



A FAILURE TO PROTECT

THE DENIAL OF CHILDREN'S RIGHT TO HOUSING IN BRITISH COLUMBIA



firstcall CHILD AND YOUTH
ADVOCACY SOCIETY

A FAILURE TO PROTECT

The Denial of Children's Right to Housing in British Columbia

December 2023

PRODUCED BY



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Contents

EXECUTIVE SUMMARY	4
INTRODUCTION	7
METHODOLOGY AND DEMOGRAPHICS	8
Legal Review	8
Literature Review	8
Survey of parents and service providers	8
Listening Circles	10
Key informant interviews.....	10
Limitations	10
INTERNATIONAL AND NATIONAL LAW	11
PROVINCIAL LAW	13
LEGAL CASE LAW REVIEW	14
BARRIERS FACING FAMILIES WITH CHILDREN ACCESSING HOUSING IN BC	15
Affordability	16
Unsafe housing	17
Overcrowding and National Occupancy Standards.....	18
Discrimination	20
Human Rights Tribunal decisions on the basis of family status or other grounds.....	22
Appealing discrimination.....	23
CHILD APPREHENSIONS DUE TO HOUSING PROBLEMS	24
EXPERIENCES WITH DIFFERENT HOUSING PROVIDERS	25
Waiting to find appropriate housing	26
Private Rentals	28
REASONS FOR MOVING, SOMETIMES FREQUENTLY	29
HOMELESSNESS	30
Families fleeing violence.....	30
RECOMMENDATIONS FOR CHANGE	31
CONCLUSION	34
ENDNOTES	35

Executive Summary

Over several years, First Call Child and Youth Advocacy Society has heard anecdotally from families with children who have either had a very hard time accessing their right to housing in British Columbia, or who haven't accessed it at all. Often that difficulty is linked to poverty and to the high cost of housing in the province. However, other factors are at play related to laws, regulations and policies, as well as their enforcement or interpretation.

To explore this issue further, First Call received funding from the Law Foundation to investigate and assess how laws and policies can better protect BC children's right to housing, particularly for low-income and other vulnerable child populations.

METHODOLOGY

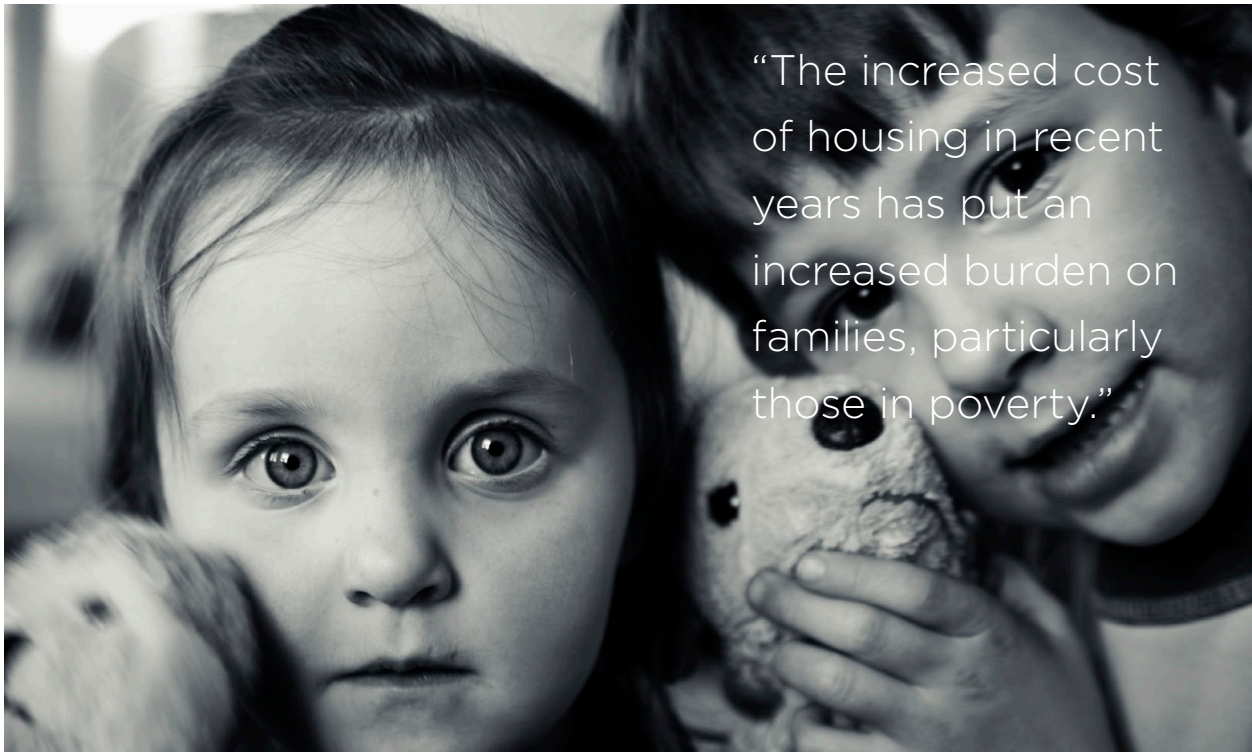
The findings for this report were gathered through a variety of methods. These included a legal review of caselaw, legal research journals and other sources, a broader literature review of over sixty references on child homelessness and inadequate housing, an online survey of 205 families with children, an online survey of 163 service providers serving families with children, seven listen circles engaging forty-six families with 101 children in total, and key informant interviews with members of our project advisory committee. The demographics of the survey respondents and members of the listening circles are detailed in the report.

KEY THEMES FROM FAMILIES AND SERVICE PROVIDERS

Despite the commitments to uphold children's right to housing that can be found in international, national and provincial treaties, legislation and policy documents as detailed in this report, in practice they are all too often empty promises.



Key themes that emerged from this research as barriers undermining children's right to housing were unaffordability, overcrowding, waiting lists, discrimination in rentals and the fear of child apprehensions, among others.



“The increased cost of housing in recent years has put an increased burden on families, particularly those in poverty.”

Key themes that emerged from this research as barriers undermining children’s right to housing were unaffordability, overcrowding, waiting lists, discrimination in rentals and the fear of child apprehensions, among others. Families described experiences of discrimination based on multiple grounds, including their amount or source of income, having children, their children’s ages, disability in the family, race/ancestry, and immigration status, among others.

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In our sample of parent survey respondents and listening circle participants, an astounding 37% and 40% respectively, reported being denied rental housing because they had children.

Families with children who may already be experiencing other forms of discrimination—including Indigenous or racialized families, families affected by disabilities, single-parent families and low-income families—reported being more likely to experience housing discrimination, less likely to be satisfied with their housing, and more likely to be forced to move frequently. The housing conditions and the precariousness that many of our participants described show us that, in practice, protection from discrimination or unfair treatment in the private rental market is non-existent for many families with children.

The increased cost of housing in recent years has put an increased burden on families, particularly those in poverty. It has given rogue landlords more of an opportunity to discriminate against families with children, to disregard the existing tenancy laws and violate their human rights. It has also meant that there are more and more families on the waiting lists for housing through BC Housing and other subsidized housing operators.

The impacts on children and their families of this failure to support their right to safe and adequate housing can have long-lasting effects on children’s health and development.

RECOMMENDATIONS

To influence legislative and policy reforms, this report ends with recommendations for better protecting and supporting children's right to housing. These five overall recommendations, aimed at all levels of government and for different types of housing providers, are each accompanied by specific measures:

- Build, create and protect more affordable rental housing
- Increase financial support for families to help pay for housing
- Improve housing services
- Improve regulation of private landlords
- Strengthen protections under the Human Rights Code



Introduction

Over several years, First Call Child and Youth Advocacy Society (First Call) has heard anecdotally from families with children who have either had a very hard time accessing their right to housing in British Columbia (BC), or who haven't accessed it at all. Often that difficulty is linked to poverty and to the high cost of housing in the province. However, other factors are related to various laws, regulations and policies, as well as their enforcement or interpretation.

For many families in BC, housing costs are so high that, while they may be housed, their housing is not adequate.¹ In terms of housing, "adequate" means housing that offers security of tenure, availability of services, affordability, habitability, accessibility, and cultural adequacy.²

To explore this issue further, First Call received funding from the Law Foundation to investigate and assess how laws and policies can better protect BC children's right to housing, particularly for low-income and other vulnerable child populations.

Throughout this research, several key themes emerged: unaffordability, overcrowding, waiting lists, discrimination in rentals and the fear of child apprehensions, among others. Families described experiences of discrimination based on multiple grounds, including their amount or source of income, having children, their children's ages, disability in the family, race/ancestry, immigration status, among others. The experiences and issues families encountered also varied depending on who provided their housing.

To influence legislative and policy reforms, this report ends with recommendations for better protecting and supporting children's right to housing. These recommendations are aimed at all levels of government, and for different types of housing providers.

For many families in BC, housing costs are so high that, while they may be housed, their housing is not adequate. Adequate housing offers security of tenure, availability of services, affordability, habitability, accessibility, and cultural adequacy.



Methodology and Demographics

The findings for this report were gathered through a variety of methods.

