



NAC HOUSING NEWSLETTER

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COMITÉ NATIONAL ACTION COMMITTEE ON THE STATUS OF WOMEN
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Sexual Harrassment and Assault in Housing - What to do About It?

This issue of the NAC Housing Newsletter focusses on the problems of sexual assault and harassment experienced by women in housing. While employment-based harassment and assault has been the subject of public consideration and scrutiny, there are few records of complaints and resolutions of complaints which are accommodation-based. The problems exist and women have begun to take action against landlords, superintendents and property managers who think they have a right to a woman's body just because they are providing her with a place to live.

What can be done to protect women against the come-ons of known assaulters and harassers in housing? Closing down rooming houses and apartment buildings is far from the solution; while it may prevent an assaulter from continuing his practice, it does nothing for the availability of housing, particularly for those living in the accommodation.

This article explores some solutions to sexual assault and harassment in housing. The solutions are the opinions of the author and are intended to stimulate discussion, suggestions and the development of a consensus among women about what might be done.

In the case of the woman who filed a complaint against a building superintendent (reported in this issue), the remedy being sought is that the superintendent be dismissed from his job and be prevented from being hired by the same landlord as a building superintendent anywhere else. That will help this woman as long as she stays where she is, but what will prevent the superintendent from working for another landlord and starting up his practice of harassment somewhere else? If superintendents were required to be licensed, they could have their licences removed for the crime of sexual harassment or assault and be prevented from holding tenants captive in their own homes again.

Licensing of superintendents should be required and licenses should be revoked from those found guilty of sexual assault or sexual harassment of tenants.

Not all harassers are employees of landlords. Many, particularly in the case of rooming houses or buildings where the landlord lives are the landlord himself. Again, removing the tenant from the accommodation or the accommodation from the market are not appropriate solutions. Removing the harassers and the assaulters from the accomodation is the only solution.

Peace bonds could be issued against offenders so that they must personally stay away from the rented property. Evict the guilty party, not the innocent. If landlords cannot keep up their rental properties while away from the premises, then the landlords could be forced to sell their income property to someone who can respect the rights of tenants. Precedent already exists in Ontario's Condominium Act which requires that condominium owners who do not pay their maintenance fees or who do not abide by the collective rules must sell their units. If this infringement can be imposed on those in their homes, then certainly it can be imposed on landlords of income properties.

Landlords (owners) found guilty of sexual harassment or sexual assault should be restrained from entering the rented property by peace bonds. Those who cannot keep up their property should be forced to sell it to someone who can.

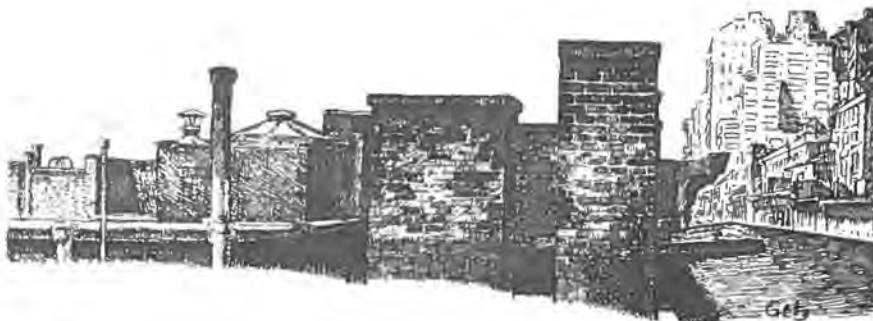
**Leslie Robinson
Metro Tenants Legal Services
Toronto**

Femmes locataire en liberté surveillée

Presqu' une femme locataire sur deux est victime de discrimination ou de harcèlement. Selon l'enquête menée (aupres de 297 femmes locataires) par le Comité Logement Rosemont, à Montréal en 1976, 40% des femmes ont vécu des situations de discrimination évidente et 47.8% ont subi des situations de harcèlement (dans 15% des cas, il s'agit de harcèlement sexuel). 68.4% des femmes locataires interviewées ont vécu une ou l'autre des situations. Ce pourcentage est de 86% dans le cas des femmes assistées sociales.

