

**Finding a Better Fit:  
Rethinking Occupancy Standards  
for British Columbia**

by  
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## **Abstract**

The National Occupancy Standards (NOS) are guidelines primarily used in social housing to determine the number of bedrooms required for housing applicants based on the gender, age and relationships of household members. Within the context of British Columbia's ongoing housing crisis, adherence to the NOS has become a barrier to housing for many families, most often including those who have experienced violence, immigrant and refugee families as well as Indigenous families. This study analyzes the issues stemming from the NOS and common approaches to guiding occupancy. Methodologies used in this study are a literature review, assessment of existing policies and expert interviews. The findings determine recommendations for more inclusive occupancy standards moving forward that ensure families have the autonomy to choose what is appropriate housing for themselves and to decrease the risk of housing precarity as a result of overly prescriptive occupancy standards.

**Keywords:** National Occupancy Standards; Housing Policy; Family Housing; Overcrowding; Human Rights-based Approach

There is a house built out of stone  
Wooden floors, walls and window sills  
Tables and chairs worn by all of the dust  
This is a place where I don't feel alone  
This is a place where I feel at home

- *To Build a Home*, the Cinematic Orchestra

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# **Executive Summary**

## **Policy Problem**

The National Occupancy Standards (NOS) were introduced in 1985 by the Canadian Mortgage and Housing Corporation. The standards set out the ideal number of bedrooms in a household determined by the age, gender and relationships of the occupants. Since their introduction, the NOS have become the primary occupancy standards used by social housing providers throughout the province of British Columbia (BC) to determine the minimum number of bedrooms required by families. The NOS have not been evaluated or revised since their implementation in the 1980s. Within the context of the ongoing housing crisis throughout the province, the use of overly prescriptive and outdated occupancy standards, such as the NOS, has increased barriers to housing for families. Adherence to the standards has resulted in families being denied housing and experiencing increased housing precarity.

## **Research Findings**

By reviewing the limited studies related to the NOS as well as relevant discussions on overcrowding, an assessment of existing policies and six expert interviews, this study determines how the NOS are currently being used in social housing throughout BC, which populations are most effected and what policy alternatives exist. The analysis of existing literature demonstrated that many occupancy standards are based in colonial and Western familial ideals that fail to represent the needs of a diverse population. Furthermore, the common practice of preventing overcrowding through a measure of density is ineffective and harmful. Additionally, there is a homogenous approach to policies to guide occupancy standards among comparable jurisdictions to BC, resulting in a lack of existing viable policy alternatives to the NOS. As such, there is a need for a creative solution grounded in a human rights-based approach to housing policy, in order to identify a new policy for occupancy standards in BC that upholds the right to housing and the autonomy of families.

## **Recommendations**

This study provides an understanding of the key issues to be resolved in the current practice of the NOS and identifies the need for large-scale consultation with housing providers throughout the province to determine a holistic and effective new

occupancy standard that empowers families seeking housing and is useful to the diversity of housing needs throughout BC. Based on the key findings of this research, the key objective of a new occupancy standard for BC should be to satisfy the spatial needs of families while ensuring an efficient allocation of available social housing units. Furthermore, the criteria to guide policy considerations are as follows: prevention of housing precarity, autonomy, gender inclusivity, flexibility, clarity and regionally specific.

It is recommended that BC Housing provide province-wide communication to social housing providers on the expectations for use of the NOS and revise existing resources for housing providers that reference the NOS to immediately decrease the risk to families experiencing housing precarity. BC Housing should also facilitate consultation with social housing providers throughout the province to determine a regionally specific policy to guide occupancy standards. As part of this policy, a self-assessment tool for spatial needs should be added to applications to social housing in order to accurately determine the needs of families and uphold their autonomy to decide what is best for their family. Furthermore, new occupancy standards should refer to municipal building standards within the language of the standards in order to utilize an existing framework for minimum space standards and increase the clarity of jurisdictional standards for occupancy. Lastly, the NOS should be revised to be used as an advocacy tool for families seeking housing in order to protect families and uphold a human rights-based approach to housing policy as defined in the National Housing Strategy. BC has an opportunity to make meaningful changes to how occupancy standards are used and contribute a much-needed policy solution that puts families and the right to housing first.

# Chapter 1. Introduction

*“When you see families that are in crisis, and it's really clear that one of the causes of that is because of the arbitrary and prescriptive application of a policy such as National Occupancy Standards, I think we have a responsibility to act.” (Research Participant)*

## 1.1. Policy Problem and Significance

The National Occupancy Standards (NOS)<sup>1</sup> are federal guidelines in Canada that set out the ideal number of bedrooms in a household determined by the age, gender and relationships of the occupants. The guidelines were introduced in 1985 by the Canadian Mortgage and Housing Corporation (CMHC) through the *Housing Act* and resulted from consultations with provincial housing agencies conducted by CMHC (Statistics Canada, 2021c). The standards were first introduced in an effort to ensure that residents in social housing were not being over-housed by providing guidelines to minimize the space allotted to applicants for social housing and maximize the use of the available units and the bedrooms within them. Within British Columbia (BC), the NOS were adopted in the early 2000s as the dominant policy to guide occupancy by BC Housing, a Crown corporation that manages social housing throughout the province. As a result, the NOS is now the primary occupancy standard used by social housing providers throughout the province. Furthermore, landlords in the private rental market also commonly cite the NOS to determine successful applications of their units (Lauster & Easterbrook, 2011)

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<sup>1</sup> The NOS are as follows:

- A maximum of two persons per bedroom.
- Household members, of any age, living as part of a married or common-law couple must share a bedroom with their spouse or common-law partner.
- Parents in a one-parent family, of any age, have a separate bedroom.
- Household members aged 18 or over have a separate bedroom - except those living as part of a married or common-law couple.
- Household members under 18 years old of the same sex share a bedroom - except parents in a one-parent family and those living as part of a married or common-law couple.
- Household members under 5 years old of the opposite sex share a bedroom if doing so would reduce the number of required bedrooms. This situation would arise only in households with an odd number of males under 18, an odd number of females under 18, and at least one female and one male under the age of 5.

and the Ministry of Children and Family Development (MCFD) have used the standards to advise families as well (Knowles et al., 2019).

Although the initial objective of the NOS was to prevent over-housing residents in social housing, the standards also impose a minimum number of bedrooms-per-person that the housing stock in BC cannot accommodate. Within the context of the current housing crisis throughout the province, the NOS have become a barrier to housing and have increased the risk to families experiencing housing precarity. The issues stemming from the NOS have been identified in previous academic research spanning the last decade, however, studies are scarce. Most recently, the BC Society of Transition Houses (BCSTH) has brought attention to how the NOS are negatively affecting families seeking housing (Ashlie et al., 2021; Knowles et al., 2019; McKay, 2021).

This study determined that the NOS are not a viable policy to guide occupancy for the province of BC and a new occupancy standard for social housing is long overdue. The guiding research questions of this study were to further determine how the NOS are currently being used in social housing throughout BC, which populations are most effected and what policy alternatives exist. Initial stages of the research determined that there are no existing viable policies for BC, and a large-scale evaluation of existing policies and consultation with housing providers would be necessary to determine effective occupancy standards moving forward. As the identified policy problem concerned barriers to housing, a human rights-based approach was followed throughout this study, which is consistent with Canada's National Housing Strategy. In the absence of existing policy solutions, the purpose of the analysis in this study was to determine a key objective and criteria for future occupancy standards as well as recommended next steps to be considered by decision-makers tasked with implementing creative and effective new occupancy standards for BC.

## **1.2. Motivation to Address the Policy Problem**

The ongoing housing crisis in BC is the key contributing factor to the issues stemming from the NOS, as an insufficient housing stock, affordability issues and a lack of multi-room units inhibits families from attaining suitable housing under the standards. As many children live in poverty in BC, there is a dire need for affordable family housing and additional barriers to housing, such as the NOS, increase the risk to families and

children experiencing housing precarity. As of 2019, one in five children live in poverty in BC; the rate of poverty is much higher for Indigenous children living on reserve (40.9%), new immigrant children (44.9%) and children in lone-parent families (49%) (First Call Child and Youth Advocacy Centre, 2021).

Considering poverty rates, the housing stock in BC does not include enough multi-room, affordable units to adequately house BC families as the rental housing market is unaffordable for most. In Vancouver, only 0.2% of purpose-built rental accommodations are considered affordable for those who make less than \$25,000 a year (Canadian Mortgage and Housing Corporation, 2021). Furthermore, there is an extremely limited number of multi-room units in urban centres; of the rental accommodations deemed affordable in Vancouver for those who make less than \$47,000 a year (40% of the income distribution), only 12% are units with more than one bedroom (Canadian Mortgage and Housing Corporation, 2021). Due to the limited number of affordable multi-room units in the private rental market, many families rely on social housing throughout the province. However, the same lack of multi-room units exists in this sector and there are lengthy waitlists to attain units with more than two bedrooms (Knowles et al., 2019).

As a result of these circumstances, child homelessness exists in BC. The latest point-in-time homeless count conducted for the entire province, determined that of the 7,655 people experiencing homelessness throughout BC in 2018<sup>2</sup>, 219 children under the age of 19 were experiencing homelessness with their parent or guardian (Homelessness Services Association of BC et al., 2018). 35 of these children were deemed unsheltered, or, living on the streets (Homelessness Services Association of BC et al., 2018)<sup>3</sup>. Individuals in BC experiencing homelessness, especially as children, is unacceptable. Adherence to the NOS in social housing is a contributing factor to families

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<sup>2</sup> Current numbers of children and families experiencing homelessness throughout the province are not available due to delays in point-in-time homeless counts for 2021 and 2022 as a result of the COVID-19 pandemic.

<sup>3</sup> Youth and women, sometimes with children, are considered part of the population of the invisible homeless, meaning that numbers estimated via point-in-time counts are likely much higher. Youth and women tend to avoid emergency shelters or living unsheltered on the streets because of risks to their safety; instead, couch-surfing or sleeping in vehicles is common among these groups (BC Non-Profit Housing Association, 2020; Schwan et al., 2020; Knowles et al., 2019;).

experiencing housing precarity. In order to decrease barriers to housing for families, the NOS should be revised to increase access to housing.

### **1.3. Scope and Purpose of this Research**

There have been a number of prominent studies on the overarching condition of overcrowding that the NOS are intended to prevent, along with research on the history and current use of occupancy standards in a variety of jurisdictions. However, there is limited research on the use and effects of the NOS specifically. This study identifies how the NOS relate to ongoing debates within research on overcrowding and occupancy standards and provides insight as to how the NOS are being used in BC's social housing sector and the perspective and experiences of housing providers that abide by the standards.

As research supports the need for housing policy to reflect local understandings of crowding (McCartney et al., 2021), the focus of this study is on changes that can be made to the practices of occupancy standards in BC. Furthermore, the use of the NOS in the social housing sector throughout BC is considered, as the adoption of the NOS by BC Housing, has been an influential determinant for the predominance of use of the NOS throughout the entire housing sector in BC. Therefore, addressing policies utilized by the social housing sector is an entry point for initiating long-term change of the practices in guiding occupancy and assessing housing suitability for families in all areas of the housing sector. Lastly, this study determines recommendations for next steps to be taken to decrease the risk to families experiencing housing precarity within the parameters of the ongoing housing crisis. However, it should be recognized that the only long-term solution to this issue is an adequate supply of safe, affordable and appropriate housing for families throughout the province.

## Chapter 2. Background

### 2.1. Creation of the National Occupancy Standards: 1980-1990s

Amidst the housing crisis of the late 1980s through to the 1990s, there were significant shifts in governmental responsibility for social housing. The federal government reduced their involvement in the provision of social housing and shifted to a funding role with an emphasis on efficiency; provincial governments then became the key actors in the management of social housing (Ramage et al., 2021). Throughout this period, CMHC introduced new policy to measure and assess Canadian housing stock in order to prioritize recipients of provincial social housing subsidies (McCandless, 2020). Core Housing Need was created as the primary measure used by CMHC and is defined by the housing standards of adequacy<sup>4</sup>, suitability<sup>5</sup> and affordability<sup>6</sup>. The standard of housing suitability is measured by the NOS. The use of the NOS within Core Housing Need is one function of the NOS that is applicable to the entire Canadian housing stock. The standards were formally implemented through the 1985 *Housing Act* and the Core Housing Need was first used in the 1991 census (Labahn & Salama, 2018).

The other function of the NOS, is only relevant within social housing and is the focus of this study. By the 1990s, the federal government had advised social housing providers to use the NOS as guidelines for occupancy in order to create uniformity between provinces in the size of units that applicants of social housing would be eligible for, ultimately to ensure that residents were not over-housed (McCandless, 2020). The NOS were a needs-based approach to ensure the efficient allocation of social housing units (McCandless, 2020). It is important to note that the purpose of occupancy standards in housing is usually from the perspective of health and safety of residents and not efficiency, a concept that will be further explored in the literature review.

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<sup>4</sup> Housing adequacy is defined by CMHC to refer to housing that is not in need of major repairs, such as plumbing and electrical issues (CMHC, n.d.). This study refers to 'adequate housing' to refer to housing that satisfies a family's needs.

<sup>5</sup> Housing is considered suitable based on the number of bedrooms to household occupants as determined by the NOS (CMHC, n.d.).

<sup>6</sup> Housing is considered affordable if the cost of housing is less than 30% of a household's before tax income.



Although only guidelines, a high-level of adherence to the standards was advised, although CMHC recognized that flexibility would be required in some cases (McCandless, 2020). Since the adoption of the NOS to guide occupancy in the 1990s, the language of the standards or application within the social housing sector have not been evaluated or changed.

## **2.2. Adoption of the National Occupancy Standards in BC**

It is unclear when the NOS were first used by BC Housing to guide occupancy, however over the last few decades the NOS have become the standard among housing providers in BC. As the sole Crown corporation overseeing and implementing social housing projects in the province, BC Housing is a highly influential actor in the province's housing sector. Standards abided to by BC Housing influence the practices of non-profit housing providers as well as the private rental market; the use of the NOS to guide occupancy is no exception to this trend. However, in the context of the present-day housing crisis faced throughout the province, adherence to the NOS has become impossible for housing providers. The lack of affordable rental units for families in the private rental market in BC has increased the demand for social housing. In Vancouver, social housing units that have three or more bedrooms are far less common than one- or two-bedroom units (Knowles et al., 2019).