LEGAL REVIEW

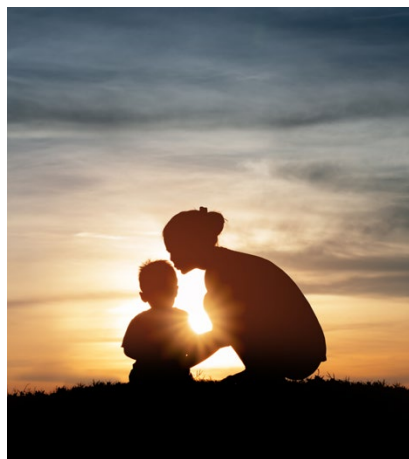
First Call and a law student from the University of Victoria conducted legal research into children's right to housing, using case law databases, legal research journal databases, Google Scholar, the University of Victoria library resources, and governmental legislation. The results of this review can be found in a separate document, including the most recent amendments to the Strata Property Act regarding age restriction bylaws. (firstcallbc.org/wp-content/uploads/2023/12/Childrens-Right-to-Housing-Legal-Lit-Review-for-web-Dec-18-2023.pdf)

LITERATURE REVIEW

We reviewed over sixty references for this report on child homelessness and inadequate housing from a variety of jurisdictions to investigate the impacts of these experiences on children and to frame the scale of the issue for families in BC. While much of the data and information available regarding insecure or inadequate housing and homelessness in BC or Canada is focused on the experiences of adults, and not children, there is plenty of research evidence that speaks to the harmful impacts of these experiences on children's health and well-being. Additionally, though there is some literature exploring family homelessness, many homeless families are hidden from the figures. Women, including mothers and their children, are much more likely to be among the hidden homeless population.³

SURVEY OF PARENTS AND SERVICE PROVIDERS

In the summer of 2021, we developed two surveys to learn more about the the main barriers to accessing adequate and appropriate housing faced by BC families. One survey was aimed at parents and the other was for service providers who work with families with children. There were 163 responses from service providers with experience supporting a wide range of families across the province with housing issues. There were 205 responses from families with children. The families were from across BC and represented a mix of different family types.

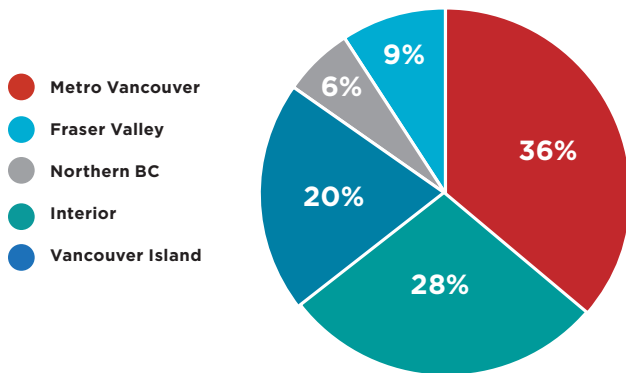


Families spoke of their visions for their children that included being able to afford housing more appropriate for their family size and in good repair, living close to parks, safe spaces, schools or other amenities.

The geographical representation varied across the province, and the number of parent respondents from Northern BC was very small.

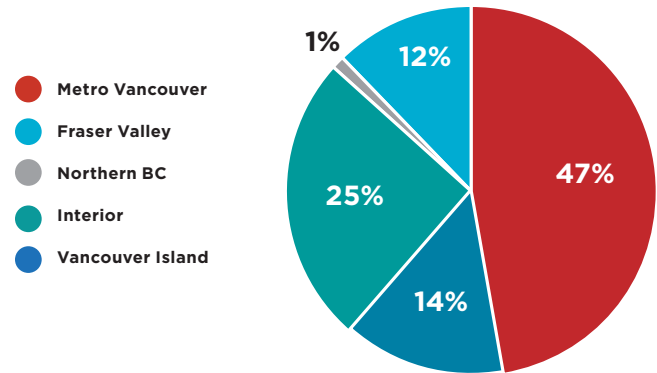
Where in BC do you work?

Service provider survey (n=163)



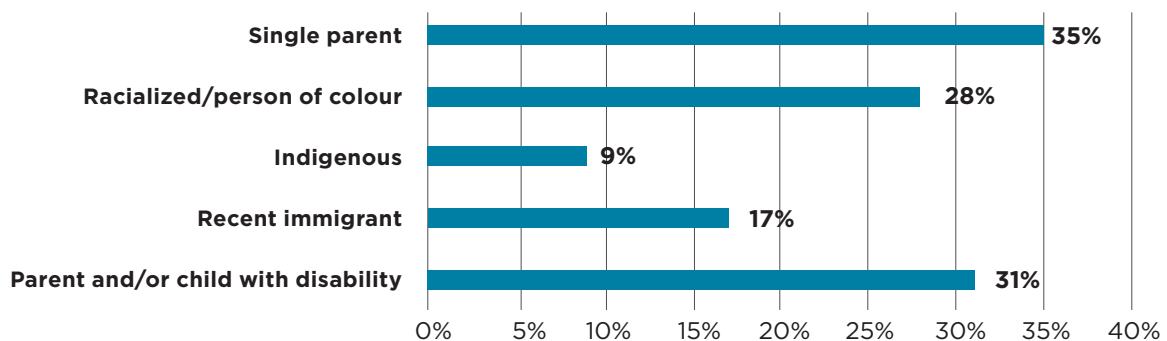
Where in BC do you live?

Parent survey (n=202)



Just over a third (35%) of the parent respondents were lone parents, all of them led by women. 28% per cent of them identified as racialized or persons of colour and 9% identified as Indigenous. 17% immigrated to Canada within the last five years and 31% had a family member (parent, child or both) with a disability.

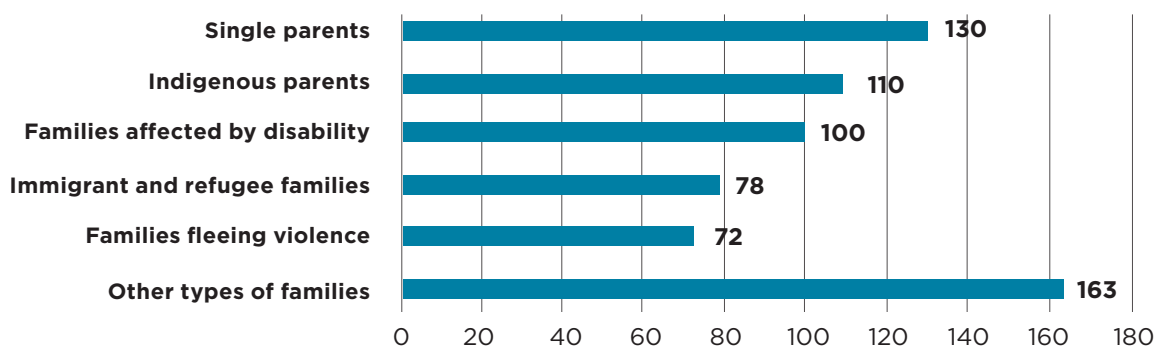
Parent Respondents' Demographics



Service provider respondents noted that they worked with a high number of these various family demographics, as well as families fleeing violence, as illustrated in the graph below.

Count of types of families worked with

Service provider survey (n=163)



A large majority (83%) of the parent survey respondents had one or two children living with them. 10% were caring for three children, 4% had four children, and 2% had five or more children.

LISTENING CIRCLES

Later in 2021, through seven listening circles, we collected data from 46 BC families about their experiences with finding and keeping housing. These parents were caring for a total of 101 children, with a range per family from one child to seven. One third of them were led by single mothers.

Most of these families lived in Metro Vancouver. Four of the circles were conducted with the help of interpreters from Pacific Immigrant Resources Society for parents who spoke Cantonese, Mandarin, Arabic, Farsi/Dari, and Spanish. Several listening circles included Indigenous parents and one was conducted specifically with families raising children with disabilities. Participants in these sessions were compensated for their time.

We also hosted one focus group of nine service providers who support families in different parts of the province.

The qualitative information gathered through this process complemented the survey data with more detail on the struggles families are facing in their efforts to raise their children in difficult physical and financial circumstances related to their housing needs.

KEY INFORMANT INTERVIEWS

Several key informants from our Project Advisory Committee generously met with us to share their insights about the problem of asserting children's right to housing in BC. Their analysis of the problems and suggestions for law reform are woven into this report as well.

LIMITATIONS

As the respondents to these two surveys and the listening circles were self-selected, the data on the demographics and experiences shared in this report are not representative of all BC families with children who are experiencing housing challenges or all service providers interacting with them. Nor can the percentages cited of different experiences and risks for certain subpopulations be generalized to families in those subpopulations beyond this research report. However, the responses received proved to be very useful in identifying themes and common challenges that families with children are facing in finding and keeping housing.



International and National Law

Children's right to housing is enshrined in international and national law through the Universal Declaration of Human Rights⁴, the International Covenant on Economic, Social and Cultural Rights,⁵ the United Nations Convention on the Rights of the Child,⁶ and Canadian federal law under the National Housing Strategy Act.⁷

Universal Declaration of Human Rights, Article 25 (1948)

"Everyone has the right to a standard of living adequate for the health & well-being of himself and his family, including food, clothing, housing and medical care, and necessary social services ..." (...) "Motherhood and childhood are entitled to special care and assistance."

International Covenant on Economic, Social and Cultural Rights, Article 11 (1966, ratified by Canada in 1976).

"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, ..."

United Nations Convention on the Rights of the Child (1989, signed by Canada in 1991)

Article 16: 1. "No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation."

Article 16: 2. "The child has the right to protection against such interference or attacks."

Article 27: 1. "States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral, and social development. Further, from Article 27: 4, they "shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing."

Government of Canada, National Housing Strategy Act (2019)

It is declared to be the housing policy of the Government of Canada to

- (a) recognize that the right to adequate housing is a fundamental human right affirmed in international law;*
- (b) recognize that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities;*
- (c) support improved housing outcomes for the people of Canada; and*
- (d) further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights.*

General Comment 36 on the International Covenant on Civil and Political Rights (ICCPR), adopted by the United Nations in 1966, notes that Article 24 of this Covenant also requires countries to adopt special measures designed to protect the life of every child, “guided by the best interests of the child, by the need to ensure the survival and development of all children, and their well-being.” ICCPR Article 26, calls on countries to enact laws that prohibit discrimination “on any ground” and guarantee “equal and effective protection” against discrimination.⁸

Section 15 of the Canadian Charter of Rights and Freedoms promises: “*Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.*” The Charter does not define age for the purposes of the protections it offers.

