

**Witness Statement of Bruce Porter**

April 3, 2009

**ADVOCACY CENTRE FOR  
TENANTS ONTARIO**  
425 Adelaide Street West  
5<sup>th</sup> Floor  
Toronto, ON M5V 3C1

**Kenneth Hale**  
LSUC#:16822T  
**Daphne Williamson**  
LSUC#: 56327I

Tel: (416) 597-5855  
Fax: (416)597-5821

**Solicitors for the Applicant**

**OMB Case No PL PL050611**  
**Proposed Amendment No. 58 to the Official Plan for the City of Kitchener (OMB File No. PL080333)**  
**Zoning By-law 2005-91 of the City of Kitchener (OMB File No. R050129)**

**WITNESS STATEMENT OF**  
**Bruce Porter**

**A. Purpose of Statement**

1. The purpose of this witness statement is to provide an overview of the evidence I will present in relation to the effect of the Proposed Amendment No. 58 to the Official Plan for the City of Kitchener and Zoning By-law 2005-91 of the City of Kitchener. My evidence will focus on the effect of exclusionary zoning of this sort on disadvantaged groups, including people living in poverty, people with disabilities in need of supportive housing, single person households, single mothers, social assistance recipients and low income tenants relying on subsidized housing.

2. I will consider the disadvantaged situation of these groups in Canadian society, the nature of stereotypes and prejudices which affect the dignity of members of these groups and which impede their ability to participate as full and equal members of the community. I will describe the make-up of the groups and whether the characteristics of disadvantage are easily changed. In particular, I will focus on the characteristic of poverty, explain how it has become a widespread ground of stereotype, prejudice and exclusion and why, in my opinion, it should be considered and addressed as a ground of discrimination.

3. I will then describe how the broader patterns of prejudice, stereotyping and exclusion manifest themselves in relation to housing discrimination. I will describe many of the prevalent stereotypes and prejudices in relation to housing, and the kinds of distinctions and differential treatment, both direct and through failures to address the unique needs of particular groups, which are particularly harmful in the area of housing. I will consider in what contexts measures designed to address perceived over-concentration of disadvantaged groups in particular neighbourhoods are harmful to the groups, exacerbate their disadvantaged status in society and negatively affect their dignity.

4. I conclude on the basis of this analysis that the Proposed Amendment conforms with and exacerbates prevailing patterns of prejudice and discrimination against these groups, has a profoundly negative effect on the dignity and security of members of the groups, and perpetuates the devaluing and exclusion of these groups in society. I explain that any assessment of "over-concentration" of disadvantaged groups must be based on an understanding of structural exclusions of these groups from a range of housing and neighbourhood choices, and any attempt to address such over-concentration must enhance, rather than restrict, housing and neighbourhood choices available to members of the group. I note that any attempt to address perceived over-concentration of these groups within a particular neighbourhood by implementing policies to either directly or indirectly discourage or prevent the development of housing or services for members of these groups represents a profound attack on their dignity and has harmful effects on both the groups themselves and on the community as a whole.

**B. Qualifications and Experience**

5. I am a consultant and researcher in the area of discrimination, poverty, housing and human rights. I am the Director of the Social Rights Advocacy Centre, a non-profit organization which conducts research, public education and advocacy in the area of human rights and poverty. I am Co-Director, with Professor Martha Jackman of the University of Ottawa, of a major human rights research project funded by the Social Sciences and Humanities Research Council involving four university partners and four non-governmental organizations, with eight lead researchers, a number of collaborating researchers and a significant number of student researchers.

6. From 1987 until September 2002, I was the Executive Director of the Centre for Equality Rights in Accommodation (CERA), a charitable non-profit organization with offices in Toronto and Ottawa. CERA was and remains the organization in Ontario dealing with the greatest number of individual cases of alleged discrimination in housing, as well as being nationally and internationally recognized for its expertise in housing discrimination. Under my direction and supervision, CERA staff, including both lawyers, community legal workers, researchers and policy experts, provided advice and representation in the area of human rights in housing, engaged in research on issues of discrimination and human rights for municipal, provincial, federal governments and domestic and international bodies, ran programs aimed at preventing homelessness, provided legal and community education in human rights, and worked with non-governmental organizations and governments in other countries to promote human rights, particularly the human right to housing.

7. The vast majority of those reporting discrimination to CERA were low income households and many were persons with disabilities. As the Executive Director of CERA, I reviewed most human rights complaints filed by CERA staff and regularly consulted with case workers about cases of alleged discrimination which had been reported to them. I also carried a number of cases myself, including representing claimants before human rights tribunals in major systemic cases taken forward by CERA.

