. I felt insulted, humiliated, and bad about myself that I was being treated differently and unfairly all because I was on the SAID [Saskatchewan Assured Income for Disability] program.

Ultimately, she did not end up renting the suite.

An advocate shared the story of a couple in receipt of public assistance whose landlord deducted the amount of the damage deposit from their first month's rent, leaving them in arrears, despite the letter of guarantee from Social Services. They were then evicted for failing to pay their rent. It is unknown as to why the tenants did not pursue recourse through the Office of Residential Tenancies.

Further actions reported by advocates include landlord reluctance to provide information for tenant move forms for the Income Assistance Worker, and landlords insisting that tenants consent to direct payment of rent by the Ministry of Social Services. The Saskatchewan Assistance Program and Saskatchewan Assured Income for Disability program contain various payment options for rent. Clients are able to voluntarily request that the Ministry issue a portion of their monthly income benefit payment to a landlord on their behalf. A "move form" is a form completed by an Income Assistance client to inform the Ministry of a change in their circumstances. It is a regulatory requirement that clients report changes in their circumstances and provide required documentation to maintain eligibility for Income Assistance. There was an impression on the part of many consultation participants that landlords prefer not to deal with renters in receipt of public assistance due to perceptions about bureaucratic processes involved.

Screening Tenants

Tenant screening practices can also serve to exclude applicants who are in receipt of public assistance. Renters and advocates cited unattainable income requirements as a deterrent for applicants with low income. Some rental companies require applicants to demonstrate that they earn two or two and a half times the amount of the rent per month, a requirement that disqualifies all those in receipt of public assistance given the ratio of rental allowances to average rents cited above. Landlords have been known to refuse to release apartment keys to renters until they have paid the first month's rent despite having received the damage deposit, which is all the *Residential Tenancies Act* requires of the new renter.

Similarly, income-to-rent ratios, which were frequently mentioned by participants in the public consultations, may be discriminatory. For example, in Ontario, landlords who applied a guideline that an applicant should not be spending more than 30% of their income on their rent were found to have discriminated against Code protected groups, who were disproportionately affected by the formula.¹² A participant in the public consultations described her efforts to advocate for a friend who was applying for an apartment through a property management company: "While the agent was courteous, the policy was stated as in order to accept the application, [the company] required a proof of income of double the rent. As it is unreasonable to expect someone on SAID to provide such information, it is unfair and difficult to acquire adequate housing."

Several participants reported being "screened out" by landlords or property management companies who would prefer to rent to those who are employed. It was not uncommon for renters to be told, outright, by landlords that they do

¹² <http://www.ohrc.on.ca/en/human-rights-and-rental-housing-ontario-background-paper/minimum-income-criteria>

not rent to those receiving public assistance. Even when assisted by an advocate, renters face discrimination.

An advocate working with a community-based organization stated, “The first question landlords ask is whether they are on assistance. If that is the case, they often don’t call back.” Several people spoke of calling to inquire about accommodations advertised for rent only to be told when they arrived to view the place in person that it was rented already. Service providers noted they often called to inquire about advertisements for accommodation and were told they were available, but when the clients called and identified their circumstances (or had an accent) they were told the place had been taken.

During a search for housing, an applicant was told the building she was considering was for “working people” and, as such, an income requirement of two times the rent per month was required. Unable to meet the income requirements for this quality of housing, the person had no choice but to stay in inadequate housing in a neighborhood that posed risks for her due to proximity to her former partner, who was physically abusive.

Counterpoint: Difficulties Facing Landlords

Housing providers pointed out that there is little recourse when public assistance recipients cause damage to their property, though they recognized that this behaviour is rare and it is also observed among renters who do not receive public assistance. A professional who works with renters and landlords shared their belief that landlords see public assistance clients as “judgement proof” when it comes to collecting amounts ordered by the Office of Residential Tenancies (ORT) for damages above and beyond the amount guaranteed (the damage deposit).

Orders made by the ORT for tenants to pay restitution to landlords may be registered with the Court of Queen’s Bench and, in turn, become judgments of the court. However, judgements of the Court against people receiving public assistance are essentially unenforceable, as the law allows a debtor to retain enough income for living expenses. This means that the entire income of those in receipt of public assistance is exempt, as their benefits only cover basic living expenses. Income assistance payments such as SAP, SAID, and TEA, made pursuant to the Social Assistance Act are not subject to seizure, garnishment, attachment, or legal process and are not assignable. For this reason, most landlords would not pursue a court order for a claim against a tenant in receipt of public assistance.

3. Affordability

Impact of Rent Increases

For renters who struggle to cover their basic needs with public assistance, rent increases can have a negative impact. While some mentioned landlords who were fair and helpful with determining an affordable rent, the perception of many participants was that some landlords capitalized on the low vacancy rates in the past ten years. Despite restrictions on the frequency of increases under the *Residential Tenancy Act*, many feel that rent is rising at an unreasonable rate.

The Saskatchewan Landlord's Association offers a Tenant Assistant Program aimed at reducing the impact of significant rent increases for those who apply. However, few renters take advantage of this assistance. According to the Association, the majority of applications are related to large increases after a long period of stable rent, usually when new management takes over the property.

While rents may not be decreasing as quickly as vacancy rates are increasing, service providers are noting a tendency for landlords to be more tolerant of clients in receipt of public assistance. For example, one service provider has observed a decrease in the number of moves that “fall through,” which would happen regularly when vacancy rates were low.

Limited Affordable Rental Housing Options

There is a limited supply of “affordable housing” (alternatively, “social housing”) available for renters whose income is below set criteria. SHIP reports that there are fourteen agencies providing affordable rental housing in Saskatoon, including rent-geared-to-income units, and this supply is not enough to meet the demand.

No submissions to this consultation process referred directly to issues with affordable or social housing. Advocates did, however, observe application procedures they consider to be unwieldy. For example, the Saskatchewan Housing Authority's Social Housing Program application form is five pages long and requires that detailed tax information be submitted for each adult. References from two previous landlords and verification of income source are also required, though the Ministry of Social Services states that applications without references will not be rejected. These requirements may present obstacles for those without a positive rental history and for those who need support to complete their taxes. Also, the Commission heard about instances of lack of awareness of policy in this housing sector. For example, one community-based organization that offers social housing was not aware of the obligation to accept Social Services' guarantee in lieu of a damage deposit, despite the Saskatchewan Housing Authority's efforts to educate housing providers about their responsibilities.

4. Policies

ORT Rental Dispute Policies

The ORT is an impartial Tribunal, which upholds the law under *The Residential Tenancies Act*, which deals with every file on a case by case basis. The ORT process involves an application and a hearing for any tenant or landlord disputes. Prior to a hearing, the ORT offers dispute resolution services. Upon the completion of a hearing, should there be a desire for an appeal, the losing party may file an appeal with the Court of Queen's Bench. The Court of Queen's Bench advises that from the time of filing the appeal, a Chambers hearing generally is completed within three weeks.

The ORT offers information to all tenants and landlords, through telephone contact, email correspondence, and walk-in consultation. Public education is offered and is seen as a proactive measure. In Saskatoon, the ORT collaborates with the Police and Crisis Team, the Lighthouse, and the Open Door Society in particular to provide extra support to vulnerable populations. The Office has built relationships with many of the larger landlords and can intervene quickly to help resolve minor disputes. The online system of filing claims is intended to streamline the process and allow staff to provide more of the above services.

