

*Housing Exclusion – A Crisis of Law
Law, Policy and Practice Review
BCCEC 2024*



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For thousands of years, the Coast Salish peoples have defended and flourished in the land that is now Vancouver. We would like to acknowledge and honor the three great Nations whose land this is: Squamish Nation, Musqueam Nation and Tsleil-Waututh Nation.

Law, Policy and Practice Review

Background

Peer reviewed and published research about the numbers and demographics of Sex Workers in Canada show us that in any given month there are 26,000 Sex Workers actively working in Canada. When the research expanded to 2 years, the number of individual sex workers became 169,000 individual Sex Workers the majority of whom worked for themselves independently and did not work full time.

Population Project

This number represents full contact indoor Sex Workers who advertised on the sites where data was collected. It does not include on street Sex Workers, exotic dancers nor content creators/ adult film workers.

In British Columbia, the number of Sex Workers is a minimum of 15,480 people whose families and associated work personnel are all impacted by this issue, conservatively 34,056 people.

The stigma surrounding Sex Work affects many aspects of Sex Workers lives. Housing is one of the areas where Sex Workers often experience bias, discrimination and violations of their rights.

While Sex Workers are not named as a “protected” group under the Charter of Rights in Canada as it relates to discrimination and promotion of hatred, housing is one area where our rights ARE protected under the law. This is not widely known and understood however and as such our community have had to contend with issues related to housing discrimination as long as can be remembered.

It is illegal to discriminate against someone when they are seeking housing based on a “legal source of income”.

BC Human Rights Tribunal Housing Rights

This provision was intended to protect British Columbians whose sole source of income is disability or social support payments from discrimination when seeking housing. Since the passing of the ***Protection of Communities and Exploited Persons Act*** Sex Work has been purported to be “decriminalized”. This of course is a source of friction in communities as Sex Work is not decriminalized in reality but that is a discussion for another project. As the Government of Canada has stated that Sex Work is decriminalized this provision protecting people from discrimination against a legal source of income will be the foundation of our work. We are working on this issue based on that assertion.

Protection of Communities and Exploited Persons Act

The housing crisis being faced across Canada has exacerbated the situation and compounded problems experienced by Sex Workers trying to secure or maintain their housing.

The bias experienced by Sex Workers trying find housing is not limited to full contact Sex Workers. Exotic dancers, adult content creators, adult film actors, escorts, massage providers, independent Sex Workers, fetish providers, BDSM providers and everyone in between experience the same stigma regardless of their location in the industry.

Sex Workers also experience physical violence and exploitation related to housing.

Many civil liberties and legal organizations such as **PIVOT Legal Society** and **BC Civil Liberties** have explored housing as a human right and developed recommendations on how to better ensure all Canadians have access to affordable housing and are protected from arbitrary eviction or arrest. Of particular note is work to combat enforcement against encampments and state violence we are seeing enacted against our most vulnerable neighbours.

During this review, no work on Crime Free Multi Housing, Good Neighbour Agreement nor SCAN/ Community Safety Acts in Canada was found. Only one reference was made in University of Regina and “Community Research Unit” which stated it was “possible” people might be displaced but that there is no evidence of any “harm” associated with the program;

[Crime Free Multi Housing Report - Community Research Unit](#)

One Article in the United States references work by the ACLU (American Civil Liberties Union), the US Department of Justice and a study by the RAND Corporation all of which expose the issues related to these laws, policies and tools. Racism, risks to people experiencing domestic violence, housing instability and more.

[Housing Matters - Legal Challenges to Crime-Free Housing Ordinances Bring Effectiveness into Question](#)

These laws and tools seem to be the foundation of housing exclusion in Canada so it is surprising that more work has not been done to address them. The Yukon Government are currently re-examining their SCAN Act but the issues with this law and program exist in every province and territory. Given the growing number of people being forced to live in encampments, review of these laws, policies and practices should be a top priority.

Laws, Policy and Practice directly related to sex work

In response to the complaints initially discussed in the BCCEC **Housing Exclusion – By Design** Report, the project coordinator began to investigate policy and practice related to the “Good Neighbour Agreements” in an effort to discover the source of the practice and any other related programs which might impact Sex Workers ability to find, secure and maintain stable housing.

An internet search of “Good Neighbour Agreements” linked immediately to the program known as “Crime Free Multi- Housing”.

Before this program is investigated however, the earlier program of “**Block Watch**” must be examined. It is important to note the escalating nature of these laws and actions which have progressed to what we see today over the course of almost 40 years.

Block Watch

Starting in 1986, the Block Watch Program has been offered across BC. This program was the foundation of the later developed Crime Free Multi Housing and contains many of the same training materials.

