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Review Panel Hearing on the Lack of Accessible Housing in Canada

Written representations of the Federal Housing Advocate

Submitted June 5, 2026

Office of the Federal Housing Advocate, Canadian Human Rights Commission
344 Slater Street, 8th Floor, Ottawa, Ontario K1A 1E1

Toll Free: 1-888-214-1090 | **TTY:** 1-888-643-3304 | **Fax:** 613-996-9661 | https://www.chrc-ccdp.gc.ca/individuals/right-housing

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List of Abbreviations

ASC: Accessibility Standards Canada

CBHCC: Canadian Board for Harmonized Construction Codes

CLBC: Community Living BC

CMHC: Canada Mortgage and Housing Corporation

CRPD: Convention on the Rights of Persons with Disabilities

CSD: Canadian Survey on Disability

CTHCCP: Canadian Table for Harmonized Construction Codes Policy

HICC: Housing, Infrastructure and Communities Canada

ISC: Indigenous Services Canada

NHSA: National Housing Strategy Act

PiT: Point-in-Time

UN: United Nations

Introduction and executive summary

The Federal Housing Advocate (the Advocate) works to identify systemic issues related to housing and homelessness, particularly those affecting members of disadvantaged groups and people with lived experience. In doing so, the Advocate examines how federal laws, policies, and programs contribute to—or fail to address—barriers to adequate housing and provides findings and recommendations to the federal government. The Advocate also monitors the federal government's implementation of the right to adequate housing and its efforts to improve housing outcomes in Canada. Since her appointment in 2022, the Advocate has heard consistently from the disability community that there is a crisis of accessible housing in Canada that requires immediate federal attention. In response, the Advocate exercised her authority under the National Housing Strategy Act to request that the National Housing Council establish a review panel to examine systemic barriers related to accessible housing, which was established in 2025.[1] This report provides the Advocate's submissions and recommendations to the review panel, which are based on a review of federal action and inaction related to accessible housing as well as on relevant human rights law and consultations with members of the disability community.[2]

The federal government developed Canada's first national housing policy in the 1940s to address a crisis in housing supply and quality.[3] Even though many of the Canadian soldiers who fought in World War II were returning with disabilities caused by war injuries, the federal government did not make a connection between its new housing policy and the needs of these soldiers.[4]

Forty years later, in 1981, the federal government published Canada's first national report on disability, which was the result of a broad consultation with the disability community and contained over 100 recommendations for federal action, including in the area of housing.[5] The submissions from the disability community and the resulting recommendations on accessible housing in the 1981 report are nearly identical to what the Advocate heard from the disability community in 2025. One way to look at this repetition is as validation of what the Advocate has heard from the disability community. But the more obvious and disappointing realization is that

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[1] *National Housing Strategy Act*, S.C. 2019, c. 29, s. 313 (Can.).

[2] Note on language: This report refers to "people with disabilities" or "the disability community" even though not everyone who needs accessible housing identifies themselves as a person with a disability. For example, an older adult who starts to use a mobility aid such as a walker may not view themselves as having a disability, while a younger adult who uses the same mobility device might describe themself as a person with a disability. For clarity, this report will use the language of disability to include people of all ages who need accessible housing, whether they identify with the descriptor of "disability" or not.

[3] Stephanie Chipeur, "Inaccessibility and the Law of the Built Environment: Understanding People with Disabilities as Members of the Public" (Doctoral thesis, McGill University, 2021), 60-62, 64, https://escholarship.mcgill.ca/concern/theses/pk02cg61n.

[4] *Ibid.,* 62-63, 71-72.

[5] Special Committee on the Disabled and the Handicapped, *Obstacles: Report of the Special Committee on the Disabled and the Handicapped,* (Minister of Supply and Services Canada, 1981).

we have ignored the expertise of the disability community on their own housing needs for the past 45, if not 85, years. When the federal government fails to act on its own recommendations after consulting with the disability community, it is not only wasting their time, but also sending a message that "nothing about us without us" is only a requirement to listen, not to act.[6]

The Advocate calls on the Government of Canada to treat the principle of "nothing about us without us" as both a duty to listen and a duty to act. The Advocate's recommendations in this report support this duty of action by narrowly addressing matters within federal jurisdiction that can result in immediate gains for the disability community and for people without disabilities too, since we all have the potential to experience disability, whether randomly or through the process of aging.

This report puts the present crisis of accessible housing into context by describing the federal government's role in housing policy and its decades spent ignoring the housing needs of the disability community. We must act now to ensure that the federal government's current housing policy does not repeat the mistakes of the 1940s and 1980s.

Part 1: Understanding the systemic issues by consulting the disability community

Since commencing her role in 2022, the Advocate has met people with disabilities across Canada and listened to their experiences with inaccessible housing.[7] The Advocate has also received dozens of written submissions from people with lived experience of disability and from organizations representing people with disabilities. The consensus of the disability community is that there is a critical shortage of accessible housing, leading to severe, negative consequences in the lives of people with disabilities, their families, and their communities. At worst, people with disabilities face institutionalization, homelessness, or death because they do not have adequate housing. We also heard about other negative outcomes, including poor hygiene and self-care, chronic pain, fatigue, social isolation, reduced self-worth, strained relationships, and anxiety around potential institutionalization.[8] People with disabilities

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[6] For an introduction to the history of the concept of "nothing about us without us" in the Canadian disability movement, see April D'Aubin, "'Nothing About Us Without Us': CCD's Struggle for the Recognition of a Human Rights Approach to Disability Issues," in *In Pursuit of Equal Participation: Canada and Disability at Home and Abroad,* eds. Henry Enns and Aldred H. Neufeldt (Captus Press, 2003).

[7] Including the National Monitoring Mechanism Learning Circle: Canadian Human Rights Commission [CHRC], *What we learned: Housing for people with disabilities* (2024), 2, https://www.chrc-ccdp.gc.ca/sites/default/files/documents/what-we-learned-about-housing-for-people-with-disabilities_0.pdf; CHRC and The Office of the Federal Housing Advocate [OFHA], *Monitoring the right to adequate housing for people with disabilities: Summary of outcome indicator results* (2025), 12, https://www.chrc-ccdp.gc.ca/sites/default/files/documents/national-monitoring-mechanism-summary-outcome-findings-report-october-2025.pdf.

[8] These experiences are all well documented in academic scholarship, including: Kirstin E. Yuzwa et al., "Social and attitudinal barriers to the provision of accessible housing in Canada: A qualitative study," *Disability and Health Journal* 19, no. 1 (2026): 101966, https://doi.org/10.1016/j.dhjo.2025.101966; Sander L. Hitzig et al., "Identifying

continue to ask for federal leadership on accessible housing, and specifically, minimum standards of accessibility for all types of housing in the National Building Code.[9]

Part 2: Federal (in)action on accessible housing

If Canada is going to meet the challenge of ensuring adequate housing for people with disabilities, we must acknowledge how we have failed to meet this challenge in the past. Federal housing policy in the 1940s, including the first National Building Code, did not address the needs of the disability community at all. In the 1980s, as the federal government began to seek input on the barriers experienced by people with disabilities, it also identified opportunities for federal leadership. One of the recommendations in the resulting federal reports on disability was to include accessible housing standards in the National Building Code.[10] This never happened. Forty-five years later, there are a few standards related to accessible housing in the 2025 edition of the National Building Code.[11] Canada owes it to the disability community to be much more ambitious in the next edition of the National Building Code. They have been waiting long enough.

Part 3: The right to adequate housing in international law

For the first time in federal housing policy, the National Housing Strategy Act (NHSA) established the right to adequate housing in Canada.[12] The NHSA explicitly refers to international law, including the International Covenant on Economic, Social and Cultural Rights, to define the term "adequate housing."[13] In order to understand adequate housing for persons with disabilities, we must also look at other United Nations (UN) legal instruments: the Convention on the Rights of Persons with Disabilities (CRPD), the Declaration on the Rights of Indigenous Peoples, and the Convention on the Rights of the Child.[14] While the needs of the

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priorities and developing collaborative action plans to improve accessible housing practice, policy, and research in Canada," *PLoS One* 20, no. 2 (2024): e0318458, https://doi.org/10.1371/journal.pone.0318458.

[9] *Supra* note 7, CHRC, 9-10.

[10] *Supra* note 3, 72-74; Standing Committee on Human Rights and the Status of Disabled Persons, *A Consensus for Action: The Economic Integration of Disabled Persons*, (House of Commons of Canada, 1990), 19, https://parl.canadiana.ca/view/oop.com_HOC_3402_56_5/1.

[11] Canadian Board for Harmonized Construction Codes [CBHCC], *National Building Code of Canada 2025: Volume 1* (National Research Council of Canada, 2025), 3-175 – 3-192, https://nrc-publications.canada.ca/eng/view/ft/?id=adf1ad94-7ea8-4b08-a19f-653ebb7f45f6.

[12] *Supra* note 1, s. 4(a).

[13] *Supra* note 1., s. 4(d).

[14] G.A. Res. 61/106, Convention on the Rights of Persons with Disabilities, A/RES/61/106 (Dec. 12, 2006), https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities; G.A. Res. 61/295, United Nations Declaration on the Rights of Indigenous Peoples, A/RES/61/295 (Sep. 13, 2007), https://docs.un.org/en/A/RES/61/295; G.A. Res. 44/25, Convention on the Rights of the Child, A/RES/44/25 (Nov. 20, 1989), https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.

disability community are diverse, the threat of separation from one's family, institutionalization, or homelessness is a human rights violation that people with disabilities continue to experience in Canada today.

Recommendations

The Advocate proposes the following recommendations for the consideration of the review panel in formulating its recommendations to the Minister of Housing and Infrastructure.

