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Community Campaigns for the Right to Housing: Lessons from the R2H Coalition of Ontario

YUTAKA DIRKS*

THE SUPERIOR COURT OF JUSTICE RELEASED its decision in Tanudjaja v. Attorney General (Canada) on 6 September 2013.¹ The case, dubbed the ‘Right to Housing Charter Challenge’ by supporters, began in the spring of 2010. Four individuals, together with the non-profit Centre for Equality Rights in Accommodation, filed an application against the federal and provincial governments.

The applicants alleged that the respondents “created the conditions that lead to, support and sustain conditions of homelessness and inadequate housing.”² They argued that under s.7 and s.15 of the Canadian Charter of Rights and Freedoms, Canada and Ontario had obligations to reduce and eventually eliminate homelessness and inadequate housing. They also pointed to international covenants that Canada has signed, which guarantee the right to adequate housing. They produced almost ten thousand pages of expert witness affidavits and exhibits to support their arguments, including government supported research. They sought a court order requiring the government to implement a national housing strategy. In response, Canada and Ontario filed a motion to strike the application. The Court found that it was plain and obvious the Application could not succeed and dismissed the application. The judgment was appealed to the Ontario Court of Appeal, who ruled in a split 2-1 decision that the application was “non-justiciable.”³

This paper describes the history of the Right to Housing (R2H) Coalition of Ontario and the role of the Advocacy Centre for Tenants Ontario (ACTO) within the Coalition. The R2H Coalition provided support to the applicants in the Right to Housing Charter Challenge. The Coalition also engaged in a variety of educational and community organizing activities in support of the right to housing and the creation of a federally funded affordable housing strategy. This paper, based on the author’s personal experiences within the R2H Coalition, examines how the adoption of community organizing principles could strengthen campaigns for systemic social change, including community organizing work undertaken by community legal clinics.

I. THE HOUSING CRISIS AND THE CREATION OF THE R2H COALITION

Each year, at least two hundred thousand people experience homelessness in Canada, and at least

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¹ 2013 ONSC 5410, 116 OR (3d) 574.
² Tanudjaja v Attorney General (Canada), Amended Notice of Application, online: Advocacy Centre for Tenants Ontario, online: <http://www.acto.ca/assets/files/cases/Amended%20Not.%20of%20App.%20R2H%20Charter%20Chall.pdf>.
1.3 million have experienced homelessness or extremely insecure housing in the past five years. Many more struggle to find homes that are affordable and adequate: forty per cent of renters in Canada spend more than thirty per cent of their income on rent, and have an ‘affordability problem’ as defined by the Canadian Mortgage & Housing Corporation. Over four hundred thousand tenant households are living in conditions considered overcrowded by CMHC for the size of their families and at least three hundred and seventy thousand rented homes are in need of major repairs.

These problems are not new, yet neither have they “been with us from the beginning,” as many are fond of repeating. Homelessness as we know it today is a relatively recent phenomenon in Canada. Prior to the 1980s there were problems with inadequate housing, but there existed few places where large numbers of people lived on the street or in shelters for extended periods of time. Beginning in the 1980s, funding for affordable housing, income supports like welfare, and support services for those who needed it were cut back or eliminated. This resulted in an epidemic of homelessness and inadequate housing.

Since then, and in particular, since the complete withdrawal of federal funding for new affordable housing in 1996, people across Canada have tried to stem the tide of suffering caused by homelessness. Charities and city governments provided food and shelter, nurses administered care on the street, non-profit organizations tried—sometimes successfully—to secure funding to build new homes. But the crisis continued to grow. Advocates lobbied government, academics released reports documenting the dire impacts of homelessness and its systemic causes, lawyers argued against legislation which criminalized homelessness or failed to protect vulnerable tenants, and activists took to the streets. Groups and coalitions formed which saw strength in this diversity of experience and expertise, including the Toronto Disaster Relief Committee (TDRC).

In 1998, the TDRC declared homelessness a “national disaster.” They demanded a national housing strategy, pegging the cost at one percent of the federal budget. Toronto and the Big City Mayor’s caucus of the Federation of Canadian Municipalities took up the call. Bowing to public pressure, Jean Chretien, the Liberal Prime Minister, appointed its first (and last) Federal Coordinator responsible for homelessness in 1999. New funding for programs for people who were homeless was made available but the government resisted the creation of a federal affordable housing strategy to end homelessness. Any discussion of the human right to adequate housing was restricted to the rallies and community meetings held by advocates and people living in housing need.