This excerpt is taken from the Burnaby Detachment of the RCMP Crime Prevention web page about Block Watch;

Block Watch

Be a good neighbour and improve safety on your block

*Block Watch is a free program run by the City of Burnaby’s Crime Prevention Team to help prevent crime and **nuisance activities** in our community. As part of this program, you and your neighbours will watch out for one another and **report any crime or suspicious activity to the police.***

*Block Watch is a great way to reduce and prevent crime in your block. It makes safety a priority and helps participants take a proactive approach towards preventing crime and **other unwelcome activities.***

This program has been active in Burnaby since 1988 and approximately 9,000 residents are currently participating in the program.

It is clear this program was initially intended to prevent break and enter and property crime. Due to the over broad nature of the definition of “crime” in this context, any unwelcome activity (people) came under heavy surveillance by their neighbours and the subject of police complaints. This allows all kinds of discrimination to flourish and justifies it under the banner of community safety.

The use of the terms “nuisance activity” or “unwelcome activity” are hallmarks in discrimination against sex workers in policy. These terms are common within the law, policy and practice which follow the advent of the **Block Watch Program**.

Where this program was focused on safety in single home communities, the Crime Free Multi Housing Program is almost identical but is focused on multi unit dwellings or apartment buildings.

Crime Free Multi - Housing

CFMH (Crime free Multi Housing) is a program developed by the Mesa Arizona Police Department in 1992. The International Crime Free Multi-Housing Program has spread to nearly 2,000 cities in 48 U.S. States, Canadian Provinces and Territories, England, Nigeria, Puerto Rico and beyond.

The first city in Canada to deploy this program was the New Westminster Police Department who have reported that 90% of property managers and landlords in that city have joined the program and received the training.

The program has proliferated across Canada with programs discovered everywhere from Timmins Ontario to Summerside PEI.

The program consists of 3 Phases;

Phase 1

Resident managers and/or owners attend a one day seminar presented by the Police Department.

Topics include:

- Crime reduction concepts*
- Preparing and maintaining the property*
- Applicant screening*
- Working together with police*
- Residential Tenancy Act** – *(this is a reference to the Good Neighbour Agreement)*
- Combating illegal activities*

Phase 2

The rental properties must meet minimum security standards. The Police Department will conduct a security evaluation of the property and make recommendations. The following minimum standards must be met before advancing:

- A good quality deadbolt must be on all suite doors. The bolt must be minimum 1-inch in length and the hole in the frame must be the same size as the bolt, for a tight fit.*
- Strike Plates on wood-framed doors must be secured with a 3-inch screw into the stud.*
- All suite doors must have eye viewers (prefer 180-190 degrees, 65 inches from the floor).*
- Sliding doors and windows require secondary locks, in addition to functioning primary locks, in all ground level and easily accessible suites.*
- The trees and shrubs must be pruned to allow a clear view of the property. Trees should be limbed to 6-feet off the ground and shrubs should be no higher than 3-feet.*
- Adequate lighting in and around the building. Lighting is the most effective crime prevention tool around when used properly.*
- Graffiti must be removed.*
- The property must be clean and properly maintained.*

Phase 3

The owner/manager will host an annual safety social for their residents to involve them in preventing crime on the property and to get involved in the community.

A representative from the Police Department will be in attendance to explain the program and offer crime prevention tips.

Following the completion of all three phases the management will earn the privilege to post signs stating they have joined the Crime Free Multi-Housing Program and may use the CFMH logo for marketing purposes.

The BCCEC obtained a copy of the training materials from an RCMP detachment program so we could further explore the contents, what was being said about Sex Work and how it applied to Sex Workers seeking housing.

Please see the Crime Free Multi-Housing Program Materials attached.

The Following is an excerpt from preamble of the program material. The Director again recognized the hallmarks of discrimination against sex workers immediately;

*The Crime Free Multi-Housing (CFMH) program is a crime prevention program designed specifically to help apartment owners, managers, residents, police and other agencies work together to keep illegal and **nuisance activity** off rental properties. It is a unique; three-phase certification process has been designed to be user-friendly and effective at reducing criminal and **nuisance activity** in multi-unit apartment properties. The success of this program is rooted in the partnership that it creates with property owners, their employees, residents, and the police*

*The Phase One component of the CFMH program requires the completion of an eight hour training session held by your local Crime Free Coordinator and the BC Crime Prevention Association. The goal of the workshop is to provide instruction to property owners and managers on how to effectively manage their properties and use present legislation to help stop the spread of illegal and **nuisance activity** on rental property. Phase One workshops will frequently have guest speakers that are able to address key community issues and other specific topics relating to rental properties.*

“Criminal and nuisance activity” are mentioned repeatedly. The final section of the first page of the program materials goes further and suggests that Sex Workers are dangerous or not safe to have in the community. The program states the use of the Crime Free Lease Addendum – Good Neighbour Agreement - is the foundation of the program;

*Overall, the Phase One training seminar will teach you about responsible management practices, how to select tenants, how to secure your property, and how to get your residents involved in **keeping their home safe from illegal and nuisance activity**. This workshop will also teach you how to use the **Crime Free Lease Addendum, which is the backbone of the CFMH program**. The Crime Free Lease Addendum is an addendum to the rental agreement which cites specific actions that will be taken by management if a resident, or somebody under the resident’s control, is involved in **illegal or nuisance activity** on the rental property. It is developed to give reasonable notice to new residents, at the time they enter the rental agreement, about **unacceptable activities or behaviours** that contradict property rules, regulations, lease agreements, or Provincial laws. **Proper use of the Crime Free Lease Addendum is instrumental** in the tenant applicant screening process. It also demonstrates to your residents their management’s commitment to keeping **nuisance and illegal activity** away from the rental property.*

The next part of the introduction includes more fear based assertions and also includes a threat of criminal or civil repercussions for landlords/ Owners who do not follow the program.