A. Actions within exclusive federal jurisdiction to be taken immediately:
    1. Require all housing funding from the federal government (including Build Canada Homes and the Canada Mortgage and Housing Corporation) to comply with rights-based accessibility requirements developed by Accessibility Standards Canada, including CAN-ASC-2.8:2025 (Accessible-Ready Housing).
    2. Reinstate Jordan's Principle and Inuit Child First Initiative funding for the purchase, construction, and structural renovations of homes to accommodate the needs of Indigenous children with disabilities.

B. Actions requiring federal leadership to be taken immediately:
    1. Establish a voting seat on the Canadian Board for Harmonized Construction Codes for a representative from Accessibility Standards Canada.
    2. Incorporate the Accessibility Standards Canada Standard CAN-ASC-2.8:2025 (Accessible-Ready Housing) into the 2030 *National Building Code*.

C. Actions requiring federal research to be taken immediately:
    1. Review all current and past Jordan's Principle and Inuit Child First Initiative funding requests to determine and publish a report on the most common problems with housing for First Nations and Inuit children.
    2. Include people with disabilities who live in institutions or who are experiencing homelessness in the federal long-form census and the Canadian Survey on Disability.

Part 1: Understanding the systemic issues by consulting the disability community

In 2025, the federal government began a transformational agenda to increase home building in Canada, which included the creation of a new federal agency, Build Canada Homes. This is a critical moment for the disability community. The first time the federal government initiated a national program to increase the amount and quality of housing was in the 1940s, and there was no consideration for the disability community. At that time, there was some federal programming to support injured war veterans, but otherwise, disability was considered a private problem for families or charities.[15] People with disabilities had no choice but to adapt to unsafe housing conditions or to live in institutions.

Today, the federal government's housing policy must address the needs of the disability community because, since the 1970s, Canada's domestic human rights laws prohibit discrimination on the basis of disability.[16] This means that the federal government should avoid repeating its mistake of the 1940s when it prioritized only the housing needs of those without disabilities.

The federal government has committed to accelerating the construction of nearly 40,000 new, accessible housing units under the current National Housing Strategy, but this represents only a small fraction of its total homebuilding commitment.[17] The federal government can, should, and must do more. The housing crisis facing the disability community is not just a matter of housing shortages or affordability, which everyone in Canada is experiencing.[18] Single-family homes have always been exempt from any accessibility standards throughout Canada because the provinces and territories have followed the practice of the federal government, who makes this exception in the National Building Code.[19] Multi-family residential units, like apartment and condominium buildings, have some accessibility requirements (which vary based on the province or territory), but an estimated 49% of our existing housing stock predates 1980, when even multi-residential buildings were not subject to any accessibility standards.[20]

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[15] *Supra* note 3, 71-72; Ian Campbell, "Progress of Rehabilitation in Canada," *Canadian Journal of Public Health* 48, no. 2 (1957): 58.

[16] *Supra* note 3, 20.

[17] Housing, Infrastructure and Communities Canada [HICC], *Progress on the National Housing Strategy: September 2025* (Government of Canada, 2025), 2-4, https://housing-infrastructure.canada.ca/alt-format/pdf/housing-logement/ptch-csd/prog-nhs-sept-2025-sept-snl-en.pdf.

[18] Niko Block, "The numbers don't lie: The housing crisis is not caused by a supply shortage," *Canadian Centre for Policy Alternatives,* February 3, 2026, https://www.policyalternatives.ca/news-research/the-numbers-dont-lie-the-housing-crisis-is-not-caused-by-a-supply-shortage/.

[19] *Supra* note 3, 88.

[20] Canadian Commission on Building and Fire Codes, *Final Report - Alterations to Existing Buildings: Joint CCBFC/PTPACC Task Group on Alterations to Existing Buildings* (National Research Council of Canada, 2020), https://nrc.canada.ca/sites/default/files/2020-

Overall, 27% of Canadians, or around 8 million people, have a disability; this rate has increased by almost one quarter over the last five years[21] and is expected to grow as the population ages.[22] An aging population with an increased life expectancy faces increased risks of chronic diseases and health conditions requiring specialized, at-home care.[23] This shows the immediate and long-term importance of centring people with disabilities in housing legislation and policy to ensure the equitable realization of the right to adequate housing. People with disabilities are also more likely to live in poverty because of, among other factors, discrimination in education and employment. This means that their housing options may be further limited to a small supply of subsidized housing units, which are even less accessible.[24]

The Advocate has worked with the Canadian Human Rights Commission to monitor the right to adequate housing for people with disabilities in Canada using publicly available data in order to understand the problem of inaccessible housing. This research has found that people with disabilities are almost twice as likely to live in core housing need and almost four times as likely to experience homelessness than people without disabilities.[25] Adults aged 65 years and older also have greater rates of core housing need than the average of the general population.[26] These older adults are likely to face multiple difficulties with activities of daily living and living alone, and the number of people with disabilities who have unmet needs for physical aids or support services at home is increasing.[27]

07/final_report_alterations_to_existing_buildings_joint_CCBFC_PTPACC_task.pdf; Yuzwa et al., "Social and attitudinal barriers", 4.

[21] "Canadian Survey on Disability, 2017 to 2022", Statistics Canada, effective December 1, 2023, https://www150.statcan.gc.ca/n1/daily-quotidien/231201/dq231201b-eng.htm.

[22] Employment and Social Development Canada, *Accessible Canada – Creating new federal accessibility legislation: What we learned from Canadians* (Government of Canada, 2017), 6, https://www.canada.ca/content/dam/esdc-edsc/documents/programs/accessible-canada/reports/naaw-2017-eng.pdf.

[23] Morika K. DeAngelis et al., *Housing supply needs and challenges for a diverse seniors population in Canada* (Federal, Provincial and Territorial Forum of Ministers Responsible for Seniors, 2025), 5, https://www.canada.ca/content/dam/esdc-edsc/documents/corporate/seniors-forum-federal-provincial-territorial/reports-publications/housing-diverse-seniors/Supportive-Housing-Project-EN.pdf.

[24] Luke Reid, *Issues for persons with disabilities: Security of Tenure in Canada* (OFHA, 2022), 25, https://homelesshub.ca/sites/default/files/attachments/Reid-issues_for_persons_with_disabilities-security_of_tenure.pdf; CHRC and OFHA, *Monitoring the right to adequate housing for people with disabilities,* 3, 7.

[25] *Supra* note 7, CHRC and OFHA, 3, 7.

[26] *Supra* note 23, 5-6.

[27] *Supra* note 24, 4.

The Advocate has also conducted reviews of Inuit housing conditions in Nunavut and Nunatsiavut,[28] Métis housing conditions in Saskatchewan,[29] and encampments across Canada.[30] In each of these reviews, the lack of accessible housing was identified as a key barrier to dignity and safety, a driver of family separation, and a causal factor in homelessness.

Between May 2022 and December 2025, the Advocate received 73 individual and 4 organizational submissions describing the lived experience of inaccessible housing. These submissions have been foundational to the Advocate's consideration of this issue. By including their words in this report, the Advocate hopes to demonstrate the respect and gratitude she has for the members of the disability community who volunteered their time to prepare their submissions.

The submissions are from individuals with diverse backgrounds, including individuals who identified as women (45) and non-binary or agender (5). Twelve submissions came from Indigenous people (2 of whom were Two-Spirit), and 17 from seniors aged 60 or older. The majority identified as people with disabilities, which included chronic pain (41), mobility limitations (39), intellectual or developmental disabilities (18), and sensory disabilities (hearing [13] and vision [14]).

Within the individual submissions, most of the respondents lived in homes that did not meet their accessibility needs and reported negative impacts on their physical health (60%) and mental health (58%). Fifteen percent of respondents were houseless at the time of submission, while a further 12% were experiencing hidden homelessness, which means they were living with someone else temporarily and had no place of their own. Nearly half of the respondents had experienced eviction or felt forced to move because of their needs as a person with a disability. Just over half of respondents stated that, in the previous 12 months, it was "very difficult" for their household to afford housing, food, and other necessary expenses.

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[28] The Advocate travelled to Nunavut and to Nunatsiavut, the traditional territory of the Labrador Inuit, and heard about the severe lack of accessible housing for Elders and people with disabilities. For many, this means they are forced to leave their communities because of lack of adequate housing. The distance and cost of travel prevent family members from being able to visit them and maintain ties.

[29] The Métis Nation–Saskatchewan (MN-S) invited the Advocate to conduct a systemic review of the housing and homelessness conditions experienced by the Métis in their homeland. The Advocate found high housing need, barely habitable houses, and significant barriers to accessing funding for renovations. With limited alternative housing, families end up staying in housing in need of maintenance and capital repairs while they try to address these issues. At the same time, remote communities do not apply formal building standards, permitting, or inspection processes to ensure that renovation work is completed safely and correctly. These gaps in regulation and enforcement are major contributors to sub-par renovation work in remote communities.

[30] See here for reports resulting from this review: https://homelesshub.ca/book/office-of-the-federal-housing-advocate/encampments-across-canada-a-human-rights-approach/

The 73 individuals who provided submissions to the Advocate do not represent the entirety of Canada's disability community. However, their experiences mirror what we have already seen in previous reports by the Advocate, in academic scholarship, and in publicly available data.[31]

Systemic barriers to housing for people with disabilities

Several themes arose from the individual submissions. Many felt "trapped" or isolated due to accessibility barriers in their homes, as these barriers prevented individuals from carrying out activities of daily living, like bathing, and living independently overall.

> "This is the absolute best-case scenario I've ever lived in—an inaccessible place where I have to keep my food in a different room than where I cook it, and I can only partially access the bathroom… The bathroom is so tiny that I can't actually use it without pain—I rarely shower." (Submission 330)

Respondents cited systemic failures that exacerbated their living situations. Individuals and organizations cited the inadequacy of building codes for enforcing an adequate minimum standard for accessibility across Canada. Several respondents also expressed their frustration at the government's inaction, despite Canada's ratification of the UN Convention on the Rights of Persons with Disabilities.

> "Finding housing that is accessible is impossible. It doesn't matter how much money you have, nothing is being built that doesn't exclude persons with disabilities… Brand new condos that we built without ramps… Why do we have building codes that violate provincial, federal, and territorial human rights acts?" (Submission 342)

> "What is the point of signing onto the UN Convention on the Rights of Persons with Disabilities when we don't matter to the government? And it's true. You can see it in their actions every day. We don't matter." (Submission 407)

Systemic barriers also exist in the types of housing that people with disabilities can currently access, since eligibility criteria do not reflect the diversity of disability.

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[31] *Supra* notes 7 and 8. CHRC, *Federal Housing Advocate's Observational Report: Inuit Housing* (CHRC, 2022), https://www.chrc-ccdp.gc.ca/sites/default/files/documents/observational-report-inuit-housing-112723_0.pdf; OFHA, *Claiming the right to housing: The Federal Housing Advocate's review of Métis housing conditions, in partnership with the government of Métis Nation – Saskatchewan* (OFHA, 2024), https://publications.gc.ca/collections/collection_2024/ccdp-chrc/HR34-2-2024-eng.pdf; OFHA, *Upholding dignity and human rights: the Federal Housing Advocate's review of homeless encampments – Interim report* (OFHA, 2023), https://publications.gc.ca/collections/collection_2023/ccdp-chrc/HR34-19-1-2023-eng.pdf; OFHA, *Upholding dignity and human rights: the Federal Housing Advocate's review of homeless encampments – Final report* (OFHA, 2024), https://www.chrc-ccdp.gc.ca/sites/default/files/documents/final-report-federal-housing-advocate-s-review-of-encampments_0.pdf.

> "Manitoba only sees two kinds of disability, if you are in a wheelchair or if you are intellectually/developmentally disabled. I was born with all my disabilities, half blind, muscle condition that is akin to [multiple sclerosis], my foot was in the back of me, had to have an operation to get my foot in front but because of that my foot is crooked forever, my hips and spine are crooked and causing me a lot of problems as I get older, but yet I do not qualify for good, safe, affordable housing." (Submission 258)

People with disabilities also encounter barriers when attempting to adapt and renovate their existing housing to meet their accessibility needs.

> "The funding to improve accessibility in a home in Nova Scotia only starts after you've lived in it for a year." (Submission 342)

> "PEI Accessibility funds home modifications for chairlifts for homeowners only, not for tenants." (Submission 3997)

> "I went through the home adaptation provincial subsidy program. It was a nightmare… Nobody listens to the person who actually use[s] the space. Arbitrary, rigid constraints and program parameters are cited reasons for imposing cookie-cutter solutions at the cheapest possible rate… As someone with a chronic illness, pain, and significant disability, it was exhausting, stressful, overwhelming, traumatizing, and ultimately futile." (Submission 312)

Affordability and discrimination

Many submissions described how accessible housing is too expensive for people relying on social assistance.

> "I am disabled and live off of the BC provincial disability benefit, which provides me with $375 for shelter when my actual shelter costs are $1000 plus utilities." (Submission 165)

> "The Native Urban Housing Benefit doesn't have enough funds to be able to help with my housing costs." (Submission 352)

Furthermore, 58% of the submissions described experiences of discrimination, leading to stress and anxiety when looking for housing (37%) and in their current place of residence (33%). Half of the submissions reported discrimination due to disability, notably related to accessibility requirements, the use of support workers, or the use of service animals. One quarter of the submissions included incidents of discrimination leading to the loss of housing.

> "We discussed the front door entry system with [prospective landlord] which was by key lock entry and which would be difficult for me… He asked my advocate if I was legally blind… The next morning, my advocate received an

> email from him explaining that I 'had been unpleasant' and that he wanted me moved out by 7:00 PM that evening… saying I had broken things and soiled the bed… My advocate went above and beyond to help me but I just ended up in another shelter." (Submission 1208)

Forty per cent of the submissions described experiences of discrimination based on source of income, particularly against those on disability benefits or other social assistance. This discrimination was also tied to system silos and ineligibility for other supports and services.

> "Every time I apply for a rental, when I mention CPP [Canadian Pension Plan] disability and ODSP [Ontario Disability Benefit], they turn me down… [it's] not my fault that my health crashed and [I'm] no longer able to work." (Submission 345)

> "When a mortgage is lower than rental rates and you have a guaranteed income and an asset worth twice the amount of what is being purchased, the mortgage should have been given. But the bank TD and Desjardin [Insurance] people refused because of myself being on ODSP and my mother being on old age pension." (Submission 405)

> "I am unable to apply for a rent supplement because I am on a disability subsidy." (Submission 736)

> "Currently BC Housing gives subsidies for seniors and others at risk but will not give subsidies for people with intellectual disabilities. Their position is that people with intellectual disabilities are under Community Living BC (CLBC) jurisdiction, but CLBC does not fund housing. This is clearly discriminatory." (Submission 1102)

Supports and services

Approximately 60% of the authors of individual submissions reported that they lived alone. However, a central theme was unmet needs for supports and services to allow them to live independently.

> "I do not have supports to look after myself in my home and have had to use a house cleaner, which I cannot afford on AISH [Alberta's disability support program]. Grocery stores are not accessible to me, and there is a lack of good transportation for people with disabilities to get to an affordable grocery store." (Submission 561)

Organizational submissions described the unique circumstances of children with disabilities who require housing near a children's hospital or other health-care facility. Family size, low income, and other intersecting barriers exacerbate challenges with finding adequate housing,

and shelters are often at capacity and unable to accommodate large families that include children with disabilities.

> "Many of our families are forced into poverty and financial instability due to the extraordinary costs associated with disability and the barriers to employment we face due to our children's 24/7 care needs."
> (Submission 151: MC Complex Kids)

Individuals requiring accessible housing may be forced to separate from their families to access suitable, often one bedroom, accommodations, as families cannot collectively apply for affordable, accessible housing. Therefore, systems for housing people with disabilities neglect the sociocultural importance of family support and caregiving.

> "A systemic issue we have identified is that people who need accessible housing are forced to separate from their family to access this. Accessible housing is only available for people willing to live on their own [in] 1 bedroom [units]. We find this is discriminatory against families and question if separating someone from their family caregivers is appropriate and cost effective. This seems to be especially true for newcomer families, who are culturally more likely to do everything they can to stay together, and separation is the worst-case scenario for them." (Submission 749: Alberta Health Services)

Loss of housing and dignity

The systemic barriers and discrimination that people relying on accessible housing face contribute to compromised safety, inappropriate housing, and homelessness.

Respondents seeking to improve the habitability of their homes faced unresponsive landlords and threats of eviction, forcing individuals to choose between remaining in unsafe living environments or moving.

> "The basement apartment I am renting does not have working locks on the door, the furnace broke in December 2021, it has not been repaired… and I was snowed in several times over the winter because the exit ways were not cleared of snow. Anytime I complain, we are reminded that the rent is cheap because these things are [not] done, and if we want them done we will be evicted." (Submission 165)

> "[I] requested several times for a strobe light to be connected to the fire and smoke alarm, but no work order or follow-up ever happens. This made me eventually fearful for my life in an old housing unit with my bedroom on the second floor, so I moved." (Submission 358)

Due to unsafe conditions, individuals consider moving into institutions, even if inappropriate for their needs. Some see the medical assistance in dying program as a preferable alternative to institutionalization or homelessness.

> "I have asked Calgary Housing for a ramp to get into my building, they say they cannot afford it in their budget. Their solution to live more independently is to move again instead of working on solutions where I currently live and where I have some form of community." (Submission 561)

> "I fear homelessness monthly, and I feel like my life is being deteriorated and will be cut short because of lack of accessibility and funds. My mental health has suffered greatly to the point where I have panic attacks routinely. The state of long-term care in Canada scares the life out of me, I would likely consider medical assistance in dying before entering any long-term care facility." (Submission 165)

Several years-long waitlists for affordable and accessible housing, combined with the limited housing options that people with disabilities and older adults face, further increase their risk of homelessness.

> "Subsidized housing and accessible housing have waitlists that are 10 years long." (Submission 322)

> "I'm in my late fifties and I'd be dead of old age before I'm offered a place." (Submission 254)

The crisis of accessible housing is more than just something the Advocate and her team read and heard about from others. One of the authors supporting the Advocate in writing this report is a wheelchair user who spent a year of her life with no way to independently get in and out of her own home. Because of the interaction of laws and policies at all levels of government, she was not allowed to change the small set of stairs at the doorstep of her ground-floor apartment into a ramp. This meant that every single time she wanted to go in and out of her home, a family member, friend, or paid caregiver would set up a long 50-pound ramp over top of the stairs at her doorway.

Submissions to the Advocate bring to light the human rights impacts of the lack of affordable housing, and they point to the systemic barriers that perpetuate this issue. The lived expertise reflected here is a powerful reminder of the importance of meaningful and effective participation of people with lived experience in the development, implementation, monitoring and evaluation of housing policies and programs.

Part 2: Federal (in)action on accessible housing

Canada created the crisis of housing for people with disabilities because governments did not imagine that people with disabilities would live in homes independently, with their families or caregivers. Instead, they segregated people with disabilities into institutions—whether the gruesome places for children labelled as having disabilities, like the Huronia Regional Centre, which closed in the early 2000s, or the modern continuing care facilities we still use for those aging into disability.[32]

During and immediately after World War II, the Government of Canada took a leadership role in addressing a housing crisis with new legislation, the National Housing Act (1938), and nationwide programs, all aimed at increasing the amount and safety of housing.[33] The two most consequential and long-lasting federal housing initiatives were Canada's first model building standards in the National Building Code (1941) and a new federal agency to administer federal housing policy, the Canada Mortgage and Housing Corporation (1946).[34] Both initiatives neglected the housing needs of people with disabilities.

The way people with disabilities were ignored in the past is often excused on the basis that it was simply a different time. However, the federal government did prioritize the veterans who acquired disabilities during both World Wars with policies to provide them with income, train them to live with their disabilities, and support them for reentering the workforce.[35] The failure of imagination in the 1940s was that the federal government did not connect efforts to make housing plentiful and safe with the needs of these veterans. So instead, veterans returning with disabling injuries who could adapt to living in a typical home would be able to live with their family in their communities, and those who could not adapt would most likely live in an institutional setting.

Even the building standards in the 1941 National Building Code illustrate the connection between people with disabilities and institutional life. The only mention of disability was in the section on emergency evacuation, requiring the floors of institutional buildings intended for occupancy by "bedridden patients" to have a step-free exit and wider doorframes.[36]

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[32] Patricia Seth, Marie Slark, et al., "Survivors and Sisters Talk About the Huronia Class Action Lawsuit, Control, and the Kind of Support We Want," *Journal on Developmental Disabilities* 21, no. 2 (2015): 60; https://oadd.org/wp-content/uploads/2015/01/41021_JoDD_21-2_v23f_60-68_Seth_et_al.pdf; Kimberlee Collins et al., "… what they wanted were HOMES," *Canadian Journal of Disability Studies* 9, no.3 (2020).

[33] *Supra* note 3.

[34] *Supra* note 3, 65.

[35] Department of Soldiers' Civil Re-establishment, *Report of the work of the Invalided Soldiers' Commission* (Government of Canada, 1918); Mary Tremblay, "Going Back to Main Street: The Development and Impact of Casualty Rehabilitation for Veterans with Disabilities, 1945–1948," in *Veterans Charter and Post-World War II Canada,* ed. Peter Neary and J. L. Granatstein (McGill-Queen's University Press, 1998), 161.

[36] National Research Council of Canada, *National Building Code of Canada* (1941).

Today, Canada is in a new era of federal leadership to address another national housing crisis. The federal government has passed the National Housing Strategy Act (2019) and created a new federal agency, Build Canada Homes (2025), to focus on building non-market housing.[37] For the first time in Canadian history, the federal government recognizes the right to adequate housing, which entails prioritizing vulnerable people and those with the greatest housing need.[38] When comparing the federal housing policy of 2026 with that of the 1940s, it is clearly much more promising for the disability community. The National Housing Strategy Act recognizes adequate housing as a human right and commits Canada to prioritizing those with the greatest need for housing, while the federal government wants to be directly involved in building non-market housing. But Canada must be vigilant to avoid repeating the mistakes made in the housing policy of the 1940s and ignoring people with disabilities once again. The Advocate requested this review panel to send a strong signal to the federal government and all Canadians that we cannot let another period of significant home construction go by without changing how we build, so that we build homes that are safe and affordable for people with disabilities.

Over the past nearly 90 years of housing policy, the federal government has acquired many tools it can use to implement its priorities. It directly facilitates the periodic development of model building codes for the provinces and territories (the National Building Code), directly provides financial support to people with disabilities (through Jordan's Principle, the Home Accessibility Tax Credit, and the Canada Disability Benefit), finances research across federal departments and entities (the Canada Mortgage and Housing Corporation [CMHC]; Housing, Infrastructure and Communities Canada; the National Research Council; Statistics Canada; and Accessibility Standards Canada), has committed to being barrier-free by 2040 (through the Accessible Canada Act), and, most recently, will directly build and finance housing through Build Canada Homes.

In Canada, provincial and territorial building codes are the primary legislative tools for setting the minimum standards of accessibility for the built environment. This type of regulation is within provincial and territorial jurisdiction, but since the 1940s, throughout the country, these codes have always been based on the federal government's successive editions of the National Building Code, with some local variations.[39] Some standards for accessibility in public spaces began to appear in the main text of the National Building Code in the late 1970s and 1980s, and these standards were gradually adopted by the provinces and territories over the subsequent decades.[40] These minimum standards of accessibility focused primarily on the needs of

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[37] "Canada's Housing Plan: Programs and initiatives," HICC, Government of Canada, modified November 12, 2025, https://housing-infrastructure.canada.ca/housing-logement/progs-initiatives/index-eng.html.

[38] *Supra* note 1, s. 4(a), 5(c), 5(d), and 13(a).

[39] Reid, *Issues for persons with disabilities: Security of Tenure in Canada*, 8-9.

[40] *Supra* note 3, 81-83.

wheelchair users, with only a few standards related to those with hearing or visual impairments.[41]

The provinces and territories vary quite drastically in how broadly they require accessibility in different types or sizes of building.[42] The most consistent exceptions to accessibility standards across the country, based on the federal government's National Building Code, are the vast exceptions for housing. Even the most recent edition of the National Building Code, which introduced some changes, still treats accessibility as optional for most housing, including detached houses, semi-detached houses, duplexes, triplexes, townhouses, row houses, and boarding houses.[43] This means decades and decades of building homes without minimum legal requirements to make housing safe and useable for people with disabilities.

In 1980, the House of Commons Special Committee on the Disabled and the Handicapped began holding hearings across Canada to listen to the experiences of the disability community. In addition to the 23 regional hearings, the Special Committee received over 600 written submissions from individuals and organizations. In 1981, the Special Committee published Obstacles, a report describing its consultations with the disability community and containing 130 recommendations for federal government action to remove barriers in their lives. On the topic of housing, the Special Committee heard that "the majority of Canada's disabled citizens continue to live in communities in which housing, unless specifically remodeled, does not allow for independent living."[44] The recommendations to increase accessible housing included requiring the CMHC to draft new accessible housing standards for the National Building Code.[45] The committee also recommended that: 1) the CMHC ought to provide support and financing to groups of people with disabilities who were developing housing projects; and 2) the federal

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[41] Accessible housing in Canada is shaped by a broad and interconnected standards ecosystem. While the National Building Code is an important lever, it operates within a wider system that includes referenced standards (such as those developed by CSA Group and other bodies), provincial and territorial building codes, municipal bylaws, and industry practices. Many of the detailed technical requirements that influence accessibility in the built environment are embedded in these referenced standards rather than in the core text of the Code itself. These processes reflect the sustained contributions of persons with disabilities, technical experts, standards organizations, and industry stakeholders who have worked over many years to advance accessibility. It is important to recognize this existing body of work. While significant gaps remain, these efforts provide a critical foundation upon which further progress can be built. The report's recommendations should be understood as strengthening and advancing this system, rather than replacing it. Accessibility Standards Canada plays an important leadership role, particularly in advancing rights-based approaches and inclusive standards development. At the same time, accessible housing standards are developed across multiple organizations and processes. Strengthening coordination and alignment across this broader ecosystem will be essential to achieving consistent, effective, and widely supported improvements in accessibility outcomes.

[42] *Supra* note 3*,* 45, 82.

[43] *Supra* note 11, s. 3.8.2.1.

[44] *Supra* note 5, 72.

[45] *Supra* note 5, 73-74.

government ought to require a percentage of federally funded housing be accessible, as defined by the new CMHC standards.

The Obstacles report conveyed a sense of optimism about the future of accessible housing:

> "The whole effort of making houses accessible to disabled persons will be greatly simplified when standards of accessibility are made a basic ingredient of the National Building Code. The trend throughout the world over the past twenty years indicates that there will be a slow, but inevitable, victory for the concept of accessibility in virtually all new building construction. Accessibility is not a question of 'if,' but only of 'when.' A great deal of time, money, and mental energy can be saved if all parties accept accessibility as a standard operating procedure."[46]

Despite this confidence, the CMHC did not develop accessible housing standards, and the federal government did not start to take action to remove the exceptions to accessibility for housing in the National Building Code. It turns out that accessibility is not so inevitable after all.

Forty-five years after the publication of the Obstacles report, the federal government can finally take leadership on adding accessible standards for all types of housing into the National Building Code. In 2025, Accessibility Standards Canada (created by the Accessible Canada Act in 2019) published an accessible housing standard intended to align with the National Building Code and building code legislation in Alberta, British Columbia, Manitoba, Ontario, and Quebec.[47] This standard, CAN-ASC –2.8:2025 Accessible-Ready Housing, is only voluntary for now, but it is ready to become a legally required minimum standard.

The federal government signalled a desire to change its approach to minimum accessible standards for all types of housing in the 2025 edition of the National Building Code. This change is consistent with its current legislative commitments (found in the National Housing Strategy Act and the Accessible Canada Act) yet come much too late—85 years too late, to be exact. The federal government has published the National Building Code since 1941, but the 2025 edition is the first to start addressing accessibility standards for all housing.

The main approach in the 2025 National Building Code to accessible housing is adding standards based on:

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[46] *Supra* note 5, 74.

[47] *Accessible-Ready Housing*, CAN-ASC–2.8:2025, Accessible Standards Canada, May 2025, https://accessible.canada.ca/creating-accessibility-standards/can-asc-282025-accessible-ready-housing?mode=full-html.

- **Adaptability**: "technical requirements that eliminate the need for, or reduce the cost and difficulty of, common modifications to a dwelling unit for accessibility, thereby making the dwelling unit more easily adaptable to a person's needs"[48]; and,
- **Visitability**: "providing basic accessibility features to allow persons with disabilities related to mobility to visit others in their dwellings."[49]

Legally required minimum standards based on adaptability and visitability have the potential to bring renovation costs down when, for example, a person with a disability moves into the home, a person occupying a home acquires a disability, or a person occupying a home becomes a caregiver to a child with a disability. However, the 2025 edition of the National Building Code contains a very limited substantive implementation of adaptability and visibility. The adaptability standards only address three features: 1) increasing the width of one entrance doorway, 2) altering the position of electrical switches and receptacles, and 3) preparing for future installation of grab bars in washrooms.[50] The visitability standard is more ambitious, with requirements for a barrier-free path of travel from one entrance of the home to an indoor living or dining room and to a wheelchair accessible washroom.[51] But the visitability standard is only applicable to housing that is "required to be visitable by federal, provincial or territorial regulations or municipal bylaws."[52] On its face, this wording is quite unnecessary, since the entirety of the National Building Code must become incorporated into regulations in order to be enforceable. There is no other standard in the entire National Building Code with such a proviso. Overall, this exceptional wording signals a weak commitment to the implementation of the standard.

The 2025 National Building Code's tentative approach to accessible housing was actually by design. The Canadian Board for Harmonized Construction Codes (CBHCC), the body responsible for developing model code with participation from federal, provincial, and territorial governments, describes the 2025 introduction of new accessibility requirements for housing as a focus on "low-cost/no-cost changes" and "maintaining flexibility for provinces and territories."[53] The CBHCC does not treat accessible housing standards as a priority or a human rights issue, nor does it acknowledge how long people with disabilities have been asking for changes to the National Building Code.

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[48] *Supra* note 11, 3-275.

[49] *Supra* note 11, 3-275.

[50] *Supra* note 11, 3-191-2.

[51] *Supra* note 11, 3-192-3.

[52] *Supra* note 11, 3-175.

[53] CBHCC, *Accessibility, Visitability and Adaptability of Dwelling Units* (2024), https://cbhcc-cchcc.ca/eng/public-review/2024_1/pcfs/accessibilityvisitabilityandadaptabilityofdwellingunits.pdf; "2025 National Model Codes now available," CBHCC, accessed March 15, 2026, https://cbhcc-cchcc.ca/en/2025-national-model-codes-now-available/.

The problem is that the CBHCC's work developing codes does not use a rights-based accessibility framework and has no formal relationship with Accessibility Standards Canada. This means the CBHCC does not act with urgency or use the rights-based language of the Accessible Canada Act. It also performs an unnecessary duplicative function by developing accessibility standards at the same time as Accessibility Standards Canada.

In 2025, Accessibility Standards Canada (ASC) published a comprehensive standard, CAN-ASC – 2.8:2025 Accessible-Ready Housing, which promotes the principles of adaptability and visitability in all housing types.[54] The standard specifically references Canada's international human rights commitments to persons with disabilities. Yet, the only way to ensure that this standard leads to real life changes for people with disabilities is to turn it into domestic law at the provincial and territorial level. The federal government cannot require the provinces and territories to conform to ASC standards, but it can use its leadership role on the CBHCC to get consensus on adding this standard to the 2030 National Building Code.

The federal government can promote consistency among provinces and territories on accessible housing through its spending power.[55] The federal government can partner with the provinces and territories on social housing funding agreements, and it will be offering significant investments in housing under the National Housing Strategy and through Build Canada Homes. Using the ASC standards for the National Building Code also serves the CBHCC mandate for consensus and collaboration between federal, provincial, and territorial governments to achieve code harmonization across Canada. It will be confusing and wasteful for the federal government to fund the research and drafting of weak accessible housing standards at the CBHCC and of strong accessible housing standards at ASC.

Recommendation: The Advocate recommends that the federal government use its leadership role on the CBHCC to get consensus on adding CAN-ASC –2.8:2025 Accessible-Ready Housing to the 2030 National Building Code. The Advocate also recommends that all housing funding from the federal government (including Build Canada Homes and the Canada Mortgage and Housing Corporation) be conditional on compliance with the rights-based accessibility requirements developed by Accessibility Standards Canada, including CAN-ASC-2.8:2025 (Accessible-Ready Housing).

The federal government can also use its leadership role to affirm the institutional importance of accessibility in the national code development process. Accessibility is one of the five objectives of the National Building Code, which means it is one of the five "overall goals that the Code requirements are intended to achieve."[56] The other four objectives are: health, safety, the protection of buildings from fire or structural damage, and the protection of the environment. The CBHCC is the decision-making body for developing and approving the standards that make

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[54] *Supra* note 46.

[55] Alexandra Flynn, "Building Homes, Upholding Rights: A Human Rights Approach to Housing Agreements" (Report prepared for the Federal Housing Advocate, 2026).

[56] *Supra* note 11, vii.

up the National Building Code (see Figure 1), and it has 14 voting members from the federal, provincial, and territorial governments. These voting members are senior public servants, and they have technical expertise, serving as environmental and civil engineers, architects, building officials, and fire marshals.[57] This expertise covers all the objectives of the National Building Code except one: accessibility.

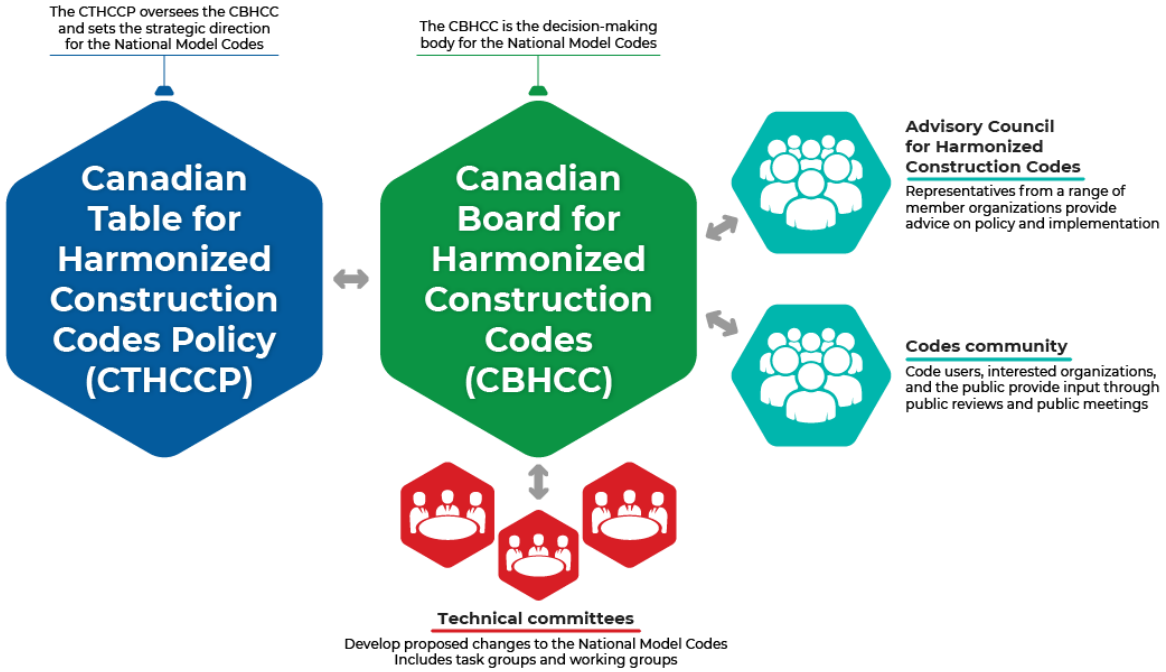


Figure 1: The governance of national model codes in Canada. Source: https://cbhcc-cchcc.ca/en/about-the-cbhcc/

Currently, people with disabilities can participate in technical committees and provide input in public reviews of proposed standards and public meetings. However, these opportunities do not create accountability or properly address the gap of accessibility leadership at the decision-making level. The weak approach to accessible housing in the current National Building Code, despite recommendations going back to the 1981 Obstacles report, is clear evidence of how easy it has been to sideline the housing needs of the disability community for 45 years. The federal government must create a seat at the table for people with disabilities on the CBHCC where decisions about code development take place.

Importantly, the code development process is never static. New editions of the National Building Code are typically produced every five years. Currently, most building standards on accessible housing relate to the needs of wheelchair users and those aging into disability. Accessible housing standards must consider the full spectrum of disability, including people with sensory, cognitive, episodic, or less visible disabilities. ASC uses an intersectional and

[57] "About the CBHCC," CBHCC, accessed March 17, 2026, https://cbhcc-cchcc.ca/en/about-the-cbhcc/.

cross-disability approach to develop its standards.[58] A formal voting position on the CBHCC for a representative from ASC will ensure that accessibility standards can evolve in the long-term, just like the rest of the standards in the National Building Code.

Recommendation: The Advocate recommends that the federal government establish a voting seat on the CBHCC for a representative from Accessibility Standards Canada.

Beyond building standards

In addition to federal leadership in changing the minimum legal requirements for how homes are built, the federal government can also begin to address the immediate needs of members of the disability community who experience separation from their families and communities and isolation in institutions. The separation and isolation are the direct result of Canada's neglect of the disability community's housing needs. The Accessible Canada Act created a mandate for the federal government to realize a barrier-free Canada by 2040, which includes the built environment.[59] The federal government also has a responsibility for housing on First Nations reserves, which it already supports through existing programs (such as the First Nations on-Reserve Housing Program). As of a federal court ruling in December 2025, the federal government must go further and ensure adequate housing on reserves.[60]

In the 1970s and 1980s, people with disabilities in Canada and globally began to circulate practical ideas about how to live in a home rather than an institutional setting. This was known as the Independent Living Movement, but it did not mean that people with disabilities do not need support from others to live in their own homes. Rather, people with disabilities argued that if public buildings, homes, and transportation networks were designed to include all types of bodies, then people with disabilities who had supports (including caregivers or equipment) could have the comfort and dignity of living in their homes rather than institutions.[61]

In 1978, the Supreme Court of Canada implicitly endorsed the Independent Living Movement in a landmark personal injury decision, Andrews v. Grand & Toy.[62] Andrews had become quadriplegic in a car accident and sued Grand & Toy for causing the accident, and thereby his disability. Grand & Toy attempted to reduce their damages by arguing that they should not have to pay for Andrews to live in his own home, including 20 hours per day of caregiving. The

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[58] *Plain Language,* CAN-ASC-3.1:2025, Accessibility Standards Canada, October 2025, https://accessible.canada.ca/creating-accessibility-standards/can-asc-312025-plain-language?mode=full-html.

[59] *Accessible Canada Act*, S.C. 2019, c. 10, s. 5.

[60] *St. Theresa Point First Nation v. Canada*, 2025 F.C. 1926 (CanLII).

[61] For histories of the Independent Living Movement in Canada, see Henry Enns, "The Role of Organizations of Disabled People: A Disabled Peoples' International Discussion Paper," *Independent Living Institute,* accessed March 17, 2026, https://www.independentliving.org/docs5/RoleofOrgDisPeople.html; Diane Dreidger, "The Council of Canadians with Disabilities: a voice of our own, 1976-2012," in *Untold Stories: A Canadian Disability History Reader,* eds. Nancy Hansen et al. (Canadian Scholars, 2018).

[62] *Andrews v. Grand & Toy Alberta Ltd*., 1978 CanLII 1 (SCC), [1978] 2 SCR 229.

Supreme Court of Canada rejected the argument that a person with the complex needs of quadriplegia should live in an institution, concluding:

> "He wants to live as other human beings live… It cannot be unreasonable for a person to want to live in a home of his own… Auxiliary hospital care is so utterly unattractive and so utterly in conflict with the principle of proper compensation."[63]

Since the Andrews case, personal injury awards and settlements in Canada routinely award injured children and adults with the cost of renovations, equipment, and caregiving that allow them to live in their own homes rather than in an institution. They are the lucky ones. They benefit from a legal order that seeks to hold negligent actors accountable and to disincentivize behaviour that can injure others. But for those in the disability community without a successful personal injury case or insurable condition, the cost of creating an accessible place to live is completely unaffordable.

Some jurisdictions, like Australia and New Zealand, chose to adopt universal accident insurance to publicly cover the costs of a new disability rather than a negligence-based (or fault-based) legal system.[64] This expands the number of people with disabilities who can afford accessible housing, and Australia has been able to track the reduction in institutionalization among young people with disabilities.[65] Individuals born with a disability or who acquire one in a "non-accident" way (like multiple sclerosis) are still left out.

In Australia, all but two states have also adopted a legally enforced minimum accessible standard for housing, the Livable Design Standard, which was added by their federal government into the National Construction Code in 2022.[66] This approach to accessible housing saves money for taxpayers through public accident insurance and for people with disabilities who would otherwise need to cover costs out of pocket.[67]

In Canada, without laws requiring accessible standards in housing, members of the disability community without a compensable injury still face the prospect of unwanted institutionalization, unsafe housing conditions, and homelessness.

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[63] *Ibid.,* 238, 248.

[64] "National Disability Insurance Scheme (NDIS)," National Disability Insurance Agency of Australia, accessed March 17, 2026, https://www.ndis.gov.au/; "ACC [Accident Compensation Corporation]," New Zealand Government, accessed March 17, 2026, https://www.acc.co.nz/.

[65] Summer Foundation. *Younger people in residential aged care – progress towards government targets* (Summer Foundation Ltd, 2022), https://assets.summerfoundation.org.au/app/uploads/2024/03/19090416/YPIRAC-Factsheet-15-SEP2022.pdf.

[66] "NCC 2022 state and territory adoption dates," National Construction Code of Australia, effective May 1, 2023, https://ncc.abcb.gov.au/ncc-2022-state-and-territory-adoption-dates.

[67] "Livable housing," Australian Building Codes Board, accessed March 17, 2026, https://www.abcb.gov.au/initiatives/livable-housing.

One of the most extreme examples of this inequity is the circumstances of children who are born with disabilities as opposed to children who acquire a disability because of a negligent person, such as a doctor. Personal injury law requires a negligent doctor to pay a damages award (through insurance) to put the injured child back in the same position as if the injury did not happen, including the costs of any renovations to make a home accessible and the costs of caregiving. Meanwhile, children born with a disability depend on the means and resourcefulness of their caregivers—including their ability to apply for government programs—to determine whether they will get to grow up at home.

Jordan River Anderson, from Norway House Cree Nation in Manitoba, was one of the children who never got to live at home with his family. He spent his short life of five years living in the hospital because the federal and provincial governments took too long arguing over which of them would pay the costs required to allow Jordan to live at home.[68] Jordan is the namesake of Jordan's Principle, a child-first principle that requires any level of government in Canada to provide First Nations children with what they need right away and to determine the payment issues separately.[69] The Inuit Child First Initiative is a program that provides the same commitment to Inuit children.

One of the types of funding requests that First Nations and Inuit children make through Jordan's Principle and the Inuit Child First Initiative is funding for housing, including for renovating inaccessible housing.[70] However, as of February 2025, Indigenous Services Canada (ISC) will no longer approve Jordan's Principle or Inuit Child First Initiative funding requests for the purchase, construction, or structural renovations of homes, unless required by substantive equality.[71] ISC's only justification for the change was an increase in the number of requests. Families applying for any type of Jordan's Principle or Inuit Child First Initiative funding are required to supply descriptions of their child's needs and significant documentation, including a support letter from a health professional, educational professional, Elder, or Knowledge Keeper who knows the child and can identify their needs. Given the documentary requirements for every request, an increase in funding requests means there is an increase in need. The new

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[68] The First Nations Child and Family Caring Society of Canada, Wabanaki Council on Disability, and Mawita'mk Society, *Jordan's Principle and Children with Disabilities and Special Needs: A Resource Guide and Analysis of Canada's Implementation* (2021), 4-5, https://fncaringsociety.com/sites/default/files/jordans_principle_resource_guide_2021_final.pdf.

[69] *Ibid*., 8-9.

[70] Institute of Fiscal Studies and Democracy, *Data assessment and framing analysis of substantive equality through the application of Jordan's Principle* (University of Ottawa, 2022), 12, 15, 55-56, 72-74, https://ifsd.ca/the-latest-from-ifsd/#reports.

[71] "Jordan's Principle Operational Bulletin," Indigenous Services Canada, Government of Canada, modified February 10, 2025, https://www.sac-isc.gc.ca/eng/1739222520301/1739222546551; Inuit Child First Initiative Operational Bulletin," Indigenous Services Canada, Government of Canada, modified February 10, 2025, https://www.sac-isc.gc.ca/eng/1740416957763/1740416986002.

policy conflicts with the original purpose of Jordan's Principle: getting children like Jordan River Anderson into a home that meets their needs.

The federal government could address the increase in Jordan's Principle and Inuit Child First Initiative requests by looking at the underlying causes. In the case of housing, this could mean reviewing all of the funding requests for the purchase, construction, or structural renovations of homes to determine the most common problems with housing for First Nations and Inuit children. After assessing this information, the federal government could publicize the results and address the housing needs systemically, rather than the current approach of responding to an increased number of requests by discontinuing funding. In any case, this policy may no longer be legally tenable after two recent federal court decisions: Powless v. Canada (Attorney General), where the Court quashed ISC's decision to deny a Jordan's Principle request to fund the removal of mould for the benefit of two children with asthma; and, St. Theresa Point First Nation v. Canada, where the Court clearly articulated the federal government's responsibility for adequate housing on reserve.[72]

Recommendation: The Advocate recommends that the federal government immediately reinstate Jordan's Principle and Inuit Child First Initiative funding for the purchase, construction, or structural renovations of homes. The Advocate recommends that ISC review all current and past Jordan's Principle and Inuit Child First Initiative funding requests to determine and publish a report on the most common problems with First Nations and Inuit children's housing.

[72] *Powless v. Canada (Attorney General),* 2025 FC 1227 (CanLII); *St. Theresa Point First Nation v. Canada*, 2025 FC 1926 (CanLII).

Part 3: The right to adequate housing in international law

As shown below, a number of international legal instruments characterize the issue of housing as a fundamental human right. [73] Most importantly, they contain a commitment to adequate housing.

Article 25 of the 1948 Universal Declaration of Human Rights

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Source: G.A. Res. 217 (III) A, Universal Declaration of Human Rights, A/RES/217(III), art. 25 (Dec. 10, 1948), https://undocs.org/en/A/RES/217(III).

1966 International Covenant on Economic, Social and Cultural Rights

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right.

The right to adequate housing includes the right to accessible housing for persons with disabilities.

Sources: G.A. Res. 2200A (XXI), International Covenant on Economic, Social and Cultural Rights, A/RES/2200A(XXI), art. 11 (December 16, 1966), https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights; United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 4: The Right to Adequate Housing (Art. 11 [1] of the Covenant), E/1992/23, para. 8 (December 13, 1991), https://hlrn.org.in/documents/CESCR_General_Comment_4.pdf.

[73] Canada is a signatory to or has ratified all of these international legal instruments.

1989 Convention on the Rights of the Child

States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development…States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Source: A/RES/44/25, art. 23 and 27.

2007 United Nations Declaration on the Rights of Indigenous Peoples

Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Source: A/RES/61/295, art. 21.

2006 Convention on the Rights of Persons with Disabilities

States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia: Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces.

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community.

States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families…States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

Source: A/RES/61/106, art. 9, 19, 23, and 28.

Through the National Housing Strategy Act, the federal government now recognizes the right to adequate housing, as it is understood in international law. The Act declares that federal housing policy must progressively realize this right to adequate housing as a fundamental human right, with a specific reference to Canada's international human rights commitments.[74] This commitment underscores why now is the time to act on what the disability community has been saying for decades: Canada must create baseline conditions for accessible housing with federal leadership on building standards. Every edition of the National Building Code that goes by without accessible housing standards means another five years of inaccessible construction.

The federal government is also financially responsible for accessible housing for Indigenous people with disabilities. This means Canada must honour Jordan River Anderson's legacy by restoring funding for accessible housing for Indigenous children and supporting them to live

[74] *Supra* note 1, s. 4(d).

with their families rather than in institutions. The federal government can also fulfill its commitment to adequate housing for everyone by addressing the issues of institutionalization and homelessness among people with disabilities in Canada.

The Committee on the Rights of Persons with Disabilities is an international body of experts nominated by their home country and elected by the state parties to the CRPD. If a state party has acceded to the CRPD's Optional Protocol, which Canada did in 2018, then anyone can directly submit a complaint to the Committee alleging that the state party has violated the CRPD. The Committee can dismiss the complaint or can make recommendations to the responding state party, both of which can influence the actions of the responding state party and the other countries who are state parties. Importantly, the Committee will dismiss a complaint if the complainant has not first tried to obtain a domestic remedy, like going all the way to the highest court in their own country.

The Committee has issued only two decisions regarding complaints against Canada and, notably, one of them is the only complaint that the Committee has received that alleges systemic violations of the CRPD because of exemptions for housing from accessibility requirements in its national building standards, which in this case was the 2020 National Building Code.[75] Specifically, the complainant, a 34-year-old woman with a disability, alleged:

> "As a result of the exemption, persons with disabilities face obstacles in access to housing, as barrier-free housing options are often limited and difficult to obtain owing to long waiting lists and income restrictions. Furthermore, persons with disabilities are prevented from choosing their place of residence on an equal basis with others, as they are forced to live in chronic care centres or in inadequate and/or unsafe buildings.
>
> "[Canada's] National Housing Strategy fails to address this problem in the private housing market and requires only 20 per cent of public units to be accessible. [Canada] is also failing to provide for the right of persons with disabilities to an adequate standard of living, including housing."[76]

In its responding submissions, Canada argued:

> "Communication was inadmissible as the author had not exhausted domestic remedies, and because it was manifestly ill-founded. The State party also submitted that the author's claims alleging violations on behalf of persons in Canada with disabilities affecting their mobility and her claims alleging violations of domestic laws or international instruments other than the Convention should be declared inadmissible because they were incompatible

[75] Committee on the Rights of Persons with Disabilities, Decision adopted by the Committee under the Optional Protocol, concerning communication No. 76/2020, CRPD/C/30/D/76/2020 (Apr. 23, 2024),

[76] *Ibid*.

> with the provisions of the Convention. The State party further submitted that the communication was without merit."[77]

Unfortunately, the Committee did not issue a substantive decision because, during the document submission process, the Committee lost touch with the complainant. Even without a substantive decision, the complainant's statements to the Committee echo what the federal government has heard from people with disabilities since the 1981 Obstacles report. Similarly, Canada's responding submissions to this 2020 complaint reinforce the relatively dismissive approach to accessible housing standards seen in Canada.

There are a few other published Committee decisions that address housing for people with disabilities, and these involved complaints about institutionalization and access to caregiver supports in one's own home. In two 2013 cases involving adults with disabilities in their 40s and 50s who wanted to leave long-term institutionalization (over 10 years), the responding state party, Australia, did initially oppose the complaints but ultimately took action by ensuring adapted housing and supports for each complainant to live in the community.[78] The Committee did not provide recommendations in either case on the basis that the matters were resolved to the satisfaction of the complainants.

The Committee did provide substantive recommendations to Italy and Finland following complaints about access to care to support people with disabilities in each country to live in their own home. In the case regarding Finland, the complainant was a 36-year-old who had applied for funding under the applicable disability programs to pay for 20 hours per day of caregiving support so he could live on his own rather than with his parents. He had been approved for less than half of the requested funding to assist only with activities outside the home, and this decision was confirmed by Finnish courts on the basis that the complainant's disability prevented him from defining his need for assistance and how it should be implemented in his own home. The Committee recommended that Finland reconsider the application so that the complainant could "exercise his right to live independently" and affirmed "the State party's obligations to ensure that legislation does not have the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise of any right by persons with intellectual disabilities on an equal basis with persons with other types of disabilities when seeking access to personal assistance."[79]

The complaint from Italy was brought by a caregiver on her own behalf and on behalf of two people with disabilities with high support needs, her 29-year-old daughter and 61-year-old

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[77] *Ibid.*

[78] Committee on the Rights of Persons with Disabilities, Decision adopted by the Committee under article 2 of the Optional Protocol, concerning communication No. 14/2013 (May 19, 2017); Committee on the Rights of Persons with Disabilities, Decision adopted by the Committee under the Optional Protocol, concerning communication No. 16/2013, (Jul. 5, 2018); Committee on the Rights of Persons with Disabilities, Decision adopted by the Committee under article 5 of the Optional Protocol, concerning communication No. 15/2013 (Apr. 29, 2019).

[79] Committee on the Rights of Persons with Disabilities, Views adopted by the Committee under article 5 of the Optional Protocol, concerning communication No. 46/2018 (May 20, 2022).

partner. The complainant argued that Italy failed to provide legal recognition of and social support for family caregivers of persons with disabilities. The Committee provided both individual and systemic recommendations to Italy regarding financial and other supports for people with disabilities and their families. The Committee emphasized that the "right to live independently in the community is intimately linked with the right to family for children and parents with disabilities and that the absence of community-based support and services may create financial pressures and constraints for the family of persons with disabilities."[80] The broadest recommendation illustrates the Committee's strong position against the institutionalization of persons with disabilities:

> "The Committee requires the State party… to implement safeguards to retain the right to autonomous independent living across all regions, and redirect resources from institutionalization to community based services and increase budget support to enable persons with disabilities to live independently and have equal access to services, including personal assistance and support for family caregivers, where applicable."[81]

The Committee on the CRPD has provided clear guidance about the right of people with disabilities to live in their own homes rather than in institutions. Based on the experiences of the individuals from Australia, initiating a complaint to the committee might actually be a successful way to draw attention and pressure the Canadian federal government to intervene when people with disabilities do not have access to the supports, including financial support, that they need to live in their own homes.

The Advocate urges the federal government to pay attention to the Committee's clear recommendations on institutionalization. Even though the provinces have the most direct responsibility for issues related to income support and home care for persons with disabilities, the federal government can set the national agenda through the Canada Health Transfer. If Canada took the position that institutionalization of people with disabilities at any age would no longer be tolerated, it would require a significant change in policy at all levels of government as well as a cultural change, since many (but not all) Canadians accept the idea of institutionalizing elderly people with disabilities. This is a conversation that we should be having if Canada is to become a country where all of us have the choice to live in our own homes regardless of age and disability. There is one significant step that the federal government could take to allow all levels of government to start introducing informed policy options to prevent institutionalization and to support people currently living in institutions to move into homes. The federal government could immediately change the way that we collect census data from persons with disabilities.

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[80] Committee on the Rights of Persons with Disabilities, Views adopted by the Committee under article 5 of the Optional Protocol, concerning communication No. 51/2018 (Jan. 27, 2023).

[81] *Ibid*.

If you don't count it, it don't count[82]

The information that the federal government collects about people in Canada through the census is essentially how the government sees everyone and makes informed policy decisions. In 2017 and 2022, Statistics Canada published the Canadian Survey on Disability (CSD), which uses data collected through the surveys sent to a sample of people, aged 15 and over, who reported having difficulty with certain activities of daily living on the Census of Population long-form questionnaire. The CSD is important to the disability community because it tells the federal government—along with the provinces and territories, municipalities, researchers, businesses, etc.—information about people with disabilities, including, among other things: the type and severity of disability, the use of aids or assistive devices and technologies, the daily help received or required, the use of health-care therapies and services, educational attainment, and labour force participation.[83]

However, **the CSD does not include information on the most marginalized people in the disability community: those who live in institutions and those experiencing homelessness.** In its reports explaining CSD data, Statistics Canada is careful to warn that, "As the institutionalized population is excluded, the data, particularly for the older age groups, should be interpreted accordingly."[84] The CSD survey asks respondents a yes or no question about whether they have ever been without a secure and stable place to live.[85] But otherwise, people experiencing homelessness are not included in CSD data. It is both incongruous and inequitable that the CSD is "used to plan and evaluate services, programs and policies for Canadians living with disabilities to help enable their full participation in society" but excludes the most marginalized people in the disability community.[86]

Statistics Canada does not justify excluding people who live in institutions from the CSD, but explains that it does so because the "census excludes the institutionalized population."[87] This is somewhat misleading. As part of the census, Statistics Canada collects and reports limited data about Canadians living in "collective dwellings," defined as:

> "A dwelling of a commercial, institutional, or communal nature in which a person or group of persons resides or could reside. It must provide care or services or have

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[82] Mads Pedersen, "Article 31 [Statistics and Data Collection]," in *The United Nations Convention on the Rights of Persons with Disabilities: A Commentary*, eds. Valentina Della Fina et al. (Springer International Publishing AG, 2017), 559.