The Right to Housing (R2H) Coalition Ontario had its genesis at one such forum, a public session held during the 2008 Law Union of Ontario Conference. After seeing how other countries such as France and Scotland appeared to be making headway in addressing the lack of

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7 Toronto Disaster Relief Coalition, *The One Percent Solution*, online: Toronto Disaster Relief Coalition <http://tdrc.net/1-solution.html>.
8 This very brief overview of housing-related activism in Canada is not meant to be exhaustive and is missing much more than it contains. Apologies to the hundreds of organizations and thousands of individuals I failed to include who have struggled in myriad ways for the human right to housing.
affordable housing by recognizing the human right to housing in law (in certain, restricted circumstances), lawyers and housing advocates asked: Could we do it here in Canada? After years of advocacy and activism that had borne little fruit, many in attendance were excited about legal strategies, including the possibility of winning the recognition of the human right to adequate housing through the courts.

Building on that discussion, the Advocacy Centre for Tenants Ontario (ACTO) in the spring of that same year brought together a group of academics, community activists, people who have experienced homelessness and lawyers to develop the idea further. This group became the R2H Coalition and has been instrumental in the furtherance of the Right to Housing Charter Challenge.

II. BUILDING THE COALITION AND DEFINING THE DEMAND

The Advocacy Centre for Tenants Ontario is a community legal clinic, funded by Legal Aid Ontario (LAO). LAO is funded by the provincial Ministry of the Attorney General. LAO then distributes funds to the seventy-seven legal clinics across the province that provide services to residents of Ontario with low incomes. Most of the clinics serve a defined geographic area, but some focus on particular ethno-racial communities or deal with a discrete area of law or practice. ACTO is one such clinic; the organization “works to better the housing situation of Ontario residents who have low incomes including tenants, co-op members and people who are homeless.”

ACTO engages in test case litigation, such as the Right to Housing Charter Challenge. The clinic also engages in law reform work. We lobby all levels of government on issues of importance to tenants living on low incomes and people who are homeless. We produce and disseminate educational material on these issues to the general public and hold workshops to inform tenants of their legal rights.

As outlined in the Memorandum of Understanding between LAO and the community legal clinics, clinics are mandated to provide poverty law services, which include “legal representation and advice, community development and organizing, law reform, and public legal education.” This mandate to engage in systemic advocacy work together with the community is crucial; Ontario legal clinics occupy an enviable position compared to many other non-profit community organizations. We have relatively stable funding and are not funded directly by the governments we may need to influence. As ACTO’s Advocacy and Outreach Coordinator, I am involved in community organizing. Supporting the R2H Coalition was a significant aspect of this work.

There are many recognized approaches to community organizing. Some models place emphasis on developing the capacity of individual community members as a way to promote social integration. These models often use education and integration of individuals into pre-existing community institutions as a way to “develop” the community, rarely challenging the prevailing social order. Other models attempt to make policy changes through lobbying or coalition building. Many models place the affected community front and centre, and work to build community organizations and local leadership as a way to increase their power and win demands. The R2H Coalition relied primarily on the coalition model, which can bring together

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organizations around a common goal or vision as a way to build the power and influence necessary to win specific demands. Having an agreed-upon demand reduces the ability of the government to divide advocates.

The coalition model provided ACTO with a welcome way to be involved in broader advocacy outside the formal channels of courts and legislatures. The clinic offered our offices as meeting space, provided material resources such as printing and teleconferencing capabilities, and offered staff time to chair the meetings and implement decisions made by the Coalition. Often this involved preparing written materials, contacting reporters or handling logistical details for rallies and other events. Importantly, this work fostered direct involvement with advocates and community organizations whose membership reflected the people affected by homelessness and inadequate housing, and created a process for accountability to those communities.

The R2H Coalition came together because of a shared vision: that we can and must end homelessness, and that everyone has a human right to a home that is adequate and affordable. This vision was broad enough to bring an ever-increasing number of academics, longtime social justice activists, service-providing agencies, advocacy groups and people with personal experience of homelessness to the table.\(^\text{10}\)

It is vital to ensure that people who are directly affected by the issue are involved in the development and implementation of a community campaign. Due to the nature of coalition work (in some ways, a coalition is “an organization of organizations”) little recruitment of individuals affected by poverty, homelessness or inadequate housing was undertaken by ACTO or the Coalition. Partnership with affected community members was accomplished almost exclusively through the involvement of pre-existing organizations made up of people with experience of homelessness or who live on low incomes. A key principle of community organizing is the empowerment of people affected by the issue, through skill and leadership development, in addition to winning victories as a group. The R2H Coalition ensured that individual people with experience of poverty or homelessness would always be included in the spokesperson roles at community forums or rallies, representing their particular organization or community. However, skill and leadership development of individuals active within the Coalition was not prioritized.

Most of the Coalition members had been active in housing activism across Canada over the past two decades; the lack of a federally funded housing strategy had always been a key concern and seemed the logical choice for a demand. The R2H Coalition discussed the finer points of such a strategy, making sure that it would address the specific concerns of oppressed groups in society such as people with disabilities and others. Input from international human rights experts convinced the Coalition to call for the strategy to be human rights-based, with compliance mechanisms in place to ensure its successful implementation. The human rights-based demand, for a fully funded federal housing strategy to end homelessness and inadequate housing, became both the remedy sought by the Applicants and the Coalition’s rallying cry.