Les femmes les plus harcelées vivent généralement dans des logements qui ont besoin de réparations. 76.8% des auteurs-e-s du harcèlement sont les propriétaires ou leurs intermédiaires et 23.2% sont des voisin-e-s.

Le rapport de l'enquête est disponible au Comité Logement Rosemont, 5095 9me avenue, Montréal H1Y 2J3 (514)597-2581. Prix: \$10.





What the Minister said about Sexual Harassment

In February 1988 two members of the NAC Housing Committee met with Chaviva Hosek, Ontario's Minister of Housing (and former NAC President). We first informed Ms Hosek by letter that we wanted to raise the issue of sexual harassment in accommodation; the following excerpt is the Minister's response:

NAC: We're very concerned about the sexual harassment of tenants.

Hosek: This is the first I've heard of it, except for your letter.

NAC: Is there a way that you can step in to co-ordinate a response to this?

Hosek: Now that you've told me this is an issue, this is something that I will take up with Ian Scott (Ontario's Attorney-General). It doesn't matter whose Ministry it is; if this is going on, we have to figure out what to do about it. I'm going to need some evidence,

more than just your letter. Why don't you do that for me, and I will take it to the appropriate folks, and see what role we can play. The only issue is — and I can tell you this is a serious problem — in all law enforcement issues we are dependent on the people to whom things have happened being willing to come forward and say something. Give me some documentation, and let me talk to Ian Scott and a few other people and see what they can do.

It's clearly illegal activity, in the context of a situation of relative powerlessness. But it's not the powerless situation of employment, for example, or the family. I don't know what the answer is.

NAC: We're thinking along the lines of licensing.

Hosek: It wouldn't work. Think about it: you cannot certify somebody's character. You can do something to someone who steps out of line, but can you really get certification of character? Tell me what you think we should do, or think about doing, and I'll see.

Housing Issues for the Federal Election

The NAC Housing Committee has put forward four critical points as a focus for lobbying on housing during the federal election campaign. - Get your local candidates' response on these issues:

1. Housing is a Right:

Canada is a party to the UN Universal Declaration of Human Rights:

"Everyone has the right to a standard of living adequate for health and well-being...including food, clothing, housing and medical care and necessary social services...."

The federal government should:

- amend the Charter of Rights and Freedoms to entrench the right to housing;
- accept responsibility for the provision of sufficient numbers of good quality housing units, and fund non-profit housing programs where housing is in short supply;
- affirm the right of access to housing without discrimination on the basis of race, sex, sexual orientation, family composition, disability, level or source of income.

2. Funding for Non-Profit Housing:

The federal government should reverse its cutbacks in funding for non-profit housing, and the shift in responsibility for housing to the Provinces and to the private sector — an approach which has been shown not to work.

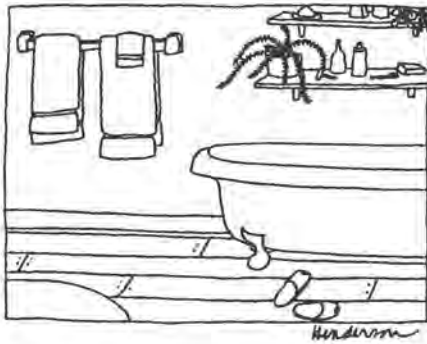


3. Land Banking:

Federally owned land should be integrated into a federal land banking system where it would be protected from speculative and inflationary cost increases, and provided at low cost for non-profit housing.

4. Development:

The federal government should expand its support for women's initiatives in housing and settlement projects in developing countries.



The Price is too High: Sexual Harassment in Housing

Sexual harassment is generally understood to comprise a range of behaviour, from unwanted glances and innuendo through to outright assault. Yet, in our work at METRAC (Metropolitan Action Committee on Public Violence Against Women and Children, Toronto), it is clear that this continuum of behaviours is supported by a set of social attitudes that regularly ignore, condone or tolerate the sexual violation of women. Working with sexual assault survivors and, particularly, with the criminal justice system, we encounter little recognition of the devastating effects on the victim of harassment and assault.