As one of the three standards utilized to determine Core Housing Need, the NOS has further substantiated that the current housing stock in BC does not meet the demands of the population throughout the province. Within BC, 12.6% of the population were in Core Housing Need as of 2016 (Government of Canada, 2020), and as of 2018 5.1% were specifically experiencing a lack of housing suitability, the standard measured by the NOS (Statistics Canada, 2019). However, Core Housing Need has limitations to accurately capture the full demand for more housing. Specifically, Core Housing Need only includes those that are housed and does not include those experiencing homelessness. Furthermore, those living on First Nations reserves are also not included along with full time students aged 15-29. As a result, the use of the Core Housing Need as a way to assess housing stock can provide a broad understanding of housing in BC, however the actual need for more adequate housing is much higher (Cooper & Skelton, 2015).

It is clear there is a lack of affordable rental housing for families throughout the province, which has created an increased reliance on social housing, wherein there is the same issue of a lack of multi-bedroom units. Based on the housing stock in BC, the NOS is imposing unattainable standards. Therefore, many social housing providers practice the use of the NOS with a great degree of flexibility<sup>7</sup>. If the NOS cannot be adhered to in the current housing crisis and if housing providers are commonly not abiding by them, it is necessary to determine if the standards have any value or relevance under the current market conditions.

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<sup>7</sup> In 2019, BC Housing provided clarification to their membership on the use of the NOS and stated that “the NOS are to be applied as guiding principles rather than rules and housing providers can make exceptions to respond to housing need in their communities and maximize the use of limited subsidized housing units” (BC Housing, 2019).

## **Chapter 3. Methodology**

### **3.1. Literature Review**

A literature review was conducted in order to understand the history and context that led to the creation of the NOS, the key objectives of the standards and how the NOS are situated within the greater discourse of occupancy standards. Using academic and grey literature pertaining to occupancy standards, overcrowding as well as the limited literature discussing the NOS, key issues attributed to the standards and most effected groups were identified. Due to the emerging nature of the research focus, a variety of sources were utilized. Sources included news articles, online resources from housing organizations and providers, published reports, council meeting minutes and memos, and peer-reviewed literature.

### **3.2. Assessment of Existing Policies**

Upon review of the relevant literature on occupancy standards, key jurisdictions were selected in order to further explore the existing policies used to guide occupancy. The cities of London, England, Toronto, Ontario and New York, New York were selected for comparison to Vancouver, BC. To select jurisdictions, an initial screening was done to identify the presence of a comparable housing market; the criteria for comparison was the presence of a culturally diverse population, housing affordability issues, urban density and a well-documented history of overcrowding. The criterion of a culturally diverse population was of key importance to identify comparable jurisdictions to Vancouver, BC. Many places in the world struggle with housing affordability and overcrowding, however, policies to address these issues within a culturally homogenous population would not be useful to BC and the problem identified for this study.

The initial screening yielded a number of jurisdictions including urban centres in New Zealand and Australia as well as Santa Monica, California. These jurisdictions were not included in the assessment as both New Zealand and Australia use Canadian National Occupancy Standards and there was insufficient publicly available sources on occupancy standards in Santa Monica. Furthermore, it was found that England, Toronto and New York use social housing specific occupancy standards, which was ideal for

comparison to the use of the NOS in social housing in BC. As differences in occupancy standards utilized by comparable jurisdictions were minimal, the level of prescriptiveness<sup>8</sup>, outcomes for families under each policy<sup>9</sup> and relevant literature on the issue of occupancy standards and overcrowding in each jurisdiction were used to provide an understanding of existing policies to guide occupancy as well as identify any promising practices for BC.

### **3.3. Expert Interviews**

Semi-structured interviews were conducted with two BC-based social housing providers, two BC-based housing organizations and two academics with expertise in the NOS. These interviews were conducted in order to provide further information on how the NOS are currently being applied by social housing providers in BC, potential alternatives, the issues housing providers and those seeking housing face, and inform key considerations for future policies. A total of six interviews were conducted over *Zoom* in which audio recordings of interviews were transcribed and analyzed. The transcripts were analyzed by first identifying five overarching themes: current use of the NOS, framing of the issue, NOS as a barrier to housing, implementation and overarching issues, then codes and subcodes under each theme were developed and line-by-line coding was used to analyze the data.

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<sup>8</sup> Level of prescriptiveness was measured by the number of characteristics used to determine additional bedrooms.

<sup>9</sup> Outcomes for families were determined by the number of bedrooms three example families would require under each policy.

## Chapter 4. Literature Review

Occupancy standards exist to prevent the wear and tear on a unit by limiting the number of occupants using the space, or to prevent overcrowding through a measurement of density; the latter is relevant to this research and the use of occupancy standards in the social housing sector. The following literature review addresses how the NOS are situated within the broader discourse on occupancy standards and overcrowding. Furthermore, an overview is provided of how the adoption of the NOS has become a barrier to housing for some families and which populations are affected the most as well as key consequences of the NOS related to issues of human rights.

### 4.1. What is Overcrowding?

*“What is crowded to some is exactly what is comfortable to others;  
what is comfortable to some is exactly what is lonely to others.”  
(Pader, 2002, p. 305)*

In order to explore alternative policy solutions to guide occupancy in BC, it is important to understand what the current guidelines are trying to achieve. As discussed, the NOS were implemented to ensure social housing units were being used efficiently and residents were not being over-housed. The NOS also guide minimum standards of space in terms of number of bedrooms for households in order to prevent overcrowding. In the broadest sense, the purpose of all occupancy standards is to prevent the occurrence of overcrowding within households. Overcrowding is a state that has been defined in many different ways across time and borders<sup>10</sup>. The most general definition of overcrowding is “a condition where the number of occupants exceeds the capacity of the dwelling space available, whether measured as rooms, bedrooms or floor area, resulting in adverse physical and mental health outcomes” (World Health Organization, 2018). It is important to note that overcrowding<sup>11</sup> is not the same as density. Density, is an objective measure determined by the number of people in relation to a given amount of space. However, occupancy standards put in place to prevent overcrowding most often utilize measures of density as guidelines.

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<sup>10</sup> See Appendix A for examples of definitions that are currently being used globally.

<sup>11</sup> ‘Overcrowding’ is used interchangeably with ‘crowding’.

The key health concerns resulting from overcrowding is the spread of some respiratory and gastrointestinal disease as well as stress (World Health Organization, 2018)<sup>12</sup>. However, the World Health Organization (WHO) advises that the risks to physical health associated with overcrowding are highly dependent on the nature of individual diseases (World Health Organization, 2018).

In addition to physical health, the effects of overcrowding on mental health<sup>13</sup> have been a key consideration for the implementation of occupancy standards. However, WHO has measured the association between poor mental health and overcrowding as moderate to low within the current research on this issue (World Health Organization, 2018). Unfortunately, due to the variation of measures of overcrowding used worldwide and potential confounding factors closely related to overcrowding such as social deprivation, recent research has cautioned against drawing causal associations between overcrowding and poor health<sup>14</sup> (Gray, 2001; World Health Organization, 2018). However, there is enough evidence to suggest that there is some relationship between overcrowding and poor health outcomes, as such, overcrowding is not a desirable condition for housing.

Within the Canadian context, McCandless (2020) argues that throughout shifting policies to prevent overcrowding in Canada, there has been little done to actually define what overcrowding is or what the space or capacity threshold is that actually results in

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<sup>12</sup> The recent COVID-19 pandemic is a pertinent example of the potential consequences of overcrowding to physical health, as those living in smaller accommodations with multiple people were more likely to contract or die from COVID-19 during the first wave of the pandemic due to the inability to social distance within the household (Statistics Canada, 2021a).

<sup>13</sup> Many of the early inferences of poor negative health outcomes resulting from overcrowding actually emerged from experiments on animals, such as rats in a prominent study by Calhoun in 1962 (Lauster & Tester, 2010).

<sup>14</sup> Even when the NOS were being created in the late 1980s, there was emerging research indicating that the effects of overcrowding within households were unclear. Beeghley and Donnelly (1989) conducted a literature review related to family overcrowding and determined that “while evidence plainly suggests that family crowding has negative consequences, fundamental disagreements prevent definitive statements”. Consistent with the more modern findings of WHO, Beeghley and Donnelly pointed to issues in generalizability of research on overcrowding due to the variation in definitions of crowding used by researchers, often resulting in contradicting conclusions (Beeghley & Donnelly, 1989). While there is enough evidence to suggest that overcrowding has negative health outcomes for families, specific outcomes are not clear. The pattern of uncertainty and lack of clarity related to the effects of overcrowding has resulted in the variation of policies utilized globally to prevent crowding; however, it appears to be a standard practice to prevent overcrowding through measures of density.

negative effects on health. The NOS provides an ideal based on who needs their own bedroom determined by the age, gender and relationships of the household members. However, there is no control for actual space under the NOS. Increasing rooms within a unit does not always equal additional space. It is possible to attain a two-bedroom unit that is smaller in terms of square footage than a one-bedroom unit. Although the NOS do not actually determine ideals for a minimal amount of space for a household, they do imply a minimal standard for privacy between household members. In other words, the NOS do not determine an appropriate amount of space for any given individual within a household, but imply appropriate spatial relationships between household members. Unfortunately, research supports that the appropriateness of these relationships is centred on the outdated ideal of the nuclear family (McCandless, 2020) and colonial attempts to enforce white settler understandings of family composition on a culturally diverse population (Lauster & Tester, 2010; McCartney et al., 2021).

Based on the lack of evidence to define a universal threshold for overcrowding, it can be assumed that overcrowding is a subjective experience. Therefore, issues arise when overcrowding is managed through objective measurements of density, as with the NOS. In 1961, WHO released a foundational report on housing that stated that a healthful residential environment should provide “a sufficient number of rooms, usable floor area and volume of enclosed space to satisfy human requirements for health and for family life, consistent with the prevailing cultural and social pattern of that region and so utilised that living or sleeping rooms are not overcrowded” (World Health Organization, 1961, p. 17-8). Policies to guide occupancy after this report are in alignment with the WHO guidance, but in identifying the “prevailing cultural and social pattern”, understandings of overcrowding were made based on the ideals of Western and white familial norms. Lauster and Tester (2010) argue that “these measures of crowding can easily be transformed into standards used to discipline minorities into forming proper households, as defined by dominant cultural standards.” The perpetuation of these ideals to guide occupancy within Canada has resulted in the discrimination of certain populations that do not hold the same ideals or cannot attain the standardized ideals for their families.

The assumption that families experience overcrowding in similar ways, is consistent with colonial practices to enforce settler ideals on a diverse population. In order to decolonize housing policies in Canada and BC, any viable policy solutions

should recognize the subjective experience of overcrowding based on diverse cultural and familial practices. Furthermore, this is not to say that overcrowding should not be a concern, as stated above there is evidence to suggest overcrowding can lead to poorer physical and mental health, in some capacity. However, policies to guide occupancy should not be enforced when there is a risk of increased housing precarity for those seeking housing, as the risks to mental and physical health from experiencing homelessness are well known and severe.

## **4.2. The Consequences of the National Occupancy Standards**

*“In a multicultural society such as Canada, can one definition of housing need and housing suitability accurately represent housing quality across Canada?” (Labahn & Salama, 2018, p. 4).*

The above discussion of occupancy standards and overcrowding has identified that overcrowding is a subjective experience and there is an inability to determine an evidence-based measure of overcrowding. The recognition of subjectivity in overcrowding complicates the policy-making process (Lauster & Tester, 2010). Grey (2001) suggests “it may be inappropriate and unhelpful to try to establish one definition of crowding for all purposes or all groups, or one model of housing need” (p. 34). Regardless, there is a persistent use of generalized standards that are rooted in the dominant population’s understanding of overcrowding within a given jurisdiction. In Canada, the use of the NOS is reflective of Western ideals of privacy and space which has resulted in the discrimination of certain populations; furthermore, the use of the NOS uphold colonial tools of assimilation by enforcing appropriate familial relations within the home based on settler norms (Lauster & Tester, 2010; McCandless, 2020; McCartney et al., 2021). The following outlines the consequences of applying discriminatory occupancy standards to assess suitable accommodations for those seeking housing, especially within the context of social housing.

### **4.2.1. Gender, Privacy and Morality**

The specific understanding of overcrowding the NOS seek to prevent is rooted in Western ideals of appropriate familial spatial relations. A prominent theme in the existing literature on crowding and occupancy standards is the connection between the



relationship between health and morality that has shaped many of the existing occupancy standards used today. Pader (2002) argues that occupancy standards, in general, are “historical and cultural artifacts that have been accorded the status of universal truth” (p. 304). Furthermore, Lauster and Tester (2010) argue “in the Canadian case, the specific cultural context of those tasked with administering the country became universalized. In effect, the cultural standards of white, middle-class Canada became imposed on the country as a whole, and beyond, through the adoption of the Canadian National Occupancy Standards” (p. 8). This point is supported through the continued use of the NOS, mainly, the lack of revision the guidelines have undergone in the decades following their implementation along with the pervasiveness in which they are applied throughout the country. Further, the standards continue to disadvantage families. CBC investigated the NOS in 2017 when a family claimed they were deemed ineligible for housing in a two-bedroom unit in a co-operative building in Vancouver, BC, because their second child born during the application period was not the same gender as their other child (Brend, 2017). As discussed above, the specific relationship between adverse effects on mental and physical health and overcrowding are unclear, although it is supported that there is a connection in some capacity. In the absence of evidence-based guidance on supporting good health through the prevention of overcrowding, moralistic understandings of health have guided the creation of occupancy standards (Lauster & Tester, 2010; McCandless, 2020; Pader, 2002).

