

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**JENNIFER TANUDJAJA, JANICE ARSENAULT, ANSAR MAHMOOD,
BRIAN DUBOURDIEU, CENTRE FOR EQUALITY RIGHTS IN ACCOMMODATION**

Applicants

- and -

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA,
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO,
ATTORNEYGENERAL OF CANADA and
ATTORNEY GENERAL OF ONTARIO**

Respondents

*APPLICATION UNDER Rule 14.05(3)(g.1) of the Rules of Civil
Procedure, R.R.O. 1990, O. Reg. 194 and under the Canadian
Charter of Rights and Freedoms*

**I, JANET E. MOSHER, of the City of Toronto, in the Province of Ontario, MAKE
OATH AND SAY:**

1. I have been an associate professor of law at Osgoode Hall Law School, York University since July 2001. Prior to that time I was an assistant professor, and subsequently an associate professor, at the Faculty of Law, University of Toronto (1989-2001). While at the University of Toronto I was one of the founders of the combined Bachelor of Laws and Master of Social Work program and a director of that program from its inception. I was the academic director of Osgoode Hall Law School's Intensive Program in Poverty Law at Parkdale Community Legal Services from July 2001 - June 2004, and again from January - June 2005. I was also the Associate Dean of Osgoode Hall Law School from July 2008 until June 2010. A particular area of my expertise is violence against women in their intimate relationships, and the relationship between women's experiences of violence, poverty and homelessness.

QUALIFICATIONS

2. I have taught and researched in the areas of social assistance policy, domestic violence, law and poverty, and access to justice throughout my academic career. Courses that I have taught include "Social Welfare Policy: Past and Present", "Law's Response to Poverty"; "Wife Abuse:

Assessing the Interventions of Law and Social Work”, and the “Intensive Program in Poverty Law Seminar.”

3. In 2008 I was retained as a consultant to the Metropolitan Action Committee on Violence Against Women and Children (“METRAC”). METRAC is a not-for-profit, community based organization that works to prevent and end violence against women, youth and children. In the role of lead researcher and author, I completed a policy brief entitled “No Cherries Grow on our Trees,” for the *Take Action* project (“Take Action”) on the intersections between poverty and violence against women that was submitted to Ontario’s poverty reduction cabinet. This research included 34 telephone interviews with organizations providing services to abused women and 14 in-person interviews with women experiencing poverty and violence. Among other issues this research examined the role of housing in women’s ability to safely leave abusive relationships.

4. Funded through a Social Sciences and Humanities Research Council Grant, I was the principal investigator of a research project exploring the intersections of domestic violence and Ontario’s social assistance programs. The “Woman and Abuse Welfare” project included in-depth interviews with sixty-four women in Ontario who had been abused in an intimate relationship and received Ontario Works or Ontario Disability Support Program benefits. The study also included a survey of all area administrators of Ontario Works. In this study, women described the factors that weighed heavily in their decisions to remain in, leave or return to an abusive relationship. Poverty and the threat of homelessness were key factors that kept women in, or compelled them to return to, abusive relationships. The findings and recommendations arising from the study were released in a 2004 report entitled, “Walking on Eggshells: Abused Women’s Experiences of Ontario’s Welfare System” (“Walking on Eggshells”).¹ A copy of this report is attached as Exhibit A.

5. I have also researched and written about the particular experiences of low-income immigrant women who are abused in their intimate relationships, the forms of stereotyping they are subjected to, the marginalization they suffer, and the complex legal regimes which they must navigate.²

6. My research has also included exploring evolving conceptions of “citizenship” and considering the ways in which social assistance recipients experience a form of second class citizenship.³

¹ Janet Mosher, Pat Evans, Margaret Little, *Walking on Eggshells: Abused Women's Experiences of Ontario's Welfare System (2004)*, available at [http://osgoode.yorku.ca/osgmedia.nsf/0/2930D464471B479F8525709A0053CEB6/\\$FILE/walking%20on%20eggshells%20final%20report.pdf](http://osgoode.yorku.ca/osgmedia.nsf/0/2930D464471B479F8525709A0053CEB6/$FILE/walking%20on%20eggshells%20final%20report.pdf).

² Janet Mosher, “The Complicity of the State in the Intimate Abuse of Immigrant Women” in Vijay Agnew (ed.), *Racialized Migrant Women In Canada: Essays on Health, Violence, and Equity* (Toronto: University of Toronto Press, 2009) 41-69.