### III. EXPANDING OUR POINTS OF INTERVENTION

In *Re:Imagining Change*, a book co-authored by Patrick Reinsborough, executive director of the Centre for Story-Based Strategy, and seasoned activist Doyle Canning, the authors identify five physical or conceptual ‘points of intervention’ within systems where advocates can apply

\[\text{10}\] A list of the organizations and individuals who have been involved in the Coalition is available online at [http://www.acto.ca/en/cases/right-to-housing.html](http://www.acto.ca/en/cases/right-to-housing.html).
pressure and push for change. They identify the points of production, destruction, consumption, decision, and assumption (a foundational narrative or a place of symbolic importance). By illuminating differences in the sites where activism is directed and encouraging people to broaden their sense of possible interventions, Reinsborough and Canning make a useful contribution to community organizing theory. They make explicit what is oddly, so rarely acknowledged: there are many ways to move social change forward.

The Advocacy Centre for Tenants Ontario directs our advocacy at the point of decision. We engage in test case litigation and we lobby governments. Our legal interventions may be in support of an intervention at another point. For example, by earlier challenging a provincial law that would allow the City of Toronto to sell off social housing units, we intervened at the point of decision as tenants were defending their homes from (potential) destruction.

The R2H Coalition supported the Applicants in the Right to Housing Charter Challenge, an intervention at the “point of decision.” We also attempted to exert influence in the public sphere at the “point of assumption.” Unfortunately, little activity has been organized that targets other points of intervention. Our demand, targeting the action of government, lends itself to applying pressure at the point of decision. However, the R2H Coalition could do more to explore possibilities for interventions in other areas. For example, when existing affordable rental housing is threatened with redevelopment into condominiums, activists could physically block its destruction.

Between 2008 and 2014, the R2H Coalition and ACTO held dozens of community forums and workshops to educate people about the human right to housing and challenge assumptions about homelessness. We organized public rallies in concert with other groups: in October of 2010 we protested outside the provincial Ministry of Housing as the Red Tent Campaign held a massive rally in Ottawa that supported a private members bill to establish a rights-based housing strategy. We were involved in lobbying efforts in support of the proposed legislation, which was introduced several times, most recently facing defeat at second reading in February of 2013 when all Conservative MPs voted against it. MPs from the NDP, Liberals, Bloc Quebecois, and independents supported it.

In 2011, we held a demonstration outside a federal MP office as part of a national action for social housing and joined with the Occupy movement on National Housing Day. We sent thousands of postcards to the Prime Minister of Canada calling on him to create a housing strategy. In 2012, ACTO took the lead in coordinating a cross-Canada day of action and the R2H Coalition organized a rally in Toronto. We sent out press releases, talked to reporters, emailed, blogged, and tweeted. Over several years, we engaged in a diversity of successfully organized activities and expanded the capacity of the Coalition. And yet, we have not achieved our goal.

IV. WHEN CHANGED MINDS DON’T RESULT IN CHANGED ACTIONS

The R2H Coalition demand was primarily of the federal government and to a slightly lesser extent, the provincial government. The Prime Minister and his Cabinet, and the Premier of Ontario and her Cabinet, were the decision makers who could answer our demand. In our hierarchical society, the kind of power needed to make institutional change is almost always formally vested in a single person or a small number of people.

Decades of advocacy interventions at the point of assumption and point of decision, of which the R2H Coalition was a small part, have had some effect, but have not created sufficient incentive to these decision makers to end homelessness and create a human-rights based housing strategy. The federal New Democratic Party, the Liberal Party of Canada, the Bloc Quebecois, and the Green Party have voted in favour of proposed federal housing strategy legislation and in May 2012 members of all federal parties voted in favour of a non-binding motion acknowledging the government’s obligation to "respect, protect and fulfill the right to housing." In fact, the same month that MPs from the Conservative government voted in favour of the “right to housing” motion in Parliament, their lawyers advised the Applicants in the Right to Housing Charter Challenge that the Attorney General of Canada (and Ontario) would be bringing a motion to strike the case without any of the evidence being heard by the Court. How was this disconnect between words and actions possible?

Saul Alinsky, the community organizer who wrote Rules for Radicals in 1971, argued that to achieve change, oppressed groups must pressure those in power to win demands. People with power almost never hand out concessions to those with less power or privilege out of the goodness of their hearts, unless it is in their self-interest. Self-interest can be broadly defined; increased voter support, improved public image, increased revenue, personal sense of accomplishment or leadership are all examples. Preventing harm to oneself or one’s interests is another key example, such as when an employer agrees to union demands in order to prevent the loss of their profits due to a strike. A decision-maker will weigh the consequences of the possible options and act in accordance with their self-interests.