In particular, the NOS prioritize privacy between genders as well as parents and their children. Research reflects that the ideals of the nuclear family and lingering views from moral standards at the turn of the twentieth century are fundamental to occupancy standards in place across North America today (Lauster & Tester, 2010; McCandless, 2020; Pader, 2002). Within an American context, Pader (2002) explores the history of occupancy standards as a tool to ensure privacy, out of a fear that crowding would lead to “sexual promiscuity” among household members (p. 307). McCandless (2020) determines that the history of moralism intertwining with occupancy standards was very much present in Canada as well. Through a historical analysis, McCandless determines that imposing morality and a set of social norms on the Canadian population was at least a part of the rationale behind the NOS.

## 4.2.2. Indigenous Communities

Although there are limited studies on the effects of the NOS, there are a few recent studies that provide key insights into the colonial nature of the NOS. Lauster and Tester (2010) offer an example of the incompatibility of the NOS within some cultures through their research with the Inuit in Nunavut, Canada. Residents in Nunavut are five times more likely to be living in a crowded household than the national average (Lauster & Tester, 2010), the high levels of overcrowding are the direct result of colonialism as the Inuit were often left with no choice but to leave their traditional family-based communities and move to settler-built communities. This displacement happened for a variety of reasons including the collapse of the fur-trade, the need for medical care at the onset of multiple pandemics and to be close to children who were attending residential schools (Lauster & Tester, 2010). However, there was a lack of adequate housing in the new communities. Parallel to initiatives to increase the housing stock for Inuit families, the government provided educational campaigns to impose Western ideals of family and households. Prominently, in the 1960s, CMHC funded an adult education program that included worksheets on household composition with details such as “ ‘a family is a man and his wife,’ or ‘a family is a man and his wife and children’, or ‘a single adult man or woman may be called a family’, followed by a clear statement that while two or more families might be currently living in a small house, the government wanted each family to have a house” (Lauster & Tester, 2010, p. 527).

Lauster and Tester’s research highlights that the term “colonial” is not used lightly within the discourse surrounding the NOS and in this study. The language used by CMHC in the 1960s as a tool of assimilation against Inuit families is not a far departure from the current framework of the NOS. Assumptions of gender, age and family relations perpetuated in the NOS are not compatible with the cultural practices of the Inuit that believe in the fluidity of gender, age and traditionally sleep in communal arrangements (Lauster & Tester, 2010). The ongoing perpetuation of white settler ideals continue to have harmful effects on Indigenous communities, including the Inuit and many First Nations and Métis communities throughout the country<sup>15</sup> (McCartney et al., 2021).

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<sup>15</sup> Lauster and Tester do suggest that the NOS can be an effective measurement of inequality throughout the nation and aid in the provision of government assistance to communities in need. However, with a lack of cultural understanding within analysis, measurements can be inaccurate.

Furthermore, McCartney et al. (2021) found that there were stark differences in measured incidents of overcrowding as determined by the NOS in Eabametoong First Nation when compared to community member's self-assessed experiences of overcrowding. The study surveyed 98 households in the Eabametoong First Nation to determine if there were differences in how the NOS defined their household's level of crowding and how the participants self-assessed their subjective experience of crowding. Of the 98 participants, 44 (44.9%) were deeming living in crowded households as per the NOS guidelines. Of the households deemed overcrowded, 14 households did not self-assess as experiencing crowding and of the households that were not overcrowded under the NOS, 13 households self-assessed as experiencing overcrowding. These discrepancies totalled 27 of 98 households whose experiences of crowding were not accurately reflected by the NOS. McCartney et al. (2021) concluded their study by determining the need for "a complete shift [in housing policy] towards a local and flexible framework" and occupancy standards that capture "culturally specific mediating factors as well as density" in crowding (p.659).

### **4.2.3. Immigrant and Refugee Families**

In addition to Indigenous households and communities, research has also determined that the NOS are especially discriminatory to immigrant and refugee families with cultural backgrounds that traditionally have large families with many children or multiple generations within one household (McKay, 2021). Research as early as 2000 alerted that the current occupancy standards pose a significant barrier to housing for refugees living in Vancouver and the need for more flexibility (Miraftab, 2000) and a decade later the same point was identified in a qualitative study that included 80 interviews with refugees in BC and Manitoba (Sherrell, 2010). Furthermore, McCandless (2020) argues that the history of occupancy standards in Canada through the early twentieth century, although rooted in the objective of reducing poverty and improving health, often targeted non-British immigrants in the working class and many early

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For example, by using the NOS in Nunavut, policy makers have assumed that there is a need for more family housing; however, Lauster and Tester's research reveals that the actual need is more housing suitable and affordable for young adults as adult children remaining at home was a key component to many Inuit households experiencing overcrowding.

initiatives to prevent overcrowding often were shrouded in “anti-immigrant sentiment” (p. 72)<sup>16</sup>.

Pader (2002) identifies that “sharing household space with extended family members is a common way of the world, and a common way of getting through hard times, or even strange times such as first entering a new country” (p. 307). Labahn and Salama (2018) identify that the “one size fits all” approach once again does not account for the needs and practices of the diverse population of those seeking housing in Canada. Although the purpose of the NOS is to prevent overcrowding and improve health and wellness, Western ideals of health and wellness can impose unrealistic cultural expectations on immigrants and refugee families (Labahn & Salama, 2018). For example, Labahn and Salama identify the extensive barriers to housing faced by Syrian Government Assisted Refugees after 2016. Many of the Syrian families consisted of six to thirteen people and struggled to find suitable housing in the private rental market that was affordable<sup>17</sup>. Due to low-incomes and a lack of Canadian landlord references, many families utilized social housing. However, the use of the NOS and the limited number of large multi-room units available increased barriers to housing in the social sector for the families. As such, occupancy standards should allow flexibility within the assessment of housing suitability; however, this point also identifies the overarching issue that there is a need for more multi-room units in the social housing sector.

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<sup>16</sup> In her analysis of historian's work on occupancy standards, McCandless identifies how housing reform policies, including those to prevent overcrowding and the creation of slum, were rationalized through anti-immigrant sentiment. McCandless discussed how historians have determined many housing policies were used to “Canadianize’ the working class” (p. 72) and to rectify concerns over a perceived threat to the Anglo-Saxon race from the “infiltration of non-British immigrants” (p. 72). McCandless relates the early twentieth century reform policies to the period of implementation for the NOS and states that “in the early part of the twentieth century, housing and public health policies were created with the desire to establish particular social norms, and those policies were later refined with the introduction of by-laws and regulations in the 1940s to 1970s” (p.71).

<sup>17</sup> Although the use of the NOS should not prevent families from accessing housing, in their work on overcrowding in the Toronto rental market, Social Planning Toronto advocates that the overrepresentation of racialized immigrants and refugees in crowded households should not be understood as the result of cultural preferences but rather the result of a lack of housing to fit their needs (Ferguson, 2021).

#### **4.2.4. Families Experiencing Violence**

Across cultures, a prominent group disadvantaged by the use of the NOS to guide occupancy are families experiencing violence; in particular, women and their families who experience violence, due to the disproportionate rates at which women experience violence from their partners (Statistics Canada, 2021b). Women of all backgrounds do not experience violence in similar ways; for example, Indigenous women are more likely to experience intimate partner violence than non-Indigenous women in Canada (Women and Gender Equality Canada, 2022). Work by BCSTH highlights how the NOS is disadvantaging women who have experienced violence. In 2018, BCSTH began a project to understand and decrease barriers to housing for women and their children experiencing violence throughout the province of BC. In their survey of members that predominately includes safe home, transition house and second and third stage housing providers, 87% of respondents alerted that the NOS are a key barrier to housing for women who access their services (Knowles et al., 2019).

For women experiencing violence, the inability to access safe housing for their families is a key reason why they are forced to return to unsafe living situations (Knowles et al., 2019). The NOS should be revised in order to decrease the perpetuation of violence against women in BC and nationally. A recent qualitative study of women in BC with lived-experience of the NOS as a barrier to housing after experiencing violence revealed the grave consequences for the continued inaction around this issue:

*"All I know is that if someone hadn't broken those rules (NOS), I would certainly be dead, and my children would certainly not be okay. [...] It begs the question: why does someone have to break the rules to save a life and family, you know, and this amount of poverty?" (McKay, 2022)*

#### **4.3. The Need for a Human Rights-based Approach to Occupancy Standards**

Clearly, there is emerging research seeking to understand how the NOS disadvantages some families seeking housing in BC and Canada. Also, there has been research spanning decades which critiques the use of measures of density and values of the dominant group to guide the subjective experience of crowding. Pader (2002) argues that morally-based and arbitrary standards such as the NOS are ineffective in measuring

overcrowding; whereas Lauster and Tester (2010) and Gray (2001) determine that the attempt to guide occupancy through a single definition of overcrowding are futile policy solutions. Although there is a relationship between overcrowding and poor health outcomes, the experience of overcrowding can vary across cultures and between families. However, an adequate policy alternative to the NOS would not be to intentionally crowd families into limited spaces. McCandless (2020) identifies an important consideration that was seldom made throughout the literature, without the NOS, those seeking housing in Canada have limited rights to ask for an adequate amount of space for their families. Removing some of the prescriptive rules within the NOS, such as the division of genders, could lead to overall worse housing standards for families. McCandless states “if the NOS were changed to a facially neutral standard [...] then this could mean that the household used in an earlier example, composed of two parents, a teenage son and a young daughter, would be allocated a two-bedroom unit rather than a three-bedroom unit [...] it would not be desirable for the NOS to be amended to a standard that would have the potential of under-housing families” (p. 140-1).

Families should have the right to choose appropriate housing for themselves; as such, occupancy standards should not increase the risk of housing precarity by being too prescriptive but, should not force families into inappropriately sized accommodations either. Unfortunately, families do not have autonomy within the current use of the NOS. The history of the NOS determines that the standards were implemented through a needs-based approach with a goal of efficiency in social housing and not to ensure the health and safety of residents, even if there were perceived benefits to the NOS in terms of health and safety. This needs-based approach is not in line with the current housing policy framework in Canada, which has been grounded in a human rights-based approach since the adoption of the National Housing Strategy in 2017<sup>18</sup> (Government of Canada, 2017). An analysis of court decisions in Canada that cite the NOS in relation to human rights provide evidence that the NOS are used against families seeking housing and are a tool for housing providers in both the social housing and the private rental

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<sup>18</sup> In 2009, the Ontario Human Rights Commission (OHRC) stated in their policy on human rights and rental housing that the use of the NOS was not consistent with human rights principles.

market<sup>19</sup>. McCandless (2020) provides an in-depth analysis of all 13 court decisions that are relevant to occupancy standards, nine of which are human rights complaints, however this study focuses on the decisions that explicitly cite the NOS, which are outlined in Table 1 below.

**Table 1: Canadian Court Cases Related to the NOS (McCandless, 2020)**

Case	Jurisdiction	Use of NOS
<i>Moore v. Wellington Society</i>	BC	Single mother with one child denied a one-bedroom unit, co-operative housing provider argued that the denial was not discriminatory as the NOS prohibits room-sharing between parents and children <sup>20</sup> .
<i>Johnson v. Cheng</i>	BC	Single mother with one child denied a one-bedroom unit, landlord argued that the denial was not discriminatory as the NOS prohibits room-sharing between parents and children.
<i>Dubois v. Benryk Mews</i>	BC	Co-operative housing provider denied a three-bedroom unit to a couple and one child as the NOS requires couples to share a room.
<i>K'Aodee v. Mackenzie</i>	Northwest Territories	A single occupant in social housing was moved from a four-bedroom unit to a one-bedroom unit and the NOS were cited by the housing provider to emphasize the importance of proper allocation of units when there is a housing scarcity.
<i>Stagg v. Canada (Attorney-General)</i>	Dauphin River First Nation (DRFN) - Federal	DRFN used the NOS to argue that their community was experiencing overcrowding because Indigenous Services Canada had not built adequate housing after flooding destroyed original homes.

In the decisions *Dubois v. Benryk Mews* and *K'Aodee v. Mackenzie* the use of the NOS is consistent with the intended purpose of the policy to ensure efficient allocation of units (McCandless, 2020). Within the context of the housing crisis, the prevention of over-housing is justified and one important use of the NOS. However, this study has highlighted that the use of the NOS to impose minimum standards of space is a barrier to housing and is why the policy is problematic. In both *Moore v. Wellington Society* and *Johnson v. Cheng*, single mothers were denied housing and the housing

<sup>19</sup> Expert interviews will provide more insight as to whether or not the NOS are being used by families to advocate to their housing providers for adequate housing in less formal ways than through the court.

<sup>20</sup> In both the *Moore v. Wellington Society* and *Johnson v. Cheng* cases the mothers were each seeking a one-bedroom unit for themselves and their child as it was the more affordable accommodation.

provider used the NOS to argue that their actions were not discriminatory, but supported by a federal standard for housing providers (McCandless, 2020). The only case in which the NOS were used by residents to argue for better access to housing was by the Dauphin River First Nation (DRFN), who claimed that Indigenous Services Canada had not rebuilt adequate housing after flooding caused destruction of many homes within the community. As part of their argument, DRFN used the NOS to demonstrate families in their community were experiencing overcrowding. However, the Federal Court dismissed the claim and noted there was no information on the legal status of the NOS and that the DRFN had a lower-than-average occupancy rate compared to other First Nations, with no consideration for the extremely high-rates of overcrowding experienced within many First Nation communities (McCandless, 2020).

The existing court cases demonstrate how the NOS are being used as a reason to deny families accessible housing and have not been a useful tool to advocate for more adequate housing due to limited understanding of the NOS within the court system. Furthermore, the NOS have been used by housing providers to justify potentially discriminatory behaviour that infringes on the right to housing. The NOS are a relic left over from a time in housing policy where efficiency was of utmost importance. Although this focus on efficiency ensures larger units are being provided to those that need them the most, the NOS also impose needless barriers to housing for families which increases the risk of experiencing housing precarity. As such, there is a need to evaluate the current use of the NOS and determine alternative policies for BC and Canada through a human rights-based approach that is in alignment with the current principles of the Canadian National Housing Strategy.

