



Beyond Aspiration: The role of independent oversight in advancing the right to housing

**Submission to the United Nations
Special Rapporteur on the right to
adequate housing**

September 21, 2026
Ombudsman Toronto





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Koldo Casla
Special Rapporteur on the right to adequate housing
Office of the High Commissioner for Human Rights (OHCHR)
Palais des Nations
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Delivered by email: hrc-sr-housing@un.org

Dear Koldo Casla,

Re: Ombudsman Toronto submission to the Special Rapporteur on the right to adequate housing call for input

Thank you for taking the time to review Ombudsman Toronto's submission in response to your call for input on localizing the right to adequate housing and how local governments and community-led initiatives can contribute to the realization of the right to adequate housing.

Since establishing a dedicated Housing Unit in 2023, Ombudsman Toronto has taken a unique approach to oversight by examining not only whether City of Toronto decisions are administratively fair, but also whether they advance municipal government's commitment to the progressive realization of the right to adequate housing.

We are pleased to offer this submission which draws on our investigative work to identify key challenges facing local governments in implementing a human rights-based approach to housing and offers recommendations for strengthening accountability, implementation and intergovernmental cooperation. Our central message is that municipalities play a critical role in realizing the right to adequate housing, but they require robust accountability mechanisms, practical operational guidance and adequate resources to do so effectively.

We hope our submission provides you with useful information for your first thematic report on the localization of the right to housing.

Thank you!

Sincerely,

Kwame Addo
Toronto Ombudsman

Reema Patel
Deputy Ombudsman, Housing

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Ombudsman Toronto submission to the UN Special Rapporteur on the right to adequate housing | September 21, 2026

Introduction

The Ombudsman for the City of Toronto is an independent officer of Toronto City Council with a legal mandate since 2009 to investigate the fairness of City actions and decisions. In 2023, Ombudsman Toronto established a dedicated Housing Unit, the first of its kind in Canada, to hold the City of Toronto accountable to its commitment to advance the right to adequate housing across its policies and practices. The Housing Unit brings a unique approach to government oversight, focusing not only on whether the City's housing-related actions are administratively fair, but whether they move Toronto toward progress on the right to adequate housing — beyond aspiration, and into real change for the people who need it most.

This submission draws on key learnings from the Housing Unit's inaugural investigative work. It identifies the benefits of an independent accountability office in advancing the right to housing in municipal government in Canada's largest and most diverse city. It highlights key challenges facing local governments pursuing a human rights-based approach to housing. Lastly, it offers practical recommendations for strengthening local implementation, including robust accountability mechanisms, practical roadmaps, adequate resourcing and intergovernmental collaboration.

As the UN Special Rapporteur on the right to adequate housing stated in 2014, local governments "are often at the forefront of the struggle for housing and can play a key role in realizing the right to adequate housing."¹ A rights-based approach centres the lived experiences of people impacted by unfair and inadequate housing conditions. Municipal governments, who operate most closely to communities therefore have a fundamental role to play in advancing the right to housing.

Progressive realization requires governments to take deliberate, concrete and targeted steps toward fully realizing the right to adequate housing. The City of Toronto's establishment of a Housing Unit within Ombudsman Toronto shows how municipalities can institutionalize this right

¹ Office of the United Nations High Commissioner for Human Rights (OHCHR), *The Human Right to Adequate Housing*, <https://www.ohchr.org/en/special-procedures/sr-housing/human-right-adequate-housing> (accessed Aug. 2026).

by pairing political commitment with an independent accountability body capable of examining systemic barriers and proactively supporting rights-based approaches.

Toronto's experience shows that adopting rights-based housing policies is only the first step in progressively realizing the right to housing. Strong policies must be paired with clear guidelines, practical plans and independent accountability mechanisms that measure whether governments are following through on those commitments. Without appropriate resources and meaningful oversight, governments risk reducing their right-to-housing commitments to aspirational principles rather than effective tools for improving long-term planning and guiding day-to-day decision-making and service delivery.

Background

In 2019, Toronto City Council adopted its HousingTO 2020-2030 Action Plan,² a 10-year strategy intended to improve housing outcomes across the housing continuum, particularly for marginalized and equity-deserving groups. The City also revised and adopted the Toronto Housing Charter,³ a policy document committing the entire City administration to progressively realizing the right to adequate housing recognized in the UN International Covenant on Economic, Social and Cultural Rights.