8. In my fifteen years as Executive Director of CERA I had the occasion to interact directly with hundreds of disadvantaged individuals dealing with discrimination and prejudice in housing, as well as with landlords, municipalities, government officials and service providers in attempting to redress problems of this sort. I developed a first hand knowledge of how and why members of disadvantaged groups choose to live in particular neighbourhoods or housing types, how particular policies and practices and discriminatory attitudes and prejudices restrict their choices, and the effect of discrimination and exclusion in housing on the wellbeing and dignity interests of members of these groups.

9. I also engaged in research on discrimination in housing against low income households, single mothers, racialized groups, recipients of social assistance, persons with disabilities and others. For example, I worked with Professor Michael Ornstein, a statistical expert at York University, in analyzing available data on income, household rent and length of tenure to examine all apartment turnovers and assess the effects of restricted choices available to disadvantaged groups on the amount of rent paid and the quality of accommodation. I compiled and analysed Rental Housing Tribunal data on all terminations of tenancy in Ontario over a period of time so as to better understand the reasons for rental default and the groups affected. I oversaw a special research report for the Toronto Mayor's Homelessness Action Task Force on discrimination as a cause of homelessness, another report prepared for the City of Toronto, on possible measures to prevent rental arrears and evictions for non-payment of rent and a report for the Canadian Human Rights Review Panel, chaired by former Supreme Court of Canada Justice Gerard LaForest, funded by Status of Women Canada.

10. I have published articles and chapters of books on issues related to discriminatory attitudes toward poor people, housing and human rights and I have given speeches and lectures throughout Canada and around the world on these issues and have been retained by the National Judicial Institute in Canada, as well as by international bodies such as the International Commission of Jurists and the Office of the United Nations High Commissioner on human rights to provide judicial education on poverty and human rights, to judges across Canada and in many other countries around the world. Recent and forthcoming publications and selected presentations and consultations are listed in my curriculum vitae, attached to this Statement.

11. I have been qualified as an expert before a number of tribunals and courts in Canada to give opinion evidence on the nature of discrimination against poor people; discriminatory stereotypes and prejudices applied to poor people and people relying on social assistance; on how these stereotypes intersect, interact and compare with discriminatory attitudes toward women, single mothers, people with disabilities, racialized minorities and other groups; on the nature of discrimination in the justice system affecting poor people and people on social assistance; and on the importance of considering international human rights values in the exercise of discretion in cases involving people living in poverty. For example, in *Falkiner v. Ontario*<sup>1</sup> I provided evidence on discrimination, prejudice and stereotypes experienced by single mothers and persons in receipt of public assistance and described how such attitudes and discriminatory barriers are perpetuated in regulations to Ontario Works defining spousal relationships. I provided evidence with respect to prevalent discriminatory attitudes toward the poor in *R. v. Clarke et al.* In that case, Justice Ferrier stated that he relied on my evidence and expertise in concluding that "there is widespread prejudice against the poor and the homeless" which "could incline a juror to a certain party or conclusion in a manner that is unfair." A list of other cases in which I have provided expert evidence on discriminatory stereotypes and attitudes toward poor people, including those relying on social assistance, is contained in my *curriculum vitae*.

#### **Nature of Discriminatory Stereotypes and Treatment of Poor People and Social Assistance Recipients**

12. Poverty is a personal characteristic which attracts widespread and destructive forms of prejudice and discrimination in Canadian society. Poverty involves more than merely low income or economic disadvantage. It encompasses a range of social as well as economic exclusions and disadvantages. Another term for discrimination because of poverty that has been used in the Canadian context is discrimination because of "social condition". This term captures the social as well as the economic dimensions of discrimination because of poverty.

13. When the Canadian Human Rights Act was reviewed by a special review panel chaired by former Supreme Court Justice Gerard Laforest at the request of the Minister of Justice, the panel was requested to consider, among other things, whether the ground "social condition" should be added to the Act. After extensive research and consultation, the panel released a report entitled *Promoting Equality*, in which it recommended the inclusion of social condition as a prohibited ground of discrimination in all areas covered by the Act. The panel stated that:

---

<sup>1</sup>(200) 188 D.L.R. (4th) 52.

Our research papers and the submissions we received provided us with ample evidence of widespread discrimination based on characteristics related to social conditions, such as poverty, low education, homelessness and illiteracy. We believe there is a need to protect people who are poor from discrimination. ...

We believe it is essential to protect the most destitute in Canadian society against discrimination. At the very least, the addition of this ground would ensure there is a means to challenge stereotypes about the poor in the policies of private and public institutions. We feel that this ground would perform an important educational function.