The costs of criminal and nuisance activity on rental property include:

- **Radical decline in property values.**
- *Property damage from residents’ abuse or neglect.*
- *Loss of rent during eviction and repair process along with responsible residents moving out.*
- **Fear and frustration** for managers and other residents when dealing with **dangerous and threatening tenants and/or their guests.**
- *Animosity between neighbours and property managers.*
- *Increased potential for fire damage due to drug manufacturing or marijuana grow operations. Increase in liability on part of managers and owners.*
- *High demand on Police resources.*
- **Owners answering to criminal or civil abatement charges through municipal bylaws.**

The stage is set. Criminal, illegal, nuisance, dangerous, threatening, unacceptable behaviour, keep your home safe, fear, radical, potential criminal charges for non compliance....Property Managers, Landlords and non Sex Working tenants are told by police – who enjoy high levels of credibility in communities – that Sex Workers are dangerous criminals who are a threat to communities.

There is a section on drug use which can also have impacts on Sex Workers ability to find and secure housing but for the purpose of this report we will focus on this program as it relates to Sex Workers specifically.

The next chapter of the program materials is called – Police and Community working together to combat illegal activity. The materials have dropped the “nuisance” aspect at this point and even though Sex Work itself has never been illegal in Canada, Sex Work is lumped in with all other criminal activities and Sex Workers are cast as criminals. The call to action in “combating” illegal activities is language reflective of the war on drugs and sets community members against each other as enemies;

There are many ways that the Police and the Community can work together to remove criminal and illegal activity from rental properties. In this chapter, we will explore how police, owners, managers, and residents can all work together to combat illegal activity.

This entire chapter encourages neighbours and community members to surveil each other;

Police may seek information from you. You are the “eyes and ears” of the community and your information is valued.

Tools are recommended for use by landlords and property managers including criminal record checks and the **Crime Free Lease Addendum – Good Neighbour Agreement**. Some of these tools enable illegal actions which violate peoples human rights. For example, discrimination based on a criminal record for which the sentence has been served.

Note from the Author: I recently discovered charges related to Sex Work from 1990 still existed on my record and that the police officers of the time saw fit to “code” my criminal charges to appear for 99 years when my record was searched. This was the policy and practice of the time and many Sex Workers are unaware this ticking time bomb exists in their criminal record. This is a pervasive problem which exists everywhere in Canada. Laws which were deemed unconstitutional and the resulting charges continuing to harm Sex Workers even 10 years after the laws were struck down in particular and for the purpose of this report when a criminal record check is required or recommended to secure housing.

The next chapter focuses on prostitution;

Prostitution

Prostitution within apartment communities is becoming more of an issue as police crack down on the street workers. There are many that would argue that unless changes are made to challenge Canada’s prostitution laws then it would force sex trade workers to seek shelter within apartment communities.

As a manager, you do not want this going on within the building. As a direct result of housing sex trade workers within your building, you could see;

- an increase of foot traffic (“Johns”),
- drug abuse,
- drug trafficking, and

- *property crime.*

What to do?

- *Regular inspections of units can help prevent this from setting up.*
- *Windows covered up is a good indication of wrong doing.*
- *Increased foot traffic during day or night.*
- *The tenant having large deposits of cash on the premises.*
- **Report activity to police.**

The program materials instruct property managers that they do not want to house Sex Workers. That to do so would lead to crime. Sex Workers are cast as drug users and drug dealers who are dangerous to non Sex Working tenants. Property Managers are then instructed to report Sex Workers to police.

This is a critical feature of the training as it empowers Property Managers and Landlords to exploit Sex Workers via the “sex for silence” tactics and other forms of extortion described in the **Housing Exclusion – By Design** report. Photographs of a bedroom in disarray and a woman's hands holding a large amount of cash are featured to further cast Sex Workers under the old cliché of “money hungry” and “dirty”. These are discriminatory ideas being perpetuated by police, for payment and impacting thousands of women and Sex Workers of all genders across Canada.

This program is so successful, a non-profit was formed to manage the funds raised, promote the program and was based on policy and practice set in the United States. For the past 30 years (*New Westminster Police began in 1994*) police in BC have been engaged in systemic proliferation of exclusion of Sex Workers from housing;

The British Columbia Crime Prevention Association (BCCPA) is a provincial, non-profit organization mandated since 1997 to oversee the CFMH program in B.C. This mandate was afforded to BCCPA by the International Crime Free Association, the originators of this program based in the United States. As a recognized team of citizens, businesses, and police dedicated to preventing crime, BC Crime Prevention Association takes pride in its partnerships with local police agencies operating the Crime Free Multi-Housing Program.

