

HOUSING RESEARCH REPORT

Eviction Prevention Measures in Canada— Scan and Inventory

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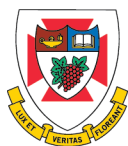
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Eviction Prevention Measures in Canada— Scan and Inventory

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Urban Studies



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1 Scan and Inventory of Eviction Prevention Measures

During 2019 and early 2020, the Institute of Urban Studies at the University of Winnipeg conducted research on evictions across Canada, resulting in the report “Evictions and Eviction Prevention in Canada”. A broad environmental scan for Eviction Prevention Measures was also conducted as part of that project, covering Canadian programs and services with a focus on currently active measures¹. The scan resulted in this Inventory of active eviction prevention measures from across the country.

The scan was conducted through a multi-step search across major cities and all provinces/territories, as well as a few international examples where appropriate and relevant. Our conception of “measures” is broad; it includes not only programs dedicated to eviction prevention, but also policy and regulatory changes, and emerging initiatives that respond to evictions and promote housing stabilization. The Inventory also categorizes the measures using the *Typology of Eviction Prevention Measures* developed within the larger report.² The Inventory categorizes prevention measures across three primary dimensions: type of intervention, scale and intended target of intervention, and timing of intervention. It was developed based on previous categorizations of prevention measures, and was also used to inform the development of the updated typology. This summary report describes the Inventory contents and identifies general patterns across the included measures.

1.1 Methodology for Scan and Inventory Development

Eviction prevention measures were collected in two major phases.

Phase One: The first phase involved a scan for eviction prevention measures in each province/territory and major city³ in Canada. The scan proceeded in four steps. In each step, searches were conducted by city and province for any program, regulation, or measure aimed at keeping tenants in their current housing, or at assisting tenants in locating and staying in a housing unit.

¹ Note that this analysis was undertaken prior to the COVID-19 pandemic declaration and does not reflect bans and moratoria introduced at PT level from March 2020 onwards. See CMHC, 2020 for a list of these newer measures.

² *Typology of Eviction Prevention Measures*, in “Evictions and Eviction Prevention in Canada”.

³ It is assumed that major cities have more resources to develop and maintain eviction prevention measures. Smaller cities/towns may also have such measures; however, these were not pursued due to the large number of small towns across Canada.

The first step involved searching for terms including “eviction prevention,” “at-risk of homelessness,” “tenant eviction prevention,” “eviction programs,” and related phrases. The second step focused on searching for two additional types of measures: legal aid programs/legal information for tenants or landlords; and measures that offer legal assistance or representation for tenants. This search identified measures such as legal aid or information for tenants, legal consultations, as well as services offering legal advice for housing disputes (information, but no legal counsel), legal assistance (finding and filling out forms), legal counsel (advice or information that is case-specific), and legal representation. Search phrases for this step included “tenant legal information,” and “housing legal representation,” and related phrases. One result of this search requires further explanation. Legal Aid Ontario provides funds to 73 legal clinics throughout the province, most of which assist tenants with eviction matters. The specific services provided, however, vary widely—from the provision of pamphlets (information) to full legal representation. These clinics are also geographically dispersed. In the Inventory, the clinics have been grouped together under the funder name, Legal Aid Ontario, and assistance provided by each clinic has not been delineated.

The third step focused on financial assistance and emergency financial assistance programs, including rent banks, rent supplements, and emergency funding. This step also involved searching for programs that provided financial assistance or reduced costs for utilities. Search terms included: “emergency financial assistance,” “rent bank,” “tenant rent assistance,” “landlord rent supplement,” and related phrases. Results were reviewed for information or programming that included emergency, one-time financial aid to tenants at risk of eviction, rent supplement programs intended to keep tenants housed, or rent subsidies programs. Additional measures identified include programs that assist with utility bills, reduce utility bills, or provide emergency funding for utility bills.

The fourth step focused on measures that provide tenants with financial education or financial management information. Programs and services aimed at educating tenants on how to pay rent, how to budget, and/or how to manage finances were collected. Search terms included “tenant/renter financial education,” “low-income financial education,” and related phrases. Programs that provided a financial trustee to manage a person’s or household’s finances by paying bills or rent of their behalf were also collected, though there were few results. Search terms included: “tenant trustee,” “renter trustee,” and related phrases.