Sexual harassment has, within the last 15 years, finally been recognized and named in the human rights codes across Canada as a discriminatory practice in employment and in housing. Gradually we have seen labour and business implement policies to prevent sexual harassment in the workplace and to provide redress for the victim when it occurs. Educational institutions, too, are demonstrating, by slowly developing policies of their own, that they understand the seriousness of the problem.

Little work, however, has been done to prevent sexual harassment in the area of housing. The impact of such behaviour in housing situations, at first glance, may seem less severe. There is a sense that there is greater freedom in housing than in employment to remove oneself from an "impossible" situation. This is often illusory. When the harasser can affect situations ranging from the discomfort in one's own home through the hassle and expense of moving to outright homelessness in a tight rental market, his power is surely equal to any in an employment situation.

Any violation of one's private space, of one's refuge, can have extensive psychological consequences. When requests for sexual favours are attached to offers of rent reduction or threats of eviction, women are left feeling powerless and vulnerable. The toll is also considerable on the woman who is anxious or living in fear of a superintendent's unwanted intrusion as she takes a bath or undresses.

As with all kinds of sexual assault, women usually protect themselves by removing themselves, when they can, from the situation. In addition to the unfairness of having the victim of illegal actions suffer further in order to prevent reoccurrence, the implications of leaving a harasser in a situation where he has power over a vulnerable woman must also be recognized.

A public focus on this issue is necessary for change to occur. Some directions to pursue are already clear:

1. Data collection: Women's experience must be documented in order to describe exactly the range of

harassment we experience and the impact it has on us—from our own perspective. To work for change, it is important to be able to indicate the extent of the problem. Research on rental housing can easily be expanded to accommodate such questions.

2. Policy review: It is vital, in setting policy, that sanctions are imposed on the harassers and not on the victims. It is the woman who challenges the sexual harassment, like the woman who reports her assaulting partner, who often feels the punishing effects of homelessness.

3. Education: Brochures and educational programs on tenants' rights must explicitly address the issue of sexual harassment. Once again, knowledge is power. In Ontario, for example, it is the law that 24 hours notice must be given of a visit by a landlord or superintendent. With this information, women can often stop "social" visits from superintendents. Education is also necessary for those charged with enforcing policies against sexual harassment.

Pat Marshall
Executive Director, METRAC



Test Case in the Making

In early October 1987, a black woman asked the superintendent in her apartment building to help her to replace a broken light fixture. When the fixture had been replaced, the "super" pulled his penis out and said if she was grateful for his assistance she should "suck this." The woman refused and demanded he leave her apartment. He did not leave, and proceeded to verbally abuse her. The only way to get the harasser out was for the woman to leave her own place and to wait till he had gone. Gone, but with access at any time because the superintendent had a key. Gone for the moment, but living in the same premises.

Of course the story does not stop here. This woman has experienced constant threat and harassment since this incident. Her car tires have been flattened regularly, her apartment has been entered even after the lock was changed (the chain was cut because of a plumbing "emergency" twenty minutes before she arrived home from work), her apartment has been intentionally flooded by workmen sent by the building management, and a workman sent to do repairs left her toilet blocked, white plaster footprints in every room including the bedroom, and damage to a glass table.

"Why stay?" you ask; because this brave woman decided to fight, to stand up for her and every woman's right to freedom from sexual harassment. This is her home not the exploitative domain of the landlord or superintendent! The property management company involved in this case is a notorious outfit of callous profiteers who run the largest density housing project in Canada. There are many immigrant and refugee families, single mothers and their children, and low income people who live in the project. Historically, the management has sided against the people in any dispute. The upkeep and safety in the buildings is questionable at best. Threats and intimidation are common practices by management and superintendents.