While one participant stated, “They [the ORT] always side with the landlord,” several participants reported that they were successful with their claims, and they saw the ORT as a source of support. One advocate believes that most tenants receiving public assistance are not aware of the possibility to waive the fee for making an application for a hearing with the ORT. Similarly, some renters were familiar with the services of CLASSIC in assisting with matters with the ORT, but the majority did not mention this service.

A means to appeal bad references from landlords seems to be a gap in the dispute resolution process. A renter related how she had lived in a suite for seven years without incident. When she moved out and began applying for other accommodations, she learned her former landlord gave her a poor reference. She was confused as to how she could have maintained the accommodation for such a lengthy time and still receive a poor reference. She was dismayed at the impact it was having on her housing search. She wished that the ORT had measures in place to assist her in this instance.

SHRC/ORT Practices, Time, and Fear of Retaliation

Several reasons for not engaging with the Office of Residential Tenancies (ORT) or the Saskatchewan Human Rights Commission were offered. The most common was that renters were not aware of their rights, with many fearing repercussions from their landlords for complaining. A renter with concerns about the disrepair of the building she was living in stated, “I don’t know where else to rent. I might get evicted if I fuss.” She was unaware of the protections the ORT could offer.

In addition, the lack of affordability of available housing combined with the vulnerability of this population makes them hesitant to complain about any conflict with landlords, including the quality of the housing. An advocate speculated that people receiving public assistance navigating the housing market are, “just trying to make it through the day,” and do not have the resources to make a claim that would require time and energy.

Social Services Policies

Renters voiced a number of concerns about policies and practices of the Ministry of Social Services.

Navigation

A common complaint was the difficulty of navigating “the system,” and lack of awareness of entitlements under various benefits, despite information available on the Government’s website, in print, in the phone book, and by contacting the Ministry of Social Services. More than one renter expressed frustration and despair over their difficulty accessing such information.

A man who had recently moved from his First Nation in hopes of improving his circumstances so he could address his addiction, was moved to tears as he recounted how he had no idea where to start looking for housing or other supports and he felt hopelessly alone. He predicted he might end up returning home, where he felt the risks for his addiction were greater.

Applications

Similarly, several recipients were unaware of the Saskatchewan Rental Housing Supplement and how to apply. According to the Ministry of Social Services, “The Saskatchewan Rental Housing Supplement (SHRS) is a monthly payment that helps families with low to moderate income and individuals access quality and affordable rental housing. The supplement is made up of two benefits:

- 1) The Family Rental Housing Supplement- provides benefits for families with low to moderate income who have children under the age of 18 to help pay their household rental costs. Maximum supplements range from \$184 to \$364 per month, depending on family composition, location, and household income.
- 2) The Disability Rental Housing Supplement-provides benefits for single individuals, families and couples without children with low incomes who have supports in their household to accommodate a physical or cognitive disability-related need.”¹³ For households without children, maximum supplements range from \$186 to \$336 depending on the type of disability, location, household income, and physical support required. For households with children, maximum supplements range from \$61 to \$121 on top of the Family Rental Housing Supplement.

Saskatchewan Rental Housing Supplement benefits are calculated on total gross family income, family size, location of accommodation, cost of rent, and the assessed need for disability supports. Because these criteria are used to determine benefits, applicants must have secured rental housing prior to applying for the program; rental accommodation must also meet minimum health and safety criteria such as confirmation of the existence and good working order of smoke detectors, stairways and railings, and windows that open.

In order to qualify, one may apply over the phone or on paper (available as an accessible ten-page application), providing such information as health and social insurance numbers for each member of the family, the name of a reference or referring agency, detailed information about the current state of the accommodation, as well as family income. Applicants must be able to describe their disability and the supports they require.

¹³ <https://www.saskatchewan.ca/residents/family-and-social-support/people-with-disabilities/rental-support-for-families-and-people-with-disabilities>

According to the participants in public consultations for this initiative, this can be difficult for those struggling with mental health and/or cognitive challenges. In addition, applicants must have located housing already in order to apply, creating a barrier for those who are homeless. Advocates state that it can take up to three months for the applicant to be approved and receive the supplement, during which time they must make up the shortfall between the rent and the basic shelter amount. The Ministry of Social Services reports that benefits are received the following month by the successful applicant, but that delay can occur when required information is not submitted in a timely manner by applicants.

The Ministry of Social Services' data indicates that the vast majority of applicants complete the process by phone and that in 2017 the average call wait was 14 minutes. This counters anecdotal accounts provided by advocates in which applicants often wait on hold for up to an hour, and then spend a lengthy time going through the application. For individuals who do not have phones, this entails finding a place to make a lengthy call.

Perhaps the most challenging aspect of the SHRS application process according to those consulted for this initiative is that there is a mandatory quarterly report (that is much briefer than the full application process) or the benefit will be discontinued. Though the Ministry mails out advance notice when the report is due, the Commission heard accounts of recipients who lost their supplement because they did not meet the reporting requirements.

Several advocates who work with people receiving public assistance voiced the opinion that the process is unmanageable for those who have cognitive disabilities and/or mental health problems and do not have professional assistance. The Ministry of Social Services confirmed that the bulk of recipients of the SRHS do not seek out advocacy or professional support and that they successfully negotiate the system independently. For those who need extra help with applying, they may request support in a local Ministry Service Centre with their application.

Delays

Several factors can delay the receipt of public assistance. These include: mail delay, clients not accessing the "direct deposit" option, clients not providing required information for their benefits to be released, and Ministry administrative delays.

Delays can create problems for renters who must coordinate move forms with income assistance workers who, in turn, process letters of guarantee and rent to landlords. A professional in the field commented that renting to tenants who receive public assistance involves extra steps in the rental process and that when there are delays in that process, the tenant risks losing the housing opportunity.

Advocates also noted that delays in the distribution of rent cheques have resulted in arrears for recipients of public assistance. When the cheques do not arrive on the first of the month, the client may be charged a late fee. The fee is sometimes taken, illegally, off of the next month's rent, a situation that can compound, leaving them in arrears the next month as well.

There was an impression among people consulted that the large caseloads of income assistance workers mean that communication with clients can be delayed, although income assistance workers were generally seen as compassionate and doing their best to assist recipients.

Several consultation participants expressed concerns with damage deposits. In one unique case, a damage deposit was paid for room rental in a house which was condemned and demolished. The damage deposit is typically considered an overpayment for the client and the amount is deducted from the personal amount of their social assistance benefit over a period of time, if the client does not file a dispute with the ORT. Such a deduction, when budgets are already strained, can set a person back for months, if not years. Possibly complicating this specific case was that the client, who had been receiving SAP, and had applied for SAID, was also involved in hearings and appeals with the Office of Residential Tenancies.

It is unclear as to how this situation came about, as the Ministry of Social Services' practice is aligned with the ORT processes. When a claim for a damage deposit is made with the ORT, the income assistance worker notifies the client and they have a chance to dispute the claim through the ORT. If the claim is successful, the damage deposit is paid and considered an overpayment for the client, to be recouped over months. The client is notified of this as well and of the option to appeal the overpayment. This practice relies upon the income assistance recipient's comfort and confidence in representing themselves during dispute resolution processes. Clients may not be aware that they may be provided a benefit through SAP and SAID of \$45 to assist with the cost of an advocate to help them at the ORT appeal.