This followed the Canadian government's enactment of the *National Housing Strategy Act* earlier that year, which recognized that all people "have a right to live somewhere in security, peace and dignity" and committed the federal government to enact policies supporting the progressive realization of the right to housing.⁴ It also mandated a long-term federal framework to reduce housing need and homelessness that included the National Housing Strategy.⁵

Together, these developments marked an important milestone in the recognition of housing as a human right in Canada and Toronto. Despite the absence of a meaningful rights-based approach to housing from Ontario's provincial government, this laid the foundation for a stronger rights-based framework for housing policy and laid the foundation for greater accountability in how all levels of government address housing needs in Canada. As Alexandra Flynn and Estair

² City of Toronto, *HousingTO 2020-2030 Action Plan*, <https://www.toronto.ca/community-people/housing-shelter/building-affordable-homes/housingto-2020-2030-action-plan/> (accessed Aug. 2026).

³ City of Toronto, *Toronto Housing Charter – Opportunity for All*, <https://www.toronto.ca/wp-content/uploads/2022/02/948f-Toronto-Housing-Charter-2020.pdf> (accessed Aug. 2026).

⁴ Government of Canada, *National Housing Strategy Act* (S.C. 2019, c. 29, s. 313), <https://laws-lois.justice.gc.ca/eng/acts/N-11.2/FullText.html> (accessed Aug. 2026).

⁵ Housing, Infrastructure and Communities Canada, *Canada's National Housing Strategy*, <https://housing-infrastructure.canada.ca/housing-logement/ptch-csd/index-eng.html> (accessed Aug. 2026).

Van Wagner⁶ have noted, cities are bound by human rights obligations in law, and also carry social and political obligations to protect and advance human rights as governments.

The City of Toronto deserves recognition for its leadership in taking proactive steps to embed accountability within its housing policy framework. In 2023, City Council established a Housing Rights Advisory Committee, a public advisory body to monitor progress and advise Toronto City Council on the City's work to progressively realize the right to housing for Torontonians.⁷ The committee brought together diverse community voices to provide direct input into City policies and programs and to monitor progress on right to housing implementation. Notably, the committee's terms of reference⁸ require representation from groups most impacted by housing insecurity, and that four of the 12 members bring lived/living experience of housing precarity, discrimination, social or supportive housing and/or homelessness.

In addition to establishing the committee, Toronto City Council also requested the Ombudsman create a dedicated unit to provide strategic advice to City departments and to investigate the City's policies, programs and decisions to help ensure accountability and fairness in how Toronto meets its right-to-housing commitments. In response, Ombudsman Toronto's Housing Unit was formed that year under the leadership of a Deputy Ombudsman, Housing.⁹

Since its inception in 2009, Ombudsman Toronto has focused on assessing the fairness of City actions and decisions. The Housing Unit expands this mandate by examining whether City policies, programs and decisions are consistent with the City's commitment to progressively realize the right to adequate housing. One of the unit's key responsibilities is to advocate at a systems level for fairness and the progressive realization of the right to adequate housing.

As one of the only municipal ombuds offices in Canada with a dedicated mandate focused on the progressive realization of the right to adequate housing, Ombudsman Toronto offers a unique perspective on how housing services are experienced, where gaps in housing arise and how systemic reviews and accountability mechanisms can effectively advance the right to housing.

⁶ Estair Van Wagner and Alexandra Flynn, "Human Rights Cities: Realizing the Right to Housing at the Municipal Scale," *UBC Law Review* 57, no. 1 (2024), Art. 7, <https://commons.allard.ubc.ca/ubclawreview/vol57/iss1/7>. (accessed Aug. 2026)

⁷ City of Toronto, Toronto Meeting Management Information System (TMMIS), *Housing Rights Advisory Committee*, <https://secure.toronto.ca/council/#/committees/2750/27314> (accessed Aug. 2026).

⁸ City of Toronto, *Housing Rights Advisory Committee Terms of Reference, 2022-2026 Term*, <https://www.toronto.ca/legdocs/mmis/2023/cc/bgrd/backgroundfile-235282.pdf> (accessed Aug. 2026).