Similarly, the Canadian Human Rights Act prohibits discrimination on the basis of age and family status, but also does not define these terms in the Act. However, the Canadian Human Rights Commission states that the Federal Housing Advocate will put particular focus on those with the greatest housing need while Canada works towards achieving adequate housing for all, and that groups in greatest need include Indigenous people; adults and children fleeing domestic violence; people with disabilities; young adults; members of racialized groups; and recent immigrants and refugees, among others.⁹

Our legal review found that, although Canada has ratified the UN Convention on the Rights of the Child, and the other aforementioned covenants and declarations, children’s right to housing doesn’t appear to have been subsumed or explicitly added to any form of legislation. Others have noted that positions taken by the Government of Canada in litigation are contrary to its obligations under international human rights law to protect the right to life in the context of housing.¹⁰

In declaring the right to housing commitments in international law to be the policy of the Government of Canada, the National Housing Strategy Act offers some wording that can be drawn upon to advocate for including children’s right to housing more explicitly in future federal legislation.

Section 15 of the Canadian Charter of Rights and Freedoms promises: “*Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.*” The Charter does not define age for the purposes of the protections it offers.



Provincial Law

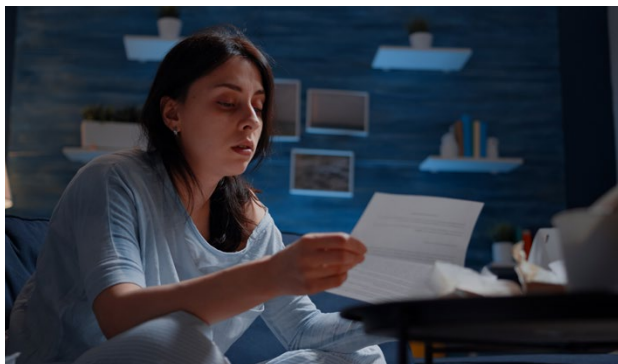
Section 10(1) of the BC Human Rights Code prohibits discrimination in tenancy on the basis of age and family status, but defines age as 19 years or more. By this definition, children are not protected from age discrimination with regards to housing. In section 10(2) the Code also specifically exempts prescribed classes of residential premises, which include strata properties, from these prohibitions. Until recently, Section 123(1.1) of the Strata Property Act stated that, “A strata corporation may pass a bylaw that restricts the age of persons who may reside in a strata lot.”¹¹

This changed in November 2022, when the provincial government passed the Building and Strata Corporation Statutes Amendment Act (Bill 44-2022), which disallowed strata corporation bylaws that restricted residential rentals and limited age-restriction bylaws to 55+ seniors’ buildings.¹² These changes were intended to open up more rental housing supply in condominiums and remove bylaws that discriminated against children, e.g., in adult-only buildings. The response of a number of strata councils to the new rules regarding rentals was to vote to amend their bylaws to convert their buildings to 55+. In response, in May 2023, the government amended the Strata Property Act further through section 123(2) to strengthen legacy exemptions for younger occupants of recently converted 55+ buildings, including their children of any age.¹³

With regard to enforcing the human rights protections articulated in the BC Human Rights Code on the basis of family status or other grounds of discrimination prohibited in the Code, complaints can be filed with the BC Human Rights Tribunal. Legal assistance in filing complaints can be accessed through the BC Human Rights Clinic operated by the Community Legal Assistance Society.

BC’s Residential Tenancy Act governs landlord-tenant interactions and agreements, including dispute resolution. It also allows minors to sign tenancy and service agreements and the Act and its regulations are enforceable by and against these minors. The provincial Residential Tenancy Branch provides information and dispute resolution services for residential tenancies,¹⁴ and the Tenancy Resource and Advisory Centre (TRAC)¹⁵ provides free legal advocates for eligible tenants in BC to bring Branch decisions to the supreme court and monetary orders to small claims court. TRAC has advice for situations outside of the Residential Tenancy Act and a variety of tenant resources.

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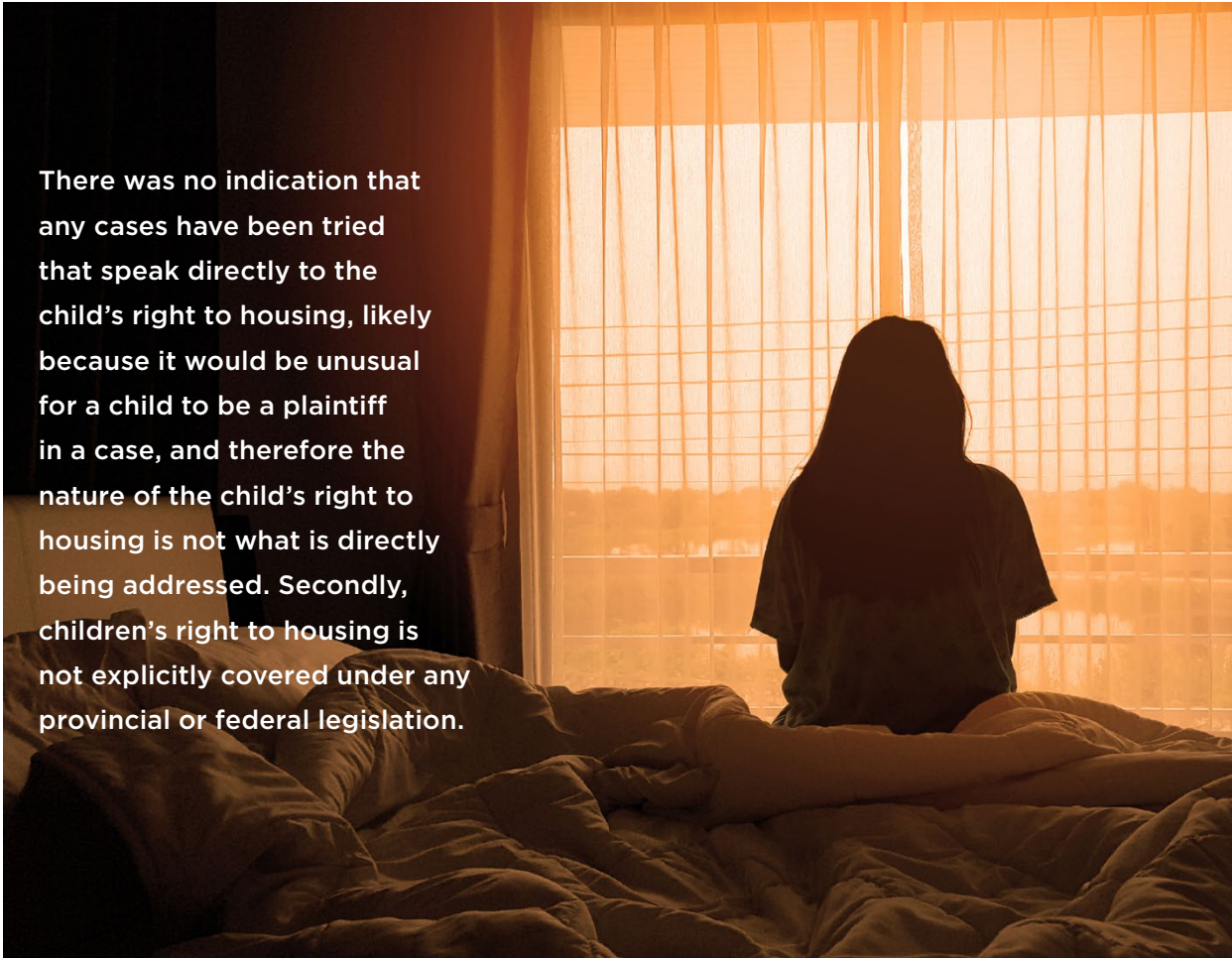


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Legal Case Law Review

Our review of case law for this report found various tribunal rulings and decisions regarding the general right to be free of discrimination due to family status (as indicated in the *BC Human Rights Code*), as well as one case that focused on discrimination due to a child's disability. In the vast majority of cases the plaintiffs were either adult family members or boards and insurance agencies acting on behalf of the adult family members. There was no indication that any cases have been tried that speak directly to the child's right to housing, likely because it would be unusual for a child to be a plaintiff in a case, and therefore the nature of the child's right to housing is not what is directly being addressed. Secondly, children's right to housing is not explicitly covered under any provincial or federal legislation.

However, as discussed later in this report, there were tribunal cases from BC and other jurisdictions across Canada demonstrating that the right to be free from discrimination in tenancy due to family status is one that is recognized across the country. At the time of this research there were no cases (with regards to housing and family status) that had been appealed or accelerated to a higher level of court. This may further explain why children's legal right to housing is not explicitly covered in the legislation.



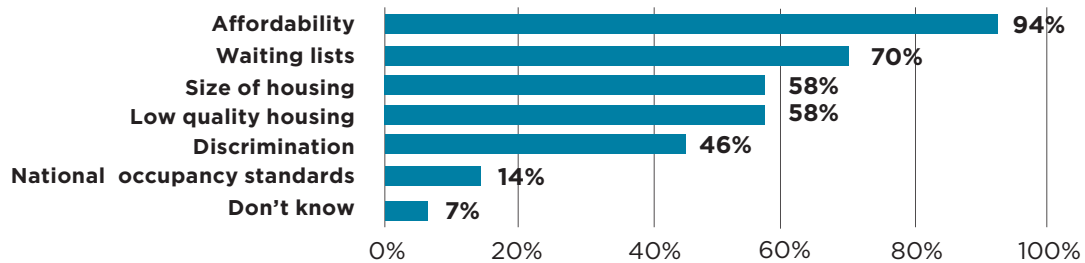
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Barriers facing families with children accessing housing in BC

The research in this report shines a light on the circumstances underlying the failure to protect BC children’s housing rights. As shown in the following two graphs, prominent barriers to securing housing identified by parents and service providers in our online surveys include high housing costs, wait lists for subsidized housing, low quality of available housing, inadequate size of available housing and discrimination or systemic barriers because of family characteristics.