A desire for increased communication with income assistance workers was expressed by housing providers. For their part, while the Ministry of Social Services supports collaboration with landlords, clients' rights to confidentiality and autonomy must be considered when information is requested. The Ministry notes that rental agreements are between the renter and the landlord, not the Ministry; a client in receipt of income assistance has the same rights and responsibilities as any other citizen when becoming a renter.

Program Limitations

Service providers working with this population noted a trend towards more applicants for income assistance receiving Transitional Employment Allowance, a program that, "provides financial support to people who are participating in pre-employment services, or those who are job-ready and seeking employment," according to the Government of Saskatchewan's website.¹⁴ The Ministry of Social Services states that eligibility for the SAP, SAID, and TEA programs, which are "needs based," are defined in program regulations and Ministry employees are required to determine eligibility under those regulations, considering the person's income, assets, and resources.

¹⁴ <https://www.saskatchewan.ca/residents/family-and-social-support/financial-help/financial-help-for-people-looking-for-work>

Some advocates expressed the concern that applicants are frequently placed in the lowest benefit public assistance program, regardless of their circumstances. A CBO representative recounted how a mother of an infant was placed on the (TEA) program, despite concerns that she was not “employment ready” due to childcare responsibilities. One service provider stated, “Advocating for yourself is necessary at intake or you will be streamed toward the program with the lowest amount. You have to know what benefits are available.”

Rather than including amounts for housing, groceries or other necessities, TEA rates include a general living allowance that is a “flat rate benefit.” This means that landlords cannot receive rent paid directly by the Ministry of Social Services, nor do TEA program regulations provide for a letter of guarantee of damage deposit, potentially making renters on TEA less attractive to landlords. In addition, TEA benefits are typically lower than the Saskatchewan Assistance Program (SAP) rates, exacerbating the unaffordability of housing for these recipients. Furthermore, TEA rates were reduced by 20\$ per month per adult as of July 2017.¹⁵

The Provincial Training Allowance (PTA) is another program that was raised during the consultations. This program offers grant funding to assist with the costs of living for adults with low income who are enrolled full-time in approved basic education, workforce development programs, or quick skills programs.¹⁶ It is administered by the Ministry of Advanced Education and not by the Ministry of Social Services.

A young mother who received the PTA while she was in school from September to June, reported that she had to apply for SAP during the summer months for a number of years. Each year when she went on the PTA program, her letter of guarantee from Social Services was revoked and she raised the entire amount of the damage deposit. This left her without funds to pay the rent, leaving her behind for several months. It is a testament to the young woman’s tenacity and the support of the housing provider that she was not evicted.

The Ministry of Social Services notes that when an individual or family applies for PTA and leaves income assistance or vice versa, a security deposit letter of guarantee may be provided. However, an individual may have to provide a security deposit each year if they move.

¹⁵ <https://www.saskatchewan.ca/residents/family-and-social-support/information-on-social-services-program-changes>

¹⁶ <http://publications.gov.sk.ca/documents/310/92366-Provincial%20Training%20Allowance%20Handbook%202016-17.pdf>

5. Suitability of Rental Property for Habitation

Public Health is responsible for addressing imminent health threats in housing. Such conditions include lack of heat, inadequate plumbing, mould or poor ventilation, among others affecting the interior of the house. Pest management issues are referred to the Office of Residential Tenancy when applicable. Public Health Inspectors respond to complaints from tenants, landlords, and third parties and their focus is education and cooperation. They prepare reports and may issue warnings. As a last resort, inspectors may placard a home so no one can occupy it until health risks are remedied. The Public Health officials consulted were emphatic about their empathy for tenants who may be displaced by placarding and they endeavour to avoid this action wherever possible; as a result, it is rare. They work with the Ministry of Social Services and other agencies to ensure that displaced tenants find shelter in each case.

Renters receiving the SHRS are responsible for completing property management checklists for their social worker on a monthly basis and must report problems. When the onus is on renters to report and request an inspection, they risk angering their landlord. The Commission heard stories of renters who were threatened with eviction should they report problems with the property, as well as stories from renters who believed their eviction was due to their landlords' hesitance to complete the work that was required to bring the premises up to standard.

The Ministry of Social Services states that the SHRS recipient is treated similarly to any other renter in Saskatchewan in terms of addressing quality and safety issues with their rental accommodations. If deficiency is identified, the client is asked to work with their landlords and, if necessary, the ORT to resolve issues. Once the repair has been made, the client is asked to update the SHRS program and provide a letter from the landlord or receipts for the repairs. The Ministry may contact the landlord by phone to confirm the repair was completed or occasionally the Ministry's Eligibility Review Unit may complete a home visit. Municipalities have the mandate to set and enforce health and safety standards for rental properties.

The Saskatoon Fire Department (SFD) works in tandem with Public Health to respond to complaints about property management that impact the health and safety of occupants. SFD triage their response to complaints based on the level of risk, with priority being those where there is a risk to life, then conditions that contribute to further damage of the property, and lastly, refuse and weeds in the yard. Complaints can be made anonymously to the organization's hotline. SFD must have grounds to inspect premises, such as a complaint or a warrant. They may access the exterior of the building more easily.

The SFD has the authority to demolish homes when there is a risk of structural collapse. Very few homes are demolished each year, though, as SFD find they have success with the option of conducting "clean ups" and the cost is added to the home owner's property tax, as well as issuing orders and fines.

Until October 2016, SFD conducted inspections under contract to the Ministry of Social Services as an audit function for the Saskatchewan Rental Housing Supplement (SRHS). SFD would identify safety hazards and the owner was responsible to remedy them in a specific time frame. The Ministry of Social Services ceased the Home First inspections, which offered inspections to 5 percent of SRHS recipients.

SFD found these inspections useful to identify problems at an early stage and had good response from landlords in rectifying them. Inspections also offered SFD an opportunity to provide information about fire safety and other matters to vulnerable renters who otherwise might not come into contact with the service.

Housing and Pest control

The Office of Residential Tenancies noted that the landlord is lawfully obligated to provide “habitable premises,” and the case law holds that habitable premises means free from infestations of pests. The landlord is obligated to deal with pests like bedbugs, unless the landlord can show that the tenant caused the problem. Evidence that establishes tenant responsibility for pests is at least uncommon, if not rare, according to the ORT.

Infestation of pests, especially bed bugs, featured prominently in the accounts of renters with low incomes. Bedbug infestation is said to be extremely stressful and often costly to renters, who may end up moving and/or replacing belongings that they believe cannot be decontaminated. Some participants believed that landlords are not honest about the presence of bugs before the renter moves in. There was also a belief that landlords do not adequately rectify the bug problem so it becomes chronic. A few tenants said they had to leave soon after moving in because of bedbugs and the landlord only returned the first month’s rent after the Office of Residential Tenancies intervened.

There is also debate about who is responsible for the infestation, according to the consultations. Renters related being accused for the infestation and asked to pay for fumigation. A service provider shared an instance where her client had hoped to move into a new apartment managed by the same company that maintained his current suite. The company sent an exterminator into his current suite and said he could only move if there were no bugs. Bedbugs were found and the client was refused the new apartment, which was reportedly very disappointing for him. Similarly, others believed they were denied accommodations because of a landlord’s worry that the potential tenants would bring in bedbugs. Landlords spoke of the difficulty in coordinating fumigation for bedbugs, as the process requires the cooperation of all of the tenants of a building, which can be difficult to garner. By all accounts, the eradication of bedbugs is a complicated and difficult matter.