⁹ Under Chapter 3 § 3-6.4 of the Toronto Municipal Code, Council has the power to assign "other duties respecting the Ombudsman's function" to OT.

Gaps and challenges in the delivery of effective housing policies at the local level

Through its investigative work, Ombudsman Toronto's Housing Unit has observed two key challenges with the City of Toronto's delivery of a rights-based approach to housing: a lack of practical guidance for City staff on how to apply a rights-based approach and resource constraints facing municipal government.

Challenge 1: Lack of operational guidance on the practical application of a rights-based approach to housing across divisions

The Toronto Housing Charter is a policy document that commits the City of Toronto to progressively realizing the right to adequate housing. While it is bold in its commitments, its high-level principles do not provide sufficient operational guidance on how City staff can implement policies and practices that advance housing rights across divisions.

The Housing Unit's investigative work has revealed that many City staff still lack a practical understanding of, and guidance on, what a rights-based approach to housing looks like in their day-to-day work. While the HousingTO 2020-2030 Action Plan provides some operational guidance and recognizes the role of all divisions, we have found that some staff view the implementation of the right to housing as solely the responsibility of housing-focused divisions.

Without clearer operational guidance and stronger internal capacity for Housing Charter-aligned actions and decisions, some City staff can find it challenging to align their daily work with a rights-based approach.

Ombudsman Toronto's 2025 investigation into the City's response to a vital services outage in a multi-tenant home (commonly known as a rooming house) uncovered how residents' housing rights were affected by the actions of the City's bylaw enforcement division¹⁰.

Investigation into the City's response to a vital services outage in a multi-tenant home

After a fire broke out in a rooming house in September 2023, utility providers shut off natural gas and some of the electricity to the building. The City of Toronto's Municipal Licensing and

¹⁰ Ombudsman Toronto, *An Investigation into the City's Response to a Vital Services Outage in a Multi-Tenant Home*, May 15, 2025, <https://www.ombudsmantoronto.ca/investigation-report/an-investigation-into-the-citys-response-to-a-vital-services-outage-in-a-multi-tenant-home/> (accessed Aug. 2026).

Standards Division was supposed to enforce a bylaw requiring the landlord to restore the vital services but did not.

The Housing Unit heard from many of the tenants that the experience had negatively affected their physical and mental health and resulted in a loss of dignity. Unable to tolerate living without heat, power or hot water, 10 of the 11 tenants moved out. Some moved into homes with higher rents and less security of tenure. One tenant remained in the building through the winter without heat, power and eventually running water. The vital services outage lasted for six months.

After engaging with and hearing about this issue from a local tenants' union, Ombudsman Toronto's Housing Unit launched an investigation into the matter.

What the investigation found

This investigation found that the City did not meet the standards owed to these tenants under the principles of administrative fairness or the right to housing. The Ombudsman found that City staff acted arbitrarily and failed to enforce the City's own bylaws, and were not adequately supervised or properly trained on relevant bylaws and procedures.

Notably, we found that City staff's actions were inconsistent with Toronto Housing Charter commitments:

- The City did not enforce the bylaws that are intended to ensure the adequacy of housing, despite tenants living in unsafe and uninhabitable conditions.
- The City's decisions and inaction significantly impacted the tenants' housing, but they were left out of the decision-making process. The City did not meaningfully consider the tenants' evidence or their experiences.
- Human rights impacts were not the primary consideration for City staff, and they did not use all appropriate means to fulfil the tenants' right to adequate housing.
- The City did not prioritize those in greatest need by considering the tenants' state of acute housing precarity, or their circumstances as members of marginalized groups.

Closing the gap between principle and practice

While City staff members responding to bylaw infractions may not see their role as connected to housing rights, in this case, their inaction contributed to six months of preventable hardship for tenants. This investigation demonstrates what is at stake for residents when City staff lack practice guidance on how Housing Charter commitments apply to their work. Closing this gap between principle and practice requires training staff on how rights-based commitments apply to their roles and giving them tools to fulfil those commitments.