#### **4.3.1. Why a Human Rights-based Approach?**

It is important to understand how a human rights-based approach is useful to address the issues stemming from the NOS, as there are many warranted criticisms of the framework. On a global scale, the adoption of the framework and inclusion of human rights in legal systems has failed to result in the discontinuance of human rights violations (Man, 2018; Posner, 2014). Furthermore, human rights language has been criticized for reflecting Western values and sometimes contradicting the values and beliefs of non-Western cultures (Man, 2018). In terms of the right to housing, some have pointed to the lack of consequences a legal right to housing imposes on governments to



enact real changes. Madden and Marcuse (2016) argue that the legal right to housing is not in itself capable of enacting great changes within the housing sector as “merely declaring a universal right to housing is not the same as actually providing housing for all” (p. 127). However, in an ethical or political sense, the right to housing can still be used as a powerful tool for advocacy. Claiming a right to housing within a system that cannot provide adequate housing points to the failures of the status quo and advocates for fundamental changes (Madden & Marcuse, 2016).

The only long-term sustainable solution to the issues stemming from the NOS is the provision of affordable and suitable housing for families throughout the province of BC, and reducing the level of housing precarity faced by families through redefining occupancy standards is an immediate step. Using human rights-based language challenges the systemic failure to provide adequate housing to families and allows for future advocacy in this area. Despite the legitimacy of this critique in other applications of the framework, a human rights-based approach to housing is not without benefits. Hunt (2013), a Kwagiulth scholar, identifies the complex relationship Indigenous peoples have with human rights discourses in Canada due to the exclusion of Indigenous values and principles. However, Hunt argues that human rights do “provide broad standards that are useful in advocating for a baseline set of conditions to which each individual is entitled” (Hunt, 2013, p. 95). This understanding of human rights is especially true for making a human rights-based approach to housing useful to address the issues around NOS.

#### **4.4. Key Findings from the Literature**

The NOS were implemented as a needs-based policy to ensure efficient allocation of available social housing units across the country; however, the standards have never been evaluated or revised based on the changing demand and needs within the housing sector. Primarily, it has become impossible for housing providers in BC to adhere to the standards due to the housing crisis without increasing the risk for families experiencing housing precarity. Furthermore, the use of the NOS to prevent overcrowding is problematic as the experience of overcrowding is subjective and measurements of density have limited success and accuracy in preventing the negative health outcomes linked to overcrowding. The ongoing use of the NOS is colonial in nature as it perpetuates white settler familial ideals that disproportionately effect

Indigenous communities, immigrant and refugee families and families experiencing violence.

Without an adequate housing stock, there is a trade-off between preventing overcrowding and contributing to the increased risk of families experiencing housing precarity. As such, occupancy standards should not inhibit families from deciding what is suitable housing for the specific needs and preferences of their families as the NOS often do not reflect self-assessed experiences of overcrowding and do not reflect culturally diverse and individually subjective experiences of overcrowding. Furthermore, occupancy standards that apply a single definition of crowding to a diverse population of housing applicants are ineffective and harmful. However, despite the problematic nature of the NOS and the increased barriers to housing resulting from its use, there is a need for a national standard to ensure families have the right to be provided an adequate amount of space. Though, a review of relevant court cases determined that the current use of the NOS allows for housing providers to prevent families from accessing housing and justify potentially discriminatory practices. As a result, there is a need for a rights-based approach to strengthen the ability for families to advocate for adequate housing in terms of spatial needs and ensure their right to housing which is consistent with the Canadian National Housing Strategy.

## **Chapter 5. Assessment of Existing Policies**

The key take-away from the literature review was that adhering to prescriptive occupancy standards during a housing crisis increases the risk for families experiencing housing precarity. Although the research identified that overcrowding can cause negative health outcomes, due to the subjective nature of experiencing overcrowding, there are limited benefits of using measurements of density to prevent overcrowding from occurring. Therefore, an objective of a new occupancy standard for BC should be to limit the risk of families experiencing housing precarity and increase autonomy for families to determine what suitable housing is for themselves. Unfortunately, the practice of using various measurements of density to guide occupancy is consistent amongst urban jurisdictions and there is not a high degree of variation or ingenuity in governmental policies. The use of the Canadian NOS in both Australia and New Zealand exemplifies how many of the occupancy standards used in Western countries differ only slightly from each other and are deeply rooted in the dominant white and Western understandings of crowding<sup>21</sup>.

In order to end the cycle of perpetuating insufficient practices to guide occupancy, this assessment does not determine viable policy solutions to guide occupancy in BC. However, a comparison of policies used in Toronto, Ontario, New York, New York and London, England and Vancouver, BC determines the variations in policies and how these will likely affect families seeking housing as well as any promising practices and considerations for future policies in BC.

### **5.1. Jurisdictional Approaches to Occupancy Standards**

Among Vancouver, Toronto, New York and London there are variations of two methods (or a combination of both) used to guide occupancy, both of which are measures of density.

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<sup>21</sup> Despite a lack of consultation or review to determine that the Canadian NOS are an effective policy, the standards have been adopted by both Australia and New Zealand to guide occupancy. In New Zealand, the adoption of the Canadian NOS was decided on despite a report prepared for the Ministry of Social Policy that cautioned against the use of such standards as they were not ideal for the population of New Zealand, specifically the Māori people (Gray, 2001).

1. **Person-per-room:** the necessary number of bedrooms in a given unit is determined by the number of inhabitants and sometimes the characteristics of inhabitants within a household.
2. **Space-per-person:** A specified amount of physical space is deemed necessary for each person within a household.

Table 2 below outlines the standards in all four jurisdictions. In all of the selected jurisdictions there are multiple measures of occupancy at different levels of government. For example, the municipalities have minimal standards for space required per person as a function of building codes and standards. In addition, there are also national standards imposing additional rules on occupancy pertaining to the characteristics of household members. Interestingly, there are sometimes different occupancy standards used by social housing providers that vary from the national standards and municipal standards.

**Table 2: Standards Used in Each Comparable Jurisdiction**

City	Social Housing	Municipal	National
Vancouver, BC	NOS	City of Vancouver By-law No 5462 <i>Standards of Maintenance By-law</i> <sup>22</sup>	NOS
	Federal Standard		
Toronto, Ontario	City of Toronto Occupancy Standards	Toronto Municipal Code Chapter 629, Property Standards	NOS
	Municipal Standard		
New York, New York	New York City Housing Authority Occupancy Standards	The New York City Administrative Code 27-2075 Maximum Permitted Occupancy	Two-person-per-bedroom Rule
	Municipal Standard		
London, England	Bedroom Standard or Statutory Overcrowding Standard (Room Standard and Space Standard)	<i>London Plan</i> Minimum Space Standards for New Dwellings	Statutory Overcrowding Standard – <i>Housing Act 1985</i>
	Federal Standard		

In order to compare Vancouver to London, Toronto and New York, the policies used by social housing in the respective jurisdictions were considered.<sup>23</sup> Three example families

<sup>22</sup> Municipal standards for each jurisdiction can be found in Appendix B.

<sup>23</sup> Publicly available resources and the exact language of London, Toronto and New York's policies can be found in Appendix C.

were compared under each policy to understand the outcomes<sup>24</sup> for families. Table 3 below summarizes the outcomes under the Canadian NOS.

**Table 3: Outcomes for Families Under the NOS**

Household	Occupants	Outcome - Minimum Bedrooms Required
Family 1	<ul style="list-style-type: none"> <li>• Single Mother<sup>25</sup></li> <li>• Son, aged 9</li> </ul>	Two bedrooms
Family 2	<ul style="list-style-type: none"> <li>• Two Parents</li> <li>• Son, aged 9</li> <li>• Daughter, aged 15</li> </ul>	Three bedrooms
Family 3	<ul style="list-style-type: none"> <li>• Single Mother</li> <li>• Sons, aged 15 and 19</li> <li>• Daughters aged 5, 11 and 13</li> <li>• Grandmother</li> </ul>	Six bedrooms

The outcomes for each policy are used in conjunction with the level of prescriptiveness to assess the risk of families experiencing housing precarity under each policy. Level of prescriptiveness is based on the number of household characteristics that would increase the number of bedrooms required under the policy, which would have a negative effect on families within the context of limited housing supply. Table 4 below identifies the characteristics used and the details for the NOS. Lastly, relevant literature on each policy was reviewed in order to elaborate on the strengths and limitations of each policy and how they differ from the NOS.

**Table 4: Level of Prescriptiveness for NOS**

Level of Prescriptiveness			
Division of Genders Required	Parent/Child Room-sharing Permitted	Number of Single Adults per Room	Maximum Number of Children per Room
Yes (after age 5)	No	1	2

<sup>24</sup> Outcomes for families refers to the number of bedrooms each family would require under each policy.

<sup>25</sup> For the purposes of this assessment, all parents are assumed to be over the age of majority in their respective jurisdictions.

### 5.1.1. Toronto

In July of 2014, the City of Toronto adopted municipal occupancy standards to guide social housing in addition to existing codes for building standards. The prevention of overcrowding has been a key objective of the city and housing providers due to the tragic history of rooming houses in Toronto that led to a coroner’s inquest in the early 1990s (Labahn & Salama, 2018). Private rental market housing is still assessed under the NOS in Toronto. The outcomes and level of prescriptiveness for the City of Toronto Occupancy Standards are outlined in Table 5 and

Table 6 below.

**Table 5: Outcomes for Families Under the City of Toronto Occupancy Standards**

Household	Occupants	Outcome - Minimum Bedrooms Required
Family 1	<ul style="list-style-type: none"> <li>• Single Mother</li> <li>• Son, aged 9</li> </ul>	Bachelor unit
Family 2	<ul style="list-style-type: none"> <li>• Two Parents</li> <li>• Son, aged 9</li> <li>• Daughter, aged 15</li> </ul>	Two bedrooms
Family 3	<ul style="list-style-type: none"> <li>• Single Mother</li> <li>• Sons, aged 15 and 19</li> <li>• Daughters aged 5, 11 and 13</li> <li>• Grandmother</li> </ul>	Four bedrooms <sup>26</sup>

**Table 6: Level of Prescriptiveness for City of Toronto’s Occupancy Standards**

Level of Prescriptiveness			
Division of Genders Required	Parent/Child Room-sharing Permitted	Number of Single Adults per Room	Maximum Number of Children per Room
No	Yes	2	2-3

<sup>26</sup> As the City of Toronto Occupancy Standards do not impose a rule prohibiting room-sharing between adult children and younger siblings or grandparents/relatives and children, it is assumed room-sharing between these family members is possible. If in practice it was discovered that housing providers do not allow room-sharing in this way, under the standards and adult child (son, 19) would be able to share a room with another adult (grandmother) which would still result in a minimum of four-bedrooms.

**Key Differences from NOS:** Unlike the NOS, Toronto’s occupancy standards do not require children of different genders to be separated at any age and two adults who are not deemed a couple can choose to share a bedroom. Furthermore, room-sharing between a single parent and child is permitted if they so choose and a family consisting of a single parent and a child could qualify for a bachelor unit if they consent to it. Up to three children under the age of 18 are permitted to share a bedroom if the room is large enough as per the Municipal Code Property Standards and the unit has more than three bedrooms, otherwise the maximum is two children.

**Strengths or Limitations:** The occupancy standards use the existing Municipal Code Property Standards and specifically cite the codes within the language of the standards which increases clarity on the intersecting policies in this jurisdiction. Compared to the NOS, the level of prescriptiveness and the required number of bedrooms under Toronto’s standards are much lower, likely leading to lower risk of families experiencing housing precarity. The key restriction within these standards is that only single parents are permitted to share a bedroom with a child. For example, a couple with an infant child would require a two-bedroom unit whereas a single parent with a child of any age could qualify for a bachelor unit. There has been no publicly accessible evaluation of these standards since their implementation in 2014.

### **5.1.2. New York**

The national standard for occupancy in the United States is a two-person-per-bedroom rule; similar to Canada, the rule is not a legal requirement, however most states and municipalities have adopted the rule as official policy to guide occupancy (Iglesias, 2011). New York City has a long history with overcrowding, beginning with tenement houses in the early 1900s; the horrible living conditions for occupants and deteriorating buildings spurred the city to consider maximums for occupancy early on in the 20th century (Pader, 2002). At the municipal level, New York City enforces occupancy maximums through administrative code that considers minimum space-per-person with allowances made for small children. However, social housing providers in New York City adhere to occupancy standards created by the New York City Housing Authority (NYCHA), the largest government owned housing provider in North America. Outcomes for families under the standard and level of prescriptiveness are identified in Table 7 and

Table 8 below.

**Table 7: Outcomes for Families Under the NYCHA Occupancy Standards**

Household	Occupants	Outcome - Minimum Bedrooms Required
Family 1	<ul style="list-style-type: none"> <li>• Single Mother</li> <li>• Son, aged 9</li> </ul>	Two bedrooms
Family 2	<ul style="list-style-type: none"> <li>• Two Parents</li> <li>• Son, aged 9</li> <li>• Daughter, aged 15</li> </ul>	Three bedrooms
Family 3	<ul style="list-style-type: none"> <li>• Single Mother</li> <li>• Sons, aged 15 and 19</li> <li>• Daughters aged 5, 11 and 13</li> <li>• Grandmother</li> </ul>	Four Bedrooms

**Table 8: Level of Prescriptiveness for NYCHA Occupancy Standards**

Level of Prescriptiveness			
Division of Genders Required	Parent/Child Room-sharing Permitted	Number of Single Adults per Room	Maximum Number of Children per Room
Yes	Yes (with restrictions)	2	2

**Key Differences from NOS:** Contrary to the NOS, NYCHA permits room-sharing between a single parent and a child but only up to the age of six. However, if that child is the same gender as their parent and there are additional children in the household, bedroom-sharing is permitted. Lastly, room-sharing between two single adults is also permitted. Although NYCHA provides more guidance related to gender and age of occupants, it is worth noting that the federal two-person-per-bedroom rule is still upheld by the policy.

**Strengths or Limitations:** Under the NYCHA standards there are no specific rules to guide large households with six or more members, only standardized numbers of rooms required based on the number of occupants. As such, Family 3 in Table 7 above has similar outcomes to Toronto’s standards as the mother and grandmother would be able to share a room, and there are no limitations to older children room-sharing with their younger siblings. These standards are the only policy that determines appropriateness of room-sharing between parent and child by their respective genders which results in unequal treatment of families. For example, a mother with one daughter and two sons



would require a two-bedroom unit and be permitted to room share with her daughter of any age. However, a mother with two daughters and one son would require a three-bedroom accommodation to prevent room-sharing between genders.