Property Maintenance

Throughout the public consultation process, renters and advocates raised concerns about the adequacy of the housing that people on social assistance are able to obtain. They frequently made reference to poor maintenance by landlords and poor response to their requests for repairs. There is a perception that landlords recognize the vulnerability of people receiving public assistance and landlords assess the likelihood of tenants pursuing complaint processes when they do not complete repairs.

Poor property maintenance can also affect families in other ways. A father trying to obtain custody of his son was told by a social worker that he would be unable to have his child live with him because there was no running water in the suite.

One renter acknowledged how such interactions influenced his behaviour, asking, “How can you respect the place when you are being treated badly?” Others suggested it is harder to put effort into maintaining their accommodations when they feel that the property owners are not doing so.

A housing provider offered the opinion that renters who receive public assistance may not have the resources to properly clean their homes (e.g., cleaning products and transportation for hauling garbage), while younger renters may not be aware of what is required of them upon moving out in order to retrieve their damage deposit.

6. Renter Characteristics

Intersectionality between Receipt of Public Assistance, Disability, and Racism

Several renters stated that the combination of high rent and low social assistance rates meant they had to accept inadequate housing or housing arrangements that were detrimental to their health or to their families. This issue is reported to be particularly acute for renters who are susceptible to multiple grounds for discrimination.

A mother who moved to Saskatoon from her First Nation, unaware of the scarcity of housing that would meet her needs, said she stayed with family for the first few weeks after arriving but had no success in finding housing that could accommodate her children, and family could no longer host them. She had to send her children back to the First Nation to stay with their grandparents for a few months until she could find appropriate accommodations. She expressed sadness over the separation from her young children, though she was grateful she eventually acquired housing.

In this case, renter intersectionality – particularly with respect to race, disability, and receipt of social assistance – was perceived to affect landlord tolerance.

An advocate noted that landlords seem quicker to evict members of this population than others. For example, a participant who had lived in the same apartment for over ten years said she was given an eviction notice the first time she was late with rent, even though she had previously paid her rent on time or in advance.

Other participants said they were evicted without due process after noise complaints. Those consulted felt there was a bias on the part of landlords to side with more privileged groups when there is a dispute among tenants, and that it often results in the breakdown of the relationship between landlord and renter.

Racial Discrimination

Racialized renters spoke of being told they could not drink in their own apartments, nor could they have family visit. Service providers and renters alike identified intersectionality in these forms of discrimination, as landlords were seen as less likely to rent to Aboriginal applicants and those living with mental health problems and addictions.

Other mothers pointed out how racism increases the difficulty in finding housing that can accommodate larger families. They spoke of discrimination based on landlord's perceptions of the challenges of housing children. One mother stated, "It is hard to convince them that we don't drink or party and that my children are good and quiet." She attributed this difficulty to stereotypes about Indigenous people and about recipients of public assistance. It is important to note that there is a dearth of affordable housing for large families of all descriptions.

Sexual Harassment

While there were very few personal accounts of sexual harassment shared during the consultations for this report, service providers indicated it is well known that women, especially, often enter into arrangements in which they trade sex for shelter and protection. Other women were said to have experienced sexual harassment by landlords. One was subject to sexual comments by the landlord, who lived upstairs from her. His behaviour escalated to trying to enter her suite when he was intoxicated one night. Like most of the women whose stories were shared and whose first priority is safety, the woman moved without pursuing a complaint process. Another woman moved to escape a predatory landlord only for him to track her down through her new landlord to "collect the rent" through sex.

Professionals working with victims of assault offered that many of their clients have histories of trauma, so sexual harassment may not register with them as such, since sexual violence has been normalized in their lives. A lack of trust in police and other authorities was also cited as a reason why some women do not seek formal measures to address sexual harassment in the area of accommodations.

Renters with Disabilities

Emerging from the public consultations is a picture of a group of renters most at risk for homelessness. These people tend to be in receipt of public assistance and also challenged with disabilities, most apparently mental illness and addictions. Advocates spoke of difficulties with securing and maintaining housing for this population, as discrimination is often exacerbated by the renter's problematic behavior. A service provider commented that "People with mental health problems seem to end up with the worst landlords" and added that some properties are notorious for lack of maintenance so if a tenant is leaving such a residence and seeking alternate shelter, it may be assumed by prospective landlords that they cannot be housed anywhere.

Renters with mental health and addictions issues are likely to have a poor rental history, making it exceedingly difficult to obtain housing except in low-quality, very marginal accommodations. Living in such circumstances:

- Adds further stress,
- Exacerbates poor mental health and addictions, and
- Perpetuates the cyclical nature of the problem.

Studies indicate that people living with a mental illness who have choice about where they live, and who they live with, tend to have better outcomes. This includes more successes with employment, maintaining social supports, and having a higher quality of life than those whose housing doesn't meet their needs.¹⁷ In Saskatchewan, the SAID program pays a higher benefit level that recognizes the impact of living with a significant and enduring disability.

Mental Health

The Mental Health Commission of Canada identifies housing as a key determinant of health and notes that there is a strong relationship between housing quality and health. The MHCC cites research finding that, "The context of neighbourhood is an important determinant of mental health (Braubach, 2007) as the risk of substance-related mental disorders increases with neighbourhood deprivation and neighbourhood disorganization (Chaix et al., 2006)."¹⁸ At the same time, poor housing and community environments prevent many people from practicing healthy behaviour, while resilient functioning is associated with social role satisfaction, presence of social supports, and inclusion in a positive community context.

Addictions

A self-described "junkie" was trying to get an apartment on the east side of Saskatoon as a way to escape drug-involved friends and other triggers for his drug use. He believes that by being forthright about his addictions with

¹⁷ <http://www.heretohelp.bc.ca/factsheet/housing-for-people-with-mental-health-and-substance-use-problems>

¹⁸ https://www.mentalhealthcommission.ca/sites/default/files/PrimaryCare_Turning_the_Key_Full_ENG_o_1.pdf

prospective landlords prevented him from securing accommodations outside of the downtown/west side.

Availability

There is very limited independent housing for those with physical disabilities in Saskatoon. The vast majority of accessible units are available through the Saskatoon Housing Authority. The rents for these units are calculated on income using the National Affordability Standard for housing, which is based on 30% of adjusted household income, not including child tax benefits or GST rebates. The Saskatoon Housing Authority offers a variety of units including semi-detached homes, single-family homes, multi-family homes, townhouses as well as units in apartment buildings.

Complex Needs

A mother taking care of her adult son with autism, reported many failed attempts to find stable accommodation. She said when landlords ask her source of income she tells them she does not work outside the home and instead she provides care to her son. She added they ask if he is aggressive or destructive and she responds, honestly, that he has been in the past, so they are hesitant to rent to her. She currently has housing that is not meeting her needs. She wants to move, but cannot find a new place.