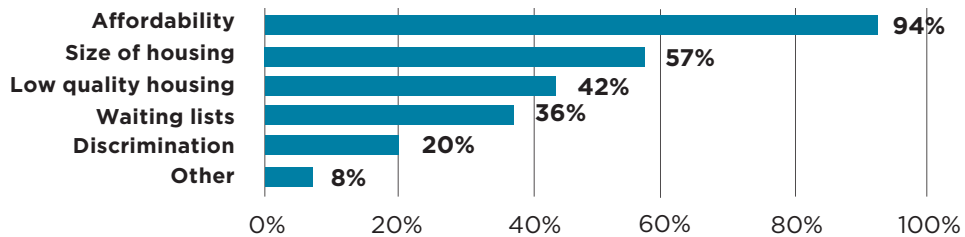
What are the main barriers for families in BC to access housing?

Service provider survey (n=161)



What are the main barriers you have faced in accessing housing?

Parent survey (n=205)



The lack of access to affordable housing was also the top issue identified by all the parents in the listening circles. Themes of having insufficient incomes to afford adequate housing for families both working and on social assistance, including Persons with Disability (PWD) assistance, were strongly emphasized, demonstrating how government measures to date have not addressed this problem in the rental market.

The lack of affordable housing for lower income families with children in BC and Canada is a clear violation of the human rights commitments that have been made to all Canadians, including children, referenced above.

The lack of access to affordable housing was also the top issue identified by all the parents in the listening circles.



CATHERINE LIVES IN MISSION, BC, with her six-year-old grandson, David. He has special needs, and she has looked after him on her own all of his life. She retired from her job in order to care for David.

CATHERINE'S STORY


Catherine and David currently live in a small two-bedroom basement suite. They need a bigger space for David's sensory equipment and storage, but they cannot afford it. It took three months of searching, and 56 applications, before she found this apartment.

The apartment is close to David's school, which provides excellent care for him. Catherine has been on the wait list for BC Housing for seven years. She receives support with her rent from Tikva Housing Society's "Rent Subsidy Program".

"Without the help I receive from Tikva I would not be able to pay my rent, they are a Godsend."

AFFORDABILITY

Average rents in BC have been steadily increasing for many years making it harder and harder for moderate and lower income families with children to find rental housing they can afford. Average rental costs in the province were 30% higher in 2021 than they were in 2016 and average wages have not kept up. The situation in 2023 is even worse with the average rent for a two-bedroom apartment in Vancouver, for example, now costing over \$3,900 per month.¹⁶ In 2021, over 70% of low-income families with children in BC were paying more than 30% of their incomes for their shelter costs.¹⁷



“New renters paid, on average, 24% more than the previous tenant for 2-bedroom units rented in 2022.”

Source: Canada Mortgage and Housing Corporation, *RENTAL MARKET REPORT January 2023* (cmhc-schl.gc.ca). p. 12

Researchers in some studies have found that housing affordability affects children through material deprivation, rather than family stress, as family spending on rent leaves insufficient money for food, medical or dental care, and other necessities.¹⁸ However, we also know that children are very sensitive to parental stress, in spite of their parents' attempts to shield them from the difficult choices they have to make on a daily basis. Parents talk about the constant stress of having to say no to their children's requests.

Research has also found that access to affordable housing is associated with better health and grade retention for children aged six to eleven. For older children, aged twelve to seventeen, positive effects were found for health, behavior problems, grade retention, and school engagement.¹⁹

Due to the affordable housing crisis, families told us of situations where parents have separated but still live together because they cannot afford to move out or buy separately. Children are then exposed to challenging emotions surrounding the breakdown of their parents' relationship.

In our listening circles and surveys, mothers shared stories of feeling trapped in unhealthy relationships because they cannot afford to move out.



“Having to choose and prioritize what my child will get because we don’t have funding for everything is very hard.”
– Parent

Finding affordable housing that meets the needs of their family sizes and is close to schools, child care and vital services is extremely challenging for families with limited incomes in the current rental market. This can lead to higher costs for transportation when they can only find housing far away from services and amenities.

If families had better access to affordable housing, there would be fewer opportunities for landlords to discriminate against them or take advantage of them. There would also be less need for families to make sacrifices regarding the size, quality, and safety of their housing.

In her August 2023 recommendations to the National Housing Council Review Panel on Financialization of Purpose-Built Rental Housing, Canada’s Federal Housing Advocate “has concluded that the Government of Canada, and governments at all levels, have failed to ensure that Canada’s housing system is advancing the progressive realization of the right to housing. In particular, they have failed to protect rights holders from the negative human rights impacts of financialization.”²⁰ Many other housing advocates have made representations on this issue as well.²¹

It is not within the scope of this report to fully analyze all the factors causing the crisis in housing affordability. However, the issue of unaffordability was the top priority for the families and service providers engaged in this research project, and we have made some specific recommendations for government action at the end of this report.

UNSAFE HOUSING

Access to safe and adequate housing is recognized as a core human need.²² In the housing context, the protection from discrimination based on family status exists to protect families and others who may be screened out of tight housing markets, from being unjustifiably excluded from safe and secure housing.²³

Despite these commitments, the lack of affordable housing for families in BC results in many being forced into crowded and unsafe living conditions. The types of units available at low cost are frequently run-down, or unsafe (particularly for women and children fleeing violence), or may contain pests such as bed bugs, mice, or mold.²⁴ Numerous studies have shown that many families are forced to live in substandard and crowded housing and regularly make the choice between paying the rent or feeding their kids.²⁵



“There should be penalties for landlords that don’t upkeep rentals to a safe standard.” - Parent

10% of the parents who completed our survey reported that they have had to move because of safety concerns, including fire safety. Unhealthy and unsafe housing was the reality for 40% of the families in our listening circles. These families felt trapped in unsafe and unaffordable housing. We heard details from parents who had rats eat through wires and damage heating units. Concerns about rats and insect infestations were cited by 18% of the families in our listening circles.

Additionally, some mothers fleeing domestic violence told us they were placed in subsidized housing units in buildings that were unsafe for them and their children because of the other tenants’ drug use and other behaviours. Where shelter services are available, families with children may choose not to use them because they don’t feel shelters are safe. They may instead be temporarily staying with extended family and/or friends, as they try to avoid displacing their children from their school or community.²⁶

Housing quality has critical impacts on the outcomes of child development, some of which are irreversible and continue into adulthood. Housing that exposes children to health hazards such as mold or lead paint, are particularly dangerous for young children, whose bodies are smaller and absorb higher doses of toxicants per kilogram of body weight. Many organ systems, such as the nervous system and the lungs, are undergoing rapid growth and development in the first years of life and are especially vulnerable to damage.²⁷

OVERCROWDING AND NATIONAL OCCUPANCY STANDARDS

What are the National Occupancy Standards?

National Occupancy Standards (NOS) are used by the Canadian Mortgage and Housing Corporation (CMHC) to measure housing suitability, which is ultimately a measure of crowding. NOS stipulate that family size and composition should determine the number of bedrooms required by the household. Housing is deemed suitable if it meets the following requirements.

- No more than two people share a bedroom
- Lone parents have a separate bedroom
- Household members age 18 + have a separate bedroom, except those living as a married or common-law couple
- Household members under 18 years of age, of the same sex may share a bedroom
- Household members under 5 years of age, of different sex may share a bedroom

According to 2016 Census data, 30% of the rental housing Canadian children lived in was unsuitable under the National Occupancy Standard, with too few bedrooms for the size and composition of the family. Additionally, for 32% of children in rental housing, the household was in core housing need. This means their housing fell below at least one of the affordability, suitability, or condition of dwelling standards, and the household was spending 30% or more of their total before-tax income to pay the median rent of alternative local housing that met all three housing standards. A higher percentage of children in subsidized rental housing were in core housing need at 41%.²⁸

As noted in the study done by the BC Society of Transition Houses, while the NOS is useful as a measure of suitability to assess whether housing stock meets the needs of Canadian households, these standards have been adopted as policy by housing providers, such as BC Housing, and in many cases are a barrier to housing for those in desperate need of affordable housing options.²⁹ The service providers we consulted confirmed this link, reporting that the NOS can be a barrier when placing families in suitable housing and is a reason for longer BC housing and co-op wait lists.

In the private rental market, a landlord may justify a maximum occupancy policy, and where they do so there is no violation of the Human Rights Code. Though this policy adversely affects families, landlords can show that they have adopted the policy in good faith, for reasons related to the maintenance and use of the unit. If such a policy is challenged, the landlord will have to prove that it was not adopted arbitrarily, and that it is a reasonably necessary restriction that cannot be modified without the landlord incurring undue hardship.

In our parent survey and listening circles, parents did cite examples of being denied access to housing through BC Housing because their family configurations did not fit the NOS guidelines.

Among respondents to the parent survey, Indigenous families, newer immigrant families, and families managing disabilities were more likely to live in homes where children would have to share a room with others. 38% of the families in our listening circles described their living conditions as overcrowded, with several having family members sleeping in the living room due to the lack of bedrooms. One family of seven was living in a two-bedroom apartment. Children who were sleeping in living rooms or in crowded conditions noticed that their friends had their own bedrooms and asked their parents why they couldn't have their own bedroom, too.

The health implications of overcrowding can include sleep deprivation, lower educational success amongst children, increased threats of child apprehensions, and rapid deterioration of housing structures, which in turn can lead to other health and well-being impacts.

Families and services providers also reported how overcrowding contributed to family tensions and a lack of privacy. One young mother described trying to take her young daughter out of the home as much as possible to get her away from these pressures.

Acceptable Housing

According to Statistics Canada, acceptable housing refers to whether a household meets each of the three indicator thresholds established by the Canada Mortgage and Housing Corporation for housing adequacy, suitability and affordability.

- Adequate housing is reported by their residents as not requiring any major repairs.
- Affordable housing has shelter costs less than 30% of total before-tax household income.
- Suitable housing has enough bedrooms for the size and composition of resident households according to the National Occupancy Standard (NOS).³⁰

Based on this definition, BC households with children are having many challenges in obtaining acceptable housing. According to 2021 Census data, 35% of BC households with children did not live in acceptable housing. Nearly half (49%) of BC single parent families did not live in acceptable housing, compared to 30% of couple families with children.