14. The Canadian Human Rights Act Review Panel cites several examples from Toronto newspapers, such as a 1999 article in the Toronto Sun characterizing single mothers as “impossibly selfish” for entering parenthood “single, as a lark,” not bothering to learn to feed their children nutritious breakfasts.<sup>2</sup> An editorial in The Globe and Mail stated that “children in poor families have the parental deck stacked against them” and that “[A] supply-side approach to poverty would invest mightily in the ... parenting skills of poor parents.”<sup>3</sup> The Ontario government retained Angus Reid to conduct a poll in 1999 to test public reaction to the idea of forcing parents on social assistance to attend a parenting course. Sixty-seven per cent of respondents agreed with the idea.<sup>4</sup>

15. Discrimination against poor people is based largely on characteristics that are imputed to the members of the group with little or no evidence. Social assistance recipients, for example, are often imagined to be able-bodied men who are idle at the expense of the “generous” tax-payer. In fact, the majority of those relying on social assistance are women, children and persons with disabilities. Poor people are often characterized as being dishonest and irresponsible with money, hence more likely to default on rent and be “short-term” or less secure members of a community. In fact, poor people are forced to develop the most advanced budgeting skills in order to avoid default on rent and the resulting effects on security and dignity.

16. Many instances of discrimination against poor people are disturbingly reminiscent of the most destructive forms of racial discrimination. Theories of the genetic inferiority of the poor are not uncommon. Closely related to this is a widespread resentment against poor people for having children, the myth that they procreate at a higher than normal rate and unrelenting attacks on their value as parents. While crass ideas of genetic inferiority may be rarely spoken in the more professional community, it is nevertheless common to hear that the problem of poverty is primarily a problem of people having children who should not have had children. One of the most dramatic changes in attitudes toward poor people in the last 20 years is the increasing acceptability of the idea that this group in society does not even have the right to procreate.

17. The parenting skills of low income parents are frequently disparaged. Schools with a high proportion of children from low income households tend to be branded as undesirable or lower quality. It is often assumed that children from low income single mother households receive less help at home and are likely to be less capable students. While low income single mothers and those relying on social

---

<sup>2</sup>Gerard V. La Forest, *Chair, Promoting equality: a new vision, Canadian Human Rights Act Review Panel*, (2000) at [http://www.collectionscanada.gc.ca/webarchives/20071124204643/http://www.justice.gc.ca/chra/en/chrrareview\\_report\\_2000.pdf](http://www.collectionscanada.gc.ca/webarchives/20071124204643/http://www.justice.gc.ca/chra/en/chrrareview_report_2000.pdf) 109.

<sup>3</sup>*Ibid.*

<sup>4</sup>Tom Blackwell, “Even Tougher Welfare Rules on Back Burner: 1999 Ontario Poll Shows 67% Favoured Parenting Classes for Recipients,” *Ottawa Citizen* (25 July 2000) A3.

assistance face many barriers as parents, including higher rates of illiteracy and lower education levels, I have been struck, in my own work with this group, at their incredible determination to ensure that their children receive a good education. This perception was verified by a special run I had done from data available through Statistics Canada on the reading habits of parents. Surprisingly, the available data suggested that single parents on social assistance actually ensure that their children are read to as much or more than two parent households not on social assistance.

18. Attitudes toward low income immigrant families have also turned more hostile in recent years. Romantic images of the morally upright and self-sufficient immigrant families working their way out of poverty have been replaced with the discriminatory stereotype of the immigrants presuming on the "generosity" of "Canadians".

19. Prejudices and stereotypes about poor people intersect and overlap with other prejudices and discriminatory stereotypes. Low income single people with psycho-social disabilities face more negative stereotypes and more widespread discrimination than affluent individuals with similar disabilities. Racialized minorities are subjected to more discrimination when they are poor than when they are better off. Members of visible minorities arriving from impoverished countries tend to face more discrimination than those from more prosperous countries.

20. Discriminatory attitudes toward the poor often increase when structural unemployment and poverty increase. While the rise in unemployment and poverty in the early 1990's was clearly the result of broader economic forces, low income people, particularly those on social assistance, became a target for scapegoating. As a confidential memorandum prepared by the public opinion firm EKOS for the federal government in 1997 explained, the more affluent reacted to the structural changes in the 1990s by attributing poverty to moral failures despite their understanding that the causes were structural. "Lack of responsibility, effort or family skills were universally cited explanations."

Welfare recipients are seen in unrelentingly negative terms by the economically secure. Vivid stereotypes (bingo, booze, etc.) reveal a range of images of SARs [social assistance recipients] from indolent and feeble to instrumental abusers of the system. Few seem to reconcile these hostile images of SARs as authors of their own misfortune with a parallel consensus that endemic structural unemployment will be a fixed feature of the new economy.<sup>5</sup>

21. A familiar pattern in discrimination against the poor is the notion that discriminatory treatment is "for their own good." Landlords inform low income applicants that they are being refused the most affordable housing they can find "for their own good" because in the view of the landlords, they cannot afford to pay that much in rent. Families are denied access to apartments of their choice which housing providers decide is not suitable for children. The appropriation of choice by others in position of authority simply serves in these instances to force low income households into more expensive or less appropriate housing.