Extreme Behaviours

Advocates that work to locate housing for clients acknowledge that convincing landlords to provide accommodation, despite the renter's history, can backfire when the renter's behavior creates extreme problems for the landlord. Such experiences reinforce stereotypes and make it difficult for advocates to sustain relationships with landlords, and to persuade landlords to house future clients. There is a small number of individuals whose mental health and addictions problems make it difficult for them to find or maintain even emergency shelter, rendering them "street" homeless, even with the assistance of professionals. Housing providers point out that under the Residential Tenancies Act, there is an expectation that tenants do not place the property at risk or interfere with the "quiet enjoyment" of other tenants, which suggests that significant support would be required to maintain accommodations for this group of tenants.

Hoarding

The Mayo Clinic defines hoarding disorder as "a persistent difficulty discarding or parting with possessions because of a perceived need to save them. A person with hoarding disorder experiences distress at the thought of getting rid of the items. Excessive accumulation of items, regardless of actual value, occurs."¹⁹ Those who hoard present risks for poor sanitation, fire hazards, and conflict with neighbors and landlords. They often lack insight into their behaviour, refusing help from others.

A property management professional described how their company is striving to maintain housing for an individual who has a problem with hoarding. The

¹⁹ <http://www.mayoclinic.org/diseases-conditions/hoarding-disorder/home/ovc-20317407>

company has to periodically rehouse this individual and clean the apartment, however, they resume hoarding upon returning to their apartment. The Saskatoon Health Region's mental health services program advised the company to evict him and transport him to the hospital emergency unit. The managers are hesitant to do so for fear of rendering him homeless. There are five individuals who have hoarding problems of varying degrees living in their properties and they added that most companies would not provide the same level of support to maintain their housing.

IX. Moving Forward

The human cost of discrimination in the area of housing accommodation was clear through the public consultations. Several participants expressed suicidal ideation or a level of hopelessness that was impacting their mental health, which they associated with their fruitless search for stable, secure housing. Many participants felt trapped in cycles of addiction and despair by their poor living situations and the difficulty rising above the obstacles of discrimination. A common theme expressed in the submissions was the need for compassion, equality, and respect for the dignity of all individuals. One person wrote:

People need to love people again. There used to be a time when a fellow man [sic] would reach out to help their brethren at any given time ... Now, it's even hard to get a simple greeting without a sneer or a grunt of disapproval.

X. Issues to Be Addressed

Based on the above information, the Commission notes the following issues and suggestions that emerged from the public consultation process (these are numbered for convenience only).

Issue 1: Increase Awareness of Rights and Responsibilities

Most human rights complaints related to the receipt of public assistance and housing indicate landlords are unaware of their responsibilities under *The Saskatchewan Human Rights Code*. The Landlords Association has been proactive in developing and presenting information about discrimination to its members. However, membership is voluntary and there are a significant proportion of property owners who are not affiliated with the Association. By their estimate, the Landlords Association represents approximately 25 to 30 percent of the rental market.

The CMHC estimates there were approximately 31 thousand households in secondary rental housing in Saskatoon in 2015. The secondary rental market, consisting of rented houses, secondary suites (such as basement suites), and individually rented condo units (as opposed to the primary rental housing stock), which is mainly purpose-built rental apartments, has been encouraged as a way to address low vacancy rates in the past decade. There are fewer opportunities to reach these landlords, who are less likely to be aware of their responsibilities. Getting information to the large percentage of unaffiliated landlords requires agencies and advocates communicating.

The Saskatchewan Human Rights Commission is committed to increasing its efforts to educate renters and landlords alike. The SHRC and the City of Saskatoon are working together to include human rights and rental information in their letter to building permit applicants. Other ideas that emerged include:

- Coordination between advocacy groups and the Landlord’s Association, the Saskatchewan Housing Authority, and Crime-Free Multi-Housing,
- Increased inclusion of rights and responsibilities information in the training offered by these organizations and all other agencies in the housing “system,” and
- Wider distribution of print and web materials about rights and responsibilities (e.g., PLEA’s pamphlet “Renting a Home”).

Issue 2: System Navigation

Many participants expressed frustration with navigating support systems and felt that the processes need to be simplified. Improving system navigability could help public assistance recipients secure and maintain housing. For example, when clients submit, move forms, income assistance workers could confirm they have given adequate notice to their current landlord so they can get their damage deposit back. While the need for client autonomy is recognized, steps to assist and encourage clients who may lack information about these processes are necessary. The need for more information about available benefits was pointed out, as was the importance of plain-language information for service users.

Some of the ideas that emerged during the consultation process include:

- A “Housing Navigator” position.
 - A person (or team) that could field inquiries, problem-solve, and provide information to those new to the system. Locating this position within the Ministry of Social Services was suggested as there would be access to up-to-date information about benefits, and this could facilitate communication between the Ministry and landlords,
 - Program application procedures could be reviewed with a view to streamlining processes and removing barriers (e.g., with the Rental Supplement),
 - An income assistance worker could be assigned to buildings that are predominantly occupied by recipients so there would be a relationship with the landlord and property management and problems could be resolved more quickly

Increased resources for rapid re-housing: currently this process can take up to two months. The Rapid Re-Housing program in Saskatoon serves individuals and families who are at risk of episodic or transitional homelessness. Its goal is to get people into housing accommodations and out of shelters as quickly as possible.²⁰

²⁰ <http://homelesshub.ca/solutions/housing/rapid-re-housing>

Issue 3: Address the Disparity between Public Assistance and Market Rent

According to information from renters and landlords alike, the most significant improvement to the quality of life for renters who are in receipt of public assistance would be to narrow the gap between the rental allowance and the amount of rent. There appears to be a common belief amongst community stakeholders that the housing allowance is inadequate to cover most market rents and that the stock of affordable and social housing cannot meet the demand. As a point of reference, SHIP has found that Saskatchewan's minimum wage, or even a living wage of \$16.77 per hour, barely covers market rents in Saskatoon.

In order to promote housing stability, and reduce the social and financial costs associated with transience and homelessness, and to reduce the gap between public assistance rates and market rents, the following policy tools ought to be explored:

Rent Control

Rent control, which includes regulations regarding how often landlords can increase rent and by how much, is in place in five provinces in Canada. In Saskatchewan, rents may only be raised once or twice per year, depending on whether the landlord is a member of the Landlords Association or not. In Ontario, landlords may increase rents once per year or after a year of a tenancy, and there is a formula tied to inflation²¹. Landlords may appeal these regulations through arbitration if there are exceptional circumstances. These policies have been instituted to maintain a supply of affordable housing for lower-income individuals.

Arguments against rent control include the belief that, with the prospect of less profit, developers will not build rental housing and instead will focus on building for homeowners. In addition, property owners may not invest in maintaining the property in order to maintain a profit margin, impacting the quality of the housing that is available.

Rental Supplements

Rental supplements bridge the gap between the shelter allowance and the actual cost of rents. They are a practical way of providing affordable housing without building new housing units. Formulas to index shelter allowances and rent supplements to average rents have been employed in different jurisdictions across Canada.

In Manitoba, the Rent Assist program provides an income-tested housing allowance based on the premise that no low-income household should pay more than 25 percent of its income to rent an apartment at up to 75 percent of median market price²². This program will ultimately replace the shelter allowance under their social assistance plan and it applies to those who are not on social assistance, but whose household income is below the designated amount. It

²¹ <https://www.ontario.ca/page/rent-increase-guideline>

²² <http://www.caledoninst.org/Publications/PDF/1091ENG.pdf>

is portable so that people who leave social assistance for training or work still retain the allowance. Such a program approaches the concept of a guaranteed annual income, which is currently being piloted in Ontario.