³ Janet Mosher, “Welfare Reform and the Re-making of the Model Citizen,” in Margot Young, Susan B. Boyd, Gwen Brodsky & Shelagh Day (eds.), *Poverty: Rights, Social Citizenship & Legal Activism* (Vancouver: U.B.C. Press, 2007) 119-138.

7. I am a member of the Canadian Homelessness Research Network, funded by the Social Sciences and Humanities Research Council. In this capacity I am presently working on a project to map community based participatory research projects on women and homelessness across Canada and to explore models for a national network for those involved in such projects. As part of this project we recently brought together from across Canada a dozen women with lived experiences of homelessness to assess women's needs, the role of research in impacting services and policies, and women's experiences as participants in community based research projects.

8. A copy of my CV is attached to this affidavit as Exhibit B.

Introduction

9. The purpose of this affidavit is to address the relationship between access to affordable, stable housing and women's safety and security. In addressing this relationship I rely upon empirical research that I have undertaken in Ontario, and where specifically indicated below, other scholarly research. I examine this relationship under three broad and inter-related headings: the role of housing in exiting an abusive relationship; domestic violence as a path to homelessness for women; and on-going violence in the lives of homeless women. I acknowledge my duty to the court as an expert witness. A copy of this acknowledgement in Form 53 is attached as Exhibit C.

10. My research, consistent with research throughout North America, reveals the lack of access to affordable housing to be one of the most common reasons women remain in, or return to, abusive relationships. Violence in the family – both as experienced as an adult woman and as a child victim or witness – is chief among the causes of women's homelessness. Moreover, homeless women, particularly those who are living on the streets and in emergency shelters, are subject to on-going and extraordinarily high rates of physical and sexual violence.

The Role of Housing in Exiting an Abusive Relationship

11. Significant numbers of women in Canada experience abuse in the context of their intimate relationships. While this abuse takes many forms and varies from relationship to relationship, in many instances physical violence is but one of its manifestations. Characteristic of many abusive relationships is the pervasive use of a range of tactics that deepen women's dependence and vulnerability and ensure the batterer's domination and control. These tactics include: precluding women from seeking or maintaining employment; if employed, appropriating her earnings; denying women the opportunity to upgrade employment-related skills; creating an extensive web of surveillance, including monitoring phone use, mail and excursions from the home; enforcing social isolation; and using verbal harassment and put-downs.

12. While both men and women report instances of physical assault in the context of their intimate relationships, women are more likely to experience severe forms of violence, more likely to require medical treatment as a result, more likely to experience repeated physical violence and more likely to fear for their lives. It is also the case that the tactics of control described above are used almost exclusively by men. Moreover, given the structural inequality women face -- including occupational segregation, lower wages, more precarious work, and limited access to childcare -- women are more likely than men to become trapped in relationships of abuse.

13. Consistent with my own research, research conducted in Canada and the United States repeatedly finds that two of the most common reasons cited by women not to leave an abusive relationship are financial dependence and not having a secure, affordable and safe place to live.

1. 13. Many women who have experienced abuse in their intimate relationships have been out of the labour market for a considerable period of time (often due to the conduct of abusive partners in precluding employment, and in causing women to lose employment), suffer from significant physical and mental ailments, (again often as a result of the abuse), and/or have responsibilities for the care of children that make it difficult to find and sustain employment. Moreover, for many women, the employment that they can access does not enable them to obtain safe housing and provide for the other basic necessities for themselves and their children. In the context of abusive relationships characterized by power and control, this is precisely the outcome intended by the abusive partner; her dependence shores up his power.

14. The research undertaken for *Walking on Eggshells* makes clear that while applying for social assistance may be an option, low benefit levels, the stigma associated with its receipt, and the many complex rules that characterize its administration greatly limit its potential as an alternative to the abuse.

15. While violence against women (“VAW”) shelters or transition houses are a critical resource for women, they are limited in their geographic coverage, particularly in rural areas, Canada’s north, and on First Nations Reserves (there are 2500 Reserves in Canada, the vast majority of which do not have emergency shelters or transitional homes for women).⁴

16. The Transition Home Survey conducted by Statistics Canada reveals that between April 1, 2007 and March 31, 2008, approximately 101,000 women and children were admitted to 569 shelters (defined as all residential facilities for abused women and their dependent children) in Canada. The Survey also includes a “Snapshot Day”, the most recent being April 16, 2008. On that date 4,273 women were residing in various shelters across Canada and of these 3,222 were attempting to escape an abusive situation. They brought with them 2,900 children, and protecting their children was the reason women gave for entering the shelter. About one third of shelter residents cited a lack of affordable housing as the main reason they were at a shelter. The most common reason shelters turned away women was inadequate space; on the snapshot day 299 women and 148 children were turned away. Although more than 9 out of 10 planned not to return to live with their spouse, nearly 4 in 10 did not know where they would go after they left.⁵ The consequences for women who are turned away can be devastating, as revealed by one woman in the *Walking on Eggshells* report, who left her abusive partner,