### 5.1.3. London

Historically, social housing in London was guided by England's federal standard, the Statutory Overcrowding Standard, which was put in place in 1935 and later adopted into the *Housing Act 1985* (Wilson & Barton, 2021). The standard has two measures, a Space Standard and a Room Standard. The Room Standard outlines basic rules for those who can share a room whereas the Space Standard delineates minimal floor space required by each household member<sup>27</sup>. The Statutory Overcrowding Standard is complex, and the Room and Space Standards often yield different results<sup>28</sup>.

London uses both space-per-person and person-per-room methods, which could be the result of a lack of consistent municipal or national standards in terms of minimal internal space standards. The Parker Morris Standards for minimum internal space were used by social housing providers up until the 1980s; however, more recently there was little enforcement of any internal space minimums (Carmona et al., 2010; Kearns, 2022). In 2011, London updated the *London Plan* to include guidelines for minimum internal space for the building of new dwellings and in 2015, England followed suit with Nationally Described Space Standards. However, the historical lack of standards has had some residual consequences as Carmona et al. (2010) argues, "in contrast to other countries, the need to extend legal minimums to all housing was never seriously considered in England, and the UK has come to build the smallest home sizes in Europe as a result" (p. 13).

More recently, the federal government has encouraged social housing providers to use the "Bedroom Standard" to prevent overcrowding, which is a simplified person-per-room measure (Shelter England, n.d.). However, the Statutory Overcrowding

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<sup>27</sup> Space is measured including bedrooms, living rooms, dining rooms and studies.

<sup>28</sup> For example, under the Room Standard, children under 10 are not counted, and a family of two parents with four children living in a one-bedroom apartment would not be considered overcrowded. Whereas under the Space Standard, children under 10 are counted, but require less space than children over 10.

Standard is still used by some social housing providers. The Bedroom Standard differs from the Room Standard under the Statutory Overcrowding Standard and it is more restrictive than both measures under the Statutory Overcrowding Standard. As the Bedroom Standard is the policy used primarily by social housing providers, it has been used for the purposes of this comparison. Outcomes under the Bedroom Standard and level of prescriptiveness are defined in Table 9 and

Table 10 below.

**Table 9: Outcomes for Families Under the Bedroom Standard**

Household	Occupants	Outcome - Minimum Bedrooms Required
Family 1	<ul style="list-style-type: none"> <li>• Single Mother</li> <li>• Son, aged 9</li> </ul>	Two bedrooms
Family 2	<ul style="list-style-type: none"> <li>• Two Parents</li> <li>• Son, aged 9</li> <li>• Daughter, aged 15</li> </ul>	Three bedrooms
Family 3	<ul style="list-style-type: none"> <li>• Single Mother</li> <li>• Sons, aged 15 and 19</li> <li>• Daughters aged 5, 11 and 13</li> <li>• Grandmother</li> </ul>	Five Bedrooms

**Table 10: Level of Prescriptiveness of the Bedroom Standard**

Level of Prescriptiveness			
Division of Genders Required	Parent/Child Room-sharing Permitted	Number of Single Adults per Room	Maximum Number of Children per Room
Yes (after age 10)	No	1	2

**Key Differences from NOS:** The outcomes for families under the Bedroom Standard are fairly consistent with the NOS. However, slight variations are dependent on the division of genders at the age of 10, compared to the age of 5 under the NOS. Furthermore, even though the age of majority is 18 in England, the age of 21 is used to determine when single adults require their own bedrooms, meaning that older children can share a bedroom with a younger sibling for a few years longer compared to the NOS. The level of prescriptiveness under the Bedroom Standard is relatively high and comparable to the NOS.

**Strengths or Limitations:** Although the standards used in London are less stringent in terms of age of children requiring separate bedrooms, the standards still impose a high degree of rigidity and there are few comparable benefits to the NOS beyond issues of age. The Bedroom Standard was used for comparison purposes because it is the recommended guidelines for social housing providers; however, the persistent use of the Statutory Overcrowding Standards by some housing providers raises some issues. The multiple rules and varying outcomes of each set of rules is a complicated approach to guiding occupancy and has the potential to be confusing for those seeking housing. Outcomes under the Bedroom, Room and Space standard also vary widely and have inconsistent guidance on factors such as number of children allowed to room share as well as room- sharing between children and parents or grandparents.

Furthermore, under the Statutory Overcrowding Standards, those living in overcrowded households are deemed to be experiencing homelessness under the law and not upholding standards for residents is a criminal offence for housing providers (Shelter England, n.d.). However, there is little enforcement of the legal implications of the policy because adherence is not possible within the current housing stock (Wilson & Barton, 2021). However, prioritized placement for social housing is given to those who are deemed to be experiencing homelessness due to overcrowding, in some cases (Shelter England, n.d.). Furthermore, similar to the NOS, the standards are most often applied in the social housing sector however, Kearns (2022) argues that “even here the use of space standards has become a voluntary code used to maintain the sector’s distinction from others rather than something guaranteed by policy” (p. 5).

## **5.2. Key Findings from Assessment of Existing Policies**

The level of prescriptiveness for each jurisdiction is identified in Table 11 below. Both Vancouver and England received a high level of prescriptiveness as they require the division of genders, do not allow room-sharing between parent and child, require single adults to have their own rooms and limit the maximum number of children to a room to two. As New York does permit two single adults to share a room and allows for room-sharing between a parent and child in some circumstances, the policy received a relatively moderate level of prescriptiveness. Lastly, Toronto received a low level of prescriptiveness as the policy has some flexibility on number of children per room, room-sharing between

adult and child occupants and is the only policy that does not require the division of genders.

**Table 11: Level of Prescriptiveness for all Jurisdictions**

Jurisdiction	Division of Genders Required	Parent/Child Room-sharing Permitted	Number of Single Adults per Room	Maximum Number of Children per Room	Level of Prescriptiveness
Vancouver	Yes (after age 5)	No	1	2	High
Toronto	No	Yes	2	2-3	Low
New York	Yes	Yes (with restrictions)	2	2	Moderate
England	Yes (after age 10)	No	1	2	High

The outcomes for the example families under each policy are found in Table 12 below. In line with the low level of prescriptiveness of Toronto’s policy, there is consistently less bedrooms required by each family, except for the same outcome for Family 3 under New York’s policy. For families seeking housing, Toronto’s policy would significantly limit the risk to families experiencing housing precarity as a result of occupancy standards, when compared to Vancouver, New York and London. The similarity of outcomes for families under the Vancouver, New York and London policies demonstrates that despite difference in language and slight variation in standards, there is homogeneity in outcomes for families in existing policies to guide occupancy. Furthermore, Vancouver has the highest risk to families experiencing housing precarity based on the high level of prescriptiveness and outcomes for families under the NOS.

**Table 12: Outcomes for Families Under Each Policy**

Household	Occupants	Outcomes - Minimum Bedrooms Required			
		Vancouver	Toronto	New York	London
Family 1	<ul style="list-style-type: none"> <li>Single Mother</li> <li>Son, aged 9</li> </ul>	Two bedrooms	Bachelor unit	Two bedrooms	Two bedrooms
Family 2	<ul style="list-style-type: none"> <li>Two Parents</li> <li>Son, aged 9</li> <li>Daughter, aged 15</li> </ul>	Three bedrooms	Two bedrooms	Three bedrooms	Three bedrooms
Family 3	<ul style="list-style-type: none"> <li>Single Mother</li> <li>Sons, aged 15 and 19</li> <li>Daughters aged 5, 11 and 13</li> <li>Grandmother</li> </ul>	Six bedrooms	Four bedrooms	Four Bedrooms	Five Bedrooms

Although the City of Toronto Occupancy Standards pose the lowest risk for families experiencing housing precarity, the policy is a measure of density to guide occupancy, which was highly criticized in the literature. As noted above, there has been no evaluation of the effect of the policy on families seeking housing since its implementation in 2014. As such, the policy should be considered a promising practice for improvement to measures of density to guide occupancy, but is not a comprehensive solution to the research problem.

There were additional promising practices and considerations for future occupancy standards in BC identified through the assessment of existing policies. Firstly, as demonstrated in London, the use of multiple and often conflicting standards has contributed to the limited adherence to the standards and has left the city with little direction on minimal standards of space for decades. There is a need for clear and concise occupancy standards within a given jurisdiction. The language used should be accessible to all, especially those seeking housing<sup>29</sup>. The incorporation of minimal standards for space existing in municipal building codes can be a useful practice to increase clarity and accessibility. As measures for internal density already exist in many municipalities, including Vancouver, it is potentially an efficient practice to incorporate these standards into the language of additional occupancy standards in order to foster clarity and transparency for those seeking housing. Standards for social housing should not conflict with or divert from municipal standards.

Furthermore, Toronto, London and New York diverted from the broad national standards of their jurisdiction<sup>30</sup>. It is fair to consider that a national occupancy standard may be too broad to be applicable or attainable to all housing providers considering the diversity in housing markets and populations across the country. As such, provincial or municipal standards might be more useful.

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<sup>29</sup>Appendix C.2 and C.3, the publicly available resources for New York and London's policy are examples of how complicated and hard to interpret some standards can be.

<sup>30</sup> The NOS, Statutory Overcrowding Standard, and Two-Person-Per-Bedroom Rule.

## **Chapter 6. Expert Interviews**

In order to gain more insight into the current application of the NOS within BC's social housing sector as well as potential policy alternatives, six interviews with housing providers, housing organizations and academics with expertise on the NOS were conducted. The following highlights the key findings from the interviews and summarizes promising practices and considerations for implementation discussed by participants to be incorporated into policy recommendations.

### **6.1. Key Themes and Relationships**

#### **6.1.1. Confusions over current use of the NOS: Rules or guidelines?**

There was an overall understanding by participants that the NOS were developed in the 1980s by CMHC to assess housing stock in each province. Participants noted that because of the shift of social housing responsibility to provincial governments, the federal government used the NOS to assess if each province was adequately providing social housing to meet the needs of the housing demand but also wanted to ensure residents were not over-housed.

It's sort of like, you know, this idea that provinces are going to take over, therefore, we need national occupancy standards to monitor to make sure that there's enough adequate housing being built and provided by each province. (Academic, Research Participant 1)

Part of that was just because CMHC wanted to pay attention to sort of how subsidized housing was being allocated, and specifically, were interested in whether people who were receiving that housing, were being over-housed or not. (Academic, Research Participant 1)

However, there was a lack of clarity or knowledge regarding how the NOS became BC Housing's dominant guidelines for occupancy, however it was shared that "they were in place as early as the 2000s". Additionally, participants expressed that however they came to be so prominent, they have remained in place as default guidelines for occupancy because of a lack of assessment of the practice, consultation and questioning of the standards until now.

And I think just overall that they're outdated that they've never been reviewed that they were just developed and then that's it. Like no one's looked at or adjusted them or had any really sort of consultation around, you know, is this even working anymore? Is this even necessary anymore? But those questions haven't been asked. (Housing Provider, Research Participant 5)

Consistent with the literature, participants reflected a dual purpose for the NOS when asked about the key objectives of the standards. The first was grounded in safety for residents, and the prevention of overcrowding with the second being a measure to indicate what jurisdictions need increased housing supply. However, participants questioned the effectiveness of the NOS at achieving the key objectives of the policy.

That just tells me that National Occupancy Standards are not translating into the action that they were originally supposed to. So, they were supposed to sort of show that there was a gap between need and their response and they've shown that for 30 years now, without action to actually fulfill a response to that gap. And we see some response now. But it's not because of National Occupancy Standards, and the data that's been collected related to them, it's because of wider debates about housing as a human right, and housing first models and things like that, that have really like galvanized the government and housing sector to actually build more units." (Academic, Research Participant 1)

Furthermore, participants emphasized the overall lack of clarity among housing providers, frontline workers and those seeking housing about the application of the NOS, in particular, how closely the standards should be adhered to. Participants expressed some housing providers are unclear if funding from CMHC or BC Housing is contingent on the enforcement of the NOS. However, participants also indicated that there was diversity in levels of knowledge in this area among BC Housing providers. Some providers do not abide by the NOS all together and some have reached out to BC Housing to clarify that the NOS can be applied only by a case-by-case basis if need be.

I think it's a bit of a mixed bag. For members that have really dug into the National Occupancy Standards, they probably would have been able to confirm either through BC housing or CMHC, that they're not mandated to rely on them as a criterion for determining suitability of housing. And at the same time...there are some members that are confused as to whether or not their funding is tied to the standard. (Housing Organization, Research Participant 2)

Related to a general lack of clarity within the social housing sector and the use of the NOS, a key issue raised by participants was the nature of the NOS as rules versus guidelines. It was expressed that although there has been communication from CMHC

and BC Housing, particularly a letter from BC Housing in 2019 clarifying the expectations for use of the NOS (BC Housing, 2019), the idea of the NOS as rules to be followed still persists. Participants expressed that the cause of this misunderstanding could be the prominence of the NOS that remains in resources for housing providers, leading to mixed-messaging. The knowledge that the NOS do not have to be adhered to seemed to be dependent on the housing provider pursuing the issue with BC Housing.

It was one of my first questions about National Occupancy Standards, 'how strict do you have to be?' And [BC Housing Portfolio Manager] at the time said, 'just call me anytime'. So, [BC Housing] were really flexible and open, and we never had any issues. (Housing Provider, Research Participant 4)

There was an expressed lack of large-scale communication to generate discussions about alternative practices or potential issues with the NOS.

You have a provincial housing provider that's publishing these occupancy standards on their website, as the policy, and you don't have any star or footnote or any indication, other than a very vague letter that went out in 2019, about possibly there being some circumstances where National Occupancy Standards shouldn't be applied. Without providing any alternative to National Occupancy Standards, or without providing sort of like a discussion of why they might have been a problem in the past. So, to me, if I was a housing provider, going to the BC housing website, at this point in time, I would be under the understanding that National Occupancy Standards should be what I would be using to identify what adequate housing was for my clients. That would be my impression based on what's published on BC housing website at this point in time. (Academic, Research Participant 1)

As a result, despite participants expressing that BC Housing is flexible on the standards when asked, the NOS are still perceived as "rules" by many housing providers and those seeking housing.