The Caledon Institute advocates a broad-based housing allowance program that effectively raises every low-income household's purchasing power in the rental market. This can be an effective means to mitigate the risk of rents increasing in response to incremental increases in shelter allowances or rent supplements only for people in receipt of social assistance²³. In addition, portability of the allowance (where the allowance is attached to the recipient, not the particular rental accommodation or program) allows the client the most autonomy and choice²⁴.

Issue 4: Improved Supports for those with Addictions and Mental Health Problems

Through the consultation process, it emerged that there is a need for more, supportive, high-tolerance programs to assist those most vulnerable. A number of those who find themselves "street homeless" have behaviors that make them difficult to house, even in homeless shelters. A service provider commented that any medical or mental health crisis could destabilize housing for her clients quickly. An expanded application of the principles of harm reduction may assist this population to stabilize.

According to the Canadian Harm Reduction Network, "Harm reduction tries to reduce problems associated with drug and alcohol use and recognizes that abstinence may be neither a realistic nor a desirable goal for some, especially in the short term. Harm reduction involves setting up a hierarchy of goals, with the more immediate and realistic ones to be achieved in steps on the way to risk-free use or, if appropriate, abstinence; it is consequently an approach which is characterized by pragmatism"²⁵. These shelters offer programs such as "managed alcohol", where alcohol-dependent residents receive regular doses of alcohol throughout the day, reducing their need to obtain alcohol in problematic ways and decreasing binge drinking.

Programming to assist those with poor rental history once they are more stable was also cited as a service gap in Saskatoon. BC's Ready to Rent is an organization that offers education to landlords and tenants²⁶. Tenants can take a three-hour course on rights and responsibilities and obtain a certificate that may be of use in their housing search.

Hoarding was also identified as a mental health concern that is difficult for landlords and property management companies to accommodate. Currently, all services that are available in Saskatoon to address the mental health concerns behind hoarding are voluntary. The individual may obtain counselling or they may attend a self-help group supported by the Saskatoon Housing Coalition.

²³ <http://www.caledoninst.org/Publications/PDF/1091ENG.pdf>

²⁴ <http://homelesshub.ca/solutions/housing/rent-supplements>

²⁵ <https://canadianharmreduction.com/node/889>

²⁶ <http://www.readytorentbc.org/rent-ready/>

While some supported housing programs offer practical assistance to those with hoarding problems, it would seem there are no outreach services that can assist those who are interested in helping maintain housing for renters with a hoarding problem. Under these circumstances, it is unlikely that landlords will put in the effort required to house such individuals.

Issue 5: Accessible Complaint Resolution Processes

The Saskatchewan Human Rights Commission has had limited success with complainants proceeding through the formal complaint process. While Commission staff offer support to individual complainants, participating without legal representation might be intimidating for those who have limited experience or literacy skills. Furthermore, it seems from the participants in the public consultations for this initiative, they are more interested in quick resolutions to their practical problems and have limited time and energy for lengthy processes.

Advocates commented that renters who experience discrimination are more apt to access the Office of Residential Tenancies than the Saskatchewan Human Rights Commission, as they are more familiar with the former as an avenue to address their concerns regarding housing. While many participants reported positive experiences with the SHRC and the Office of Residential Tenancies, the formal process intimidated others. A more informal resolution process would appear to be in order.

The Commission has empowered its intake workers to initiate “pre-complaint mediation,” an informal problem-solving effort that does not preclude the parties from proceeding through the complaint process if needed. The intake worker, with the permission of the complainant, contacts the respondent and attempts to avert a complaint by facilitating a resolution by agreement. This can be a highly effective and efficient measure and it often garners a positive response from both parties.

Mediation offers the parties a chance to better understand each other’s perspective more fully. This approach often enables parties to deal more effectively in responding to the concerns of the other party, and provides them with direct input and more control in terms of how the matter is resolved. The goal is to restore the relationships between renter and landlord. The Office of Residential Tenancies may wish to explore this approach, as well as an expanded role for mediation in its dispute resolution processes.

Issue 6: Licensing to Improve Property Maintenance and Pest Control

Advocates and service professionals noted that, historically, mandatory annual housing inspections by the Saskatoon Fire Department were an effective way to improve the overall quality of the stock of rental housing. Similarly, when there was an audit process under the rental supplement program, maintenance problems were addressed at an earlier stage, when they were more easily remedied. The current system, which involves the renter, who may be vulnerable to homelessness, monitoring and reporting on the condition of the housing, seems to result in renters’ reticence about property maintenance concerns lest they lose their rental supplement and be displaced.

Licensing

Some jurisdictions have turned to rental housing licensing (similar to business licensing) as a way to ensure property maintenance and pest control standards are met. Observers suggest that compliance is low among those landlords whose behaviour is problematic, while those who would readily comply are already more diligent about their responsibilities as landlords. Others have expressed concerns about the cost of such initiatives and have questioned their effectiveness. In 2015, Regina City Councillors cited these reasons and voted against a proposal to adopt rental-housing licensing in 2015.²⁷

The City of Waterloo, for example, requires owners of low-rise residential housing to apply annually for a license. Landlords must provide details about the accommodation. Enforcement occurs via complaints or audits when there is a possible risk for habitation in the dwelling. This may take the form of repairs or fines.²⁸

Other models involve random or periodic visits to the property by the licensing authority. This may be more effective than a complaint-based model that often puts the onus on the renter. Vancouver, B.C. and London, Ontario have similar licensing bylaws. Saskatoon does not require rental licensing, though Property Managers must have a business license.

Issue 7: Planning Affordable Housing

Municipal planning, bylaws, and decision-making processes affect the ability of people receiving public assistance to acquire affordable housing. Planning for affordable and social housing developments must take into account the proximity of the development to other services the residents of said housing will require, such as schools, transit, and grocery stores. *The Statements of Provincial Interest Regulations (2012)* state, “the province has an interest in citizens having access to a range of housing options to meet their needs and promote independence, security, health and dignity for individuals, enhancing the economic and social well-being of communities.”²⁹

Locating Affordable Housing

There is also a desire to secure housing outside of areas where affordable housing is typically located. Saskatoon’s *Official Community Plan* outlines the City’s objective to develop quality living environments, stating, “A variety of housing forms, densities and lot sizes, necessary to meet the needs of a range of household types and household incomes, shall be encouraged within each neighbourhood.”³⁰

Currently, a significant factor in development location is the cost of the land; the

²⁷ <http://leaderpost.com/news/local-news/regina-councillors-nix-rental-licensing-idea>

²⁸ http://www.waterloo.ca/en/contentresources/resources/government/rental_housing_licensing_enforcement_procedure.pdf

²⁹ <http://www.publications.gov.sk.ca/freelaw/documents/English/Regulations/Regulations/P13-2R3.pdf>

³⁰ <https://www.saskatoon.ca/business-development/planning/community-plans-strategies/official-community-plan>

market value of land in the west side is significantly lower than in newer areas, making the latter less attractive to developers. Another factor is the lack of available land in the neighbourhoods that might be ideal for affordable housing. Generally land is available in new neighbourhoods on the edge of the city where services may be lacking or in older neighbourhoods where buildings are being torn down.