---

<sup>5</sup>Ekos Research Associates Inc., *Memorandum Concerning Child Poverty Focus Groups: Revised Conclusions* (February 4, 1997). Secured through a Freedom of Information Request.

#### **D. Nature of Discriminatory Stereotypes and Treatment of Social Assistance Recipients, People with Disabilities, Single Mothers, Racialized Minorities and Other Disadvantaged Groups in Housing and Neighbourhoods**

22. Those who face discrimination in housing in Ontario are primarily poor. Other forms of discrimination, such as disability, race, age, sex and marital status are also extremely widespread, but they are most often combined with discrimination related to poverty. While more affluent people with disabilities or members of racialized groups certainly face discrimination in housing, members of these groups who are poor face more widespread discrimination with more severe consequences. Members of these groups who live in poverty are more likely to experience long term structural discrimination in terms of access to housing which has severe effects on their well being and their longer term ability to become active, productive members of their communities.

23. The extent of discrimination on the ground of poverty is evidenced by the widespread nature of discrimination against social assistance recipients. Since CERA began its work in 1987, the trend toward discrimination against the poor has been on the increase. More than half of human rights claimants who contacted CERA in recent years reporting discrimination on any ground were in receipt of public assistance/

24. The close link between poverty, family and marital status, sex, race, disability and other characteristics means that discriminatory exclusion of disadvantaged groups may focus on any of several characteristics or "proxies". The use of "minimum income criteria" became prevalent in the rental market in the 1990's as a way to exclude low income families, who almost always have to pay a higher percentage of their income toward rent in order to provide housing for their children. Single mothers, social assistance recipients or people relying on disability benefits were almost completely excluded from the most affordable housing by such policies, and racial minorities and newcomers were much less likely to qualify for apartments. Expert research considered by human rights tribunals and courts showed that lower income tenants and groups such as single mothers who must pay high percentages of their low incomes to secure apartments are not, in fact, more likely to default on rent, as had been assumed by prospective landlords.

25. Negative stereotypes and stigma regarding low income tenants have also, in recent years, been increasingly prevalent in negative attitudes toward neighbourhoods with higher concentrations of low income households, single mothers, residents of social housing or lower rental private market housing. The Middle class "flight" from schools serving these groups is one manifestation of the increasingly discriminatory environment faced by low income households. Affluent neighbourhoods are rarely considered to be suffering the negative effects of over-concentration of particular household types. On the other hand, predominantly lower income neighbourhoods are viewed negatively as suffering from "ghettoization". Supposed negative effects of low income housing on property values or on schooling is grossly exaggerated and informed by stigmatization and false stereotypes.

26. The close links in the rental community between lower income and other personal characteristics linked to discrimination such as race, disability and marital/family status (single mothers) is so strong that historic patterns of exclusions based explicitly on race, citizenship status or marital status have been replaced by more general stereotypes and exclusionary policies based on poverty. Economic and social trends such as the feminization of poverty, the break-up of the traditional family, widespread poverty among female-led single parent families, persons with disabilities, Aboriginal people, and newcomers to Canada means that discriminatory attitudes toward the poor intersect and interact with attitudes toward

these other groups. Discrimination against the poor often masks hostility toward those groups which are over-represented among the poor and may provide a more acceptable gloss on invidious discriminatory attitudes toward racialized minorities, people with disabilities, single mothers or newcomers.

### E. Prejudice and Stereotypes about Crime and Poverty

27. Another common feature of negative stereotypes and prejudices about poor people is the propagation of false or exaggerated associations between poverty and crime. These prejudices are particularly harmful when they are promoted and endorsed by governments. It is difficult to overstate how profound is the social exclusion that results from government-endorsed discrimination and scapegoating of the poor by labelling them as potential criminals.