“... because he was extremely abusive and I tried staying with friends but he’d break into their places and they were like, “We’d really like to help you out but we can’t put our family in jeopardy.” And there was no women’s shelter available at the time. They said in two or

⁴ Amnesty International, *No More Stolen Sisters: The Need for a Comprehensive Response to Discrimination and Violence Against Indigenous Women in Canada*, (London: Amnesty International Publications, 2009) at 9.

⁵ Julie Sauvé and Mike Burns, “Residents of Canada’s shelters for abused women”, Statistics Canada, Catalogue no. 85-002-x, vol. 29, no. 2 (Ottawa: Statistics Canada, 2009).

three weeks we might be able to help you but I had no where to go for the two or three weeks which they didn't seem to understand. So I went to Toronto and I ended up being on the streets of Toronto." [Ultimately her way off the street was another abusive relationship.]

17. Another woman interviewed for the Walking on Eggshells report, whose husband had become increasingly abusive, twice stabbing her, described the unfairness of having to uproot her children in order to access a shelter.

"But when the police came to me they told me that I should leave the situation and I don't think that it is fair that a woman with two small children should have to uproot their kids and go to a shelter and get turned away from the shelter saying that the shelters are too full, that we can't accept you. There needs to be more shelters in the Peel, especially in the Peel region, for women. I have gone to a shelter four different times and been turned away and told to go to Toronto, and at that time, I was new to the city. I didn't know Toronto. And, I don't, I found about the shelter here in Mississauga was by the police. But, once I got down to the shelter and it was then I was told to go to, you know, to a Toronto shelter, where I don't think it is fair to us."

18. Although shelters are filled beyond capacity they are estimated to reach only a small percentage of women experiencing abuse.⁶

19. The average length of stay varies among VAW shelters across the country, ranging from 21 days to a year but is typically only a number of weeks. As part of the pattern of hidden homelessness, women will move from shelter to shelter, or from a shelter to a friend's and back to a shelter. In Tutty's study of women in Canadian shelters, attached as Exhibit D to this affidavit, 40% reported the current stay as their first time in a shelter; 29% reported it as their second time, and 31% reported having stayed in a shelter up to six times. Eighty three percent were able to get into a shelter without delay while 9% waited several days.⁷

20. While VAW shelters provide safe accommodation and other supports for women and children fleeing violence, as the above review suggests, they are limited in the number of women they are able to reach, and the provision of shelter is only temporary. While a few jurisdictions offer "second stage" housing, in which somewhat longer supported shelter is provided, there is extremely limited access to this form of housing. Importantly, both VAW shelters and second stage housing prioritize women's safety and endeavour to provide a range of services and supports to help women rebuild new lives. These are critical features in the provision of shelter to abused women.

21. While social housing is available in most jurisdictions, the waiting time is often lengthy (as much as 21 years in the Peel region of Ontario). In Toronto there were 49,478 households on

⁶ *Ibid* at 1.

⁷ Leslie M. Tutty, prepared for the YWCA Canada, *Effective Practices in Sheltering Women Leaving Violence in Intimate Relationships, Phase II Report*, 2006 at xii-xiii.

the active wait list for social housing at the end of 2007 and only 4,336 housed in that year.⁸ The Ontario Non-Profit Housing Association reported 152,000 households, province-wide, were on waiting lists for affordable housing as of January, 2011, an increase of 18% from 2009. These statistics were reported in “Better Off in a Shelter? A Year of Homelessness & Housing among Status Immigrant, Non-Status Migrant & Canadian-Born Families,” attached as Exhibit E.

22. Tutty’s 2009 report, “*I Built My House of Hope: Best Practices to Safely House Abused and Homeless Women*,” found that although all provinces and one territory have developed systems of priority access to public housing for victims of family violence⁹, even with priority access the limited availability of social housing stock means that the wait for social housing can range from months to years (3-5 years in Peel region for example). This report is attached as Exhibit F.

23. In addition to the difficulty of finding housing that is safe and affordable, women also encounter discrimination in the rental market. This discrimination is based on poverty, receipt of social assistance, race, marital status and intimate violence.