NIMBYism

The location of affordable and supported housing developments can be contentious, sometimes pitting local residents against affordable housing advocates. Public review processes are stipulated in order to change the use of the land and assess impacts such as parking, traffic, density and building form. These public reviews may reveal “NIMBYism” (not in my back yard) from individuals and groups who may hold stereotypical beliefs about the residents of affordable or supportive housing development projects. The City of Saskatoon uses public reviews to promote community discussion and dispel myths, such as the common belief that property value will decline with such development.

It is important to counter NIMBYism when planning processes are used to oppose housing projects based on discriminatory beliefs. The public may push for excessive or extra requirements for consultation and may raise issues that they would not apply to other kinds of housing. For example, some developments in Ontario have required fences or walls to separate them from other neighbourhood residents³¹. Developers may feel pressure to make such concessions to avoid delays. The Ontario Human Rights Commission notes that zoning bylaws which are not based on a legitimate planning rationale can have the effect of “people zoning,” as opposed to zoning the use of the land³². Such processes have the potential to result in discrimination against Code-protected groups.

The City of Saskatoon Planning and Development Division upholds that opposition to housing development is only considered on the basis of legitimate planning principles. There may also be instances where it is possible to restrict unnecessary consultations to prevent delays and the airing of harmful discriminatory stereotypes.

Increased collaboration among municipal planners, decision makers, the Office of Residential Tenancies, Social Services, and the Saskatchewan Human Rights Commission, and other stakeholders can help to apply a “human rights lens” in zoning, licensing, and municipal decision-making to foster supportive, inclusive and welcoming neighborhoods for everyone. This way, the potential impacts on Code-protected groups is fully considered when drafting, reviewing and monitoring bylaws.

³¹ <http://www.ohrc.on.ca/en/policy-human-rights-and-rental-housing>

³² <http://www.ohrc.on.ca/en/policy-human-rights-and-rental-housing>

Appendix A – The Saskatchewan Human Rights Code

Section 2

- (1)(i) **“housing accommodation”** means any place of dwelling and includes any place where other services are provided in addition to accommodation, but does not include a place of dwelling that is part of a building in which the owner or the owner’s family resides and where the occupant of the place of dwelling is required to share a bathroom or kitchen facility with the owner or the owner’s family;

Section 11

- (1) No person, directly or indirectly, alone or with another, or by the interposition of another shall, on the basis of a prohibited ground:
- (a) deny to any person or class of persons occupancy of any commercial unit or any housing accommodation; or
 - (b) discriminate against any person or class of persons with respect to any term of occupancy of any commercial unit or any housing accommodation.
- (2) Subsection (1) does not apply to discrimination on the basis of the sex of a person with respect to housing accommodation, where the occupancy of all the housing accommodation in a building, except that of the owner or the owner’s family, is restricted to individuals who are of the same sex.
- (3) Subsection (1) does not apply to discrimination on the basis of the sex of a person with respect to the renting or leasing of any dwelling unit in any housing accommodation that is composed of not more than two dwelling units that share a common entrance, if the owner of the housing accommodation or the owner’s family resides in one of the dwelling units.
- (4) Nothing in subsection (1) prohibits the renting or leasing, the offering for rent or lease or the advertising for rent or lease, of any housing

Appendix B – List of Public Consultations

- Friendship Inn February 11, 2016
- Food Bank March 16, 2016
- Friendship Inn April 6, 2016
- Aids Saskatoon/ 601 Outreach August 17, 2016

Appendix C – Agencies Consulted

- AIDS Saskatoon/ 601 Outreach
- Central Urban Métis Federation Incorporated (CUMFI)
- City of Saskatoon Planning & Development Division
- Community Legal Assistance Services for Saskatoon Inner City (CLASSIC)
- Crime Free Multi-Housing
- Friendship Inn
- Housing First/ Journey Home
- Saskatoon Indian Métis Friendship Centre (SIMFC)
- The Lighthouse
- Ministry of Social Services
- Office of Residential Tenancies
- Passion for Action Against Homelessness (PAAH)
- Public Health Services
- Public Legal Education Association (PLEA)
- Renters of Saskatoon and Area (ROSA)
- Saskatchewan Housing Corporation
- Saskatoon Food Bank
- Saskatoon Anti-Poverty Coalition
- Saskatoon Fire Department
- Saskatoon Housing Initiatives Partnership (SHIP)
- Saskatoon Sexual Assault and Information Centre
- The Saskatchewan Landlord Association
- YWCA

Appendix D – Programs to Note

Crime Free Multi-Housing Program

In Saskatoon, the voluntary Crime Free Multi-Housing Program (CFMH) emphasizes the benefits of property maintenance for landlords and tenants. Adopted in Saskatoon in 2002, and administered by the Saskatoon City Police, the program originated in Arizona to address “hotspots” of criminal activity, typically in poorly maintained rental properties. The program is based on the premise that neglected properties attract illegal activity, whereas landlords who are proactive and promptly respond to tenants concerns are more likely to benefit by reducing their property maintenance costs and retaining responsible tenants. Landlords who are interested must complete three stages of training in order to be certified by the program.

In Stage One, landlords or their property management representatives undergo an eight-hour training session led by police and fire department officials. Information about human rights and discrimination is included in the training as well. Stage Two involves an inspection of the property with a focus on crime prevention through environmental design. In the third and final stage, the landlord hosts a “safety social” for tenants. Tenants are educated about the program, crime prevention and their responsibilities, instilling a sense of community. Once this stage is completed the landlord may apply to the program. If accepted, they may display the Crime Free Multi-Housing Program logo and signs. They then implement the Crime Free Lease Addendum, which is the backbone of the CFMH Program. This addendum to the lease cites specific actions that will be taken by management if a resident, or somebody under the resident’s control, is involved in illegal or dangerous activity on, or near the rental property. These actions are compliant with the Residential Tenancies Act.

Program materials state that 90 per cent of managers who attend the training report “successful changes in the way they manage their properties.” Additionally, landlords can expect a reduction in police calls to their properties of 20 to 70 per cent. This model appears to be an effective means to improve the quality of housing for renters. However, it would present the same challenges as rental housing licensing in that the landlords and property managers who opt to participate in the program are those most motivated to respond to the needs of tenants and reaching those who are not similarly motivated remains a difficulty. Critics have also suggested that the program may not reduce discrimination, as it has the potential to increase scrutiny of renters’ behaviour, which could be problematic for those with mental health issues whose behaviour could be considered difficult.