DISCRIMINATION

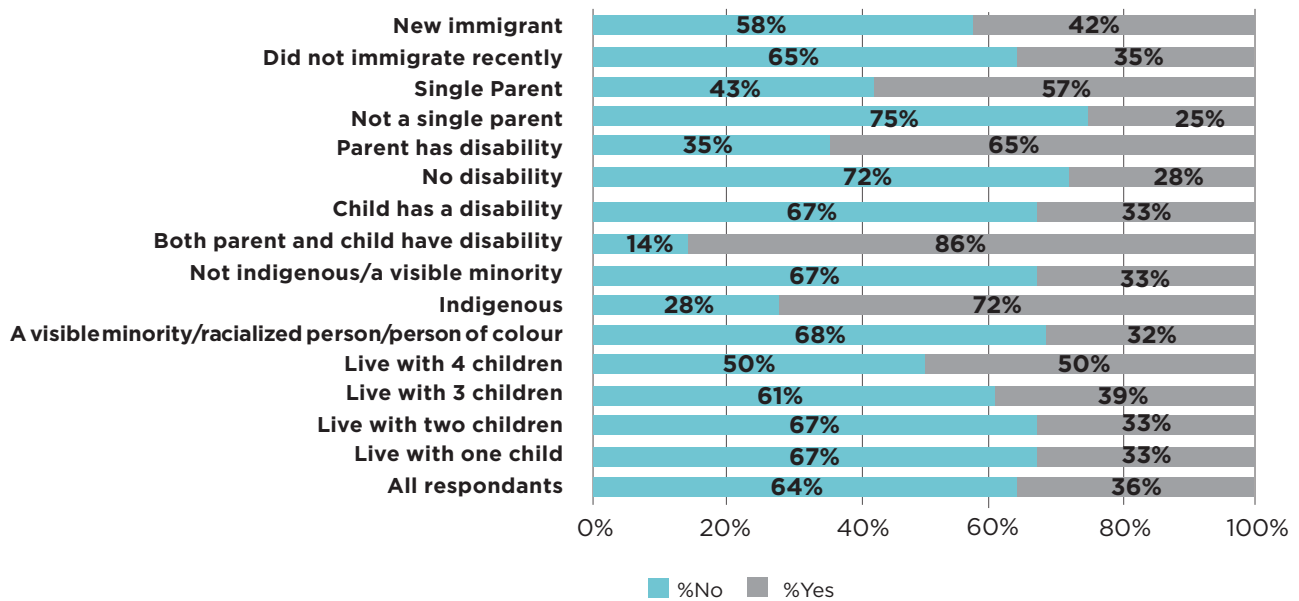
Our listening circles and survey responses confirmed that families with children are being discriminated against in accessing and keeping housing in BC, primarily in the private rental market. As shown in the graph below, 36% of parent survey respondents (74 of 204 families) reported experiencing discrimination when looking for housing. Percentages were higher for Indigenous families (72% or 13 of 18 families), single parent families (57% or 41 of 72 families), families with disabilities (53% or 34 of 64 families), larger families (50% or 5 of 10 families) and new immigrant families (42% or 14 of 33 families).

40% of the 46 families in our listening circles shared explicit examples of landlords discriminating against them because they had children.

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Have you experienced discrimination while looking for housing?

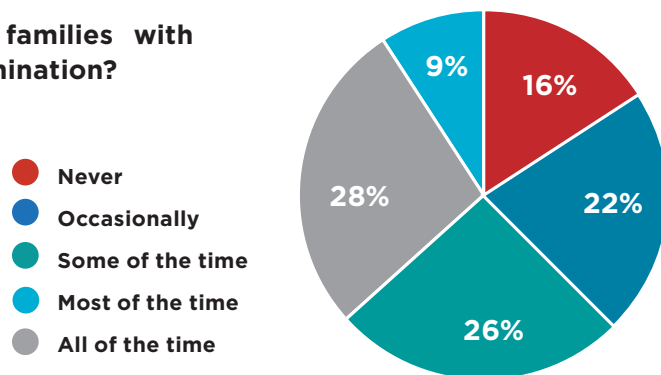
Parent survey (n=162)



In subtle or implied cases of discrimination, when there is high competition for market rental accommodation, people may not even perceive that they have experienced discrimination, so these percentages are likely to be understated. 85% per cent of the service providers who responded to our survey reported working with families who have experienced discrimination. 37% said that they work with families who experience discrimination “most of the time” or “all the time”.

How often have you worked with families with children who have experienced discrimination?

Service provider survey (n=162)

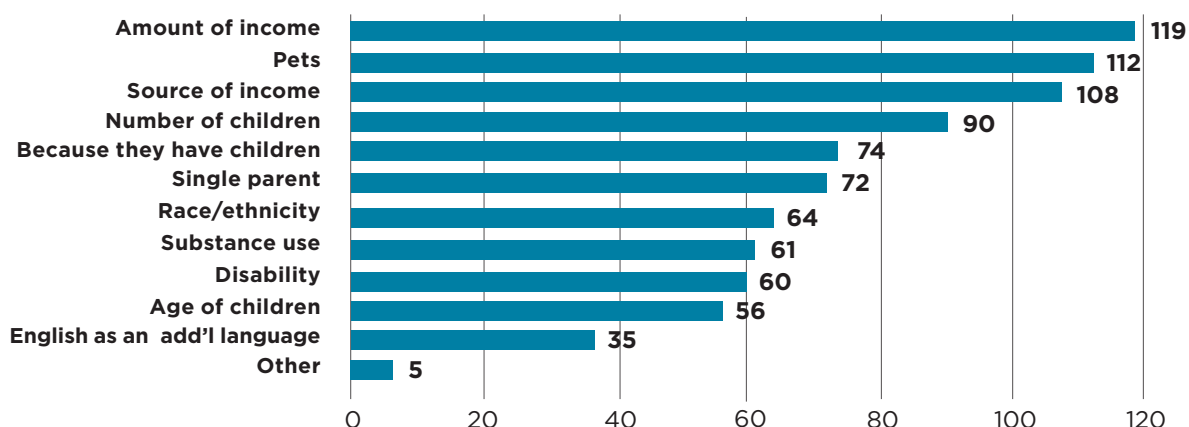


Families with children experience discrimination in their search for housing for a variety of reasons. From our research, the most common reasons relate to income, either the amount of income or the source of income. Service provider survey respondents witnessed or heard about a total of 227 incidents of discrimination on these grounds alone.

There was a total of 220 reports from service providers of landlords refusing to rent to families for having children at all, or for the number or ages of their children. Other grounds of discrimination reported by service providers were families refused housing for having pets, being single parents, their race or ethnicity, substance use, disability and speaking English as an additional language.

Count of types of housing discrimination seen or heard about from families with children

Service provider survey (n=154)



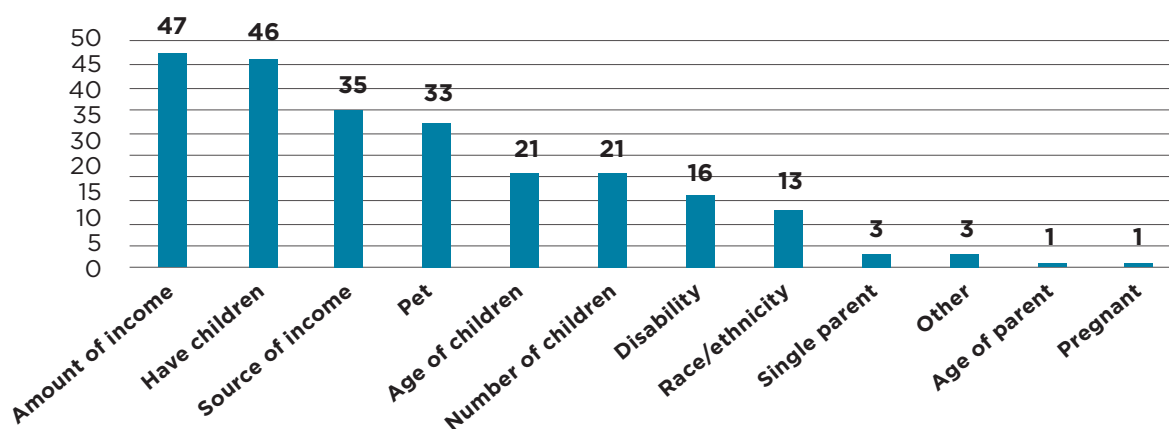
74 parent survey respondents reported a total of 240 experiences of discrimination in accessing housing. 37% of these experiences were rejection of rental applications because landlords didn't want to rent to families with any children, or "too many" children, or the wrong ages of children (too young or teens), or because the mother was pregnant. 34% reported denials of housing because of the amount or source of their income, for example being on social assistance or having insecure or precarious work. Families with disabilities told us in our listening circles and survey responses that they experienced discrimination because they cannot work, and some landlords refuse to rent to people on social assistance. Others cited being denied housing because they had a pet or a disability, because of their race or ethnicity, because they were a single parent and other reasons.



"As soon as you say you have kids, they don't want anything to do with you. As soon as you say social assistance, they don't want anything to do with you. I'm overwhelmed." - Parent

On what grounds were you discriminated against when seeking housing?

Parent survey (n=74)



Note: Many families cited more than one reason for, or experience with, discrimination.

Our listening circles identified that language is another barrier for many families. Those who don't speak English reported that they struggle to search English websites and experience discrimination when they demonstrate not knowing the English language. They reported that this discrimination was sometimes subtle.

Others had experiences of blatant racism, such as when a landlord said to a social worker and her client, a mother with a child, "We don't rent to them". Muslim women in our listening circles told us that often their husbands would attend viewings for housing, because the landlords would discriminate against them if they saw their headscarves.