24. A recent study of three Canadian cities found that when private landlords advertising apartments for rent were called by a woman revealing that she was presently in a battered woman’s shelter, she was more likely to be told that the unit had been rented than a woman who called indicating she was staying with a friend (3.25 times more likely), or a woman who gave no information about her current living arrangement (4.5 times more likely). This same study included interviews with landlords regarding their willingness to rent to women who had experienced abuse. While 90% expressed a willingness to rent to an abused woman, 85% said that they could foresee risks including: that her abuser would find her and cause property damage; the safety of other tenants; the battered woman’s safety; noise disturbances; financial instability; and substance use. These findings, attached as Exhibit G, are consistent with those of the Canada Mortgage and Housing Corporation’s 2006 study, “Factors affecting housing-seeking difficulty for battered women”, attached as exhibit H, and with the findings of the Ontario Human Rights Commission (2008).¹⁰

25. It is hard to over-estimate the stigma associated with poverty, receipt of social assistance and intimate victimization. This stigma permeates institutional structures, government policies and practices and shapes how women are viewed – and importantly (mis)judged – by others. One woman interviewed for the Walking on Eggshells project captured it this way:

⁸ Emily Paradis, Sylvia Novac, Monica Sarty & J. David Hulchanski, *Better Off in a Shelter? A Year of Homelessness & Housing among Status Immigrant, Non-Status Migrant & Canadian-Born Families*, Research Paper 213 (Toronto: Centre for Urban and Community Studies, Cities Centre, July 2008) at 12 citing *Housing Connections*, 2008 Annual Statistical Report, 2007.

⁹ Leslie M. Tutty et al. “*I Built My House of Hope: Best Practices to Safely House Abused and Homeless Women* (Ottawa: Homeless Partnering Secretariat, September 30, 2009) at 60.

¹⁰ Monica Ghabrial and Paula Barata, “Factors affecting housing-seeking difficulty for battered women: an investigation of racial discrimination and attitudes held by landlords” (2010), 4(1) *Studies by Undergraduate Researchers at Guelph*; CMHC, *Research Highlights, Housing Discrimination Against Victims of Domestic Violence*, July, 2006; Ontario Human Rights Commission, *Right At Home, Report on the consultation on human rights and rental housing in Ontario* (Ontario Human Rights Commission, May 28, 2008).

“The second time we left [the abuser], I was in Orillia at the very same time that the casino was opening and everybody was giving housing to people who would be working at the Casino. They were looking at it as a sure thing so all of a sudden, I guess maybe it’s like having a scapegoat, like when the Irish came to North America they were the scapegoats, and then the Italians were scapegoats. Well in Orillia all of a sudden welfare recipients were the scapegoats and I came across so much bigotry and so much nastiness I couldn’t believe it. So I couldn’t get housing.” [She later accessed subsidized housing, but felt very unsafe in the neighbourhood. She asked rhetorically, “what choice do we [my son and I] have but to live here? That’s all we can afford to have or to live in.”]

26. Women interviewed for the Take Action research project were clear that social attitudes about violence and poverty were factors in creating and maintaining the depression they experienced. They also spoke about how stereotypes and discrimination kept them in abusive relationships and out of employment.

27. The reality of the constraints – the limited options that women have to provide for themselves and their children should they leave their abusive relationships – creates a double bind for women; continue to endure abuse or face poverty and possible homelessness.

28. Faced with this double bind, some women make the difficult decision to remain in the abusive relationship. The view expressed so clearly by one woman interviewed for the Take Action project that, “It’s easier to deal with the violence than to live on \$500 a month,” is a view that has been commonly expressed by women in my research and in that of other researchers.

29. Virtually all of the women interviewed for the Take Action project, and every partner organization, identified poverty, and the associated risks of homelessness and food insecurity, as a formidable barrier for women to safely leave abusive relationships. The double bind is resolved for one woman in the Walking on Eggshells project in the following way:

“I agreed to move in with the abuser for good, to buy a house, because I had no choice. I had nowhere to go. .. I said to myself, “I have a choice, I can hope this man is gonna’ stop using ... I have a choice. I can just try, just try to put up with it.” And that’s what I thought, I will try somehow ‘cause God help me, I don’t wanna’ live on the street. And I never left in my life, so afraid for my children, you know they would have the sheriff come put locks on their doors and the children would lose all their possessions and move into a shelter or onto the street. The biggest reality of my life was that, that could happen. ... I knew that I was going to be abused. I knew it. I thought, “Okay, what’s worse? I don’t have a place to live. Um, he’s making the commitment and at least maybe he’ll help get this house together and it will be okay even if I get abused” And that was my whole state of mind. Just get out and to have a home to live in.”