In addition, a large collection of programs related to housing, low-income tenants, and renting was found—the “RentSmart” program, by Ready to Rent in British Columbia. RentSmart is a tenant and landlord education program that focuses on housing stability within an eviction prevention framework. The program focuses on tenant education on rights and responsibilities, landlord responsibilities, landlord–tenant communication and mediation, budgeting and house management skills, and eviction prevention. The seminars are available across British Columbia and Ontario as well as delivered periodically in Calgary, Edmonton, Winnipeg, and other cities. This resource was reviewed but its inclusion is limited to large population centers.

Phase Two: The second phase of the search for eviction prevention measures focused on finding regulatory, policy, and legislative actions. This search proceeded by province using the search terms: eviction, renoviction, residential tenancy act, residential tenancy act–changes, eviction by-law, tenant rights, tenancy rights, short-term rentals, Airbnb, and tenancy safeguards. International searches also used Google–translate to translate these terms into the other languages, which helped identify country-specific news reports on eviction prevention measures. Searches included government websites where said measures are often posted, as well as general Google searches. These searches primarily resulted in news articles discussing challenges for tenants and communities (such as renovictions) and regulatory responses.

1.2 Findings from Scan and Description of Inventory

Although this scan of eviction prevention measures was extensive, it should not be considered exhaustive. Rather, the hundreds of measures identified should be viewed as a sampling of measures from across the country and as representative of the various intervention types: by target of interventions, by timing, and by intended target.

Application of Typology of Eviction Prevention Measures

There are multiple ways to frame a typology of eviction prevention measures. For this Inventory we have applied the Typology of Eviction Prevention Measures described in the main report. It allows for

analysis of measures across three key dimensions: 1) Type of Measure, 2) Target of Intervention, and 3) Timing of Intervention.

1.2.1.1 Type of Measure

First, measures in the Inventory are categorized by type of measure. This builds on and expands the previous categorization developed by Acacia Consulting & Research for the CMHC in 2005 (Acacia Consulting & Research, 2005). The 2005 typology classified eviction prevention measures across five categories:

- Information/advice
- Conflict resolution/mediation
- Legal representation
- Emergency financial assistance
- Third-party financial management

We have added three additional categories:

- Rent assistance
- Comprehensive supports
- Regulation/policy/ market intervention

These are defined as follows:

- **Information/Advice:** Information, advice, and systems navigation assistance. This may be offered face-to-face, by a hotline number, or through referral services. This also includes outreach services.
- **Conflict Resolution/Mediation:** This includes mediation services, conflict resolution services, or training. (These are more intensive than information/advice supports.)
- **Legal Support:** This includes the provision of legal representation. This is more than just legal information, and also includes clinics, legal services, or representation related to legal procedures.
- **Emergency Financial Assistance:** These are usually one-time, emergency loans or grants, often for use in covering rental and/or essential utility arrears. This category includes rent banks.
- **Third-party Financial Management:** This is when a third party takes direct control of tenant's finances to ensure timely/full payment of rent and other bills. This may be through a formalized trusteeship oriented specifically toward tenants at risk of eviction.
- **Rent Assistance:** This includes rental assistance or rent supplements. These extend beyond emergency financial assistance and may be tied to a particular housing program or may be portable. These reduce the risk of eviction (portable housing benefits for domestic violence victims, for example).
- **Comprehensive Supports:** Case management, social, health, housing, or other related supports, generally directed to a tenant.

- **Regulation/Policy/Market Intervention:** This involves regulatory changes, policy changes (including changes to ‘house rules’ or ‘eligibility requirements’), and legislation.⁴

Generally, most measures included in the Inventory fall into these categories. There are a few items that occur at a high enough frequency that we highlight them as sub-categories or as outliers. These are described in the Inventory explanation below.

The typology also categorizes prevention measures according to the intended target or scale of the measure—from the individual level (of the tenant, or household), to the housing provider, to the systems level. Measures are further categorized by whether they are typically implemented as part of early prevention efforts, in cases of imminent eviction, or post-eviction. (Note that in the Inventory we have classified interventions as occurring “pre-eviction” or “post-eviction,” collapsing early prevention and imminent categories into the “pre” category). These classifications are not necessarily discrete and should be considered to exist along a continuum.