I think the biggest issue is that they're being applied as if they are legally required for social housing. And this is an issue because they're meant to just be guidance. (Academic, Research Participant 3)

There was one sort of unprecedented case where a family of six was provided housing by a housing provider, and that was in a one bedroom, and that was like, you know, very extreme circumstances where the family was in such desperate need of housing that the housing provider, you know, 'broke the rules'. And that's, that's like the language that the person used. So that's more evidence that [the NOS] are considered mandated. (Academic, Research Participant 1)



Participants' descriptions of the current use of the NOS confirmed that within BC, there is a lack of clarity on how the NOS came to be the only agreed upon standards to guide suitable housing and occupancy for housing applicants. There is also a diversity of knowledge on BC Housing's expectations for use of the NOS, leading to inconsistent application between housing providers. Of key importance, participants confirmed that families are still currently being denied housing on the basis of the NOS in some cases.

[A housing applicant] had very recently been denied a two-bedroom unit for her family with two children. She was very clearly told it was because of National Occupancy Standards. So there's cases that continue today, where people are being denied housing, that would be safe and secure for them, but don't meet National Occupancy Standards [...] So to me, that means that they're still being enforced and understood as enforceable at this point in time. (Academic, Research Participant 1)

### **6.1.2. Framing of the Issue**

Beyond the key objectives of preventing overcrowding and measuring housing stock, participants emphasized that there was an overall set of morals and familial ideals that are enforced through the NOS, which is consistent with the literature. In particular, the "nuclear family", "white settlers", "colonial roots", "Eurocentric", and "gender binary" were moral frameworks participants noted were foundational to the NOS and are being upheld through the current use of the standards to guide housing occupancy. Furthermore, participants conveyed that the support of these morals and ideals are exclusionary and do not reflect the needs of the current population in BC seeking housing.

So, if you look at what the actual standards describe, it's based on age and gender and this very Eurocentric idea of what a family is meant to look like and how a family is meant to be housed [...] And this is across Canada as well, I should say, but particularly in BC, it's not really reflective of what a family necessarily looks like. And it puts a very, very subjective lens that is apparent through the National Occupancy Standards, of how we think people should be living in a unit. (Housing Organization, Research Participant 2)

This issue was closely related to another prominent theme throughout the interviews, which is the inequitable nature of the NOS. Mainly, the use of the NOS and the perpetuation of the aforementioned morals and ideals, puts some populations at an

extreme disadvantage when seeking housing for their families. The NOS were described repeatedly as “too prescriptive” of a policy.

I think they intended it to be an equitable policy, but I don't think in reality, it has become one. Just because it places a lot of a burden on some of the people who, like in the example of the woman with the two children with different genders, it places a really high burden to get this larger unit. And that's a lot more cost and time searching for these units that are really rare. (Academic, Research Participant 3)

Consistent with the literature, participants identified Indigenous families, immigrant and refugee families, and people fleeing violence, particularly single mothers, as groups that were most often disadvantaged by the use of the NOS. These families are most impacted due to family size and limited household income.

I've heard, for example, in conversation with groups that represent refugees, that any room can be a bedroom for a family that is looking, you know, if they have a larger family size, pretty much any space that can house people safely is what they'd be looking for in terms of housing, but we have this idea of like, your living room isn't where you sleep, and then your bedroom is where you can only have 'x' amount of people of certain gender, certain age, certain relationship with each other. So anyone who is in, I guess, to put it very simply, anyone who is disproportionately impacted by the affordability crisis, and anyone who has larger family size or cultural norms that are kind of outside this Eurocentric idea of what a nuclear family is meant to look like. (Housing Organization, Participant 2)

Participants noted that these groups were most affected when housing providers “rigidly apply” the NOS. The key issue expressed was families being denied housing based on the NOS standards when the family was willing to make an available unit work for their family or felt that an available unit was better suited to their family's needs. This issue further highlighted a key finding from the literature, the subjectivity of experiencing overcrowding and the importance of those seeking housing to have autonomy to choose what is best for their family. Participants recounted many situations that highlighted how the use of the NOS cannot account for the needs of many families or would inhibit a family from securing housing.

We are primarily seeing this with women who've experienced violence. And so they leave their partner, they move into the transition house, and their mother will come from their country of origin and stay with them. (Housing Provider, Participant 4)

It's definitely a hard issue on both sides, because you have a culture of sharing, and multiple generations [in Indigenous families], and then you'll have the reality of not enough affordable, culturally safe homes, that can adequately house people that are sort of in the traditional makeup of a lot of Indigenous people. (Housing Organization, Participant 6)

There were so many instances where, you know, some of the larger families would move into a townhouse and the third bedroom was never used. Those cases, the kids really want to share a room or especially when they are just adjusting and settling into a new home, and they wanted to be closer to their mother. They wanted to be together. They didn't want to be sort of separated out throughout the home. So that was a challenge. Or there was a bedroom and there was an older child who had decided I'm actually just going to go into the basement, which was something we didn't often permit because it was in their living space. But they would set up their sleeping space down there. (Housing Provider, Participant 5)

The above quote also reflects that applying the NOS rigidly and not taking the preferences of a family into consideration can sometimes result in the family being overhoused for their needs, as there was an unused bedroom. It was also discussed that the experience of overcrowding does not always depend on the size of unit as there are multiple factors that can contribute experiencing overcrowding, including the location of a unit. It was highlighted that newcomers to the area, including immigrant and refugee families might not be aware of neighbourhood characteristics and agree to units that are not preferable to their families. It was suggested that this can result in "racialized women being ghettoized" if racialized new-comers to Canada agree to be placed in low-income, urban centres that a family with knowledge of the area might recognize as not suitable to their family.

I spoke to a woman that had a two bedroom and she had a single child, but she felt sort of suffocated in that environment because she couldn't leave, she didn't feel safe leaving her housing. So, you know, it's not only the sort of rooms per person, it's actually the space that in some ways is important. And that just isn't accounted for in any way by occupancy standards. (Academic, Participant 1)

In summary, participants framed the issue of how the NOS are being used in BC as a problem of equity, as key groups face increased barriers to accessing appropriate housing for their families as a result of the standards. Furthermore, the morals and ideals highlighted by the participants enforce a prescribed notion of what overcrowding should be, rather than consider the preferences of those seeking housing and value their autonomy to decide what is best for their family.

### 6.1.3. How the NOS Function as a Barrier to Housing

Overall, participants confirmed that despite there being some degree of flexibility practiced by housing providers when applying the NOS, the standards remain to be a key barrier to housing for some families, which has significant consequences.

So there's cases where women aren't leaving abusive relationships or aren't leaving situations where they face daily violence, where they face daily threats, right, and they aren't leaving those situations because they don't have a safe place to go. And the reason they don't have a safe place to go partly is because of occupancy standards, because there's no flexibility in how they're being applied. (Academic, Participant 1)

Further insight into the key components of the NOS that have become a barrier to housing were discussed, including the language used. In addition to the language being conceived of as "outdated" and "antiquated", the enforcement of a gender binary was a key issue raised. It was discussed that assumptions of children's needs were based in binary terms and imposes the need for the division of children of "the opposite sex" at the age of five with little reason to do so.

Also that age of five is, to me, is really arbitrary. But there's this idea that at five children of different genders need different spaces, especially around sleeping, and that they therefore require different bedrooms. Which, when there's actually sort of no evidence that I found that shows that there's any sort of developmental milestones or sexual, like, you know, puberty or anything like that that's happening at five that would suggest that children of different genders, all of a sudden, need different bedroom spaces. (Academic, Participant 1)

It was also discussed that the use of "opposite sex" in the language of the NOS is not inclusive of the spectrum of gender identities children may have and is exclusionary for trans, non-binary or intersex children.

It hasn't adapted to be gender inclusive. There's room for that, for sure. I think right now it's talking about biological sex. And that isn't necessarily the way a lot of people identify themselves. So I think it could do some updates around gender identity. (Housing Provider, Participant 4)

In addition to the language being exclusionary, the division of children based on gender, increases the need for multi-room units to accommodate children of different genders having their own rooms, even if they would be content with sharing a room. This gender-based rule increases the financial burden on parents to pay for units with more

bedrooms, and also can prevent parents from securing adequate housing under the NOS due to the lack of multi-room units.

We know for a fact that they're providing a barrier, and in particular, women who are fleeing violence, who are trying to leave an unsafe space, they're being told that there's a very particular kind of space that they need to find to move into. And when you couple that with affordability challenges, a single mom who has two children say a boy and a girl who are over the age of five, needs a three-bedroom unit, which presumably that woman would probably prefer, she'd be safer, and might have a preference for a two-bedroom and just having her children share a room. (Academic, Participant 2)

The other key way the NOS increases barriers to housing that was discussed was the need for single adults to have separate rooms, even though it is common for multiple generations to live in one household. It was expressed that the NOS should be "more flexible around extended family members. I think that's really important to a lot of people. And it's a huge oversight, that they're not accommodating them". Furthermore, the ability of a grandparent or other extended family members living with a family with young kids can often provide relief from caregiving duties. Even if it requires a single parent sharing a bedroom with their own parent or extended family member, the help with caregiving duties can be a welcome relief and allow the parent to have more time to themselves, instead of resulting in the feeling of being overcrowded.

Say for someone that had young children and had a family member helping out they didn't feel crowded in that, right? They were like, oh no, this is really working well, you know, I have my close social support of a loved one that can help me out with these really critical duties and that allows me to go and leave my house to get milk, for example. (Academic, Participant 1)

Overall, the use of the NOS to guide occupancy for social housing was conveyed of as at odds with the overall structure of the housing sector in BC. In particular, those that are sometimes given priority access to housing, such women who are experiencing violence under BC Housing's Priority Placement Program (BC Housing, n.d.), are the same groups that face the largest barriers as a result of the NOS, so "it kind of cancels out the whole priority piece". Furthermore, much of the programming and resources for families provided by social housing providers are structured around the empowerment of families to make "positive choices for [their] families"; but, the imposing nature of the NOS removes much of the autonomy families have.

When a family actually says, 'we need safe and secure housing, and therefore, our family of four needs to move into a two bedroom', it's like, 'oh, sorry, National Occupancy Standards say that's not allowed. And therefore, you can't move into that two bedroom, even though it's available. (Academic, Participant 1)

Consistent with the literature, participants pointed to the impossibility of requiring families to have the prescribed number of bedrooms as guided by the NOS, within a housing sector that has a very limited number of units for large families. The use of unattainable standards then becomes a very serious risk to the safety of families who do not have alternative accommodations.

So, for example, there's maybe like one or two, five bedroom [social housing] units in the Lower Mainland, you know, what if you come to Canada with six children, and two of them are over the age of 18, and etc., right? It is impossible for you to find safe and secure housing. (Academic, Participant 1)

#### **6.1.4. Implementation of a New Policy**

Due to the limited literature on the use of the NOS in BC and nationally, a key purpose of the expert interviews was to gain insight into potential policy solutions and barriers to changing to status quo. In terms of policy solutions, the lack of existing alternatives was reflected in the responses from participants as none were aware of existing alternative policies in other jurisdictions or policies that were currently being practiced by housing providers in BC who do not abide by the NOS, other than managing occupancy on a "case-by-case" basis. One exception to this, was the discussion of the City of Toronto Occupancy Standards, that have "more wiggle room for families", meaning, they are not as prescriptive as the NOS.

In the absence of existing alternative policies, participants discussed key considerations to be made to improve the current practice of the NOS. Predominately, allowing families to have more autonomy in deciding an appropriate unit for their needs, as discussed above, and considering the risks posed to applicants if they were denied housing were highlighted as important aspects of deciding housing suitability.

So if a woman who is fleeing violence with her children needs a certain kind of unit, judging by the National Occupancy Standards, it might be more paramount to consider her safety, and the fact that she cannot return to the unsafe home that she's fleeing, and therefore make

different decisions about what kind of unit would be suitable for her.  
(Academic, Participant 1)

Participants also discussed the most effective way to implement new occupancy standards, including which level of government should be involved. It was expressed that some sort of government guidance on occupancy was needed as individual housing providers utilizing different standards could “create confusion among people seeking housing”. It was also suggested that housing providers do need government support on best practices for occupancy as deciding housing suitability for applicants is incredibly difficult in a housing crisis.

I do think we probably need to have something in the absence of [the NOS], I don't think housing providers are going to be comfortable with, well, 'it's up to you to decide whether or not a family of five can go into a one bedroom, or if they need a three bedroom'. I do think that they will need some sort of guidance or best practices that they can adhere to. (Housing Provider, Participant 5)

However, as housing availability varies throughout the province between rural and urban areas, it was also noted that regional policies could be the most useful. Overall, due to diverse needs related to housing between and within provinces, the creation of provincial occupancy standards was given preference over federal guidelines. In order to implement a provincial policy, respondents expressed the need for extensive consultation with housing providers to determine the most suitable policy as well as clear and well communicated plans for implementation from BC Housing. It was also discussed that existing municipal standards both complicate and support the need for revised occupancy standards. It was discussed that care would have to be taken to ensure that occupancy standards are not conflicting with existing fire codes and building standards; however, municipal codes also offer an existing framework to measure density, as many occupancy standards also aspire to do.

For example, one woman had six children and was looking for subsidized housing, and when she went into a housing unit that had a very large bedroom, she said, 'Okay, four of my children can sleep in here, I'll put to bed, a bunk bed on one side and a bunk bed on the other side, and my children will have lots of space, this will work really well for my family. And then I'll take the second bedroom and then my two other children will take the third bedroom', and it was, like, full stop. No. That would be against fire codes, even if that is a solution that everyone would be happy with. So, there is those codes on top of this that complicate expanding occupancy standards so that they would allow,

say, more than two people to sleep in a bedroom. (Academic, Participant 1)

We have this concept of an occupancy standard, but because it's not really based on something founded clearly in research of overcrowding directly leading to poor health, it really makes you kind of wonder why we need a standard that's based in that when we have other ways of understanding like fire regulations, safety, overall, and occupancy of buildings. (Housing Organization, Participant 2)

Another consideration that was raised as key importance to the implementation of new occupancy standards, is the potential resistance from some housing providers. As the issues pertaining to the NOS have only recently been acknowledged, there are many housing providers that understand the NOS as guidelines needed to protect families and provide the best possible accommodation for their needs.