30. A young woman interviewed for the Take Action project, whose boyfriend was in jail for assaulting her, explains her reasons for staying with him,

“You feel stuck. You need him in order to pay off rent and your bills. For one person it isn’t enough. For two you get by. It [poverty] keeps you in the relationship.”

31. Women in abusive relationships are trapped by economic dependence, with the depth of the entrapment varying directly with degree of social marginalization a particular woman experiences. For example, high rates of unemployment for women with disabilities, combined with the enormous challenge of finding accessible housing, make it that much more difficult to leave an abusive relationship.

32. A significant number of women will leave and return to the abusive relationship, often as result of poverty and homelessness or housing insecurity. Thurston et al.’s longitudinal Canadian study, “Immigrant Women, Family Violence, and the Pathways out of Homelessness,” documents the multiple attempts of women to leave their abusers; they conclude that all the reasons to stay in the first place resurface as reasons to return: his promise to change; his threats; shame; lack of income; and the desire for a stable home for her children.¹¹ This study is attached as Exhibit H.

33. Tutty’s study of 368 abused women as they entered and left emergency shelters in 10 Canadian locations found that while few women had financial resources (more than 70% were on social assistance or had no income) and the majority had no where to go but the shelter, 90% were not planning to return to live with their abusive partner, 4% were planning to return and 5% were undecided. However, the women also noted that while they did not plan to return, the lack of money, fear and the lack of housing would or could cause their return. Tutty concludes that “[o]n leaving the shelter, women are often faced with inadequate housing and financial support that leaves them with a choice between homelessness and returning to the abusive partner. Homeless women are often former shelter residents who have failed to find adequate and /or safe housing. But even after having been established in the community for a while, if the housing or finances are not adequate, women may return to an abusive partner to sustain themselves and their children more appropriately.”¹² Similar situations are described by two women in the Walking on Eggshells study,

“Yeah, I had just got housing [social housing]. I was on priority for Ontario Housing and I got housing but they said, “You have to have an income and I didn’t have an income. So I lost out on having a home and I went back to him.” [She further explained that she knew she could appeal but had no where to live in the meantime. Moreover, the post traumatic stress disorder that she suffers from makes it, she explained, “hard for me to go and fight the system.”]

“Yeah, he’s going to be in a halfway house until September 6th. Once he gets out he’ll be in the halfway house until Sept 6th and everything will be monitored until then but I’m not sure what’s going to happen. I mean I’m pretty sure I know what will happen. I’ll

¹¹ Wilfreda E. Thurston, *Immigrant Women Family Violence, and Pathways Out of Homelessness*, prepared for the National Secretariat on Homelessness, May, 2006 at 22.

¹² Tutty, *supra* note 7 at xvi.

probably end up going back with him because I don't seem to be able to get housing because I'm a single person, and they don't seem to be able to help single people. ... my street allowance is great but when hotels charge you like \$300-350 a month to live there it doesn't get you very far. So there's not a lot of options out there for me right now. ..Ideally I would like to have my own place, I've never had my own place. And I'd like to have my own place. But I gotta go to welfare and explain that to them but they will tell me you gotta go on the housing list, and I'll tell them I am on the housing list. And it's just, I've been through this before like I know what's going to happen. ... I'll probably stay with him, I'm saying probably stay with him because I'm saying probably in the next two weeks I'm not going to have a nice furnished house to go live in. I'll be sleeping on people's couches who don't have space for me and eating their food they don't have..."

34. In Thurston et al.'s study described in paragraph 32 the two factors most strongly associated with a woman's ability to leave the relationship permanently were the provision of culturally competent services, and access to safe, affordable housing.¹³ At the last point of contact with the women in the study, several were considering returning to their abusive partners and family home, primarily for financial reasons. The importance of housing in being able to end abusive relationships was captured by one woman interviewed for the Walking on Eggshells report:

"I stayed in the abuse because of money, only money, and what made me get out was survival. And the only thing that allowed me to get out was being able to get a place to live. Because even when I was on disability, still I didn't dare to move because it would have been very difficult: it's too little money we receive, the money is so small, the quantity, you can't survive practically, but because I got an apartment, even though I have to pay, it's easier for me to take the step because I pay less.

Because you have a subsidized apartment?

Yes, so the answer is: entirely because I got a place to live.

Ok, so that is when you made the decision to leave?