Good Neighbour Agreement – Residential Tenancy Lease Addendum

The example of this document shared within the program materials explicitly prohibits Sex Work.

Resident(s), any member of the residents(s) household, and any persons affiliated with the resident or invited onto the residential property or residential premise by the resident(s) or any member of the resident's family shall not engage in any criminal activity on the premises or property including, but not limited to:

- (a) any drug-related criminal activity*
- (b) **solicitation (sex trade workers and related nuisance activity)***
- (c) street gang activity*
- (d) assault or threatened assault*
- (e) unlawful use of a firearm*
- (f) any criminal activity that **threatens the health, safety or welfare** of the landlord, other residents or persons on the residential property or residential premises.*

VIOLATION OF THE ABOVE PROVISIONS, WHICH IS A REASONABLE AND AGREED UPON TERM OF THE TENANCY AGREEMENT, SHALL BE GOOD CAUSE FOR A NOTICE TO END A TENANCY.

In a section of the training careful instruction is given to participants to “choose their words carefully”

when refusing a tenant application. It is overtly explained that landlords and property managers should be careful when refusing an application so as not to violate human rights or discriminate;

*Remember to always use fair and equal business practices when making your tenant selections. If you have shown the applicant fair and consistent criteria, you should be able to safely reject the application. Although you are under no legal obligation to provide an applicant a reason for refusing his/her application, remember to **plan your words carefully** and focus your comments on the application, not the applicant. Consider trying to resolve the applicant's questions by using the following techniques.*

And then they go on to list ways landlords and property managers can skirt human rights issues using other "reasons" for tenancy denial.

Good Neighbour Agreements in practice

Many Organizations and Housing bodies have employed the Good Neighbour Agreement as a tool. This practice is still in use to today with varying versions of the agreement being edited for content and groups with housing groups attempting to reduce exclusion while still employing it as a tool.

Remnants of the original agreement persist however even in the revised editions which attempt to limit exclusion.

For example from Atira Women's Resource Society;

By signing this agreement I agree I understand what a good neighbour is and I agree:

- *that while I am a tenant in an Atira Women's Resource Society building, I will do everything I can to be a good neighbour and **will not behave in any way that may be considered harmful** to my neighbours or the community.*
- *I understand that if I or my visitors act in a way that is harmful to my neighbours or the community and I am unable to change my behaviour or change the behaviour of my visitors, I may be evicted and lose my housing.*

The preamble in the Atira version of the GNA discusses being "considerate" and not doing things that make people feel threatened.

Then it closes with the statements above which include a threat in the same format of the CFMH Lease Addendum.

It appears that Atira tried to revise their version of the Good Neighbour Agreement when they recognized the people it was excluding were actually those most in need of housing in supports. The Atira GNA however still has all the hallmarks of the original program materials including the threat at the end referencing "behaviour".

See the Atira GNA attachment

BC Housing share the exact copy of the Lease Addendum produced by the Crime Free Multi Housing program and encourage Property managers to take the course. The Housing Provider Safety and Security Tool Kit reads exactly the same as the original program materials from the CFMH Program.

See the BC Housing Housing Provider Safety and Security Tool Kit attachment.

The BC Housing residential tenancy agreement contains prohibitive sections as well which place Sex Workers at risk for eviction or threats there of and exploitation. As follows;

24. Conduct The tenant agrees that if any occupant or guest causes unreasonable and/or excessive noise or disturbances the landlord may end the tenancy. This includes activity that has or is likely to adversely affect the quiet enjoyment, security, safety or physical well being of another occupant or the landlord.

25. Use of Premises The tenant will use the rental unit only as a private residence and will not conduct any trade or business from the rental unit without the prior written consent of the landlord.

See the BC Housing Tenancy Agreement attachment

The language about safety and security in combination with the CFMH Program and the indoctrination of publicly funded housing providers into the belief system projected by the program about who Sex Workers are, the risk they present to the community and that they should be excluded from housing is in conflict with the Charter of Rights and Freedoms, The Human Rights Act and all reasonable actions to address the housing crisis.

There are many examples of the same Good Neighbour Agreement Tool used to gather support from communities where proposed supportive housing may be built to government funded shelter and housing spaces which should be open to any all people who need them without exclusion. This is also in contravention of the BC Human Rights Code housing discrimination clauses against what is now a legal source of income in Canada, sex work.

The CFMH Program has been in practice for so long it has become part of general practice in responses to complaints about Sex Work occurring across the country.

In fact, after reports about issues with eviction of a woman with 9 children with 5 days notice in the Yukon, the BCCEC Director endeavoured to discover if that situation was related to CFMH as well.