I think there, there could potentially be some concerns and backlash from housing providers that may really believe that [the NOS] are good standards and they really assist them in terms of being able to fill their vacancies and have a safe, secure building. (Housing Provider, Participant 5)

Also discussed was some hesitancy among housing providers to uphold the autonomy of those seeking housing to determine a suitable unit for themselves. A practical consideration around this point was the reality that some housing applicants will agree to move into a unit with limited space for their family out of necessity but grow to be unhappy with the accommodation and moving families into new units incurs additional costs to housing providers. Further, it was expressed that assumptions about the abilities of those seeking housing to assess their own needs and the needs of their family can prevent housing providers from upholding a family's wishes.

[We] never put more than one child in a bedroom because our experience is, people will take it because they need housing and then within a year usually it's not okay for them. They're asking for a larger unit when it becomes available because they're finding it hard to live in those circumstances. (Housing Provider, Participant 4)

I think there's some judgment with respect to who's applying for housing and who's eligible for the housing and their ability to make decisions for themselves. I think sometimes [housing providers] see themselves as like, well, 'we are the experts like, we know how this works.' You know, [housing applicants] are in a desperate situation, they're not thinking clearly, they don't understand this [unit] is actually not going to be suitable for them [...] I don't know if they always trust applicant's judgment, and think that people know what is best for them. And they're



able to make those decisions for themselves. (Housing Provider, Participant 5)

The idea of guiding occupancy based on the self-assessed needs of those seeking housing was raised as a policy to ensure the needs of families were being accurately met, however the above considerations offer some complications to this policy as an alternative to the NOS. However, in terms of valuing the diverse needs of families seeking housing, the incorporation of a self-assessment was supported by some participants.

Self-assessments definitely give you a sense of self governance, it gives you a sense of control. You know, these guidelines aren't forced on you. And I think what I think self-assessments give the Indigenous person and their family the freedom to express what is needed. So, I think it's a good policy option, and I think it's like a bit of a paradigm shift, right? (Housing Organization, Participant 6)

### **6.1.5. Overarching Issues**

Within the context of the use of the NOS in BC's social housing sector, there were two main overarching issues that were raised repeatedly by participants. The first, was in relation to housing rights and how the NOS play a role in the right to housing. Respondents, although critical of the use of or aspects of the NOS, highlighted that without the NOS, there is a lack of existing policies within BC to ensure a minimal provision of space to families when seeking housing, beyond municipal codes. Although families should not be denied housing and risk experiencing increased housing precarity as a result of the enforcement of the NOS, families should also be guaranteed a reasonable amount of space, according to their preferences, in their accommodations. It was discussed that the NOS can empower families to advocate for appropriate amounts of space for their household's needs. Although only one example, the below quote does confirm that the NOS can be used by residents in some circumstances to advocate for access to adequate housing.

For example, one of our property managers filled a two-bedroom at one of our sites with a woman and her three-year-old daughter and her four-year-old son. As soon as the son hit five years old, the mother said, 'I want three-bedroom now'. And we will give her that three-bedroom. She would not have the right to ask for that if we didn't have National Occupancy Standards. (Housing Provider, Participant 4)

Although some children might be content and comfortable with sharing rooms with their siblings, there are also circumstances wherein children will absolutely require their own private space. The NOS can be utilized by families in some situations to ensure that they have the appropriate number of private spaces in their home.

I've also seen situations where there is a child who had been acting out sexually and there's a younger sibling, they shouldn't be in the same room and to ensure that they're able to have separate rooms, I think this is so important. (Housing Provider, Participant 4)

The second issue was the impossibility to ignore that the use of the NOS only negatively effects families within the context of the current housing crisis. Participants noted that with adequate housing stock in BC the NOS would not be an issue for many of the affected groups, and many proposed that the only solution to the problem is to build more affordable housing, specifically multi-room units for large families. However, in the absence of adequate housing for families, seeking policy alternatives to the NOS that decrease barriers to housing for families is a temporary solution that has become necessary.

[Housing providers] are trying to make decisions that seem reasonable, logical, equitable, in how they're allocating their units. And it's almost to me just like a series of events, where suddenly now you have these providers who are just seeking any sort of guidance on how to make really difficult decisions about incredibly limited housing stock. And it just seems reasonable that the government's guidelines around overcrowding is the place to start. (Housing Organization, Participant 2)

Overall, the expert interviews offering detailed insight in to the complex relationship between the NOS and the social housing sector amidst the ongoing housing crisis in BC. Although the need to revise the NOS and have a more flexible approach to determining housing suitability for families is clear, consideration needs to be made for the burden placed on social housing providers to adequately provide for families when options to do so are extremely limited. Further large-scale consultation with housing providers should provide more insight into the barriers faced by housing providers to revise their occupancy standards.

## **6.2. Key Findings from Expert Interviews**

The expert interviews provided an understanding that there is a lack of clarity among housing providers on the expected use and adherence to the NOS despite recent

communication from BC Housing. It is clear that BC Housing does not require the adherence to the NOS in all cases and some housing providers practice flexibility when using the NOS; however, due to the lack of clarity in communications from BC Housing resulting in a diversity of knowledge on the NOS among housing providers, the NOS are applied inconsistently throughout the social housing sector.

The key criticism of the NOS is that they are out-dated and too prescriptive, particularly in terms of gender and intergenerational families. As determined by the assessment of existing policies, the prescriptive nature of the NOS increased the risk of families experiencing housing precarity as the adherence to the NOS when there is a scarcity of available and affordable housing can cause families to go without access to housing. As supported by the literature review and the assessment of existing policies, alternative policies to guide occupancy should allow for the autonomy of those seeking housing to decide what space is suitable for their families. The circumstances of families should also be considered to determine housing suitability, in particular, if there is a safety concern for the family as a result of not securing a unit. In alignment with the human rights-based approach in this study, the expert interviews highlighted the consideration that without the NOS, there are limited policies that allow families to advocate for adequate space for their needs. Furthermore, as participants discussed that some families end up being over-housed under the NOS, allowing families to have autonomy in defining suitable housing could result in a more efficient allocation of available units than the prescribed, needs-based approach under the NOS.

Meaningful next steps to resolve the issues stemming from the NOS would include consultation with housing providers to determine useful policy alternatives, clear guidance from BC Housing, and well-defined and communicated expectations for the implementation of new occupancy standards in BC. Overall, the expert interviews highlighted that although immediate steps should be taken to decrease the barriers to housing imposed on families by the NOS, without an adequate housing supply, there are no long-term solutions to this policy problem.

## **Chapter 7. Summary and Evaluation of Findings**

### **7.1. Determining a Key Objective and Criteria for New Occupancy Standards**

Due to the lack of large-scale evaluation of existing occupancy standards, limited consultation with housing providers and a lack of alternative practices in the housing sector, there is not an obvious alternative policy to replace the NOS in BC. However, this study contributes to a greater understanding of the current use of the NOS within the social housing sector in BC and has situated BC's practices within a broader discourse on residential occupancy standards. From this increased knowledge on the issues stemming from the NOS and the various ways the standards are used, criteria for future policies to guide occupancy can be determined. An assessment of existing policy alternatives determined that viable policy alternatives for BC are not being used in other jurisdictions. Instead, there has been a homogenous approach to guiding occupancy which has resulted in similar outcomes for families seeking housing when there is a lack of affordable and available options for housing. The City of Toronto Occupancy Standards is an example of how less prescriptive standards can lead to better outcomes for families. However, the policy is still based on a measure of density to guide occupancy, which was criticized for being an inaccurate measure of overcrowding throughout the relevant literature. As such, there is a need for a new approach to occupancy standards that upholds the right to housing and ends the perpetuation of applying white, settler ideals of family spatial relationships and overcrowding to a culturally diverse and individually based experience.

Based on the findings of this study, the key objective of a future policy to guide occupancy in the social housing sector in BC should be to satisfy the spatial needs of families while ensuring an efficient allocation of available social housing units. As discussed, the prevention of overcrowding is the key objective of most occupancy standards. As such, a pattern of applying measures of density to prevent overcrowding from occurring has developed but is not an efficient solution as the experience of overcrowding is subjective. The spatial needs of families can include preventing overcrowding, but also allows for other considerations. Such as, the need for individual bedrooms for similarly aged siblings if one child is displaying behavioural issues that

affects their sibling; or, the desire for a parent and children to share one bedroom for comfort if they have experienced trauma. As identified throughout the expert interviews, there are many considerations beyond overcrowding that effect the spatial needs of families and occupancy standards should seek to accommodate these needs. Clearly, the needs of families can only be met to the best of the housing provider’s ability based on available units. As such, the emphasis on efficient allocation of units under the NOS, is still relevant to new occupancy standards within the context of a housing crisis. However, the needs-based approach of the NOS can be amended to a human rights-based approach through meaningful engagement with housing providers and those seeking housing. Based on the key findings of this research, Table 13 below identifies criteria for future occupancy standards to ensure the policy is effective and grounded in a human rights-based approach that is consistent with the Canadian National Housing Strategy.

**Table 13: Key Objective and Criteria for New Occupancy Standards**

<b>Key Objective: Satisfy the spatial needs of families while ensuring an efficient allocation of available social housing units.</b>	
Criteria 1	Prevention of Housing Precarity
Criteria 2	Autonomy
Criteria 3	Gender Inclusivity
Criteria 4	Flexibility
Criteria 5	Clarity
Criteria 6	Regionally Specific

## **7.2. Evaluation of Criteria**

### **7.2.1. Prevention of Housing Precarity**

A key finding in this research is that the NOS are a barrier to housing for families and the current use of the standard within the social housing sector has, in some cases, results in families being denied housing based on occupancy. Within the context of a housing crisis, attempting to prevent overcrowding through a measure of density can result in increased risk of experiencing housing precarity for families. Although many housing providers cannot adhere to the NOS because of the limited supply of multi-room units, when the standards are enforced, they pose serious risks to the safety and security of families. Therefore, an important criterion for a future policy to guide

occupancy standards is to prioritize the right to housing for families and ensure the enforcement of said policy would not increase risks to families experiencing housing precarity.

### **7.2.2. Autonomy**

Autonomy is the key criterion under which a human rights-based approach would be realized under a new occupancy standard. Within a human rights-based approach, the relationship between those seeking housing and the housing provider should be strengthened and more reciprocal in order to empower individuals in need of housing. In order to strengthen this relationship, families' preferences and needs should be taken into consideration when determining suitable housing. Determining the spatial needs of a family will be more accurate if the process is inclusive of those seeking housing.

### **7.2.3. Gender Inclusivity**

The negative effects of requiring the division of genders under the NOS were clearly identified through this research. Prohibiting children of different genders from sharing a room requires parents to attain larger units that are more expensive and harder to come by, than if their children would otherwise be content sharing a room in a smaller and more affordable unit. Furthermore, the binary language currently used in the NOS is not inclusive of transgender, non-binary and/or intersex children. The NOS also make the assumption that siblings of the same gender can safely and comfortably share a room. As discussed throughout expert interviews, there are many reasons why siblings might require individual bedrooms and gender may or may not be one of them, depending on the family. As such, it is important that a new policy to guide occupancy would be responsive to the needs of a family regarding gender related preferences and also use gender inclusive language.

### **7.2.4. Flexibility**

As shown in the assessment of existing policies, occupancy standards with a high level of prescriptiveness result in families needing to acquire accommodations with more rooms which is a barrier to housing if there is a scarcity of affordable multi-room units. Furthermore, the NOS and other occupancy standards assessed perpetuated

white, settler ideals of family spatial needs and overcrowding. The literature identified the relationship between the NOS and colonial practices of assimilation enforced in First Nation and Inuit communities throughout the twentieth century. As such, flexibility is a necessary criterion within a new policy in order to acknowledge the diversity of needs among those seeking housing based on personal preferences, lived-experiences and cultural norms. Flexibility, along with the criterion of autonomy, are key to ensuring a future occupancy standard is receptive to the diverse range of needs of families, including Indigenous immigrant and refugee families.

### **7.2.5. Clarity**

As mentioned above, a human rights-based approach should aim to empower those seeking housing. Providing occupancy standards that use clear and concise language makes policy more accessible, which enables those seeking housing to understand and prepare for the standards adhered to by housing providers. A new occupancy standard should also be well communicated to housing providers to ensure adherence to any changes in practices as the expert interviews identified a lack of guidance from BC Housing and CMHC has led to uncertainty on the expectations of the use of the NOS among housing providers.

### **7.2.6. Regionally Specific**

The assessment of existing policies determined that occupancy standards used in the social housing sector differed from the broad, national standards that guided their jurisdictions; Vancouver, BC was the exception. Furthermore, there was a lack of support among interview participants for a new national occupancy standard to guide all housing providers throughout the country. However, there was support for a provincial or potentially a regional standard dependant on rural and urban needs. As such, a new policy to guide occupancy standards in BC should consider the diversity of needs and issues that face the social housing sector throughout the province.

## Chapter 8. Policy Recommendations

*“If the goal of Core Housing Need—and the suitability metric—is to create equity in Canadian housing, then it must be replaced by a metric that accurately reflects occupants’ experiences of crowding.”*  
*(McCartney et al., 2021, p. 659)*

In order to address the policy issue in a holistic manner while recognizing the diversity in housing needs within the province as well as across the country, the following recommends ‘next steps’ for BC as well as revisions for the NOS, as all levels of government inform practices in the provision of social housing in BC. Grounded in the key findings of this research, the following recommendations highlight necessary changes and actions required to ensure the NOS are no longer a barrier to housing for families and are replaced with a human rights-based alternative policy to guide occupancy that upholds the right to adequate housing for families in Canada. Table 14 below identifies each recommendation.

**Table 14: Policy Recommendations**

<b>Provincial Recommendations</b>	
#1	BC Housing should provide province-wide communication to social housing providers on the expectations for use of the NOS and revise existing resources for housing providers that reference the NOS.
#2	BC Housing should facilitate consultation with social housing providers throughout the province to determine a provincial policy to guide occupancy standards.
#3	A self-assessment tool for spatial needs should be included in applications to social housing.
#4	New occupancy standards should refer to municipal building standards within the language of the standards.
<b>Federal Recommendations</b>	
#5	The NOS should be revised to be used as an advocacy tool for families seeking housing.