1.2.1.2 Target of Intervention

Measures included in the Inventory are also classified by the stakeholder or scale at which an intervention is directed: the tenant, the housing provider, or the larger systems level. Many measures directed to tenants are targeted to particular demographic groups, often deemed to be higher at-risk of eviction (and subsequent homelessness or hidden homelessness). Key targeted sub-groups have been delineated to allow for analysis of who is getting what level of intervention and where.

1.2.1.3 Timing of Intervention

Interventions are also categorized based on when they are provided. Interventions are classified as occurring “pre-eviction” or “post-eviction.” In the database, if an intervention is intended to prevent eviction or is aimed at those at-risk or imminently facing eviction, it is considered “pre.” If the measure is directed at those who have already been evicted—for example, in helping people find a new unit of housing or assisting with damage deposits—it is considered “post.”

⁴ Note that “market interventions” are included in the Typology of Eviction Prevention Measures, we have not included them in this scan (as it was outside the scope of work here). However, it should be recognized that they are an important aspect in a complex systems approach to eviction prevention.

General Patterns in the Inventory

Across the range of measures included, there is a significant overlap between homelessness prevention and eviction prevention initiatives. For instance, many programs seek to prevent evictions as a primary cause of homelessness, and many municipal “10 Year Plans” to address homelessness include as part of their stated vision or mandate a focus on reducing evictions. Because of this, it can be difficult to distinguish initiatives designed to promote housing stabilization more broadly (for example, to keep low-income or previously homeless people housed) from eviction prevention programs. A few programs specifically indicate they address low-income households, but a review of the Inventory indicates that this is the case for the vast majority of the measures.

Additionally, the Inventory captures a significant number of housing subsidies, utility subsidies, or other measures that do not undertake eviction prevention specifically. Rather, these initiatives focus on *stabilizing housing*, usually through some form of subsidy that helps to maintain the *affordability* of housing. These measures speak to a broader view of eviction prevention, as well as the primary underlying cause of many evictions—tenants’ inability to pay rent. Broadly, almost all measures are aimed at keeping tenants in their current residence. There are a few, however, that offer tenants assistance in finding and establishing themselves in new housing. We have intentionally included some broader housing stabilization initiatives, with the understanding that any dedicated eviction prevention measures need to be supported by efforts to improve housing stability and affordability generally.

1.2.1.4 Prevention measures by number

In total, the Inventory includes more than 240 measures from across Canada, including programs, services, and regulations. By far, the majority of these measures—nearly 200—are directed to tenants; they are intended to assist tenants with challenges related to evictions, and just 27 of these provide post-eviction services.⁵ Only 30 measures are explicitly directed to housing providers/landlords, and 29 are classified as responses at the systems level. However, the few in number at the systems level belie the scale of the interventions. Most of the system level interventions are regulatory changes that tend to impact not just a single tenant or landlord eviction event, but rather apply at a jurisdictional level and change the environment and conditions within which evictions may occur.

⁵ Note that the Inventory does not capture the many programs assisting people experiencing homelessness across Canada.

1.2.1.5 *Prevention measures by geography*

Provinces and cities that are larger, more populous, and relatively wealthier tend to have more measures in place. In the Inventory, the majority of measures are based in British Columbia (BC), Alberta, and Ontario. Nevertheless, we found eviction prevention measures across the country, including four in Nunavut, four in the Northwest Territories (NWT), and five in the Yukon.

We also note:

- All provinces/territories provide information/handbooks of some kind regarding evictions. These are usually targeted separately to tenants or landlords.
- More populous areas tend to have many measures/services provided by non-profit or non-government organizations, whereas in the north all measures are government initiatives.
- There are a large number of legal clinics in the north, aimed primarily at helping people understand tenancy rights.
- Nova Scotia and the Yukon both have programs that assist landlords with forgivable capital grants.
- Ontario has many measures that provide utility subsidies, and Alberta also has a few.
- Atlantic Canada has programs that subsidize older heating sources (wood, coal, and fuel-oil), helping to keep homes affordable.
- Prince Edward Island (PEI) has been particularly active the last couple of years in strengthening tenancy laws, especially related to renovations and short-term rentals. Renovictions are being addressed in part by providing tenants with more time to contest evictions.
- Newfoundland has implemented changes to its *Residential Tenancies Act* to allow the early termination of rental agreements as a result of family violence.
- In Newfoundland there are new limits on 'group evictions' (also called mass evictions).
- Nunavut and NWT offer a significant capital grant to repair or adapt homes for seniors, allowing them to age in place. Other provinces have similar, but smaller programs.
- The Quebec Shelter Allowance program can help pay mortgages. It is targeted to older adults (50+) and lone parents.
- Municipalities have tended to focus on issues where they can have an impact through city regulations and zoning, for example to address short-term rentals or renovations.
- City social housing policy: Toronto Community Housing and Hamilton are examples of communities with social housing policies that explicitly prescribe that evictions are to be used 'only as a last resort'. We expect however, that this is the policy in all social housing systems.