This is a crucial lesson that many find hard to accept: that even when they know what they are doing is wrong, people must often be forced to do the right thing when doing so threatens their self-interest.

Landlords are obligated to keep their units in a state of good repair, but too often they skip costly repairs. Employers should not fire employees who get pregnant, but they do it anyway because it saves them money. In these cases, the landlord or employer knows they are doing something wrong or illegal, but they do it anyway because other self-interests trump morality or legality. By winning orders against landlords or employers, lawyers use the coercive power of tribunals or courts to achieve the goals of our clients when dialogue has failed to produce action.

For many it was the power of the court to force the government to act that produced such interest in the possibility of a legal challenge, and which led to the formation of the R2H Coalition in the first place. The fundamental concept underlying a legal approach—of using argument, education and coercive power—should not be abandoned even if the case is considered and rejected by the Supreme Court. The question becomes: How do people who are homeless or poorly housed, together with their allies, become powerful enough to change the behaviour of government?

There are many schools of thought among community organizers about how to build a community’s power and influence. Alinsky used a model of building numbers through the development of community organizations as the primary way to build power, believing that a

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14 At the time of writing, the Applicants are seeking leave to appeal to the Supreme Court of Canada.
growing, active membership could tip the balance on issues. Community organizers also build power and support by identifying their active and passive allies, those who are undecided, and groups or constituencies that are opposed to the organization’s goals. They can then create strategies to shift each group one step closer. This exercise helps address the myth that advocates must appeal to the “average middle-class person” to affect change; by identifying specific groups within society who all have their own unique interests, organizers are better able to craft outreach strategies to increase support, introduce doubt in their opposition, and isolate groups actively hostile to the community’s goals.

Francis Fox-Piven and Richard Cloward have argued that Saul Alinsky’s approach of building neighbourhood organizations was not a feasible way for the poor to win victories; instead they believed that disruptive tactics such as rent strikes, sit-ins and civil disobedience were more useful. They also believed that the leadership of longstanding organizations often acted as a barrier to taking effective, relatively spontaneous action; established activists would be more invested in the status quo or in building the membership of the group and unprepared to take the risks that community members might.

Community organizers can learn much from Alinsky, Fox-Piven and Cloward; making use of both traditions is sensible. Take, for example, the introduction of a new government policy that demeans or further disadvantages people living on low-incomes. In response there may be widespread unrest—impromptu sit-downs at welfare offices, confrontations with politicians—as suggested by Fox-Piven and Cloward. However, if the government proposes a largely cosmetic solution to the crisis, who has the legitimacy to reject the proposal? Those in power can largely set terms of appeasement in the absence of an Alinsky-esque organization, comprised of and accountable to the community, who can negotiate a resolution that satisfies their demands. Without the pairing of community action and accountable leadership, government can present half-measures as fixes and recast victories won through the struggle of marginalized people as acts of good will by the privileged, discounting the efficacy and legitimacy of community action.

V. CONCLUSION

The Midwest Academy, a training institute for community organizers based in the United States, identifies key principles for community organizing: that people directly affected by an issue come together and act in their shared self-interest, and that a core goal is to generate durable power for a community organization to win improvements in peoples’ lives, influence decision-makers on issues, and change the balance of power in the community. The R2H Coalition has brought together people affected by homelessness and inadequate housing in a model of shared leadership, though there are significant areas for improvement. How the R2H Coalition fares in relation to the other principle is less clear.

The R2H Coalition and housing advocates generally, could benefit from further exploration of the community organizing strategies currently and historically used by other groups and movements. Legal clinics and agencies may be cautious of embracing forms of advocacy that are disruptive, but these options should not be rejected out of hand. Disruptive

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action, using non-violent civil disobedience or more confrontational tactics, has the possibility of winning key concessions from the State when other avenues have failed. There may be a role which legal clinics can play as part of a coalition effort that takes such an approach. The support that lawyers provided to people engaging in civil disobedience during the civil rights and anti-war movements in the previous century is one such example.

If we hope to win a federally funded, rights-based housing strategy to establish the human right to adequate housing, housing advocates (including the R2H Coalition, ACTO and others) will have to critically assess our progress (or lack thereof) and be prepared to make changes in our strategy. We must find ways to engage sympathetic people and constituencies and move them to action. We must consider widening our points of intervention and ensuring that our advocacy activities have a significant impact on the self-interest of decision makers, in as many ways as possible. It is clear that restricting our activity to attempts at engaging decision makers’ self-interests linked to compassion, clear factual argument, or their public image has not been sufficient to achieve change. The human right to adequate housing may yet be recognized by the courts; regardless of the outcome of the Right to Housing Charter Challenge, we can organize to make it a reality.