Reports from the Yukon were tied to legislation known as the SCAN Act (Safer Communities and Neighbourhood Act) so this law also became part of our review.

The SCAN Act

Upon beginning research into the SCAN Act, the BCCEC Director discovered that this Act was not only adopted in the Yukon but in almost every province and Territory in Canada. From 2006 to 2015 provinces and territories one after another adopted this legislative approach to excluding Sex Workers and others from housing.

As of 2024 Prince Edward Island and the North West Territories are even now considering adopting a version of this legislation. This is the continuation of communities being inducted into this practice of Sex Workers exclusion from housing.

The political discourse around the safety of communities has been used to great effect through time and seems to be on the rise again as the housing crisis continues and encampments are growing in every part of the country.

This legislation has been edited and amended in all regions numerous times up to and including within the last 5 years.

The SCAN Acts all contain almost identical language and provisions with some small differences between Provinces and Regions. This language and the focus of the Acts are also a reflection of the Crime Free Multi Housing Program Training Materials;

Crime Free Lease Addendum – CFMH definitions and details include the following;

*....shall not engage in any criminal activity on the premises or property including, but not limited to: (a) any drug-related criminal activity (b) **solicitation (sex trade workers and related nuisance activity)** (c) street gang activity (d) assault or threatened assault (e) unlawful use of a firearm (f) any criminal activity that threatens the health, safety or welfare of the landlord, other residents or persons on the residential property or residential premises.*

The **SCAN Acts** include a definition of **specified use** which contains very similar language;

"specified use", in relation to a property, means the use of the property for one or more of the following:

- (a) the possession, growth, production, use, consumption, sale, transfer or exchange of a controlled substance, as defined in the Controlled Drugs and Substances Act (Canada), in contravention of that Act;
- (b) **prostitution or activities related to prostitution**;
- (c) the manufacture, import, purchase, sale, transport, giving, possession, storage, consumption or use of liquor, as defined in the Liquor Control and Licensing Act, in contravention of that Act;
- (d) the use or consumption, by any person, of an intoxicating substance as an intoxicant, or the sale, transfer or exchange of an intoxicating substance if there is a reasonable basis to believe that the recipient will
 - (i) use or consume the intoxicating substance as an intoxicant, or
 - (ii) cause or permit the intoxicating substance to be used or consumed as an intoxicant;
- (e) child sexual abuse or activities related to child sexual abuse;
- (f) the possession or storage of
 - (i) a prohibited firearm, prohibited weapon, restricted firearm or restricted weapon, as those terms are defined in section 84 of the Criminal Code, unless the possession or storage is authorized by law,
 - (ii) a firearm, prohibited weapon or restricted weapon that has been imported into Canada in contravention of the Firearms Act (Canada) or any other federal Act or regulation,
 - (iii) a stolen firearm, or
- (iv) an explosive, as defined in the Explosives Act (Canada), in contravention of that Act or a regulation made under that Act;
- (g) the commission or promotion of a criminal organization offence, as defined in the Criminal Code;
- (h) the accommodation, aid, assistance or support of any nature of
 - (i) a gang, or
 - (ii) a criminal organization, as defined in the Criminal Code;
 - (i) any other activity or use prescribed by regulation;

The **SCAN Act** makes the ideas, policies and techniques described in the Crime Free Multi Housing Program into law. They make CFMH into standard operating procedure. This is ongoing entrenchment of the housing discrimination Sex Workers experience into everyday practice among police officers, by-law officers, child protection workers, landlords, property managers and those people who simply wish to remove all Sex Workers from society.

The Provincial SCAN Act's also continue to evolve over time with edits and additions as recently as 2018 in British Columbia. For example when the SCAN Act was made law in 2009, Sex Work is not mentioned but during revisions in 2013, it was renamed the **Community Safety Act** and prostitution is added under the definition of **"specified use"** - which is a critical definition when reviewing these laws;

2009 [SCAN Act](#)

(p) "**specified use**" means, in relation to property, the use of property for

- (i) the use or consumption as an intoxicant by any person of an intoxicating substance, or the sale, transfer or exchange of an intoxicating substance if there is a reasonable basis to believe that the recipient will use or consume the substance as an intoxicant, or cause or permit the intoxicating substance to be used or consumed as an intoxicant,
- (ii) the possession, growth, use, consumption, sale, transfer or exchange of a controlled substance as defined in the Controlled Drugs and Substances Act (Canada), in contravention of that Act,
- (iii) child sexual abuse or activities related to child sexual abuse,
- (iv) the commission or promotion of a criminal organization offence, or
- (v) the accommodation, aid, assistance or support of any nature of a gang or criminal organization or any of its activities or the facilitation of any of its activities;

2013 [Community Safety Act](#)

identical language is used but prostitution is added;

"**specified use**", in relation to a property, means the use of the property for one or more of the following:

- (a) the possession, growth, production, use, consumption, sale, transfer or exchange of a controlled substance, as defined in the Controlled Drugs and Substances Act (Canada), in contravention of that Act;
- (b) **prostitution or activities related to prostitution**;
- (c) the manufacture, import, purchase, sale, transport, giving, possession, storage, consumption or use of liquor, as defined in the Liquor Control and Licensing Act, in contravention of that Act;
- (d) the use or consumption, by any person, of an intoxicating substance as an intoxicant, or the sale, transfer or exchange of an intoxicating substance if there is a reasonable basis to believe that the recipient will
 - (i) use or consume the intoxicating substance as an intoxicant, or
 - (ii) cause or permit the intoxicating substance to be used or consumed as an intoxicant;
- (e) child sexual abuse or activities related to child sexual abuse;
- (f) the possession or storage of
 - (i) a prohibited firearm, prohibited weapon, restricted firearm or restricted weapon, as those terms are defined in section 84 of the Criminal Code, unless the possession or storage is authorized by law,
 - (ii) a firearm, prohibited weapon or restricted weapon that has been imported into Canada in contravention of the Firearms Act (Canada) or any other federal Act or regulation,
 - (iii) a stolen firearm, or
- (iv) an explosive, as defined in the Explosives Act (Canada), in contravention of that Act or a regulation made under that Act;
- (g) the commission or promotion of a criminal organization offence, as defined in the Criminal Code;
- (h) the accommodation, aid, assistance or support of any nature of
 - (i) a gang, or
 - (ii) a criminal organization, as defined in the Criminal Code;
 - (i) any other activity or use prescribed by regulation;

As an example of the "copy and paste" nature of the SCAN Acts or Community Safety Acts across Canada here is the same definition taken from the Nova Scotia Legislation;

"**specified use**", in relation to a property, means the use of the property for one or more of the following:

- (a) the possession, growth, production, use, consumption, sale, transfer or exchange of a controlled substance, as defined in the Controlled Drugs and Substances Act (Canada), in contravention of that Act;
- (b) **prostitution or activities related to prostitution**;

- (c) the manufacture, import, purchase, sale, transport, giving, possession, storage, consumption or use of liquor, as defined in the Liquor Control and Licensing Act, in contravention of that Act;
- (d) the use or consumption, by any person, of an intoxicating substance as an intoxicant, or the sale, transfer or exchange of an intoxicating substance if there is a reasonable basis to believe that the recipient will
 - (i) use or consume the intoxicating substance as an intoxicant, or
 - (ii) cause or permit the intoxicating substance to be used or consumed as an intoxicant;
 - (e) child sexual abuse or activities related to child sexual abuse;
 - (f) the possession or storage of
 - (i) a prohibited firearm, prohibited weapon, restricted firearm or restricted weapon, as those terms are defined in section 84 of the Criminal Code, unless the possession or storage is authorized by law,
 - (ii) a firearm, prohibited weapon or restricted weapon that has been imported into Canada in contravention of the Firearms Act (Canada) or any other federal Act or regulation,
 - (iii) a stolen firearm, (iv) an explosive, as defined in the Explosives Act (Canada), in contravention of that Act or a regulation made under that Act;
 - (g) the commission or promotion of a criminal organization offence, as defined in the Criminal Code;
 - (h) the accommodation, aid, assistance or support of any nature of
 - (i) a gang, or
 - (ii) a criminal organization, as defined in the Criminal Code;
 - (iii) any other activity or use prescribed by regulation;

Another problematic definition which repeats across the SCAN Acts relates to what makes a “property” or tenant problematic, defines the bar for making a complaint or the complaint being accepted;

Meaning of adversely affected

- 2 For the purposes of this Act, a community or neighbourhood is adversely affected by activities if the activities
- (a) adversely affect the health, **safety or security of one** or more persons in the community or neighbourhood, or
 - (b) interfere with the **peaceful enjoyment of one** or more of the properties in the community or neighbourhood.

If just one person is unhappy or “unable to peacefully enjoy the community” due to the presence of a Sex Worker, they can make a report, police will attend, the landlord can be contacted and eviction can follow.

The inclusion of Sex Work beside fire arms, explosives, criminal organizations and intoxicating substances makes Sex Workers seem dangerous and casts us as a threat to communities. This is the same foundation as is used within the Crime Free Multi Housing Program Materials.

SCAN Units

[SCAN Unit Nova Scotia](#)

In Nova Scotia there is a SCAN Unit number to call and report people and the web page encourages contacting police to report as well.

In the Yukon the SCAN Unit members revealed some troubling practices during a conversation with the BCCEC Director.

“It's amazing what you can learn when you open a door”

It seems that SCAN Unit members are using the Act to subvert requirements for search warrants and to gain visual access to a property based on a “complaint”. The SCAN Unit members also made mention of potentially contacting Child Protection Services based on an interaction at the door of the subject of a SCAN Complaint.

The member was quick to state that there had been no enforcement against sex workers in the Yukon recently and that the law was not used on a wide spread scale.

What does this all mean for Sex Workers?