1.2.1.6 *Prevention measures by language*

A few measures specifically state they offer services in multiple languages—not just English and French, but also in other languages to meet local needs. (The specific languages are reflective of major newcomer source countries.) Often these are written materials only, but the COSTI programs in Ontario suggest some translation and interpretation services are also available. We found no eviction prevention

programs that provide services in Indigenous languages, though we are aware of some factsheets and other information related to homelessness that have been produced in Indigenous languages (by AIDS-Saskatoon, for example).

1.2.1.7 *Types of prevention measures*

Our scan identified 44 emergency financial assistance programs across the country, but most offer *repayment loans*. The Yukon is the only region explicitly stating they use *forgivable* loans, though interviews with service providers in Toronto and Winnipeg suggested repayment plans are typically designed not to add additional burdens to tenants by keeping payments extremely low. Financial assistance programs are useful for tenants in addressing rent or utility arrears. The average amounts of arrears cited in the literature are relatively small—generally less than \$5,000 (Distasio & McCullough, 2014; Ecker et al., 2017b). Given this, and the high cost of providing services to those experiencing an eviction or homelessness, not to mention the stress and additional impacts on tenants, providing more of this type of measure (along with additional measures such as financial education) may have long-term impacts on evictions and homelessness, at least for some kinds of evictions.

Note that the Inventory distinguishes emergency financial aid (rent banks, loans, etc.) from subsidies, which are ongoing or longer-term. In addition to the 44 emergency financial assistance programs, the Inventory contains 48 longer-term financial subsidy measures. Again, these types of subsidies do not directly target evictions but are aimed at ensuring stable tenancies and/or access to housing that is affordable. Most of these subsidies provide significant amounts of funding.⁶

Measures providing third-party financial management are very few in number. We found only three examples, in addition to the now-discontinued trustee program highlighted in the 2005 Acacia Consulting report (Acacia Consulting & Research, 2005). Financial trustee arrangements may be underrepresented in the dataset, as they may be initiated on an individual basis as a private legal matter, rather than as a formalized program/service. Interviews with service providers suggest that trustee programs are highly effective—especially for certain populations, such as youth—because trusteeship guarantees the rent payment to a landlord.

⁶ However, it should be noted again that the scan did not attempt to capture every provincial government or other rent subsidies that may be available, and those included in the Inventory should be viewed as a sample.

We also note one private employer (a restaurant) that offers a rent subsidy in the Yukon, but we recognize that in northern, rural, and remote areas (as well as in communities that have resource-based economies or large tourist-oriented service sectors) where housing may be particularly difficult to find, housing is often offered as part of employment.⁷ This instance stands out as a subsidy paid directly to employees to cover rent.

Most legal services involve the provision of legal information or clinics; very few provide actual legal representation. The literature suggests many people facing an eviction are unwilling or unable to contest it, for a variety of reasons.⁸ Providing substantive legal support might go some way towards addressing this.

1.2.1.8 Educational programs for tenants

RentSmart is a tenant and landlord education program that focuses on housing stability within an eviction prevention framework. Developed by Ready to Rent in BC, the program focuses on tenant education on rights and responsibilities, landlord responsibilities, landlord-tenant communication and mediation, budgeting and house-skills, and eviction prevention. The seminars are available across BC and Ontario and have occasionally been delivered in Calgary, Edmonton, Winnipeg and other cities.