Oh yes.

Ok, was welfare a factor in your decision?

Oh yes! First the money for disability, but even with disability, without the apartment, I was afraid to take the step."

35. Significantly, many women endure repeated assaults prior to first attempting to leave. Often the decision to leave comes at a time of escalating violence or a particularly serious threat

¹³ Thurston, *supra*, note 11 at 23.

or injury. In Tutty's study described in paras. 19 & 33 above, two thirds of the women feared for their lives at some point, and almost 60% fell within the range of "extreme danger" using a common risk assessment tool.¹⁴ The degree of danger is captured by this comment from one of the women interviewed for the Walking on Eggshells project.

"I got into low income housing in London and this is when the police took my ex away for beating me. He was in jail for two weeks so I went for legal advice on how to get him off the lease, what I should do. To have letters he had written me with the legal counsellor just in case something did happen to me so that there would be proof that it probably was him who'd killed me. You know what I'm saying?"

36. The safety concerns for women are highlighted by the reality that violence does not end with separation and that it is at the time of an actual or pending separation that women are at the greatest risk of lethal violence. The Office of the Chief Coroner, Province of Ontario, in the 6th *Annual Report of the Domestic Violence Death Review Committee*, found that "[i]n a review of 72 domestic homicides, an actual or pending separation was observed in 81% of the cases, with 56% (40) of these cases involving an actual separation and 25% having a pending separation." In 45% of the cases of actual separation, the homicides occurred within three or fewer months of separation, and fully two thirds within six months of separation. As the Office of the Chief Coroner observes, "[t]hese statistics are consistent with research findings indicating that the period immediately after separation is most dangerous for abuse victims."¹⁵

37. The critical importance of housing to women's safety was emphasized by the coroner's inquest jury examining the death of Gillian Hadley, who was shot by her estranged husband, Ralph Hadley, on February 8, 2002. The two had purchased a house together with Mr. Hadley's cousin. At the time of her death, Gillian Hadley was on a priority wait list for subsidized housing, waiting for housing that would accommodate her child with disabilities. Ralph Hadley had been released on a Promise to Appear, with an undertaking to stay away from the matrimonial home and to have no contact with Gillian Hadley. Attached hereto as Exhibit I is a copy of the Jury Verdict and Recommendations, Chief Coroner Province of Ontario, Inquest Touching the Deaths of Gillian Mary Hadley and Ralph Alexander Hadley.

38. The jury offered many recommendations in relation to housing and income support, some of which I review below. In its preface to these recommendations the jury offered the following rationale: "The prevention of a reoccurrence of domestic violence generally involves keeping the accused away from the complainant. While it is unfair that the complainant should have to move in order to achieve this separation, it is often the only practical way. It is important that there be suitable safe temporary accommodation immediately available as well as long term assistance in the form of subsidized housing. The present long wait for subsidized housing is unacceptable."

39. To remedy this failing the jury recommended that the governments of Ontario and of Canada provide new funding to develop subsidized housing units and second stage subsidized

¹⁴ Tutty, *supra* note 7 at 29.

¹⁵ Office of the Chief Coroner, Province of Ontario, *Sixth Annual Report of Domestic Violence Death Review Committee*, 2008 at 29.

housing units (medium term housing with supportive counseling and advocacy services) to meet current and forecast need; that an adequate number of such units be accessible for applicants and their children with disabilities; that eligibility for the Special Priority Housing Category be reviewed; that Ontario review social assistance rates to reflect actual needs; that Ontario increase the housing allowance portion of social assistance for those women and children fleeing abusive relationships who are unable to access social housing; and that the Ontario Works Act be amended to include the allocation of funds to women and children escaping abuse to ensure coverage of moving costs beyond levels currently available. (See recommendations 23-36.) Since the release of the Hadley verdict, social assistance rates have increased modestly and an Ontario child tax benefit has resulted in additional financial resources for some households, but the special benefits recommended for women and children fleeing abusive relationships have not been introduced and housing affordability continues to be a pressing concern.

Domestic Violence as a Path to Homelessness for Women

40. A clear measure of the link between violence against women and homelessness is the number of homeless women who report abuse in their adult intimate relationships as the pathway into homelessness.