[83] "Canadian Survey on Disability (CSD)," Statistics Canada, https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=3251.

[84] "A demographic, employment and income profile of persons with disabilities aged 15 years and over in Canada, 2022," Statistics Canada, effective May 28, 2024, https://www150.statcan.gc.ca/n1/pub/89-654-x/89-654-x2024001-eng.htm.

[85] "Canadian Survey on Disability, 2022: Concepts and Methods Guide," Statistics Canada, effective December 1, 2023, https://www150.statcan.gc.ca/n1/pub/89-654-x/89-654-x2023004-eng.htm.

[86] *Ibid*.

[87] *Supra* note 83.

certain common facilities, such as a kitchen or bathroom, which are shared by the occupants. Examples include lodging or rooming houses, hotels, motels, tourist establishments, nursing homes, residences for senior citizens, hospitals, staff residences, military bases, work camps, correctional facilities and group homes."[88]

Though it is not mentioned in this definition, shelters for "persons lacking a fixed address or for persons needing transitional shelter or assistance" are also included in the collective dwellings data. By definition, many of these collective dwellings are for people with disabilities. The federal government does not collect any long-form census data about the people with disabilities living in these collective dwellings.[89] Instead, the administrators of collective dwellings fill out a short-form census questionnaire to report on the location, age, gender, and total number of individuals living in the dwelling.[90] Statistics Canada does not have any mechanism for verifying the information reported about those living in collective dwellings, so there may be underreporting due to administrators completing the short-form census incorrectly, and some administrators may not report at all.

Based on the 2021 census data on collective dwellings, there are thousands of children living in institutions for people with disabilities rather than in a home with their families:

- 45 children under the age of 14 are living in nursing homes and residences for senior citizens.
- 2,215 children under the age of 14 are living in residential care facilities for people with disabilities.[91]
- 45 children between the ages of 15 and 17 are living in nursing homes and residences for senior citizens.
- 1,990 children between the ages of 15 and 17 are living in residential care facilities for people with disabilities.[92]

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[88] "Dictionary, Census of Population, 2021 - Collective dwelling," Statistics Canada, modified July 7, 2023, https://www12.statcan.gc.ca/census-recensement/2021/ref/dict/az/definition-eng.cfm?ID=dwelling-logements002.

[89] *Supra* note 25, 19.

[90] "Frequently asked questions – Collective dwellings," Statistics Canada, modified February 2, 2026, https://www.census.gc.ca/en/faq/collective-dwellings; "2026 Census for Collective Dwellings," Statistics Canada, modified February 4, 2026, https://www.statcan.gc.ca/en/statistical-programs/instrument/3901_Q14_V3.

[91] The survey question for administrators of collective dwellings asks them to describe their "residential care facilities related to disabilities, mental health, addiction, etc." by selecting all that apply from the following list: "This facility is for: - primarily children or minors - persons with psychological disabilities - persons with an addiction - persons with physical challenges or disabilities - persons with developmental disabilities - persons with other disabilities".

[92] "Type of collective dwelling, age and gender for the population in collective dwellings: Canada, provinces and territories," Statistics Canada, effective April 27, 2022, https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=9810004501.

These are not just numbers. Canada has failed each one of these children, and each one of them may have a potential domestic or international human rights complaint against all levels of government in Canada.

According to the 2021 Census, there are nearly 30,000 young adults living in institutions for people with disabilities:

- Adults in their late teens and 20s:
    - 735 are living in nursing homes and residences for senior citizens.
    - 6,730 are living in residential care facilities for people with disabilities.
- Adults in their 30s:
    - 1,340 are living in nursing homes and residences for senior citizens.
    - 8,250 are living in residential care facilities for people with disabilities.
- Adults in their 40s:
    - 2,615 are living in nursing homes and residences for senior citizens.
    - 8,925 are living in residential care facilities for people with disabilities.[93]

And according to the 2021 census, there are 40,375 adults ages 50 to 65, and 400,915 adults ages 65 and older living in nursing homes, residences for senior citizens, and residential care facilities for people with disabilities.[94]

Statistics Canada could be sending long form census questionnaires and CSD surveys to people living in institutions. If the CSD is meant to inform policy to ensure people with disabilities can fully participate in society, there is no better group to ask than those living in institutions. The federal government is counting the number of children and adults who live in institutions but not taking any steps to learn anything about them and their needs.

The federal government's failure to collect data about people with disabilities who live in institutions may violate article 31 of the CRPD, which requires:

> "States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the [CRPD]… The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the [CRPD] and to identify and address the barriers faced by persons with disabilities in exercising their rights."

In order to meet Canada's obligations under the CRPD and collect data from people living in institutions, Statistics Canada will need to develop strategies to provide supports directly to people with disabilities rather than only relying on reporting by the administrators of collective dwellings. Housing, Infrastructure and Communities Canada (HICC) is already using strategies to

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[93] *Ibid.*

[94] *Ibid*.

collect information from people who experience homelessness and, in 2025, published the results of its fourth nationally coordinated "point-in-time (PiT) count."[95] The PiT count includes a survey that is administered directly to individuals, including those in unsheltered locations like encampments, and in emergency shelters, transitional housing, and health and correctional systems as well as those experiencing "hidden homelessness."[96] One of the data points missing from the PiT count is information on disability. This means there is a potential opportunity for Statistics Canada and HICC to collaborate on innovative strategies to both reach people with disabilities living in institutions and people with disabilities who are part of the PiT count.

Recommendation: The Advocate recommends that Statistics Canada and Housing, Infrastructure and Communities Canada work together to include people with disabilities who live in institutions or who are experiencing homelessness in the federal long-form census and the Canadian Survey on Disability.

[95] HICC, *Everyone Counts 2024 – Highlights Report Part 1 – Enumeration of Homelessness* (Government of Canada, 2025), https://housing-infrastructure.canada.ca/homelessness-sans-abri/reports-rapports/pit-counts-dp-2024-highlights-p1-eng.html.

[96] *Ibid*.

Conclusion: Federal leadership and opportunities for change

The federal government has the power to immediately increase housing for people with disabilities. There are also ways the federal government can work with provinces and territories on creating accessible housing. Canada has its own standards for accessible housing from Accessibility Standards Canada. There is an implementation problem with accessible building standards, not an information problem.

There are steps the federal government can take to achieve the goal of supporting people with disabilities to live in their own homes. Canada's information problem is that we do not know enough about people with disabilities who live in institutions or who are experiencing homelessness, including why they are in these situations. This will require better collection of data by the federal government. There are immediate steps the federal government can take to increase the amount of accessible housing and ensure there are homes for people who want them.

The Advocate proposes the following recommendations for the consideration of the review panel in formulating its recommendations to the Minister of Housing and Infrastructure:

A. Immediate action within exclusive federal jurisdiction:
    1. Require all housing funding from the federal government (including Build Canada Homes and the Canada Mortgage and Housing Corporation) to comply with rights-based accessibility requirements developed by Accessibility Standards Canada, including CAN-ASC-2.8:2025 (Accessible-Ready Housing).
    2. Reinstate Jordan's Principle and Inuit Child First Initiative funding for the purchase, construction, or structural renovations of homes to accommodate the needs of Indigenous children with disabilities.

B. Immediate action requiring federal leadership:
    1. Establish a voting seat on the Canadian Board for Harmonized Construction Codes for a representative from Accessibility Standards Canada.
    2. Incorporate the Accessibility Standards Canada Standard CAN-ASC-2.8:2025 (Accessible-Ready Housing) into the 2030 National Building Code.

C. Immediate action requiring federal research:
    1. Review all current and past Jordan's Principle and Inuit Child First Initiative funding requests to determine the most common problems with First Nations and Inuit children's housing and publish a report on this subject.
    2. Include people with disabilities who live in institutions or who are experiencing homelessness in the federal long-form census and the Canadian Survey on Disability.

Solving the problem of inaccessible housing cannot rest on the actions of the federal government alone. Provincial, territorial, and municipal governments will need to work with

each other and the federal government to do better for the disability community. On their own, the provinces and territories can set their own housing policy agendas that prioritize poverty alleviation and security of tenure for persons with disabilities. Municipalities can prioritize housing projects that treat accessibility as a "must" rather than a "nice to have."

Even though this report focusses on actions that the federal government can take on its own, the success of the Advocate's recommendations will require cooperation between all levels of government. If the 2030 edition of the National Building Code adopts an ambitious agenda for the accessibility of housing, any of the provinces or territories could choose to draft their own exceptions to particular accessibility standards rather than adopt them into law. Changes to the National Building Code are a necessary, but not sufficient, step towards providing adequate housing for people with disabilities.

The Advocate's recommendations are targeted to address some of the most glaring examples of federal inaction on accessible housing and the significant gaps in information about the housing needs of people with disabilities. The Accessible Canada Act set a target of 2040 to achieve a barrier-free Canada.[97] The recommendations in this report are all easily achievable before that given date. The next edition of the National Building Code is planned for 2030, and the next census will be taken in 2031.

The federal Obstacles report came out in 1981, the year that the United Nations declared the International Year of Disabled Persons. The report conveyed a sense of real change and hope for the disability community. It is shameful that, 45 years later, the Advocate is making some of the same recommendations for federal action on housing that were made in 1981. Canada has run out of excuses to delay action on accessible housing. We possess the necessary expertise, including the guidelines established by the Accessibility Standards Canada, to create housing that more effectively meets the needs of the disability community. We have a federal government that is committed to the right to adequate housing as a fundamental human right.

Canada knows what to do. What is needed is federal leadership to begin nationwide changes to how homes are built and who gets to live in them. Canada must not ask the disability community to wait another generation for a home.

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[97] *Supra* note 58.