1.2.1.9 Prevention measures aimed at landlords

Programs aimed at housing providers primarily provide information or guidebooks focused on rights and responsibilities of tenants and landlords. A few offer mediation/conflict resolution services, working with both tenants and landlords. The Inventory identifies two programs that provide rent supplements directly to landlords, and two programs that try to match tenants to landlords. However, many programs that directly serve people experiencing homelessness house participants by working directly with landlords. As noted above, these homeless-serving programs are not captured in the Inventory.

⁷ As well, providing accommodation is a requirement for employers using certain programs to hire migrant workers.

⁸ For a discussion on this see the report “Evictions and Eviction Prevention in Canada, May 2020” in sections: *Who Gets Evicted and Why*, and *Awareness of rights, and tenant vulnerability*.

1.2.1.10 Regulatory measures

At the provincial level, measures to address evictions tend to focus on tenancy laws and strengthening (or balancing) the rights of renters vs. landlords. Often, these are responses to so-called loopholes in tenancy laws that allow landlords to bypass annual rent controls. In early 2018, BC strengthened tenant rights in response to instances of renovictions—increasing the notice required, lengthening appeal times, enacting rights-of-refusal (at market rate), and increasing fines to landlords for bad faith renovictions.

Newfoundland and PEI are also addressing emerging challenges to tenancies. Newfoundland has changed its *Residential Tenancies Act* to allow the early termination of rental agreements as a result of family violence, and PEI has extended the rights of tenants by increasing the appeal time for renovictions, own-use evictions, and unit conversions. Newfoundland has also updated its tenancy law to restrict group-evictions (mass evictions) to the grounds outlined in the *Act* and implemented a notice period of six months.

BC appears to be the only province attempting to address emerging tenancy problems (such as renovictions) holistically. In 2018, the Government of BC launched the Rental Housing Task Force to review a broad range of housing issues including rental-only re-zoning, renovation challenges, tenancy laws, and other issues. The general housing crisis as well as the emergent problem of renovictions in the Lower Mainland was a primary driver of the Task Force. The Task Force released its recommendations in late 2018, with its top recommendation to “STOP RENOVITIONS” (British Columbia Rental Housing Task Force, 2018). There has since been criticism that these recommendations have not been initiated.

One interesting new development is in BC, where the Residential Tenancy Branch has created a *Compliance and Enforcement* unit. The unit is described as the “teeth” of the B.C. tenancy laws. Prior to the creation of the unit, the Residential Tenancy Branch had no mechanism in place to enforce their decisions. The compliance unit can investigate tenants as well as landlords, can issue administrative penalties up to \$5,000 per day, and takes on urgent and complex cases.

In Manitoba, in situations where renovations interfere with a tenant's enjoyment of the unit and cause the tenant to move out, the landlord is considered to have ended the tenancy and may have to pay the moving cost of the tenant or additional expenses related to the move.

Recent regulatory changes in Ontario have been put in place to strengthen protections for tenants related to own-use evictions. Landlords must use the unit personally for at least one year and compensate tenants if evicted. And, in Quebec, tenant protections have been strengthened for seniors with low-income levels.

At the municipal level, responses to evictions have been focused on renovictions and short-term evictions. In BC, New Westminster, Port Coquitlam, and Vancouver have all responded to high levels of renovictions with changes to by-laws. In Vancouver and New Westminster, the by-laws strengthen the rights of tenants by guaranteeing the right of first refusal and improving compensation. However, as noted in the literature review, many tenants who are renovicted cannot afford the additional expenses of moving twice (out for renovations and then back in) as well as the higher market rents in the renovated building⁹. It appears that Port Coquitlam and to a lesser extent New Westminster have developed the strongest responses to renovictions (Little, 2019a, 2019b). Each has banned renovictions for "cosmetic" upgrades to a building. Landlords will now have to demonstrate that the renovations to a building make it unlivable before they are allowed to evict tenants. In Port Coquitlam, for "cosmetic" upgrades, landlords are now required to provide temporary accommodation to tenants, and tenants have the right to return to the unit at the same rental price.

1.2.1.11 Outliers in the Inventory

A few measures included in the Inventory occur with enough frequency that they have been classified under distinct sub-categories.

One subcategory is labeled "Application Assistance." This includes services specifically aimed at assisting tenants with filling out forms and applications—forms related, for example, to tenancy agreements, obtaining identification, or applying for social or income assistance. These measures (there are 20 of

⁹ For a discussion on this see the report "Evictions and Eviction Prevention in Canada, May 2020" in sections: *Changes to Property*, and *Trends and Patterns in Evictions*.

them) are identified as a sub-category of Information/Advice (though a few also potentially overlap with “Legal Support”).