Our data didn't capture the ethnicity or other background of the landlords exhibiting such racist discrimination.

Families who experienced language barriers and first-hand experiences of race and income discrimination described feeling powerless. Immigrant and refugee families made comments such as:

"He looked at us as immigrants and decided to give it to someone else."

"They are polite, but they don't rent to you".

Human Rights Tribunal decisions on the basis of family status or other grounds

As outlined earlier, section 10 of the BC Human Rights Code does prohibit age discrimination in tenancy, but as per section 1, age is defined as 19 or older, leaving children unprotected on this ground of discrimination.

Our review of case law found few BC Human Rights Tribunal cases focused on tenancy discrimination on the basis of family status. There were two recent Tribunal rulings that a family had been discriminated against on the basis of family status, sex and disability:

- A father filed a complaint on behalf of his 10-year-old son under section 10 of the Human Rights Code alleging that their landlords discriminated against him due to his disability (cerebral palsy). His son needed significant parental care and used a wheelchair. He lived with his family in a basement suite in a house. The new landlords imposed frequent rent increases totaling 33% over two years and four months, threw garbage outside the family's kitchen window, blocked their accessible entrance, said they could no longer park their wheelchair accessible van in the

driveway, and ultimately evicted the family. The family moved to a new rental suite, where the rent was \$1000 more per month. The Tribunal found that the respondents did not accommodate or try to accommodate the boy's disability, that the boy was adversely affected by these actions and his disabilities were a factor in the landlord's actions. The Tribunal ordered \$10,000 as compensation for injury to the boy's dignity, feelings, and self-respect.³¹

- Mrs. Valdez lived with her husband and son in a one-bedroom apartment. After giving birth to her second child, the landlord objected to the size of the family in the apartment. The family moved only two weeks after the second child was born because of the landlord's persistent harassment and pressure to leave. The Tribunal ruled this was discrimination based on sex and family status and ordered compensation for \$1,924 in expenses and \$9,000 for injury to Mrs. Valdez' dignity, feelings, and self-respect.³²

Human rights decisions in favor of families experiencing discrimination because of the ages or number of their children are on record in other provinces, as noted in our legal review.

Appealing discrimination

People in BC who experience issues with landlords (such as illegal evictions or repairs not being carried out) can take their issues to the Residential Tenancy Branch (RTB) which provides information and dispute resolution services for residential tenancies. The RTB acts as a 'court' for arbitrating legal problems and cases are usually resolved in a much shorter timeframe than complaints filed with the Human Rights Tribunal.

However, the RTB does not have the authority to apply the Human Rights Code when deciding if a case involves a human rights violation. Only the BC Human Rights Tribunal has this authority.

The BC Human Rights Clinic, which is a service of the Community Legal Assistance Society³³, is a resource for those who think they may have been discriminated against, while the BC Human Rights Tribunal is where complaints are filed. The Human Rights Tribunal's long wait-times, limitations of authority and barriers to access, make it an impractical, inequitable, and non-transformational source of a remedy to the denial of the right to housing for most families. None of the families we heard from in this research project had launched a human rights complaint, despite having experienced discrimination that affected their ability to find and/or retain the housing they so desperately needed.

The time and energy required to seek legal redress for these experiences is too much to ask of most families who are already in crisis or financial distress as they try to secure housing. Landlords who wish to discriminate are aware of this and emboldened by the power imbalance in the private rental marketplace.

None of the families we heard from in this research project had launched a human rights complaint, despite having experienced discrimination that affected their ability to find and/or retain the housing they so desperately needed.



Child apprehensions due to housing problems

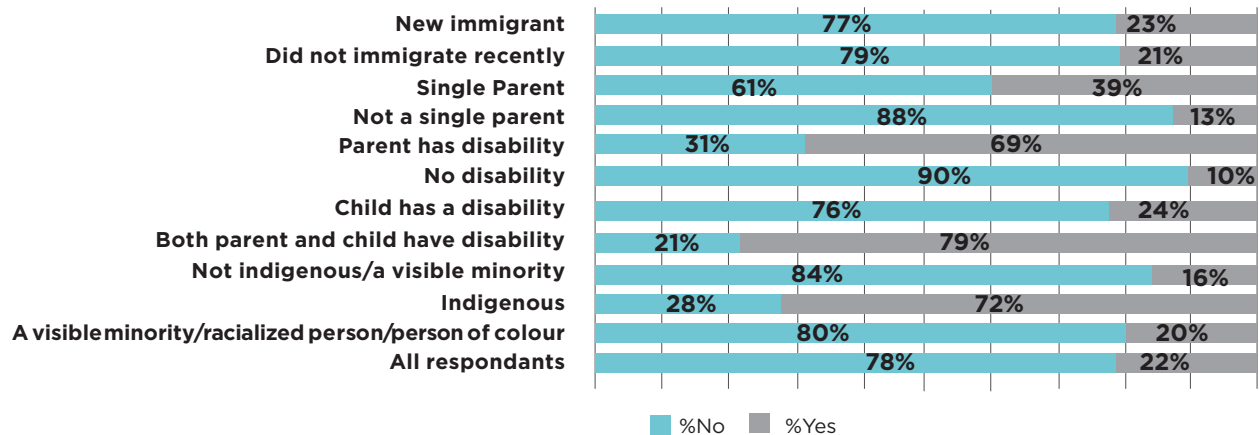
The biggest fear many parents express when denied their right to housing, is that their child or children might be taken into government care by the Ministry of Children and Family Development. Many women face stark choices about staying in unsafe environments, placing their children in care voluntarily, or asking the Ministry for short term emergency authorization for the family to stay in a hotel. If this is granted, they may face Ministry scrutiny of their parenting and must find their way out of homelessness quickly, or face their children being apprehended into care.³⁴

For families who have had their children apprehended, having a stable housing situation can help enable regular visitation to occur with their children, as well as serve as a prerequisite for having their children returned to their care.

Often the fear of child apprehension alone can be the reason parents are reluctant to seek needed support.³⁵ 22% of parents who responded to our survey stated that they were concerned that their child or children might be taken into care because of their housing situation. Indigenous parents and parents with a disability were much more likely to have this fear, at 72% and 69% respectively, compared to non-Indigenous or racialized parents (16%) and parents without a disability in the family (10%). 39% of single parents had been worried about this.

Have you ever been worried that your child would be taken into care because of your housing situation?

Parent survey (n=203)



Unfortunately, we could not get data from MCFD about the number of apprehensions due to inadequate housing or how many families aren't able to reunite because of inadequate housing or housing occupancy rules. However, other research confirms child apprehensions related to inadequate housing are not uncommon across Canada.³⁶

In our survey, we heard from four families who had experienced their child being taken from them because of inadequate housing. All of these families were lone-parent-led, had a disability in the family and were either Indigenous or a member of a racialized group.

Six parents who completed our survey reported that housing was a barrier to getting their child out of government care. Five of them were single parents with a disability.

Experiences with different housing providers

Only a very few of the families in our listening circles owned their own homes. Most (69%) were living in market rentals, 11% were in subsidized housing through BC Housing and 7% were in transition houses. Nearly half (48%) of the parent survey respondents were renting in the private market, 36% were home owners, 7% were renting through a non-profit housing provider or cooperative, 6% were renting through BC Housing and 3% were homeless (living with friends or relatives, staying in a shelter or an RV).

The survey asked families to rate their satisfaction with their current housing situation. Many families stated a preference for ownership, given their negative experiences with renting. However, the cost of purchasing a home in BC's housing market was seen as an insurmountable barrier for most families. Not surprisingly, those who owned their home were far more likely to be satisfied with their housing arrangement than those who were renting.

The families identified in the data as experiencing higher rates of discrimination in securing housing, namely Indigenous families, single parent families, families with disabilities, larger families, and new immigrant families, were also less satisfied with their current housing situations.



“Even if we had enough money for a deposit, we won't get a mortgage because our income is too low.” - Parent

WAITING TO FIND APPROPRIATE HOUSING

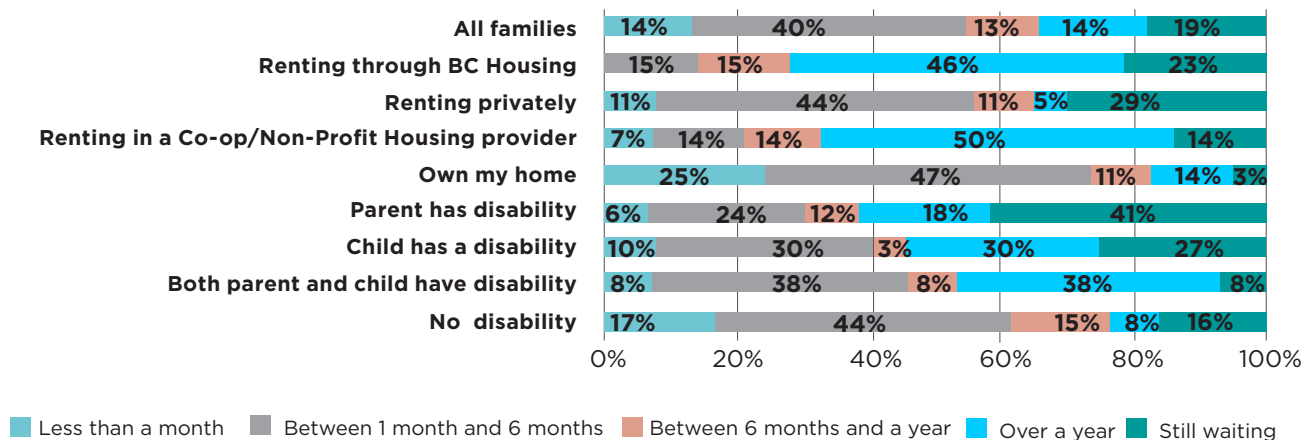
We asked families about how long they waited or were still waiting to access housing that was appropriate and safe. Overall, 40% of parent survey respondents said it took them one to six months to secure housing, while nearly one in five (19%) indicated that, while they were currently housed, they were still waiting for more appropriate or safer housing.