This is the backdrop to a potentially historic case on sexual harassment in housing. The woman went to her tenant association and got linked up with other tenant activists. Legal representation was secured and a letter sent to the property management company regarding the sexual harassment and property damages. The response from the managers was absolutely dismissive of possible sexual harassment (thus condoning and covering up for the perpetrator) and focussed entirely on the woman's altering her lock in contravention of the Landlord and Tenant Act (thus condoning and covering up for the damages done to her property and person). The next stage in the battle for her rights brought the laying of a complaint of sexual harassment in accommodation at the Ontario Human Rights Commission. This case is currently in process. No other case of sexual harassment in accommodation has ever been brought to a Board of Inquiry in Ontario.

An informal security strategy is in place with women who live close by on call night or day. Another woman in the building has come forward to be a witness; she also experienced an assault from the superintendent in one of the buildings' elevators. Community awareness of this case is being developed and support is growing. The case will be made public after the investigative phase of the Human Rights Commission has begun. Despite this woman's courage and strength, her story illustrates the oppressive conditions many women must overcome in their daily struggle for safe, affordable and decent housing. The pervasive racism and sexual exploitation of tenants by landlords and their agents must be exposed and challenged by all of us.

For further information on this case contact Elizabeth Bateman, Centre for Equality Rights in Accommodation (416)599-9496 or toll free 1-800-263-1836; or Leslie Robinson, Metro Tenants Legal Services (416)926-9822.

Elizabeth Bateman
CERA
229 College Street #308
Toronto M5T 1R4



Prison or Safe Shelter? Housing and Violent Sexual Assault

In our role as counsellors and advocates for women who have experienced sexual attacks, we must frequently confront the problems that housing, and landlords, present to women attempting to deal with this crisis in their lives. Recently, housing has become more and more of a barricade in the way of women's recovery from a rape, rather than providing safe shelter from which she can hope to recover her sense of control and power over her own life.

A woman fleeing her common law husband who had raped and beaten her, sought residence in a rooming house in downtown Toronto. The landlord, noticing the bruises and cuts on the woman's face, insisted on knowing how she was injured. When he discovered it was the result of a sexual and physical attack, he demanded sexual favours from her in exchange for a "safe room." When she refused, he would not rent her the room.

A woman's apartment was broken into this spring and she was raped at knifepoint. She reported the incident to the police and told the landlord what (minor) repairs were needed to her window for her to live in minimum safety. Not only were the repairs not made, but the landlord is now harassing her by frequently showing her how vulnerable her apartment is; a large stone moved close to her basement window, for instance, indicating danger, or the building's outside light broken. She believes that the landlord is arranging these situations himself to frighten her and scare her away.

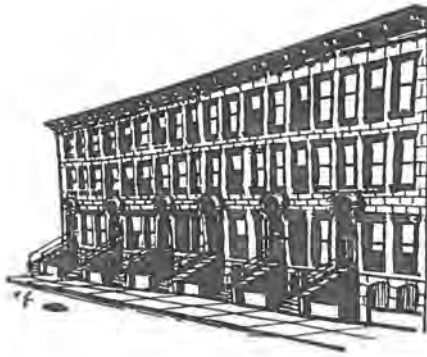
An apartment building landlord gave a male ex-resident a key to his old apartment where his ex-wife was still living. He did this with full knowledge that this man had assaulted his wife to the point of hospitalization, and the man did indeed proceed to rape and beat his ex-wife when he regained access to the apartment.

Women have repeatedly been evicted from buildings after a rape has occurred, either because of reports of "noise" from neighbours or through intimidation and harassment. A woman who has been raped, particularly one who has spoken out about it, is often targetted for additional abuse — is the crime here that of being an uppity woman who won't keep her mouth shut?

The good news is that women are organizing in their buildings, increasing awareness of safety issues and drawing the attention of landlords and owners to security weaknesses in the building. Women have organized "buddy teams" to escort each other after dark, and have demanded better lighting, parking spaces and other features.

Deb Parent
Toronto Rape Crisis Centre





Adult-only By-laws Go to Human Rights Commission

Lana Salmon is a Toronto woman who, with the help of several community and legal groups, has been fighting a precedent-setting case against adult-only housing policies. Ms. Salmon's efforts to purchase a condominium were thwarted when District Court Judge J.D. Hudson granted an injunction to the Condominium Corporation preventing the sale. The Corporation based its application on its corporate by-laws which prohibit anyone under the age of 16 from residing in any of its units.

In granting the injunction, Judge Hudson held that the by-law does not discriminate on the basis of family status as prohibited by the Ontario Human Rights Code, saying, "The discrimination is not against parent and child. If the child is 16 years of age or older, the child can occupy the unit with her or his parent or parents. The discrimination is [with] respect to age, not with respect to family status." The judge went on to say that the by-law is nevertheless valid because the Ontario Human Rights Code only protects people between 18 and 65 from age discrimination (section 9(1)(a)).

Now the Ontario Court of Appeal has dismissed Ms. Salmon's case on appeal and awarded costs against her. On June 6, a three-judge panel heard arguments in the case on appeal. Ms. Salmon had brought the appeal with assistance from Metro Tenants Legal Services and the Women's Legal Education and Action Fund (LEAF); she was represented by Charles Campbell.

The Court of Appeal dismissed the case on procedural grounds without considering the merits. Citing the fact that Ms. Salmon was not represented at the District Court hearing (her lawyer at the time did not appear for the hearing), the court held that the evidentiary record was inadequate to consider the questions before it. In particular, there was no evidence on the record to support the argument that adult-only rules have an adverse impact on women, and therefore violate section 15 of the Canadian Charter of Rights and Freedoms. The court further ruled that since Ms. Salmon had taken back her deposit, she had no remaining interest in the apartment and that therefore the issue was moot.

This last point regarding Ms. Salmon's lack of interest in the property is of particular concern since it creates a precedent that obliges any woman who wishes to challenge the rule to forego her deposit while pursuing the case. This imposes a financial burden which makes it impossible for most women to challenge adult-only housing policies.

The effect of an adult-only rule that prohibits the occupation of housing by persons under age 16 is to exclude parent and child from accommodation, effectively excluding them because of family status contrary to section 2(1) of the Ontario Human Rights Code. Because the majority of single-parent families are headed by women, such rules have a particularly harsh impact on women.

This case involves an extremely important legal precedent for women. At stake is one of the most important protections in the Code for low-income women, particularly single mothers, namely the ability to secure housing for themselves and their children without discrimination. Although the facts of Ms. Salmon's case involve the purchase of a condominium, the court's interpretation will apply to rental apartments as well.

Ms. Salmon has filed a complaint with the Ontario Human Rights Commission. That complaint has been joined with several others involving the same issue and hearings by a Board of Inquiry on the matter began on July 20. In Ontario, the Centre for Equality Rights in Accommodation (CERA) advocates on behalf of those who are discriminated against in housing matters. Other potential plaintiffs for another court challenge on this issue which was initiated by CERA can phone CERA at (416)599-9496 in Toronto, or 1-800-263-1836 long distance.

Susan Joanis
LEAF



Vient de paraître:

Un dossier à ouvrir: Actes du colloque Femmes et Logement, Montréal. Un portrait global de la situation des femmes locataires au Québec: pauvreté, discrimination, harcèlement, grande mobilité, accès limité au logement, insécurité, isolement, etc. Chèque ou mandat poste à l'ordre de:

Information-Ressources Femmes et Logement

1200 rue Laurier est, local 212

Montréal, Qué. H2J 1G9

(514)272-9304

Prix: \$12 + \$2.50 de frais postaux/exemplaire.



Tell us what's happening in your community—we need your input on women and housing issues across the nation for our next newsletter!

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The Fall 1988 issue of the NAC Housing Newsletter was prepared by Leslie Robinson, Sylvia Novac, Elizabeth Bateman, Pam Sayne, Judith Kjellberg. Submissions for the next issue are welcome before January 30th 1989.

If you have not already done so, let us know if you wish to receive future issues of the Newsletter—and let us know of other people and organizations who might wish to receive it.

☛ Due to the usual problem of inadequate funding, we are asking those of you who can to contribute—MOOLA! Make cheques payable to NAC (Housing Committee) and send to: Housing Committee, NAC, #505, 344 Bloor St. West, Toronto, Ontario M5S 1W9.

NAME _____

ADDRESS _____