In addition, there are a few measures that *target the unit of housing* by providing a large capital grant to landlords to undertake renovations or energy efficiency upgrades, with the understanding that these grants will assist the provider with maintaining the unit in the market and at an affordable rate. Because the upgrades do not cost the landlord anything, they are not transferred to the tenant. These types of measures do not specifically target eviction prevention but do promote the affordability of housing and stabilization of tenancies, which in turn may contribute to preventing evictions.

1.2.1.12 Measures targeted at particular populations

Most measures included in the Inventory that are directed to tenants are available to all tenants. However, about 45 of the 197 tenant-directed services are targeted to particular groups deemed to be at higher risk of eviction or as having particular needs. The measures targeted to these groups have been classified by demographic sub-categories, which include tenants:

- with disabilities,
- experiencing domestic violence,
- who are Indigenous,
- with mental health challenges,
- who are older adults or seniors,
- who are women,
- who are youth, and,
- who are transitioning between or exiting systems.

Many of these targeted measures are directed to more than one group. For example, some programs or services address the needs of a constellation of demographic groups, addressing the needs of: Indigenous people, people experiencing domestic violence, women, and youth. Findings in the literature review suggest that these groups may be particularly vulnerable to evictions, have distinct needs, or require specific interventions.

The Inventory identifies only ten measures that target older adults. Interestingly, one specifically addresses the challenges of older adults who may forget to pay rent (due to changes in mental health). There are also 26 measures targeting youth, who may struggle to establish themselves in the rental market and require distinct approaches.

Only seven measures that directly work to assist people transitioning between or exiting systems such as Justice, Health, or Child and Family Services are included. However, systems transition—especially youth exiting care—has been identified as a leading cause of homelessness for some groups.

The Inventory compiles *prevention* measures; nevertheless, it includes 21 programs that assist a tenant with finding new housing or securing damage deposits. These have been classified as “Post-eviction” services. However, some of these assist people who were not technically evicted, but who may be at high risk of homelessness—including, for example, youth entering the housing market after leaving care, or people transitioning from Justice or Health systems. (Many health systems have services to assist people exiting from care into precarious housing or potential homelessness; however, the Inventory does not include those programs.)

1.3 Discussion of Scan and Inventory Findings

In general, eviction prevention measures represented in the Inventory appear to be relatively ad-hoc and uncoordinated across any regional scale—especially in response to emerging challenges driven by changes in the market (such as renovictions or own-use evictions, or the current COVID-19 pandemic). System level responses to evictions tend to be comprised of information services from residential tenancy branches, amendments to tenancy law at the provincial level, and policy changes at municipal/provincial levels that discourage evictions from social housing. However, in response to COVID-19 many jurisdictions across Canada have instituted measures related to eviction prevention (see, for example, CMHC, 2020). Vacancy and rental rates may be affected by the pandemic. Non-payments of rent and arrears may increase, and there will no doubt be far-reaching effects of financial distress on the part of both tenants and landlords. Demand for rental housing may decrease and rental rates could fall, affecting evictions. The new measures responding to these challenges are immediate and occurred after the development of this inventory. There will be a need to document the impacts of these measures, the extent to which these are maintained following the crisis, as well as study of evictions and eviction prevention related to the pandemic.

Many measures associated with eviction prevention are part of wider efforts at preventing and ending homelessness. This is not surprising, given the relatively recent paradigm shift in academic and policy

circles to ending homelessness, towards more prevention-oriented approaches (see, e.g., Gaetz & DeJ, 2017a). Policy and funding aimed at addressing homelessness emphasize eviction prevention alongside Housing First initiatives. Moreover, federal funding (through Reaching Home) for the homeless-serving sector now allows for eviction prevention programs to be incorporated into and funded through municipal-level responses. With adequate political and financial support, and as part of wider efforts to end and prevent homelessness, eviction prevention initiatives may become more widespread and coordinated. However, as many scholars and analysts have argued, these measures will remain mitigative and insufficient without complementary efforts to address wider issues related to global shifts in housing markets and housing affordability.

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