41. “Absolute” or “visible” homelessness is often used to describe circumstances in which a person has no housing and is living on the streets (“sleeping rough”) or in emergency shelters. “Hidden” or “relative” homelessness describes those who have no place of their own, but move from place to place – neighbours, friends, hotels, shelters – or may be living in over-crowded accommodations, attempting to avoid absolute homelessness. This concept also captures those who may have shelter but must forego other basic necessities to maintain it, or must endure on-going violence or other unsafe conditions.¹⁶

42. While significant numbers of women experience absolute homelessness (for example, approximately 11,000 women enter Toronto’s shelter system each year and roughly one quarter of those who are visibly homeless and seen by street outreach workers are women), women’s homelessness is more often hidden; they attempt to avoid the male-dominated street and the risks it presents of physical and sexual violence and of the potential loss of custody of their children.¹⁷ Most women who flee abusive relationships do not use either violence against women shelters or emergency shelters, but rather stay with friends and family, moving from one temporary arrangement to another. As such, abused women constitute a significant portion of the hidden homeless.¹⁸

43. Violence against women in their intimate relationships is one of the most commonly cited pathways into homelessness (whether visible or hidden) for women and children. For example, in Paradis et al.’s recent Toronto study, of 91 women living in emergency shelters with at least one dependent child under 19, the most common reason for leaving their last stable living place

16 Kappel Ramji Consulting Group, *Common Occurrence – The Impact of Homelessness on Women’s Health* (Sistering: A Woman’s Place, 2002) at 3-4 and 11.

17 *Ibid* at 9, citing City of Toronto, 2001.

18 Sylvia Novac, *Family Violence and Homelessness: A Review of the Literature* prepared for the National Clearinghouse on Family Violence (Ottawa: Public Health Agency of Canada, 2006) at ii.

was abuse: 30% had left because of abuse and of these 24% were abused by their partners, and 6% reported they or their children were abused by others (landlords, parents or roommates).¹⁹ In Neal's 2004 study of 46 homeless women in three Canadian cities, fully half reported partner violence as the cause of their homelessness, while 33 had been victims of violence during childhood (11 had experienced violence as both an adult and child).²⁰

44. The research also consistently finds high rates of childhood physical and sexual abuse among women who are homeless (higher than among men) and family violence to be the predominant reason for homelessness among youth in Canada.²¹

1. On-Going Violence in the Lives of Homeless Women

45. A recent Toronto study found that 37% of the homeless women interviewed had been physically assaulted in the prior year and 21% had been sexually assaulted or raped one or more times in the same time period. By comparison to homeless men, women were 10 times more likely to be sexually assaulted, more likely to have serious physical health problems, and twice as likely to have received a mental health diagnosis.²² Similarly, in her study of homeless women in Ottawa, Halifax and Vancouver, Neal found that a significant number had experienced violence while living on the street: "they have been clubbed, raped, molested, and taken advantage of while seeking protection from harm."²³

46. Reid et al.'s study of young homeless women in southwestern Ontario, "Living on the Streets in Canada: A Feminist Narrative Study of Girls and Young Women," reveals that young women fleeing dangerous situations in their homes are confronted with a street life of chronic poverty, discrimination and violence. They conclude, for "homeless girls and young women, violence is often an integral part of their family history and current reality."²⁴ "Sexual harassment is a ubiquitous and often insidious form of gender-based violence that is commonly experienced by homeless girls," who are also more likely to experience street and gang related violence.²⁵ Most of the young women in their study spoke about "sexual abuse, including rape, as the most central and persistent fear they faced on the street and in shelters...[o]ver and again, the girls told poignant and profound stories that illustrated how violence was, and continues to be, a central context of their lives with multiple effects on their health and well-being. Through their experiences, it is clear that varied forms of gender-based violence influence almost every

¹⁹ Paradis et al., *supra*, note 8 at 13, 44-45.

²⁰ Rusty Neal, *Voices: Women, Poverty and Homelessness in Canada* (Ottawa: NAPO/ONAP, May 2005) at 9.

²¹ *Ibid* at 9 and Novac, *supra* note 18 at 13-14.

²² Street Health Report, *Women & Homelessness, Research Bulletin #2 2007* at 3 & 5. See also Paradis et al. *supra* note 8 at 19 and Canadian Housing and Renewal Association, *On Her Own Young Women and Homelessness in Canada*, March 2002.

²³ Neal, *supra* note 20 at 10.

²⁴ Shyanne Reid, Helene Berman & Cheryl Forchuk, "Living on the Streets in Canada: A Feminist Narrative Study of Girls and Young Women" (2005) 28:4 *Issues in Comprehensive Pediatric Nursing* 237-256 at 239.

²⁵ *Ibid* at 239.

aspect of their lives and are intricately interwoven into the experience of homelessness.”²⁶ Reid et al.’s report is attached as Exhibit J.