28. An example of this pattern was the widespread promotion of welfare “snitch lines” in recent years, through which landlords and neighbours were encouraged to monitor welfare recipients’ private lives. For example, neighbours would be encouraged to report how frequently a lover may have stayed overnight at a single mother’s apartment.<sup>6</sup> Basic survival strategies of low-income households—such as borrowing money from a friend to meet a rent payment, eating regularly at the home of friends or family, or relying on a sister to feed one’s children several times a month—could be the basis for allegations of undeclared income and fraud.<sup>7</sup>

29. It is well recognized that politicians may accept or even promote false associations between crime and poverty for political purposes to cater to prejudices and stereotypes among the more advantaged. During the last major recession, in March 1993, Premier Ralph Klein of Alberta noted: “There is a public mood that we have to get really tough on those who abuse the [welfare] system.”<sup>8</sup> Six months later, Premier Michael Harcourt of British Columbia told the media: “We want to clean the cheats and deadbeats off the welfare rolls.”<sup>9</sup> Premier Harcourt later expressed regret about these comments, acknowledging that welfare fraud was no more prevalent than other types of fraud, but explained that coverage of alleged welfare fraud in the media had become “relentless”: “Every day, a camera in your face about this welfare case or that welfare case.”<sup>10</sup> A year later, Prime Minister Jean Chrétien spoke of welfare recipients and

---

<sup>6</sup> The Ministry of Community and Social Services reported in 1997 that forty-one per cent of terminations or reductions of benefits from “snitch line” reports related to an undeclared spouse: Janet Mosher *et al.*, *Walking on Eggshells: Abused Women’s Experiences of Ontario’s Welfare System* (5 April 2004) at 51, online: DisAbled Women’s Network Ontario <<http://dawn.thot.net/abuse.html>> (date accessed 9 August 2004). The definition of “spouse” used by the Ministry was found to be discriminatory in *Falkiner v. Ontario (Ministry of Community and Social Services)* (2002), 59 O.R. (3d) 481 (C.A.), leave to appeal to S.C.C. granted, [2002] S.C.C.A. No. 297 (QL). The appeal to the Supreme Court of Canada is expected to be heard in the Fall 2004 session.

<sup>7</sup> For analysis of the criminalization of survival strategies and the threat of fraud allegations, see Margaret Jane Little, *No Car, No Radio, No Liquor Permit: The Moral Regulation of Single Mothers in Ontario, 1920-1997* (Toronto: Oxford University Press, 1998); Mosher, “Disentitlement”, *supra* note 44; Janet Mosher, “The Shrinking of the Public and Private Spaces of the Poor” in Joe Hermer and Janet Mosher, eds, *Disorderly People: Law and the Politics of Exclusion in Ontario* (Halifax: Fernwood, 2002) 41; Mosher *et al.*, *supra* note 49.

<sup>8</sup> Todd Kimberly, “Reforms Open to Change - Klein,” *Calgary Herald* (28 March 1993) 1.

<sup>9</sup> Quoted in Judy Rebick, “Kick ‘Em Again: Welfare/Poverty,” online: Community Action: Person to Person <<http://www.alternatives.com/capp/v-rebick.htm>> (date accessed 9 August 2004).

<sup>10</sup> Jean Swanson, *Poor-Bashing: The Politics of Exclusion* (Toronto: Between the Lines, 2001) 100.



the unemployed in a speech to an affluent audience, stating: "it is better to have them at 50 per cent productivity than to be sitting at home, drinking beer, at zero per cent productivity."<sup>11</sup>

30. It is not surprising that these kinds of stereotypes of poor people and welfare recipients linked to crime lead to negative stereotypes about neighbourhoods with higher concentrations of poor people. Housing developments which are targeted to poor people invariably meet with community resistance. Concerns raised include all of those raised in racially discriminatory neighbourhood reactions in the past - declining property values, increased crime and violence, fear for the children, and concerns about "ghettoization". While the more reliable studies show very little or no correlation between subsidized housing developments and property values or crime, the reliance of politicians and governments on these stereotypes further stigmatizes poor people and social assistance recipients.

#### **F. Discrimination Against People in Need of Supportive Housing**

31. Closely linked to discrimination against poor people in cities is discrimination against people with disabilities in need of supportive housing. As with low income housing generally, supportive housing is falsely associated with perceptions of lowered property values and neighbourhood decline. Instead of recognizing that it is absence of necessary supports for those with psycho-social or intellectual disabilities which gives rise to petty crime and anti-social behaviour, discriminatory reactions suggest limiting or preventing any further development.

32. People with psycho-social disabilities tend to choose to live in particular types of downtown neighbourhoods, characterized by lower income demographics, more concentrated social services, higher numbers of persons with similar disabilities, and more available social housing. In other words, what is negatively perceived as "over-concentration" by the non-disabled community can be the result of choosing the most appropriate and appropriate housing in the most inclusive neighbourhood.

33. Individuals with psycho-social and intellectual disabilities tend to thrive in communities where they feel welcome. But the same token, they are seriously affected, with deteriorating health and ability to work and participate in society, by experiences of stigmatization and exclusion.