Housing Standards Enforcement Team

An initiative undertaken in Regina to address this issue is the Housing Standards Enforcement Team (HSET). The HSET was developed in 2004 in response to concerns about lack of property maintenance and crime in the North Central area, which was once dubbed “Canada’s Worst Neighbourhood” by Maclean’s magazine³³. The team consists of representatives of the agencies responsible

³³ [http://www.cbc.ca/news/canada/saskatchewan/north-central-improving-since-critical-2007-maga-](http://www.cbc.ca/news/canada/saskatchewan/north-central-improving-since-critical-2007-maga)

for housing standards – police, fire inspectors, and public health – as well as the Ministry of Social Services and City Officials. They meet weekly to address concerns and identify priorities. One of the agencies is tasked with conducting an inspection.³⁴

Under the city's bylaws, the owner or occupant of the property must give permission for entry to do the inspection. If they do not consent, the legal counsel of the enforcement agency is called to the team meeting in order to assess the need to apply for a warrant. The HSET receives complaints through the City's call centre from as many as 60 sources, such as meter readers and tenants. This coordinated approach focuses on addressing the properties in greatest need as well as those who come to the attention of multiple agencies, or have repeated complaints. The most recent statistics available suggest that the team has been effective in the North Central Area: the HSET received 55 complaints in 2013 compared to 130 in 2009.³⁵

Safer Communities Task Force

Saskatoon has a similar group that provides the same function. The Safer Communities Task Force includes representatives from, City Police, the Ministry of Social Services, and the City's Zoning Compliance Branch. This body meets quarterly and networks on issues that might arise at any time to discuss problem properties and coordinate a response. Two Fire Inspectors are assigned full time to deal solely with issues specific to this initiative. There is no central receiving line for complaints, as there is in Regina, but the agencies refer to the appropriate resource as needed. No statistics are available for this program. Saskatoon may benefit from a more formal team that meets more regularly.

[zine-article-1.2806540](#)

³⁴ http://www.nccaregina.ca/wp-content/uploads/2011/11/HSET_2004_PCS04_54.pdf

³⁵ <http://www.cbc.ca/news/canada/saskatchewan/north-central-improving-since-critical-2007-magazine-article-1.2806540>

Appendix E – Housing Partnerships to Note

During the public consultations, a number of housing developments were highlighted as creative partnerships that evolved to address gaps in the housing market and meet the needs of underserved populations.

Cheshire Homes of Saskatoon, whose mission is to provide accessible homes and support for adults with physical disabilities, offers one building made up of independently owned condominiums where assistance to the resident is provided on-site.³⁶ The individuals live in their own residence and use the page system to call for assistance when required. Cheshire Homes offers eight independent units.

Rainbow Housing Cooperative is a complex of affordable housing located on Berini Drive in Saskatoon. It was built in the mid 80s and provides properties for mixed-income families, seniors, people with disabilities, and youth. It is a mixture of long-term residents and people who are striving for stability in their families. Rainbow Co-op offers at least 87 units, including 4 accessible bungalows and 4 accessible apartments.

There are a number of other housing initiatives that are aimed at at-risk populations. These initiatives are usually tied to community-based organizations using a shared funding model with at least some private investment. Sweet Dreams opened in 2014 and was the first in the province to use a social impact bond-funding model. Under the model, private investors fund the money and will be reimbursed by the provincial government in 2019, if at least 17 children of mothers needing support are kept out of foster care. The program is designed to empower young mothers to become independent parents. The home houses up to eight mothers and their young children, each mother has a private suite and bathroom, and shared common areas.

Wakamow Place offers adults coping with mental illness effective assistance and a place to call home. It is located in Moose Jaw, and has 16 units (4 bachelor and 12 one-bedroom units), with affordable rent of a maximum of \$650 a month. The facility also offers support in the tenant's road to recovery including income management services, education groups, meal programs, personal care supplies, and help with medication. It is also located adjacent to a mental health resource centre to offer additional support. A second stage of the project, *Wakamow Place II*, was recently developed with funding from the provincial and federal governments and the Moose Jaw Non-Profit Housing Corporation³⁷. A grant from the City of Moose Jaw was utilized as well. It offers 12 affordable rental units for individuals with complex needs. Mental health and addictions support is provided through a partnership with the local health region.

Stewart Properties developed *The Beehive* with some capital funding from the federal homeless partnering strategy. The Sanctum Care Group and AIDS Saskatoon operate the Beehive as an addition to an existing facility assisting

³⁶ <http://www.cheshirehomessaskatoon.com/>

³⁷ <https://www.saskatchewan.ca/government/news-and-media/2017/september/25/moose-jaw-housing-project>

homeless individuals living with HIV. The apartment gives the Sanctum Care Group additional time to build up the health of people living with HIV/AIDS who are at-risk of homelessness. The property contains 11 units that are transitional in nature and an office for on-site housing coordinators. The apartment is designed for individuals to be resident for up to 6 months.

Pride House is a group home that was opened to assist LGBTQ youth find accommodation. The concept was developed during OUT Saskatoon youth group discussions and a partnership was created with Stewart Properties to develop the housing. The home has been designed to accommodate five youth with live-in mentors to offer them support. The mission of the home is to give LGBTQ youth a positive living space and a supportive environment.

Camponi Housing is a non-profit corporation committed to providing safe, affordable, quality housing for Métis people in Saskatoon focused on fostering growth, strength and pride. When the housing corporation started, it had four main priorities for helping people: addiction, affordable housing, employment, and economic development. Collectively, *Sasknative Rentals*, *La Maison Mamawe - Atosketak*, and *Camponi Housing* manage over 400 rental units in the city of Saskatoon. They offer apartments, single-family units, duplexes, senior units, and accessible units³⁸. They are committed to providing, maintaining, and sustaining affordable, safe, and respectable housing for families with particular emphasis upon individuals and families of Indigenous ancestry. There are a number of supportive programs to complement the rental units. They also have a down payment assistance program so that long-term tenants can purchase the Camponi home they are residing in.

The Wrap Around Services Coordinator assists in providing the awareness, skills, and supports necessary for successful tenancies, and in turn, improving the quality of life and empowering the tenants. The Tenant Engagement and Services Coordinator delivers programs aimed at improving community relations and empowering tenants to become more engaged in their communities. The Tenant Community Relations Personnel Coordinator arranges all property management functions from rent collection to home visits. Camponi is also involved in an emerging initiative to develop best practices in addressing hoarding in partnership with city police, mental health and addictions services, fire and protective services, and public health.

³⁸ <http://www.sasknativerentals.ca/programs.php>

Appendix F – Housing First Programming

The Government of Canada’s Homelessness Partnering Strategy (HPS) and the United Way of Saskatoon and Area provide significant funding to Housing First and housing placement programs in Saskatoon. According to SHIP (the agency that administers HPS funding in Saskatoon), “Housing First is a general philosophy of providing homeless/at-risk people with permanent housing, first, without a requirement of sobriety or compliance, respecting their choice about where they want to live and promoting health and well-being.”³⁹

These programs include intensive case management for those entrenched in a cycle of homelessness, as well as rapid rehousing for populations at risk; typically people facing mental health and/or addictions challenges, as well as trauma and poverty. The Housing First model has been hailed as a success because of the decreased reliance on emergency and other social services. While most people will not require the level of service provided by Housing First programs, there was a general sense that the services available are inadequate to meet the need. SHIP statistics indicate Housing First programs in Saskatoon have housed 808 people since the June 2015 Point in Time Count, of which 283 were children. Since the homelessness count, 372 of the adults and children supported were considered chronically or episodically homeless.

The people more likely to experience chronic and episodic homelessness sometimes need low barrier, supportive housing. There is some long-term supportive housing available for this population, but space is limited and housing is often conditional on house rules. Generally, supportive housing provides on-site support personnel and is aimed at housing people for six months or longer (as opposed to emergency or transitional housing). For people with acute issues that contribute to their homelessness, there is a need for intentional housing programs.

³⁹ <http://shipweb.ca/wp-content/uploads/2013/04/Housing-First-Research-Benefits-and-Challenges-Dionne-Miazdyck-Shield.pdf>

Notes:

