

Evictions: New Typologies and Analysis for the Canadian Landscape

Across Canada and around the world, there is growing attention to, and awareness of, evictions. This is driven by the fact that the contemporary evictions landscape has been changing. In Canada, for example, some types of evictions have been on the rise in certain jurisdictions ('own use', 'renovictions', and demovictions). It also appears that the scale of evictions is changing, from individual-household level to entire buildings and communities (mass evictions).

Against this backdrop lies a mix of newer and longer standing measures to prevent evictions. Examples of the former include renovation bylaws introduced in New Westminster, BC. Yet there are many longer standing prevention measures, and as revealed in previous CMHC research, these have differing degrees of success and effectiveness.

Overview

This raises important questions about the contemporary evictions landscape, including:

- What are the types of evictions and prevention measures in Canada?
- How have evictions been changing in recent years?
- What are promising practices for preventing eviction, in light of these changes?

To answer these questions, CMHC commissioned a research team from the Institute of Urban Studies (IUS), University of Winnipeg, to undertake a literature and eviction prevention program review and analysis, and to conduct interviews with housing professionals (n=19) and people with lived experience of eviction (n=10). The results of this analysis provide a more recent snapshot for Canada, and help pave the way for future work on this issue.

This research project was completed in May 2020. While the report includes some consideration for the COVID-19 pandemic, it is a pre-COVID product.

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Literature Review of Evictions - Findings

The analysis of literature on evictions reveals that the evictions landscape appears to have changed in Canada over the last 15 years, particularly with respect to type, frequency, and scale. These changes centre on the drivers of evictions (see Figure 1 and the distinction between tenant factors and landlord-structural factors). The changing evictions landscape has implications for the effectiveness of prevention measures and other forms of support, as well as the demand for affordable rental supply in any one municipality and point in time.

Tenant Factors

- The **conventional wisdom is that tenant factors are the primary drivers of evictions**. Examples include: inability to pay the rent, damage to the unit, and illegal or unsafe activities within the unit.
- Tenants who are evicted for these reasons are **more likely to be vulnerable and of low income**, and are often issued **formal** notices that can result in a tribunal proceeding (see Glossary).
- Evictions driven by tenant factors largely **operate at individual and household scales**.

Landlord-Structural Factors

Other drivers of eviction are tied to landlord and structural factors. These are reflected in such types as: renovations, demovictions, and own-use evictions (see Glossary), and are often tied to wider (re)development processes within cities. These can also operate at building and community scales.

- Landlord **factors that are behavioural in nature** include: evictions by dereliction, threats and forms of intimidation, and conflicts and misunderstandings with tenants.
- **Structural factors** driving evictions include: the financialization of housing, policy, lack of affordable housing supply, and labour market transformations.
- Tenants who are evicted for these reasons **can include professionals and longer-standing tenants**, and may be less likely to be vulnerable populations or of low income. They can also be evicted through **informal routes** for which there is no legal/official process or record.

Figure 1: A Typology of Evictions, with Implications for Scale

SCALE of EVICTION		
System Level Drivers of Evictions (eg. Financialization of Housing, Lack of Affordable Housing, Labour Market Shifts)		
Types of Evictions	Individual or Household Eviction	“Mass” Eviction: Entire building, Community
<p>Tenant Factors:</p> <p>Economic</p> <ul style="list-style-type: none"> • Arrears – rent and/or utilities • Change in tenant/household income • Change in household expenses <p>Behavioural</p> <ul style="list-style-type: none"> • Mental health challenges (eg. hoarding) • Lack of unit maintenance/damage • Illegal activities in the unit • Violent/unsafe behaviours • Breach of policies • Fraud • Nuisance • Conflict / misunderstanding 	<ul style="list-style-type: none"> • Characteristics of person evicted more likely to be low-income, vulnerable, etc. • Prevention measures already established based on understanding of tenants as vulnerable. • Usually formal evictions that may go to tribunals. 	<ul style="list-style-type: none"> • Prevention/response measures not designed for this scale of eviction.
<p>Landlord Factors:</p> <p>Structural Factors</p> <ul style="list-style-type: none"> • Prohibitive rent increase • Change to property itself (e.g. renovation) • Change to property use (e.g. own-use) • Vacancy Management (rent maximizing) <p>Landlord Behaviours</p> <ul style="list-style-type: none"> • Dereliction / neglect of property • Bullying / Intimidation • Surveillance • Racism / Discrimination • Conflict / misunderstanding 	<ul style="list-style-type: none"> • Person evicted less likely to be low-income. Evictions also happening to more affluent professionals, long-term tenants, etc. • Prevention/response measures generally not designed to account for this type, as previous assumptions about evictions focuses on tenants. • Can happen to individuals/ households repeatedly, regularly (annually). • Prevention/response measures not designed to serve regular/annual evictions, affluent tenants, etc. • More likely to be informal eviction and be invisible/not captured by tribunal data. • New measures include: renovation bylaws, rental-only zoning, changes to Residential Tenancy Acts. 	<ul style="list-style-type: none"> • Noteworthy rise is apparent in whole building and whole community evictions. • Prevention/response measures never designed for this scale of eviction. • Cities lack capacity to help whole communities evicted at the same time. • More likely to be formal eviction. Notice to whole building and community provided, highly visible, reaches the media and presumably tribunals. • New prevention measures include: renovation by-laws, rental only zoning, changes to Residential Tenancy Acts.

Source: Zell and McCullough, 2020:18

Eviction Prevention Measures Analysis – Key Findings

Researchers also conducted an analysis of eviction prevention measures, defined as the: “policies, practices, interventions, and measures that reduce the likelihood that someone will face or experience eviction.” (McCullough and Zell, 2020:47).

As illustrated in Figure 2, they created a typology of eight prevention measures, which are linked back to the primary types of eviction. Findings include that:

- many prevention measures respond to evictions driven by tenant factors; and
- there are fewer measures that correspond to evictions driven by landlord or structural factors.

Figure 2: Eviction Prevention Measures by Type of Eviction

Type of Eviction	Eviction Prevention Measure							
	Information/ Advice	Conflict Resolution/ Mediation	Legal Supports	Emergency Financial Assistance	Third-Party Management	Rent Assistance	Comprehensive Supports	Regulation / Policy / Market Intervention
Tenant Factors – <i>Economic</i>	✓	-	✓	✓	✓	✓	✓	(✓)
Tenant Factors – <i>Behavioural</i>	✓	✓	✓	-	-	-	✓	-
Landlord Factors – <i>Structural</i>	✓	-	-	-	-	-	-	✓
Landlord Factors – <i>Behavioural</i>	✓	✓	-	-	-	-	✓	-
System-Level Factors	(✓)	-	✓	-	-	-	-	✓

Source: Zell and McCullough, 2020: 56

Interviews - Findings

Between October 2019 and March 2020, in-depth, semi-structured interviews were conducted with two types of participants: professional housing stakeholders; and people with lived experience of eviction. This analysis revealed that key literature findings were echoed by many participants, including:

- an increase in development-related and 'no-fault' evictions (and the need for prevention measures);
- a change from evictions driven by tenant-factors to those driven by landlord-factors; and
- the changing scale of evictions, with mass evictions involving entire buildings at once reported in: Winnipeg, Vancouver, New Westminster, Kitchener–Waterloo, Hamilton, Toronto, and Halifax.

Housing professionals confirmed that **some populations are more vulnerable to eviction**. These include: newcomers and migrants, children and youth within families, people with mental health and addiction issues, seniors, Indigenous peoples, the working poor, and gig-economy workers.

Lived experience interviewees also revealed how damaging the effects of eviction can be for tenants. Four were **evicted into homelessness**, three of whom experienced **hidden homelessness** until other housing was secured. One interviewee was homeless for several months following eviction.

Also noted were the **mental and physical health impacts** associated with eviction. The language of **trauma** was repeatedly used by participants to describe their experience. Feelings such as fear, anxiety, depression, loss, and exhaustion. These feelings can remain **many months after an eviction** takes place, and are exacerbated by the difficulty of finding alternative, affordable housing.

Implications For Housing

Prevention programs are not generally designed for the changing evictions landscape. Many measures correspond to evictions driven by tenant factors, not those driven by landlord or structural factors. Few measures are specifically designed to address the greater scale at which development-related evictions take place, or that a broader cross-section of society is at risk of eviction (beyond low income and vulnerable people).

In interviews conducted as part of this project, **supply was repeatedly cited as a key strategy to prevent evictions**. This includes building new, affordable rental supply (incl. purpose-built, non-profit and social housing) and preserving existing supply. **Data gaps on formal and informal evictions** were also continually cited as barriers to more effective prevention and support measures.

Opportunities for comprehensive evaluation of newer prevention measures were recognized, especially those in the regulation/policy/market intervention category. The 'renoviction' bylaws introduced in BC, for example, are one such measure that corresponds to a greater scale of eviction problem, as is rental-only zoning. To date, however, we know little about the implementation of these measures or their effectiveness on the ground.

Other recommended areas of focus included: **addressing NIMBYism** (which often threatens new rental supply), stronger **relationship building** and landlord engagement, **education and awareness** for tenants and landlords, **zoning and administrative challenges**, and tackling challenges arising from **Airbnb**.

Connections To New CMHC Work

- As a result of this project, CMHC has commissioned **a new study on seniors and evictions** (to June 2021). This has a **GBA+ component** and considers the **longer-term impacts of being evicted**.
- To address the concerns about data gaps, CMHC has launched a **new, multi-year initiative on evictions, with quantitative and qualitative streams** (2020-2023). It includes interviews with people with lived experience of eviction. The goal of this project is to expand our understanding of the lived experience of eviction by interviewing more people (n=120) and examining the diversity of experience (e.g. by eviction type, demographics of tenants, etc.).
- The issues around NIMBYism, zoning and administrative challenges and rental supply are being examined in a **new, multi-year project on the planning system and supply**.

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Full Report

Zell, S., and McCullough, S. (2020). *Evictions and Eviction Prevention in Canada*. Ottawa: Canada Mortgage and Housing Corporation.

McCullough, S., and Zell, S. (2020). *Eviction Prevention Measures in Canada—Scan and Inventory Report*. Ottawa: Canada Mortgage and Housing Corporation.

Shirliffe, R., Zell, S., and McCullough, S. (2020) *Eviction Prevention Programs Scan [database]*. Ottawa: Canada Mortgage and Housing Corporation.

For Further Reading

Acacia Consulting & Research. (2005). *Cost Effectiveness of Eviction Prevention Programs* (No. CR#6865-26-6). Ottawa: Canada Mortgage and Housing Corporation.

Markovich, J. (2019). *2018 National Housing Conference*. Ottawa: Canada Mortgage and Housing Corporation.

Glossary*

Condo-conversion

Sometimes called Condoization, this is the process of converting an apartment building of rental units, which are leased by the occupants, into condominium units, which are owned, usually by different occupants. This often follows a mass eviction of tenants, and the redevelopment or upscaling of the housing units.

Demoviction

The practice of evicting tenants from a building so that it can be demolished, usually for redevelopment.

Eviction

In this research, “eviction” is understood as the process through which tenants are required to leave their home, under the demands of the owner of the unit of housing (the landlord), in either the private market or from social housing. Evictions are limited to tenant renters (and this excludes foreclosures on homeowners).

Eviction by Dereliction

Informal eviction resulting from landlord neglect of property. May be part of a deliberate strategy to force a tenant to leave.

Eviction Prevention

Refers to any strategy, service, program, or other measure designed to prevent evictions from occurring and keeping tenants in their home. For this research, eviction prevention is limited to strategies, services, or programs directed at keeping tenant renters housed. Eviction prevention measures may be directed at points early in the eviction cycle, but they are often designed to respond to an imminent eviction.

Formal eviction

An eviction enacted through a legal procedure. Legal evictions in Canada proceed through a provincial residential tenancy board or tribunal and include multiple steps, including notices to tenants culminating in an eviction order.

Homelessness

In Canada, definitions of homelessness have been developed by the Canadian Observatory on Homelessness (COH), housed at York University in Toronto. The COH defines homelessness under a range of housing circumstances as follows:

1. Unsheltered, or absolutely homeless and living on the streets or in places not intended for human habitation;
2. Emergency Sheltered, including those staying in overnight shelters for people who are homeless, as well as shelters for those impacted by family violence;
3. Provisionally Accommodated, referring to those whose accommodation is temporary or lacks security of tenure; and finally,
4. At Risk of Homelessness, referring to people who are not homeless, but whose current economic and/or housing situation is precarious or does not meet public health and safety standards. (Gaetz et al., 2012)

Hidden Homelessness

According to the Canadian Definition of Homelessness, the “hidden homeless” population falls under the category of “provisionally accommodated.” It refers specifically to people who live “temporarily with others but without guarantee of continued residency or immediate prospects for accessing permanent housing.” (Gaetz et al., 2012)

Informal eviction

An eviction that occurs outside of the legal process and is ‘negotiated’ between the landlord and tenant. Informal evictions are situations in which tenants abandon their housing or leave it ‘voluntarily’ before receiving a formal eviction order. Informal evictions occur following a range of actions, from a simple landlord request that a tenant vacate their unit to actions by a landlord that effectively force a tenant to leave. In this study, informal evictions also include instances in which housing expenses, particularly rent increases, exceed tenants’ budgets, effectively leading to their involuntary displacement.

Landlord

The owner of a property who rents a housing unit to a tenant. The term 'landlord' is often thought to connote an individual person. In many instances in this research, the owners of housing properties are larger companies—including both local rental companies and multi-national Real-Estate Investment Trusts (REITs).

Mass eviction

This is a situation in which multiple units in a building or an entire building, development, or community is evicted. This often occurs when significant renovations or redevelopment are being made to the property.

No-fault Eviction

Previous research on evictions defined an eviction due to actions by others than the tenant as “no-fault”, implying ‘no-fault of the tenant’. These included instances where landlords returned the use of the unit to themselves; or converted or renovated a unit resulting in the eviction. The current paper proposes a different typology of evictions.

Own-use eviction

Refers to the right of landlords to evict tenants to make use of the unit themselves. In some cases, own-use evictions have been used by landlords to circumvent rent controls by legally evicting tenants under ‘own-use’ regulations, and then proceeding to re-list the unit for rent at a higher rate.

Renoviction

This term refers to the eviction of tenants resulting from a renovation of their apartment or building. Renovictions generally occur legally within tenancy regulations and require notice and compensation to tenants.

Rent Bank

A rent bank is a financial tool used to prevent evictions and homelessness. A rent bank provides loans to low-income renters who are experiencing difficulty meeting their rent payments, typically because of a short-term financial crisis, and may be facing eviction. The loans are generally low- or no-interest and have flexible repayment terms.

Rent Gouging

The practice by landlords of charging unwarranted increases in rents, usually in a market of excess demand. Several strategies can be used including deliberate unit turnovers with rent increases at each turnover; and Above Guideline Increases to rents, often justified as being for major repairs or renovations.

Small-scale Landlord

Usually an individual person acting as a landlord (rather than a corporate entity), with a small holding of housing units. Sometimes the units rented are condominiums rented as short- or long-term rentals. Where market conditions are favourable, the number of these landlords has been increasing—if they are relatively new to the role, they are sometimes referred to as individual landlords.

*Source: Zell and McCullough 2020: iii-iv

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