34. In the case of persons with disabilities who require support services or care either in a community or within housing accommodation itself, it is impossible to draw a distinction between zoning of the service and zoning of people. For persons with disabilities, support services or care are part of any meaningful notion of personhood. A policy of excluding necessary services for people with disabilities forces people with disabilities to either live without the services they need for health and security, or to leave the community. The consequences of such policies can be devastating for these groups.

35. In conclusion, the proposed Amendment and By-law would deny disadvantaged groups in need of appropriate housing and support services access to housing and services and would serve to reinforce and exacerbate existing patterns of prejudice and stigmatization of poor people, social assistance recipients, single mothers, singles, and people with disabilities.

---

<sup>11</sup> Geoffrey York, "Foes Jump on Remark by Chretien," *TheGlobe and Mail* (22 April 1994) A4.

*Bruce Porter  
Director  
Social Rights Advocacy Centre  
1038 Portage Flyer Lane  
RR4 Huntsville, Ontario P1H 2J6  
705-789-1397  
bporter@socialrightsadvocacy.ca*

## **Education**

- M.A. Intellectual History, University of Sussex, Falmer, Brighton, U.K., 1975.
- B.A. Honours (First Class) History, Queen's University, Kingston, Ontario, 1970-74.

## **Academic Awards**

- Social Sciences and Humanities Research Scholarship, 1977, 1978, 1979, 1980.

## **Employment**

### **Human Rights Consultant, Director, Social Rights Advocacy Centre**

#### **October 2002 to present**

Continuing work of previous years in research in human rights, poverty and housing, test case litigation, public interest advocacy and international human rights. Co-Director of the Social Rights Accountability Project, a five year research project into social rights in Canada involving five universities and four non-governmental organizations, funded by the Social Sciences and Humanities Research Council - Community University Research Alliance.

Member of the Steering Committee of the International Coalition for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, active in the successful negotiation of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, adopted by the UN Human Rights Council in June, 2008.

**Executive Director, Centre for Equality Rights in Accommodation (CERA),**

**1986 - September, 2002**

CERA represented more human rights claimants in housing than any other organization in Canada and was known internationally for its work on systemic issues of homelessness, poverty and human rights in housing. Supervised a permanent staff of 7 as well as student placements and volunteers in offices in Toronto, Ottawa and Windsor. Directed litigation, law reform and international human rights work, as well as fundraising and board liaison.

Represented human rights claimants at Human Rights Commission, before human rights tribunals and supervised lawyers and other staff in human rights cases.

Supervised and conducted extensive research into human rights in housing and barriers facing low income families in need of appropriate and affordable housing.

**Highlights**

Played leading role in campaigning for improved human rights protections in housing in Ontario's *Human Rights Code* and assisted in the formation of CERA in 1987.

Represented three low income women in precedent setting systemic challenge at to discrimination in housing based on low income (*Kearney et al. V. Bramalea Ltd et al.* First case to establish that discrimination because of poverty in housing is a form of race and sex discrimination. Subsequently represented claimants in other precedent setting cases dealing with income discrimination, credit, employment and reference requirements in housing.

Assisted South African NGOs to develop proposals for the protection of social and economic rights in the South African Constitution and was one of two invited international experts to address the South African Constitutional Assembly's day of public hearings on social and economic rights. Since then have worked with South African advocates in developing litigation strategies and assisted in developing intervenor's argument before the South African Constitutional Court.

Provided research and recommendations on reform of the *Canadian Human Rights Act* addressing poverty issues for Status of Women Canada and for the Canadian Human Rights Act Review Panel, chaired by the former Chief Justice Gerard La Forest.

Conducted extensive research into human rights in housing and barriers facing low income households in need of housing, including a paper on Women and Housing prepared for Status of Women, Canada and a Background Paper on Human Rights, Access and Equity, published by the Mayor's Homelessness Action Task Force in Toronto.

Hosted an international meeting of advocates in area of social rights and assisted in establishing the International Network on Economic, Social and Cultural Rights (ESCR-Net).

**Co-ordinator, Charter Committee on Poverty Issues (CCPI) 1994 - present.**

CCPI is a national committee of anti-poverty and human rights advocates in Canada developed in 1989 to ensure that poverty issues were more effectively addressed by Canadian courts and the legal community. Helped to establish CCPI in 1989 and became co-ordinator in 1994.

Organize and oversee test case initiatives or interventions before Canadian courts and tribunals and before international human rights treaty monitoring bodies. Work with prominent human rights litigators in Canada and occasionally deliver submissions on behalf of CCPI, particularly before international human rights treaty monitoring bodies. Co-ordinated 11 interventions by CCPI before the Supreme Court of Canada and played active role in preparing pleadings, including in *Chaoulli v. Quebec*, *R. v. Wu*, *Gosselin v. Quebec*, *Baker v. Canada* and *G(J) v. New Brunswick*.