Challenge 2: Resource constraints facing municipal government

Canadian municipalities like Toronto play a critical role in developing and maintaining housing and delivering housing and homelessness-related services, yet these substantial responsibilities depend on funding and legislation from both the provincial and federal governments.¹¹ This means that the City of Toronto cannot achieve the promise of the Housing Charter without their cooperation and support.¹² The right to housing is clear that governments must allocate maximum available resources to ending homelessness and advancing housing security. In Canada, this means that intergovernmental collaboration and sustained funding from other levels of government are critical to municipalities' ability to realize the right to housing and end homelessness.¹³

Within this funding context, concern is sometimes expressed that implementing Ombudsman Toronto's recommendations will be costly. Familiar debates about which level of government should be responsible for supporting different housing and homelessness-related programs tend to arise, but must not be allowed to stall progress on advancing housing security and ending homelessness. The intergovernmental funding debate was a key theme in our investigation on shelter spaces for refugee claimants.¹⁴

Investigation into the City's decision to exclude refugees from base shelter beds

Between 2022 and 2023, the City of Toronto stopped allowing refugee claimants access to its base shelter system beds and told them to call the federal government for help. Many of the people impacted were arriving in Canada from African countries and ended up sleeping on busy downtown streets. The issue drew significant media attention. Community organizations, many Black-led, mobilized quickly, providing direct support to refugee claimants while pushing all levels of government to play their part in addressing the dire situation.

¹¹ Institute on Municipal Finance and Governance, *The Municipal Role in Housing* (Toronto: Institute on Municipal Finance and Governance, April 5, 2022), https://imfg.org/wp-content/uploads/2022/04/imfgwdw_no1_housing_april_5_2022.pdf (accessed Aug. 2026).

¹² Ibid.

¹³ Office of the United Nations High Commissioner for Human Rights, *The Right to Adequate Housing, Fact Sheet No. 21 (Rev. 1)* (Geneva: United Nations, n.d.), https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf. (accessed Aug. 2026)

¹⁴ Ombudsman Toronto, *An Investigation into the City's Decision to Stop Allowing Refugee Claimants into Base Shelter System Beds*, Dec. 12, 2024, <https://www.ombudsmantoronto.ca/investigation-report/an-investigation-into-the-citys-decision-to-stop-allowing-refugee-claimants-into-base-shelter-system-beds/>. (accessed Aug. 2026)

The City of Toronto relies on the federal government's Interim Housing Assistance Program to pay for refugee claimants using the City's shelter system. Senior City leadership told us that the funding, which provided around 95 per cent of funds used for refugee shelter at the time, was scheduled to end on March 2023 and the Canadian government had not yet confirmed whether it would renew the funding.¹⁵

What the investigation found

This investigation uncovered several critical issues with the City's decision-making on this issue, determining that decisions were not aligned with the Housing Charter, particularly its rights-based principles of prioritizing those in need and allocating maximum available resources:

- City shelters are often the only option for newcomers without anywhere to stay or sleep. The City's actions deprived at least some refugee claimants of access to an indoor space to sleep where their basic needs would be met.
- The City's decision amounted to systemic discrimination on the basis of citizenship and race, and specifically anti-Black racism, as most of the refugee claimants were of African descent and Black, a fact the City was aware of.
- The City did not consult with refugee claimants or refugee-claimant-serving organizations before making this decision.

Without all three orders of government working together, municipalities will remain in crisis response, shouldering the majority of the responsibility for people living unhoused and in housing insecurity, including refugee claimants. Despite this context, the City must take all available steps to ensure its shelter system upholds the right to adequate housing of all people in the system.

The City's response

In December 2024, the City Manager, who is the head of the City administration, did not accept the Ombudsman's findings or recommendations, which included findings that the City's actions constituted anti-Black racism. This was the first time in the history of Ombudsman Toronto that recommendations were not accepted by the City Manager. One key point of contention was the City's position that the "right to adequate housing" as set out in the Toronto Housing Charter was an "aspirational statement," not an obligation.¹⁶

¹⁵ Ibid., 42

¹⁶ Ombudsman Toronto, *An Investigation into the City's Decision to Stop Allowing Refugee Claimants into Base Shelter System Beds*, Dec. 12, 2024, <https://www.ombudsmantoronto.ca/investigation-report/an-investigation-into-the-citys-decision-to-stop-allowing-refugee-claimants-into-base-shelter-system-beds/>. (accessed Aug. 2026)

The Ombudsman then brought the report to Toronto City Council, requesting it to direct City staff to implement the recommendations. Rather than holding a routine public debate on the report, City Council quietly decided not to do so and did not direct the City Manager to implement the recommendations.

