

## **SCHEDULE A**

### **PART I – OVERVIEW**

1. The proposed intervenor, the Canadian Centre for Housing Rights (“CCHR”), seeks leave to intervene with full rights of participation in the summary hearing in this matter on June 24, 2025, including the right to receive materials, attend at and participate in the summary hearing, the opportunity to make oral submissions at the summary hearing, and the opportunity to file written submissions prior to the summary hearing.
2. This Schedule will address questions A3, A4 and A5 on the attached “Request to Intervene – Rule 11: Form 5” by addressing the following topics:
  - CCHR interest and expertise in this matter
  - Issues that CCHR will address and CCHR position on those issues

### **PART II – CCHR INTEREST AND EXPERTISE IN THIS MATTER**

3. The Canadian Centre for Housing Rights (“CCHR”, formerly known as the Centre for Equality Rights in Accommodation or “CERA”) is a non-profit organization founded in 1987. CCHR is governed by a Board of Directors which has included people facing housing insecurity, and human rights experts. CCHR has both a deep interest, and long-standing expertise, in the issues raised in this matter.
4. CCHR’s 26 staff members (comprised of lawyers, policy experts, researchers and other specialists) work to advance the right to housing.

#### *Direct Tenant Representation and Litigation*

5. In 2024, CCHR provided legal information, referral and legal services to 3,133 vulnerable tenants across Ontario (including individuals in Ottawa), and delivered education sessions on tenant rights to 2,374 tenants and 1,954 service providers across Ontario. One of CCHR’s primary areas of focus is supporting long-term tenants facing eviction due to demolition of their rental units or complexes, often as part of specific redevelopment plans in their communities.
6. Currently, CCHR is supporting a tenant’s association representing the collective interest of over 500 families before the Ontario Land Tribunal in a redevelopment application. The tenants, who disproportionately belong to Code-protected groups, are long-term residents at risk of losing permanent, affordable rental housing. Similar to the Applicants, they are deeply concerned about the lack of adequate accommodations or additional compensation to secure comparable affordable housing in their long-term community. This challenge is particularly acute in municipalities with low vacancy rates and limited access to essential services. The potential loss of affordable rental housing, without proper accommodations by the developer, disproportionately affects vulnerable populations. This includes seniors, people with disabilities, and individuals in receipt of public assistance, further exacerbating their disadvantages.

7. CCHR has acted in an advisory capacity and intervened in many ground-breaking legal challenges to policies and practices which deny disadvantaged groups access to housing. These have included a range of challenges at the Human Rights Tribunal of Ontario and in the Ontario courts – including *Kearney v. Bramalea Ltd. (No. 2)*, 1998 CanLII 298583 (ON HRT). CCHR also intervened at the Federal Court of Appeal and coordinated interventions by the Charter Committee on Poverty Issues at the Supreme Court of Canada.

#### *Interest and Expertise in International Law and the Right to Housing*

8. CCHR regularly provides submissions relating to international law and the right to housing. Examples of CCHR's submissions include:
  - [Submission to the United Nations Special Rapporteur on the Right to Adequate Housing: A Place to Live in Dignity, Making Housing Affordable for All \(April 30, 2023\)](#)
  - [UN Human Rights Committee: "The Rights to Life, Protection of the Home & Non-Discrimination in Canada" \(May 21, 2021\)](#)
  - [UN Special Rapporteur on Adequate Housing: "Discrimination & Spatial Segregation in Canada" \(May 14, 2021\)](#)

#### *Interest and Expertise in Housing Research, Policy Development and Advocacy*

9. CCHR works to advance rights-based housing policy through research, policy development, and advocacy.
10. CCHR has released or directly supported a number of policy submissions and resources, including the following items:
  - [Submission to the City of Toronto on Implementation Guidelines for Rental Replacement](#) (April 9, 2025)
  - [Submission to the Federal Minister of Housing, Infrastructure and Communities on Recommended Principles and Scope for the Renters' Bill of Rights](#) (July 17, 2024)
  - [Submission to the City of Toronto on Preserving Affordable Housing through Rental Demolition Applications, Short-Term Rental By-law, and RentSafeTO](#) (April 5, 2024)
  - [Policy Brief: Preserving Affordable Homes in the Private Rental Market](#) (January 24, 2024)
  - [Submission to the National Housing Council Review Panel on Financialization of Purpose-built Rental Housing](#) (August 25, 2023)
  - [Submission to the Ontario Ministry of Municipal Affairs and Housing on Creating a Balanced Framework Around Municipal Rental Replacement By-laws](#) (May 19, 2023)
11. CCHR has released, coordinated or supported a number of research reports, including the following:
  - ["Where are we supposed to go?" Lived Experiences of Displacement in Ottawa](#) (May 2025)

- [Understanding Informal Evictions in Toronto](#) (January 8, 2025)
- [Measuring discrimination in rental housing across Canada](#) (March 4, 2025)
- [Research Project: Understanding Low-end of Market Rental Housing in Canada.](#) (March 12, 2024)

12. The Tribunal would benefit from granting CCHR intervenor status in this matter. CCHR brings proven legal expertise in addressing discrimination in housing, and how international human rights law informs the analysis of such claims. Furthermore, the outcome of this case would directly impact the interests of the clients CCHR represents.

### **PART III – ISSUES THAT CCHR WILL ADDRESS & CCHR POSITION ON THOSE ISSUES**

13. CCHR can assist the Tribunal with regard to the legal tests and frameworks that must be applied at the summary hearing stage, particularly in relation to individual claims in housing with a systemic discrimination component. Specifically, CCHR can provide analysis and highlight helpful jurisprudence with regard to the following:

- a) Individuals can raise issues of systemic discrimination that flow from their individual claims. Allegations of race and related systemic discrimination in housing raise fundamental issues of substantive equality and prompt a full evaluation of the evidence on the merits that is sensitive to power imbalances in the housing environment and the diversity of tenant experiences. The Tribunal must at all times, and in particular in the extremely high stakes context of a summary hearing, be guided by its ultimate goal to foster substantive equality.
- b) The Tribunal should interpret the Human Rights Code in a way that is consistent with international law. An Applicant can raise, and the Tribunal should consider, any component(s) of the Right to Housing in international law when illustrating the disadvantage that they have experienced or otherwise establishing that they have experienced discrimination under the *Code*.
- c) Individuals can bring claims of discrimination in housing with regard to Respondent business models, in just the same way that they can bring claims with regard to any other Respondent action.
- d) Discrimination can be established without any evidence of Respondent intent. The appropriate test for discrimination is that the Applicant identifies with a *Code* ground or grounds; they were subjected to disadvantage in a *Code*-protected social area (in this case, housing); and that disadvantage is connected to their identification with that Code ground or grounds. There is flexibility in how the connection (and the discrimination) is established – it need not equate to a “causal nexus”. Discrimination in housing can be established in a variety of ways, including with the assistance of direct evidence, social context evidence, and international law frameworks.

- e) In the high stakes context of a summary hearing where an Applicant is facing potential dismissal of their Application, it is vital that an unlawful evidentiary burden or onus is not placed on the Applicant, and it is vital that the summary hearing process itself not bear the weight of processes and analyses that belong at a hearing on the merits.