Petitioned the U.N. Committee on Economic, Social and Cultural Rights for procedural reform allowing NGO oral submissions with respect to Periodic Reviews in 1993 at Canada's Second Periodic Review under the International Covenant on Economic, Social and Cultural Rights (CESCR) in Geneva. This resulted in domestic NGO's being allowed, for the first time, to make oral presentations before a UN treaty monitoring body during the periodic review process, and established the basis for important procedural reform at the CESCR and other committees.

**Research Contributions Over the Last Six Years**

**Refereed contributions**

"Expectations of Equality" (2006) 33 *Supreme Court Law Review* 23

"Expectations of Equality" in Sheila McIntyre & Sandra Rodgers (eds.) *Diminishing Returns: Inequality and the Canadian Charter of Rights and Freedoms* (Markham: Lexis Nexis Canada Inc., 2006)

"Claiming Adjudicative Space: Social Rights, Equality and Citizenship" in M. Young, S. Boyd, G. Brodsky, S. Day eds., *Poverty: Rights, Social Citizenship, and Legal Activism* (Vancouver: U.B.C. Press, 2007) 77-95.

"The Crisis in ESC Rights and Strategies for Addressing It" in John Squires, Malcolm Langford and Bret Thiele (eds.), *The Road to a Remedy* (Sydney: University of South Wales Press, 2006).

"Canadian Constitutional Challenge to NAFTA Raises Critical Issues of Human Rights in Trade and Investment Regimes" (2005) 2(4) *ESC Rights Law Quarterly*

"A right to healthcare – Only if you can pay for it" (2005) 6(4) *ESR Review*.

Twenty Years of Equality Rights: Reclaiming Expectations (2005) 23 (1) *Windsor Y.B. Access Just* 145-192.

"ReWriting the *Charter* at 20 or Reading it Right: The Challenge of Poverty and Homelessness in Canada" in Wesley Cragg and Christine Koggel (eds.) *Contemporary Moral Issues*, Fifth Canadian Edition, (Toronto: McGraw-Hill Ryerson, 2005) 373 – 386.

"Homelessness, Human Rights, Litigation and Law Reform: A View from Canada" (2004) 10(2) *AJHR* 133- 165.

"The Human Right to Adequate Housing: Making the Case in U.S. Advocacy" (2004) 38 (3-4) *Clearinghouse Review: Journal of Poverty Law and Policy* 97 – 114. (with Maria Foscarinis, Brad Paul, Andrew Scherer).

"The Right to Adequate Housing in Canada" in Scott Leckie (ed.) *National Perspectives on Housing Rights*, Preface by Philip Alston, Foreword by Nelson Mandela, (New York: Kluwer/Nijhoff, 2003) 107 – 139.

### **Non-refereed contributions**

"Socio-Economic Rights in a domestic charter of rights - a Canadian perspective" in *Human Rights and Peace-Building in Northern Ireland: an international anthology* (Committee on the Administration of Justice: Belfast, January 2006)

"Social and Economic Rights and the Canadian Charter of Rights and Freedoms" presentation at an international Conference on Social and Economic Rights: Models of Enforcement, hosted by the Irish Human Rights Commission, Dublin December 10-11, 2005. available online at <<http://www.ihrc.ie/home/wnarticle.asp?NID=126&T=N&Print>>

Presentation of a research paper on the Justiciability of Social and Economic Rights: an Updated Appraisal to a Seminar hosted by the Human Rights Consortium of Northern Ireland, November 20, 2005, Belfast

Paper presented to the High Level Expert Seminar on Economic, Social and Cultural Rights, hosted by the French Department of Foreign Affairs, September 5 – 7, 2005, Nantes, France

Presentation to a National Housing Forum on Advocating for the Right to Housing in Canada, Woodrow Wilson International Center for Scholars, Washington, DC

Presentation to the Inter-American Human Rights Commission Special Hearings on the Right to Housing, Friday March 4, 2005, Washington D.C.

Presentation to a conference co-hosted by the University of Ottawa Human Rights Centre on Strategizing Systemic Equality Claims, Ottawa, March 11-12, 2005

Presentation on Using International Human Rights in Domestic Housing Rights Advocacy in Chicago, May 19, 2004

Special Presentation to Judges and Lawyers from Japan, China, Korea and Mongolia, judicial training hosted by the Office of the United Nations High Commissioner for Human Rights and the International Commission of Jurists, January 26-28, 2004, Ulaan Bataar, Mongolia

Keynote Address “Poverty and the Courts” as Faculty of the National Judicial Institute, to Judges of the Ontario Superior Court (Niagara Falls, May 7, 2004)

Keynote Address to Judges from Alberta Court of Appeal and Court of Queen’s Bench (Edmonton, November 13, 2003) Judges of the Nova Scotia and Prince Edward Island Supreme Court (Halifax, May, 2002) and the Judges of New Brunswick Court of Appeal and Court of Queen’s Bench (St. Andrews by the Sea, June, 2002)

### **Forthcoming contributions**

Socio-Economic Rights under the Canadian *Charter*, in M. Langford, ed., *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law* (New York: Cambridge University Press, in press) (with Martha Jackman).

### **Other Research Contributions**

#### ***Facta in Canadian Charter Test Cases (co-authored facta with counsel)***

Factum for the Charter Committee on Poverty Issues in *Council of Canadians et al. v. Canada* (Ontario Superior Court of Justice; Ontario Court of Appeal; Supreme Court of Canada) (Constitutionality of the investor-state dispute resolution regime under NAFTA Chapter 11)

Factum for the Charter Committee on Poverty Issues in *Gosselin v. Québec (Procureur general)* (Supreme Court of Canada) (Constitutionality of provincial social assistance rates and eligibility requirements)

## Written Expert Evidence in Social Rights or Test Case Litigation

*Denise Boulter et al. v Nova Scotia Power Inc., et al.* ( NSUARB-P-886(3)) [access to utilities for the poor]

*Janos Robert Gunther and Janosne (Maria) Gunther, personally and as litigation guardian for Anita Gunther and Melinda Gunther v. Attorney General of Canada* (Ontario Superior Court Of Justice File no. 05-CV-294199PD1) and *Chantal Bavunu Krena, personally and as litigation guardian for Ketsia Krena and Jodick Moudiandambu v. Attorney General of Canada* (Ontario Superior Court Of Justice File no. 06-CV-312099PD2) [[access to justice for poor]

*Andrew Graham et al. v. Ontario (Attorney General) et al* (Ontario Superior Court of Justice File No. 02-CV-232667CM3)

*Keyvan Rasekhi Nejad, Malihe Shali, Komeil Rasekhi Nejad A Minor Under the Age of 18 Years by his Litigation Guardian Keyvan Rasekhi Nejad, And Soheil Rasekhi Nejad a Minor Under the Age Of 18 Years by his Litigation Guardian Keyvan Rasekhi Nejad v. Thomas Volpe and The General Accident Assurance Company Of Canada* (Ontario Superior Court Of Justice Div. Ct. File No. 328/03) [access to justice for poor]

*Dale Broomer et al v. Ontario (Attorney General) et al* , Ontario Superior Court of Justice (Divisional Court) File No.: 420/0 [Charter challenge to lifetime ban from social assistance]; *Ontario Municipal Board File No. R030064*, OMB Decision No. 0569 (May 15, 2004) [challenge to zoning restrictions on shelters]

*R. v. Clarke*, [2003] O.J. No. 3883 (Ferrier, J.) [whether discriminatory attitudes about poor people grounds for challenge for cause in jury selection]

*Ontario Ministry of Public Safety and Security, Office of the Chief Coroner, Inquest Into the death of Kimberly Ann Rogers*, (Verdict of the Jury released 19 December, 2002) [inquest into death of pregnant woman banned from receipt of public assistance upon conviction for fraud for attending university without disclosure]

## Forthcoming contributions

- \*R Socio-Economic Rights under the Canadian *Charter*, in M. Langford, ed., *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law* (New York: Cambridge University Press, in press) (with Martha Jackman).

## Other Research Contributions

- \* Assisted in preparing Charter Committee on Poverty Issues submissions to the U.N. Human Rights Committee in May, 2006 and to the UN Committee on Economic, Social and Cultural Rights in November, 2006.
- \* Member of the Steering Committee of the NGO Coalition for an Optional Protocol to the

International Covenant on Economic, Social and Cultural Rights, assisting in preparing delivering submissions to the Open Ended Working Group on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

- \* Joint Co-ordinator of an international database of social and economic rights cases at <[www.escr-net.org](http://www.escr-net.org)>

### **Contributions to Training**

- \* As Co-Director of the Social Rights Accountability Project, co-ordinate approximately 12 students and community researchers each year. Regularly assist graduate and undergraduate students in research into social and economic rights, poverty issues, etc., including research provided in support of CCPI initiatives.
- \* Helped to develop the Intensive Course on Social and Economic Rights presented at the Institute for Human Rights, Turku/Åbo in November 2004 and November 2005 and 2006 and provided a three hour lecture as part of the course. Also available on CD.
- \* Guest lecturer or remote interview at various university classes.
- \* Member of International Organizing Committee for an upcoming conference in Nairobi, Kenya on Economic and Social Rights, bringing together grass roots advocates from around the world.