For those renting privately when they completed the survey, 29% said they were still waiting for housing that was more affordable, adequate for their family size or safer. For the minority of respondents who were in subsidized housing, half had waited over a year to get into their units and 23% were still waiting for a more suitable unit.

Families with disabilities reported having to wait a lot longer for appropriate housing than families with no disability, and many were still waiting.

What's the longest you've had to wait to find appropriate housing?

Parent survey (n=191)



“Families with children with disabilities have an extremely difficult time finding accessible housing. If they can’t find a home already made accessible, then most families must go in debt or fundraise so they can have modifications made to the home.” -Service provider

BC Housing data from 2021 indicated more than 29,000 B.C. families were living in provincially subsidized housing, including those receiving rent supplements through the Rental Assistance Program, and this number is growing, particularly in Metro-Vancouver.³⁷

The number one comment we heard from families about BC Housing’s policies is that the wait lists for housing and arbitration are too long.

In 2022 there were 5,901 families on the BC Housing wait list in Metro Vancouver alone, an increase of 1,598 households, or 46%, between 2016 and 2022.³⁸ This is a low estimate of the number of households in need of non-market housing, as some non-market housing providers use other housing wait lists instead of the BC Housing wait list. Also, some households may drop off the BC Housing wait list as they miss deadlines for re-applying (households must update their applications every 6 months to stay on the wait list).

We heard from families and service providers that there is an “air of mystery” as to how applicants are approved or prioritized with BC Housing. Some families told us that BC Housing found somewhere for them immediately, and others have been on wait lists for up to eleven years. Sometimes this related to established priorities, such as the Priority Placement Program to help women who have experienced violence or are at risk of violence.³⁹ Other families felt that their needs for better housing were overlooked, despite their applications outlining the urgency of their situations.

Our listening circles touched briefly on the rental options provided by BC Housing, and while it wasn’t a major theme, some described unsatisfactory options for the size, location, and quality of available housing. The limited ability to choose where one is placed, or to turn down an offer of a placement they found undesirable, was a complaint raised several times in our discussions, often from women fleeing domestic violence.

Families also shared stories of how BC Housing rules (such as National Occupancy Standards or the limitations for extended family members) can impact a family’s ability to access and stay in BC Housing or co-ops, or even care for their children as a household and work at the same time.

Due to the shortage of available housing with three or more bedrooms, larger families seeking to access affordable housing through BC Housing and co-ops are very challenged to find the housing they need.

DARA IS A SINGLE MOM on PWD with two daughters ages nine and twelve. She lives with her aunt in a 1-BR private rental apartment. They have lived there for nine or ten years. She likes the area and doesn’t want to move because her daughters would have to change schools.

DARA’S STORY

The apartment is crowded for four people, but they have made it work. They’ve divided the bedroom in two, one side for her aunt and the other for her daughters. She sleeps in the living room.

Her girls are getting bigger and need their own rooms. She inquired about moving into a vacant 2-BR suite in the building, but was told no by the building management because then their current unit would need to be renovated.

In the past she has applied to BC Housing, but they wouldn’t allow her aunt to live with her. Her aunt is her main support person, providing child care when she is working (she works part time), and helping out even more with the girls when her physical disability flares up and her pain is debilitating. Her oldest daughter has ADHD and can have challenging behaviours, which her aunt helps with when she’s not well.

PRIVATE RENTALS

Many parents in our survey and listening circles shared negative experiences of renting in the private sector. In addition to experiences of discrimination, they shared examples of landlords exercising their power in unfair ways. Some examples included imposing conditions such as no visitors, laundry restrictions and using threatening language. Others talked about their landlords evading accountability for their duties, refusing to do needed repairs or replace broken fixtures and not answering phone calls or visiting the property.

The lack of affordable housing means that many families are trapped into living in substandard housing with landlords who are not following their legal requirements, and/or actively violating laws around housing standards, privacy, discrimination, and human rights.

In the private market, the high cost of housing can particularly impact large families in need of affordable units with adequate space. Some landlords abide by the National Occupancy Standards requiring separate bedrooms for male and female children over the age of six. Yet some families have managed to rent smaller units and live in overcrowded conditions.

Families and service providers told us about some landlords who rent to families in their own ethnic communities and exploit their vulnerability. Knowing how difficult it is for their tenants to find alternative housing, they not only treat them poorly, but also insist on cash payments and refuse to provide any receipts.

The Residential Tenancy Act contains many provisions to protect families from discrimination and unfair treatment to ensure that they can access their right to housing. However, many families we spoke to were either unaware of their rights or more often didn't feel as though they were able to exercise them because they feared ending up homeless.

“ I was only allowed to use the laundry once a week. How does that work with six children?”
– Parent



Reasons for moving, sometimes frequently

Our parent survey found that there are many different reasons why families move. The most common reasons were related to changes in life, but many of the other reasons reported by families highlight the systemic issues related to finding and keeping housing in BC. Often families had moved several times for different reasons, for example, finding a better place, but then being evicted or unable to afford rent increases. Nearly a quarter of the respondents who answered the question on the reasons for their moves had been evicted, either because the house or building was sold or renovated, or the landlord said they wanted to move family members into the suite.

In our parent survey data, families who had faced discrimination when looking for somewhere to live reported moving more often, on average, than those who didn't face discrimination, including parents with disabilities, Indigenous families, and single parent families.

Why people moved

(Parent survey N=161)

	Count of reasons
Change in family/living situation (e.g., moved in with roommate/partner, family breakdown or death, had children)	65
Found a better, bigger or more accessible place	53
Eviction	39
Unaffordable	37
Safety concerns	29
Disagreement with landlord/neighbours	21
Moved closer to family, work or school	21
Domestic violence	10
Bought somewhere	9

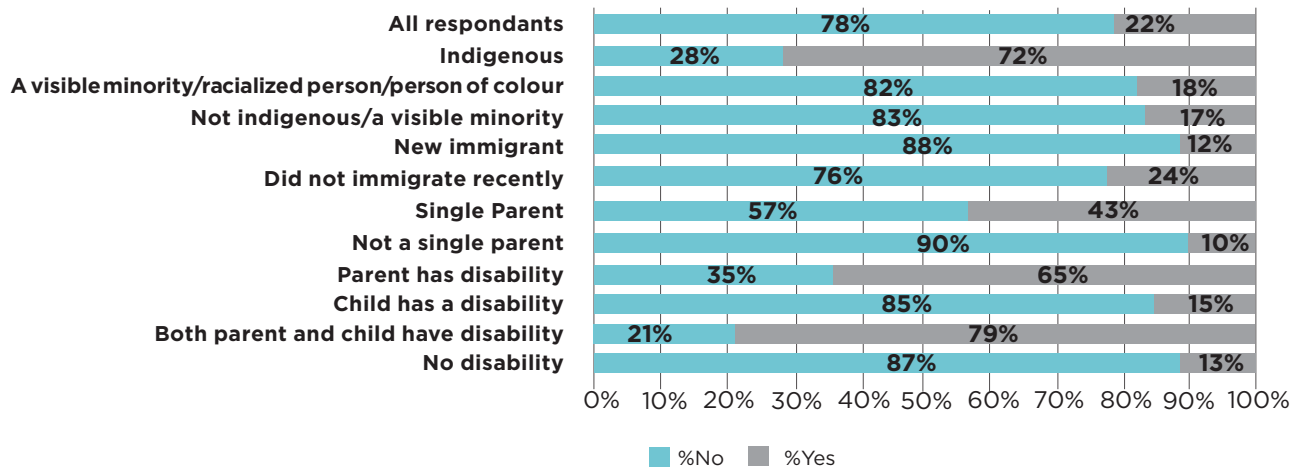
Children's educational outcomes are also impacted by housing insecurity and frequent moves. Within our listening circles, parents shared stories of the impact of insecure housing on schooling disruption or avoidance, as well as the behavior problems that are entangled with these impacts. Schooling for homeless children is often interrupted and delayed, resulting in a higher risk of learning disabilities, repeating a grade or school suspensions.⁴⁰ Children who are not homeless but experience frequent unwanted moves, for example due to evictions, also tend to have diminished educational outcomes, because they often have to change schools with the moves.⁴¹

Homelessness

Among our parent survey respondents, a total of 45 families (22%) had experienced homelessness. Indigenous parents, families with disabilities and single parent families were more likely to have experienced homelessness than non-Indigenous parents, families without disabilities or couple families.

Have you ever experienced homelessness?