The issue for sex workers is that we know that we cannot trust mainstream systems to use their discretion in a consistent way. They do not have our best interests at heart nor do they view us as citizens of value. As long as there is a law or practice that threatens sex worker safety on the books, it has the potential to harm our community.

It is not enough to say – we do not enforce that. It must be removed completely to prevent issues in the future. This project demonstrates how Public Safety agencies are working counter to government, housing agencies and Justice agencies stated objectives and undermining each others work. They counter assertions made by the Federal Government and the Superior Court of Ontario that sex work is decriminalized and that sex workers enjoy full rights in Canada.

In 2014 Sex Work was said to have been decriminalized under the current criminal code provisions governing Sex Work in Canada. In spite of the assertion of “protecting people” promoted during the implementation of the Protection of Communities and Exploited Persons Act (PCEPA), Federal, Provincial and Municipal governments and other public agencies continue to discriminate against Sex Workers promoting their exclusion from society generally in particular in this case as it relates to housing.

Proponents of PCEPA asserted that the legal frame work would solve all of the issues being raised by sex workers and ensure that what was believed to be a small number of “elite” adult consensual sex workers could enjoy all the rights and freedoms of other working class people. We now know that assumption is incorrect and that a minimum number of 170,000 sex workers exist in Canada and do not enjoy equal status as citizens.

The social exclusion of sex workers in Canada is entrenched in every corner of public policy. The work to unravel these biased policies will take decades. The layers of legislation, policy and practice discovered during this work presented a challenge. Remaining focused on housing exclusion was difficult as more and more issues were uncovered.

Some of these issues included Child Protection Acts, Family Court Bias, Municipal By-laws and Zoning, Municipal Safety Plans, accepted definitions of prostitution and accepted harmful stereo types of how sex workers live.

The Path Forward

The work to unravel these issues must be undertaken. If sex workers are ever to realize an end to discrimination in law, policy and practice, housing is an important place to start.

As the SCAN Acts are provincial, complaints will have to be launched in each province and territory separately to challenge the law via the Provincial Human Rights Tribunal. This kind of complexity will make a balanced outcome across the country difficult. A precedent set in one province or territory first could ensure evidence can be shared or understood in multiple jurisdictions.

Similarly the Crime Free Multi Housing Program is administered by the RCMP but also by smaller municipal and provincial police services. The RCMP Crime Free Multi Housing Program can be addressed using a complaint process via the Canadian Human Rights Tribunal but the programs being run in municipal police services will require multiple complaints across every province and territory.

The use of the Good Neighbour Agreement or Crime Free Lease Addendum may already be subject to application of Tenancy Act Rules;

Tenancy Act

Enforcing rights and obligations of landlords and tenants

6(1)The rights, obligations and prohibitions established under this Act are enforceable between a landlord and tenant under a tenancy agreement.

(2)A landlord or tenant may make an application for dispute resolution if the landlord and tenant cannot resolve a dispute referred to in section 58 (1)[determining disputes].

(3)A term of a tenancy agreement is not enforceable if

- *the term is inconsistent with this Act or the regulations,*
- ***the term is unconscionable, or***
- *the term is not expressed in a manner that clearly communicates the rights and obligations under it.*

Given that sex work is now deemed a “legal source of income” the prohibition of sex work qualifies as an **unconscionable term**. In particular given Tenancy Act Rules regarding “guest policies”;

Unreasonable guest clauses in tenancy agreements

Tenants have the right to invite guests into their rental unit. Landlords must respect tenants' freedom to enjoy their rental unit and cannot enforce unreasonable restrictions in tenancy agreements.

- *Learn more about reasonable guest limitations*

Landlords can't charge tenants a guest fee

Any clause in a tenancy agreement around guest fees is unreasonable.

No restrictions on the number of guest stays per year

Restrictions on guest stays in rental units to a limited number of days per year (e.g., a14-day per year overnight guest policy) are unreasonable.

- *Tenants must ensure guests do not become occupants of their rental unit*
- *Landlords have recourse for when a guest becomes an occupant*

Guest check-in policies are unreasonable

Policies requiring guests to 'check in' or requiring guests to be accompanied by the tenant at all times are unreasonable. These policies restrict a tenant's right to privacy in a rental unit.

This should provide a foundation to establish that sex work may not be prohibited in housing and that the Good Neighbour Agreements are unenforceable.

The BCCEC will endeavour to use the findings of this review to ;

- Engage with mainstream complaint systems to establish how the law, policy and practice outlined in this review violate sex workers human rights.
- Work to fulfill all legal complaint requirements
- Communicate with the BC Ministry of Housing about the conflict within the laws, proliferation of stigma, discrimination and violence sex workers are experiencing as a result of this conflict.
- Work to engage all stakeholders in finding a solution to address the impacts of 40 years under these laws, policies and practices.
- Raise knowledge and awareness among governments, housing agencies, police, by-law enforcement, landlords and property managers about the rights of sex workers in housing.
- Raise knowledge and awareness among sex workers about their rights in housing.