47. The UN Special Rapporteur on housing, reporting on his 2007 mission to Canada, observed that “the difficulty in finding affordable housing in Canadian cities leaves Indigenous women at risk of exploitation by landlords and other men.” Consistent with this finding, two of the non-aboriginal women interviewed for the Take Action study reported that landlord abuse of low-income women is a common problem in their communities. One of our interviewees described the trading by landlords of services for sex as particularly common in the lives of young low-income women. Another described how her landlord had told a service repair person that he could “have his way” with her, in exchange for repairing the refrigerator in her apartment. She had no other housing options and risked homelessness if she did not comply. She managed to persuade the service repair person to agree that she would work for him, free of charge. She observed that,

“People use you. If all of your money is going to rent landlords will kindly offer to give you food off their table, they’ll kindly offer you to go into their wardrobe and pick out whatever you want and they’ll be really, really nice and then will have you sit down with a long time friend of theirs and then they just casually, all smiles, will ask you to do stuff. God. If you’ve taken all that stuff, you have no way out. You feel bought. You know that if you don’t do it not only are you out on the street, they’ll take all your stuff too.”

Conclusion

48. In my opinion a dearth of accessible and affordable housing along with inadequate social assistance rates contribute to women’s entrapment in abusive relationships. This conclusion is shared by many researchers and by the United Nations Committee on Economic, Social and Cultural Rights, which in its last review of Canada’s implementation of the Covenant, expressed concern that “women are prevented from leaving abusive relationships due to the lack of affordable housing and inadequate assistance.”²⁷

49. For those who do leave abusive relationships an all too common outcome is homelessness, whether visible or hidden. Women require access to safe, emergency temporary housing (such as that provided by VAW shelters), but also to safe, permanent, stable and affordable housing. In the development of housing options for women, ensuring women’s safety must be a central objective. As reviewed above, significant numbers of women – and their children – who turn to shelters are in situations of grave danger. In the Paradis et al. study one of the common concerns among the women was threats and stalking by ex-partners and once out of “a shelter with a confidential address and round-the-clock staff and security, many were dealing with increased unwanted and threatening contact by their ex-partners.”²⁸ Many women escaping abusive relationships require not only access to safe, stable and affordable housing but to other supports –

²⁶ *Ibid* at 248, 249.

²⁷ Committee on Economic, Social and Cultural Rights, Thirty-sixth session, Geneva, 1-19 May 2006 at para 26.

²⁸ Paradis et al. *supra* note 8 at 74.

List of Exhibits

Exhibit A: Janet Mosher, Pat Evans, Margaret Little, *Walking on Eggshells: Abused Women's Experiences of Ontario's Welfare System* (2004),

Exhibit B: CV of Janet Mosher.

Exhibit C: Form 53.

Exhibit D: Leslie M. Tutty, prepared for the YWCA Canada, *Effective Practices in Sheltering Women Leaving Violence in Intimate Relationships, Phase II Report*, 2006.

Exhibit E: Emily Paradis, Sylvia Novac, Monica Sarty & J. David Hulchanski, *Better Off in a Shelter? A Year of Homelessness & Housing among Status Immigrant, Non-Status Migrant & Canadian-Born Families*, Research Paper 213 (Toronto: Centre for Urban and Community Studies, Cities Centre, July 2008)

Exhibit F: Leslie M. Tutty et al. *"I Built My House of Hope:" Best Practices to Safely House Abused and Homeless Women* (Ottawa: Homeless Partnering Secretariat, September 30, 2009).

Exhibit G: Monica Ghabrial and Paula Barata, "Factors affecting housing-seeking difficulty for battered women: an investigation of racial discrimination and attitudes held by landlords" (2010), 4(1) *Studies by Undergraduate Researchers at Guelph*;

Exhibit H: CMHC, *Research Highlights, Housing Discrimination Against Victims of Domestic Violence*, July, 2006.

Exhibit I: Wilfreda E. Thurston, *Immigrant Women Family Violence, and Pathways Out of Homelessness*, prepared for the National Secretariat on Homelessness, May, 2006.

Exhibit J: Office of the Chief Coroner, Province of Ontario, *Sixth Annual Report of Domestic Violence Death Review Committee*, 2008.

Exhibit K: Shyanne Reid, Helene Berman & Cheryl Forchuk, "Living on the Streets in Canada: A Feminist Narrative Study of Girls and Young Women" (2005) 28:4 *Issues in Comprehensive Pediatric Nursing* 237-256.