The Housing Unit has prioritized building strong relationships across community organizations as a critical component of our mandate. What followed was a powerful and sustained three-month advocacy effort from community organizations which ultimately convinced City Council to hold a public debate, after which it unanimously passed a motion adopting the recommendations with some minor revisions.¹⁷

Closing the gap between resources and rights

Ultimately, this investigation shows how resource pressures and intergovernmental funding disputes can create conditions in which municipalities deprioritize human rights obligations. While fiscal constraints are real, a rights-based approach requires governments to demonstrate that they have exhausted all reasonable measures, using maximum available resources, before restricting access to essential housing-related services such as shelter beds.

Recommendations for local governments implementing the right to housing

Through the establishment of the Housing Rights Advisory Committee and the Ombudsman Toronto Housing Unit, the City of Toronto moved beyond recognizing the right to housing in policy and began establishing concrete mechanisms that practically support advancing that right. The Housing Unit's work over the past three years has shown how individual experiences can reveal systemic barriers and how investigation recommendations can drive systemic improvements and advance the City's right to housing commitments. The Housing Unit's investigations highlight three areas where local governments can strengthen implementation of the right to housing: accountability, operationalization and resourcing.

¹⁷ City of Toronto, CC28.2: *Identifying and Addressing Pressures in the Refugee and Emergency Shelter System*, March 26-27, 2025, <https://secure.toronto.ca/council/agenda-item.do?item=2025.CC28.2>. (accessed Aug. 2026)

Recommendation 1: Establishing independent and proactive accountability mechanisms with public engagement

Accountability office

It is critical that governments who have committed to advancing the right to housing establish an external locus of accountability to assess progress. Such an oversight body requires broad investigative powers rooted in legislation and should be independent of the governments they seek to investigate. It should also proactively engage with communities and people facing housing precarity and homelessness to ensure their lived experience is centered in processes and decisions.

Community-led committee

Municipalities committed to advancing the progressive realization of the right to housing should also establish public advisory committee(s) to provide diverse and lived experience perspectives. Committees should be endowed with broad mandates to review, comment and advise on policies and programs. This helps produce more responsive housing policy and builds public trust in governments' commitment to the right to housing.

Recommendation 2: Practical implementation tools, training and organizational culture

Municipal governments must ensure that rights-based housing commitments move beyond high-level policy and are embedded in operational policies, standard operating procedures, staff training and management oversight across divisions. Following our vital services investigation, we recommended enhanced training on the Toronto Housing Charter for Municipal Licensing and Standards staff. The ongoing recommendation implementation-monitoring work has included discussions about updating procedures and supporting a broader organizational culture shift toward a human-rights based approach to housing in that division.

City staff must be resourced properly to help translate broad housing rights principles into concrete day-to-day decisions. This resourcing can include:

- Comprehensive training on right to housing frameworks, policies and obligations, including department and division specific roles and responsibilities
- Multi-level, holistic, rights-based policy reviews across divisions
- Embedding rights-based approaches into operational plans
- Developing key metrics and performance measurement frameworks

- Developing a framework for determining maximum available resources

Recommendation 3: Intergovernmental collaboration and sustainable funding

Municipal governments cannot progressively realize the right to adequate housing alone. As outlined above, Canadian municipalities are dependent on funding from other orders of government to meet their considerable housing responsibilities and commitments. National and subnational governments must work collaboratively and provide sustained funding that enables municipalities to fulfil their housing responsibilities and comply with human rights obligations. All orders of government must take their international obligations seriously and begin by determining how they can allocate the maximum available resources to ending homelessness and supporting the right to housing for everyone in their jurisdictions.

Conclusion

Toronto's experience shows both the promise and limitations of municipal leadership on advancing the right to housing.

Local governments are uniquely positioned to understand housing needs and implement rights-based solutions, but policy commitments alone will not house those most in need. The effective realization of the right to adequate housing requires independent accountability, meaningful participation by affected communities, operational guidance and sustained financial and operational support from all orders of government.

By shining a light on cases that reveal system-wide flaws, and then recommending systemic improvements, Ombudsman Toronto's Housing Unit plays a critical role in ensuring housing rights move beyond aspiration and into practice, leading to better housing outcomes for the people at the centre of this work.