The BCCEC have already begun by;

- Submitting a brief to the Parliamentary Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities study on Federal Investments in Housing – 2006 – 2015;

[BCCEC Brief to HUMA Committee](#)

- Applying to present the findings of the ***Housing Exclusion – A Crisis of Law*** report at the National Conference on Ending Homelessness;

[Conference on Ending Homelessness](#)

- Working with the Canadian Human Rights Commission to file a complaint against the RCMP Crime Free Multi Housing Program – Complaint Reference # - 100017526
- Raised these law, policy and practice issues at the Meeting with the Continuing Committee of Federal, Provincial and Territorial Officials on Human Rights (CCOHR) where housing progress was discussed as part of the Civil Society Organizations engagement on implementation of the recommendations of Canada's 4th Universal Periodic Review at the United Nations.

Closing Remarks

A campaign of this size will be challenging on many levels. Financially, emotionally and physically this is a large undertaking.

The BCCEC will explore ways to support this work in an ongoing way. Only a sustained and consistent approach will make the impact required to see these issues resolved. Even then, unravelling the stigma perpetuated over such a long period of time will take decades.

During the course of this review a report from the UN Special Rapporteur on Violence Against Women and girls delivered a particularly difficult report to the United Nations which named prostitution “violence against women” and contained many of the assumptions we see across the systemic discrimination sex workers face here in Canada.

To quote a particularly malicious and vexatious section of the report;

Children of women in prostitution also suffer from violence, even while they are in their mothers womb. Many children are conceived as a result of a violent act of prostitution. A study on children of prostitutes women found delays in neurodevelopment, unschooling, suspected maltreatment, abuse or neglect, family dysfunction, partial or total absence of a father figure, housing and care giver instability, and anxious, avoidant or ambivalent attachment. Other findings included attention deficit disorder and hyperactivity, language and learning disorders, developmental disharmony, depressive

disorders, suicidal ideation and self-injurious behaviour, hyperoxia, insomnia, cognition of guilt and worthlessness, and irritability. They are also often stolen, drugged or sold in trafficking networks regularly, used for sexual abuse or rape, and are often killed too.

If this is a reflection of how law and policy makers view sex workers, if this is the starting point when they consider laws, policies and practices which impact our lives, the road ahead will be difficult. There is no simple way to address this kind overt, ideological hatred and discrimination except to prove them wrong, to engage, to dispel the myths.... Sex working parents are heroes to their children and the statement above runs counter to everything human rights and the United Nations are supposed to stand for.

The BCCEC commit to finding ways to bring the voice of our community to the tables of power and to improve the day to day lives, happiness and safety of sex workers and their families.

Sex workers are citizens, sex workers housing rights are human rights.

Who We Are

The **BC Coalition of Experiential Communities** is a consortium of Sex Workers who are activists mandated as a mechanism for the voices of experiential people to support the development of legislation and policies; peer driven programs and services; and work toward the elimination of oppressive systems and forces that create harm within the sex industry.

Vision:

- Creating a supportive network for Sex Worker activists to have opportunities for leadership and action on issues that impact their lives and the well being of their communities;
- Ensuring the fundamental recognition of human rights for Sex Workers including their right to dignity, safety, equality and empowerment;
- Supporting and promoting Sex Worker leadership, the development of essential services and a continuum of services for active Sex Workers through class advocacy;
- Supporting and advocating for enhanced prevention, education, health and healing for people in and from the sex industry.
- Opening dialogue for the reduction of harm and abolition of the social, economic and political conditions which cause harm in the sex industry;

Guiding principles

- Work for the safety of all industry workers regardless of gender or Sex Work choices;
- Ensure inclusion of diverse communities, perspectives and expertise from the sex industry whatever their location or experience in the sex industry
- Promote progressive thought forward thinking and continual positive change for the empowerment and education Sex Workers and the community at large;

- Keep harm reduction frameworks at the forefront and work toward social justice and social change to increase quality of life, human and labor rights for sex industry workers.
- Create Sex Worker opportunities for leadership and engagement in working towards collective goals.

BCCEC Membership is open to all active or former sex industry workers who identify as any gender and who work in any genre of the sex industry(including but not limited to street level, bath houses, massage parlors, ads/ internet, dancers, phone sex, web cam , clip sales, adult film, BDSM.

Acknowledgements

The BCCEC would like to thank first and foremost Sex Workers who shared their experiences with us. This issue has haunted our community for decades and with your help we hope to change the tide on Housing Discrimination against Sex Workers.

Thank you to PEERS Victoria, SWAPY Yukon, BCCEC members and the BC Coalition of Experiential Men for creating space for Sex Workers to discuss these issues.

Thank you to the BC Social Policy and Research Council for valuing Sex Workers safety in housing and grasping the need to work to address these issues. Without out your support this would not have been possible.

And a big thank you to the City of Vancouver who have supported our work over the past several years and the Sex Work Planners who continue to unravel these issues across the many levels where sex workers experience exclusion and discrimination.