Parent survey (n=204)



FAMILIES FLEEING VIOLENCE

Violence is the leading cause of homelessness for women,⁴² and one of the leading causes of family homelessness is intimate partner violence.⁴³



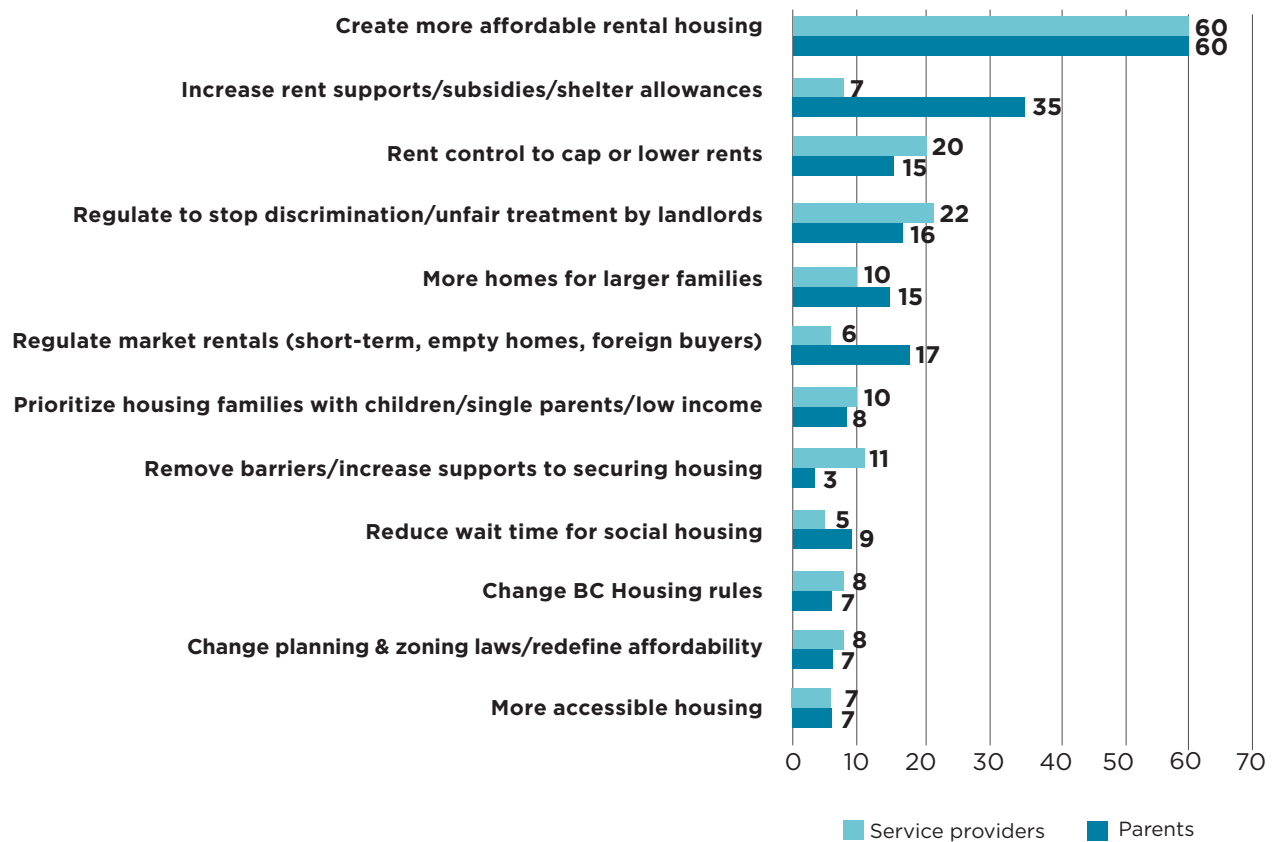
In 2019-20 there were over 11,000 children in BC who were referred to live in BC Housing supported transition houses with their mothers.⁴⁴ Women in our listening circles who were living in transition houses or second stage housing, shared their worries about what they were going to do when their time in these homes was due to end.

Women with children fleeing violence often struggle to rent new places because they do not have references, due to their not having been a renter for a long time.⁴⁵ Women caught up in costly family court processes, are often left with little money to secure safe housing for their children. They may have to default on debts and damage their credit rating in order to keep their children safe. Landlords routinely run credit reports for prospective tenants, so this single factor can prevent a woman from securing safe housing for her children.

Recommendations for change

In our listening circles and online surveys, we asked parents and service providers for their suggestions for what could be done to better protect children’s right to housing. This graph summarizes the range of ideas they put forward. Making more affordable housing available to families with children was mentioned most often.

What should be done to protect children’s right to housing?



Based on our research and the personal experiences and perspectives shared with us through this project, we make the following recommendations for various levels of government and different types of housing providers.

Recommendation 1: Build, create and protect more affordable rental housing

Since we began this research project, the urgency of the crisis in housing affordability has risen to be one of the most talked-about issues in the public discourse in BC and across the country. While this report offers evidence of other factors limiting children’s right to housing, unaffordability was the top issue identified by the families and service providers who participated in this project.

- All levels of government must scale up funding to build thousands of new non-market, affordable rental housing units and maintain existing affordable housing stock to reduce the number of families in core housing need. This should include:
 - increased funding for short- and long-term housing for women and children fleeing violence,
 - prioritizing designated housing for families with children and for youth without family support,
 - increasing the supply of larger units for families, and
- ensuring that new social and affordable rental units are affordable to families with very low incomes, including at income assistance rates. This could include allowing more units to be rent-geared-to-income.
- Amend the provincial Residential Tenancy Act to tie rent control to the unit in the private rental market to remove the incentive for evictions of current tenants to raise the rent for new tenants.
- All levels of government must cooperate to implement measures to limit the financialization of rental housing, e.g., by Real Estate Investment Trusts, through tax reform, regulation of public investments in housing, regulation of financial institution lending, establishing limitations on the acquisition of affordable rental housing stock by investment trusts, among other measures.
- All levels of government must develop and invest in eviction prevention regulations and programs to help keep families with children in their homes and avoid homelessness.
- Governments at all levels need to be held accountable to their commitments to increase the supply of non-market affordable rental housing. Announcements of targets and funding for new units must be followed regularly with clear information on the number of new units actually created and how any shortfalls in achieving the targets will be addressed with additional investments.

Recommendation 2: Increase financial support for families to help pay for housing

- Increase the shelter allowance and income and disability assistance rates, so families with children do not end up spending significant amounts of their support allowance (for food and all other expenses) on rent.
- Increase the Rental Assistance Program maximum subsidy amount for families with children to help cover the increased costs of rent and expand the eligibility threshold to open up access for more families.
- Provide improved financial assistance to families raising children with disabilities and complex medical conditions to accommodate their housing needs, including upfront grants for accessibility and safety renovations.

Recommendation 3: Improve housing services

- Develop a coordinated access data system⁴⁶ for BC Housing and other non-market housing providers to make housing placements consistent, standardized, and effective in assessing, prioritizing, and matching supply to demand, while also increasing transparency in placement decisions.

- BC Housing and other non-market housing providers must be allowed to amend their placement guidelines to recognize the important role that extended family members can and do play in supporting parents raising children.
- The Canada Mortgage and Housing Corporation and BC Housing must clarify that the National Occupancy Standards are guidelines, not regulations, and that children's right to safe housing with their families should be the top priority when making placements.
- Mandate BC Housing to improve funded operators' accountability with regard to quality of housing, and placement decisions in order to prioritize children's right to safe and appropriate housing. This may include making sure non-profit housing providers' capital costs are adequately funded.

Recommendation 4: Improve regulation of private landlords

- Municipalities are urged to consider developing by-laws that require private landlords to be registered and therefore legally accountable for minimum standards, with periodic renewals required. An example is the Landlord Register in Scotland.⁴⁷ Renewals could be denied if the landlord engaged in unlawful discrimination or breaches of residential tenancy law. Scotland also has an accreditation option for landlords beyond the requirement to be registered.
- In BC some private rentals employ licensed property managers and there are educational requirements administered by the BC Financial Services Authority for these employees which include sections on ethics, residential tenancy laws and human rights law.⁴⁸ These could inform the development of new municipal by-laws to create landlord registers for private landlords.

Recommendation 5: Strengthen protections under the Human Rights Code

- Amend the BC Human Rights Code section 10(1)(b) to specifically include children under 19 years of age as a prohibited ground of discrimination in tenancy premises.
- Amend the BC Human Rights Code to add "receipt of public assistance" to the prohibited grounds of discrimination while the provincial government considers the addition of the broader ground of "social condition."
- Given the length of time it takes for a complaint to be heard by the BC Human Rights Tribunal, consider granting the Residential Tenancy Branch the power to apply the Human Rights Code to facilitate more timely enforcement of housing rights frequently breached in the private rental market.



Conclusion

This research has found that despite some provisions in the law intended to support families' right to housing, there are too many families in BC for whom these rights are not protected.

The increased cost of housing in recent years has put an increased burden on families, particularly those in poverty. It has given rogue landlords more of an opportunity to discriminate against families with children, to disregard the existing tenancy laws and violate their human rights. It has also meant that there are more and more families on the wait lists for BC Housing and other subsidized housing operators.

In our sample of parent survey respondents and listening circle participants, an astounding 37% and 40% respectively, reported being denied rental housing because they had children.

Families with children who may already be experiencing other forms of discrimination, including Indigenous or racialized families, families affected by disabilities, single-parent families and low-income families, reported being more likely to experience housing discrimination, less likely to be satisfied with their housing, and more likely to be forced to move frequently. The housing conditions and the precariousness that many of our participants described show us that, in practice, protection from discrimination or unfair treatment in the private rental market is non-existent for many families with children.

We heard from families raising their children in overcrowded spaces, unsafe or unhealthy spaces. The impacts these challenges had on their children were confirmed by the social workers and other service providers who met with us and responded to our survey. Parents reported their children compared their housing situations to that of friends or other family-members with sadness and embarrassment. Precarious housing led to disruption of their children's school attendance as well as the behavior problems that are entangled with these impacts.

In contrast, families spoke of their visions for their children that included being able to afford housing more appropriate for their family size and in good repair, living close to parks, safe spaces, schools or other amenities.

The recommendations in this report highlight ways in which governments at all levels can take up their responsibilities to better protect children's right to housing in BC. While we acknowledge that there have been and continue to be multiple government efforts to improve access to housing for families with children, the voices lifted up in this research are calling for more urgent action to fix a system that they experience as broken.

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ABOUT FIRST CALL

First Call Child and Youth Advocacy Society is a registered charity in British Columbia. Our purpose is to create greater understanding of and advocacy for legislation, policy, and practice so that all children and youth have the rights, opportunities and resources required to thrive.

We conduct research and analysis on child and youth rights and well-being, offer education and training events, and make policy recommendations to promote, strengthen and defend the rights of children and youth in BC.

First Call holds monthly meetings featuring presentations on emerging child rights issues. Together, we share information, provide our members with tools and resources and advocate collectively for BC's children and youth.

SUPPORT OUR WORK

If you are a British Columbia-based organization that believes in putting children and youth first, we invite you to join us by becoming an affiliate. Please email us at info@firstcallbc.org

We also invite you to support our work by becoming a monthly donor to our fund. Your donations are tax deductible. Please visit give.vancouverfoundation.ca/s/firstcall

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