Each of the above recommendations were identified throughout the research as meaningful next steps or changes. The recommendations were also analyzed with the identified criteria for future occupancy standards in Table 13 above. Table 15 below reflects a summary of the analysis. Measures of “high”, “moderate” and “low” reflect the expected level of impact the policy has on each criterion. The recommendations are not stand-alone policies and are made with the hope that all will be implemented. As such, no single policy satisfies all the criteria; however, the analysis determines which



recommendations are likely to result in the most impactful changes for families seeking housing.

**Table 15: Summary of Analysis**

Criteria	Policy 1: Communication	Policy 2: Consultation	Policy 3: Self- Assessment Tool	Policy 4: Municipal Building Standards	Policy 5: Advocacy Tool
Prevention of Housing Precarity <sup>31</sup>	High	Low	High	Low	High
Autonomy	Low	Low	High	Low	High
Gender Inclusivity	Moderate	Moderate	High	Low	High
Flexibility	Moderate	Moderate	High	Low	High
Clarity	High	High	Moderate	High	High
Regionally Specific	Low	High	Low	High	Low
<b>Level of Impact</b>	<b>Moderate</b>	<b>Moderate</b>	<b>High</b>	<b>Low</b>	<b>High</b>

**Recommendation #1: BC Housing should provide province-wide communication to social housing providers on the expectations for use of the NOS and revise existing resources for housing providers that reference the NOS.**

The above recommendation is to immediately decrease the risk to families experiencing housing precarity. The practice of denying families housing because of adherence to the NOS should be immediately stopped. BC Housing should ensure social housing providers are aware of the risk to families experiencing housing precarity under the NOS and advise housing providers to prioritize the preferences and safety of

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<sup>31</sup> Prevention of housing precarity has been double counted in the analysis.

the family. Furthermore, existing BC Housing resources for housing providers that include the NOS as recommended occupancy standards should be revised to increase clarity for housing providers. This recommendation will encourage flexibility in how the current standards are being applied. The key challenge for this recommendation is potential resistance to changes related the use of the NOS from some housing providers, which was raised throughout the expert interviews. However, from a human rights-based perspective, a family's preferences and choices around what is suitable at a specific time for their family should be upheld by housing providers. This recommendation focuses on immediate changes within the context of the current housing stock and existing policies to guide occupancy. However, it is important to note that with access to more multi-room units, flexibility on the part of housing providers would be easier to achieve. This recommendation received a moderate level of impact as the policy only satisfies the criteria related to changes within the current system and does not reflect long term increases to factors such as autonomy for families.

**Recommendation #2: BC Housing should facilitate consultation with social housing providers throughout the province to determine a provincial policy to guide occupancy standards.**

The province does not have to wait for federal action to revise occupancy standards used in BC as the NOS are only guidelines, not rules that housing providers are required to enforce. This study determined that provincial occupancy standards are likely more useful for the daily operations of housing providers due to the diversity in housing sectors and needs between provinces and regions and expert interview participants supported a regionally-specific policy. Consultation with housing providers will strengthen communication around the current issues and increase clarity in this area while also ensuring that a new policy to guide occupancy standards is reflective of the needs of those seeking housing and the abilities of housing providers throughout the province. The new policy should uphold the key objective<sup>32</sup> identified in this research and use the identified criteria as a framework for the specifics of the policy. There is a need for a creative policy alternative to address this issue, and not the recreation of narrow, objective and ineffective standards currently being used globally. Although consultation is a necessary step to determine an appropriate new occupancy standard for BC, the

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<sup>32</sup> Satisfy the spatial needs of families while ensuring an efficient allocation of available social housing units.

policy received a moderate level of impact as there are no immediate positive changes for families seeking housing in BC.

**Recommendation #3: A self-assessment tool for spatial needs should be included in applications to social housing.**

The adoption of a self-assessment tool into social housing applications that obtains the ideal spatial needs and preferences of individual families would prioritize the autonomy of families seeking housing. Throughout this study it has been made clear that the autonomy of families must be upheld in order to decrease the risk to families experiencing housing precarity. Furthermore, determining housing suitability based on the personal preferences of families could result in a more efficient allocation of available units by ensuring families are not over-housed based on their living preferences. As such, this policy received a high level of priority as the key criteria that have substantial impacts on families seeking housing such as prevention of housing precarity and autonomy are all satisfied. Due to potential resistance from housing providers as identified above, meaningful consultation with housing providers would help determine an appropriate tool that is useful to both families and housing providers. Although every placement of a family in an accommodation might not be permanent, considerations of that family's safety should always be the priority. For example, even if a mother with two children will likely want a three-bedroom eventually, but agrees to be placed in a two-bedroom in order to avoid returning to a violent home or living in the family car, the two-bedroom should be deemed as suitable housing on the basis of safety concerns.

Furthermore, even though it will not always be possible to place families in their preferred accommodation due to housing supply shortages, collecting families' preferences on applications could be used as a data collection method that builds knowledge on the preferences and demand that families have for multi-room units, in order to inform the future design of additional social housing buildings and units. The collection of disaggregated data could enable housing providers to further understand the relationship between families and overcrowding based on situational and cultural need, which would better inform future models to guide occupancy.

**Recommendation #4: New occupancy standards should refer to municipal building standards within the language of the standards.**

This research determined that the existence of multiple, often contradicting measures of density used to guide occupancy within a given jurisdiction is a consideration that will have to be navigated when revising occupancy standards for BC. Municipal building standards provide an existing framework for measures of density. It is not efficient to provide various measures of density within one jurisdiction through overlapping municipal codes and provincial or national occupancy standards. However, referencing municipal standards within occupancy standards can potentially increase clarity around the existing standards for those seeking housing. Further research and review of municipal codes is needed throughout BC to ensure they reflect the needs of a modern household by providing evidence-based adequate minimums for space per person. As such, this recommendation would be complex to implement, but is reflective of a more holistic approach to guiding occupancy that would increase clarity and allow for occupancy standards to be regionally-specific by incorporating existing municipal standards. The policy received a low level of impact because it reflects a potential promising practice to make standards regionally specific and clear, but does not immediately address the needs of families, such as prevention of housing precarity.

**Recommendation #5: The NOS should be revised to be used as an advocacy tool for families seeking housing.**

The key issues stemming from the current use of the NOS have been clearly identified through this research. The NOS have been determined to be an outdated and harmful policy to guide occupancy in social housing and fall in line with other ineffective policies that attempt to capture the full spectrum of the experience of overcrowding with a singular measure. What is more, the current NOS are not in alignment with the human rights-based approach identified in the National Housing Strategy. Although, with the potential adoption of provincial occupancy standards and the use of municipal measures for internal density, the need for federally guided occupancy standards could be questioned. However, as determined through this research, the abolishment of the NOS entirely could negatively impact families' rights to adequate housing. But, the needs-based approach of the current NOS is not a strong advocacy tool for those seeking housing, as demonstrated by the use of the NOS within the courts. Therefore, it is recommended that the NOS shift from imposing standards on families and housing providers towards empowering those seeking housing as a human rights-based tool to

advocate for the right to adequate housing. This policy received a high level of impact on families as it reflects structural changes to the current policy and how occupancy standards are used and understood. Although there would be limited immediate impacts on families by changing the language of the NOS, reframing the NOS to be an advocacy tool for families would create long-term positive impacts on families seeking housing. Furthermore, changing the language of the NOS to be used by families and not to impose rules on them would prevent housing providers from citing the NOS to deny housing to families.

Revising the NOS to be used as an advocacy tool for families seeking housing enables families to advocate for the safe and preferred amount of space for their families. Specifically, the language of the NOS should not impose restrictions on families when applying for social housing, but enable families to ask for an appropriate number of bedrooms best suited to their family's needs. Although the current NOS allows families to advocate for additional rooms based on the age and gender of their children, the standards do not enable parents with children of the same gender to do so, even though there are a myriad of reasons why children of the same gender would require separate bedrooms. The revised NOS should enable all household members to be entitled to an adequate amount of private space or bedrooms while also upholding a family's autonomy to choose to share rooms between family members if this is their preference. The NOS should also avoid the use of binary language and the gender of children should not be a key determinant for their needs or their spatial relationships to their siblings and parents. The NOS, in its use as a standard for Core Housing Need, has been demonstrating the severe lack of housing in BC for decades. Instead of imposing unattainable standards on families, the NOS should be revised in order to empower families to seek better-suited housing when available and also strengthen the notion that access to adequate housing is recognized as a human right under the 2019 National Housing Strategy Act.

## **Chapter 9. Considerations and Limitations**

The key limitation of this research was the small sample size for expert interviews. Although the interviews resulted in valuable insight into the relationship between the NOS and the social housing sector in BC, there is a dire need for large-scale evaluation and consultation to determine an equitable and effective occupancy standard for BC. However, those that were interviewed are some of the most knowledgeable individuals on this issue throughout the province, as there has been a lack in critical engagement with the NOS until recently. Based on the available literature and existing evaluations of occupancy standards it became out of scope for this research to result in an analysis of policy options and recommendation for a single policy to implement in BC. Although this research resulted in important next steps for change and suggestions for the key objective and criteria of a new occupancy standard, further action is required by BC Housing and CMHC to facilitate large-scale evaluations and consultation to determine an alternative to the NOS. However, the contributions of smaller-scale research such as this study capture the complexity of the issue and the importance of a human rights-based approach to fully understand the depth of change that is required to prevent further harm to families seeking housing in BC as a result of the NOS.

Furthermore, due to the widespread use of the NOS in the housing sector as well as suggestions that MCFD also advises families on housing based on the standards, there is further research needed to fully understand how the NOS is applied in the private rental market and MCFD in order to evaluate how policy changes in the social housing sector can best be best communicated to other sectors.

## Chapter 10. Conclusion

This study has determined that the current use of the NOS is a barrier to housing for families; in particular, Indigenous families, immigrant and refugee families and families experiencing violence are affected the most. Furthermore, the use of measures of density to prevent the subjective experience of overcrowding is ineffective and often rooted in colonial and Western ideals of familial spatial needs that are not reflective of a culturally diverse population, such as within BC. Comparable jurisdictions to BC do not offer existing viable policy solutions to this problem, but perpetuate the same ineffective practices as the NOS. As a result, there is a need for a creative solution, informed by a human rights-based approach to holistically address barriers to housing for families as a result of occupancy standards.

This study provides a key objective and criteria for new occupancy standards as well as recommended next steps to empower families and strengthen the relationship between housing providers and families seeking housing through changes in BC's practices to guide occupancy. Seeking a new policy to guide occupancy standards in BC's social housing sector that upholds the right to housing and increases the autonomy of families to decide what is right for them, is one step of many towards realizing the human rights-based approach to housing set out in the National Housing Strategy. BC has an opportunity to be a leader in meaningful changes to how occupancy standards are used and the effects these policies have on families.

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## Appendix A.

### Examples of Measures of Overcrowding Used Globally

**Table A.1: Examples of Measures of Overcrowding Used Globally (World Health Organization, 2018)**

<b>UN-Habitat</b>
Overcrowding occurs if there are more than three people per habitable room.
<b>American Crowding Index</b>
Crowding occurs if there is more than one person per room; severe crowding occurs if there are more than 1.5 persons per room (excluding bathrooms, balconies, porches, foyers, hall-ways and half-rooms).
<b>Argentinian National Institute of Statistics and Censuses</b>
Overcrowding represents the quotient between the total number of people in the home and the total number of rooms or pieces of the same. Households with critical overcrowding are considered those with more than three people per room (excluding the kitchen and bathroom).
<b>Eurostat</b>
Overcrowding occurs if the household does not have at its disposal a minimum number of rooms equal to: <ul style="list-style-type: none"><li>• one room for the household</li><li>• one room per couple in the household</li><li>• one room for each single person aged 18 years or more</li><li>• one room per pair of single people of the same gender between 12–17 years</li><li>• one room for each single person between 12–17 years and not included in the previous category</li><li>• one room per pair of children under 12 years.</li></ul>

## Appendix B.

### Municipal Building Standards of Comparable Jurisdictions

**Table B.1: Municipal Building Standards for the City of Vancouver (City of Vancouver, 2014)**

Jurisdiction	Municipal Building Standard
Vancouver, BC	By-law No 5462 Standards of Maintenance By-law (Under 21. Maintenance Standards for Lodging Houses)
	<p>21.2 No person shall rent, or allow to be rented or occupied, any accommodation in a lodging house:</p> <ul style="list-style-type: none"> <li>• unless it has a ceiling height as specified in the Vancouver Building By-law</li> <li>• unless it has at least 50 square feet (4.6 m<sup>2</sup>) of gross floor area for each occupant</li> </ul>

**Table B.2: Municipal Building Standards for the City of Toronto (City of Toronto, 2021)**

Jurisdiction	Municipal Building Standard
Toronto, Ontario	Toronto Municipal Code Chapter 629, Property Standards
	<p>Number of People</p> <p>The maximum number of persons living in a habitable room cannot exceed one person for each nine square metres of habitable room floor area.</p> <p>Room Size</p> <p>There are minimum size requirements for habitable rooms that are used for sleeping as follows:</p> <p>For rooms used by only ONE person, the minimum floor area of a room used for sleeping shall be six square metres.</p> <p>For rooms used by TWO or more persons, the minimum floor area of a room used for sleeping shall be four square metres for each person.</p>

**Table B.3: Municipal Building Standards for the City of New York (New York City, n.d.)**

Jurisdiction	Municipal Building Standard
New York, New York	<p data-bbox="574 340 1312 403">The New York City Administrative Code 27-2075 Maximum Permitted Occupancy</p> <p data-bbox="513 483 1295 546">No dwelling unit shall be occupied by a greater number of persons than is permitted by this section.</p> <ol data-bbox="565 554 1360 1155" style="list-style-type: none"> <li data-bbox="565 554 1360 1016">1. Every person occupying an apartment in a class A or class B multiple dwelling or in a tenant-occupied apartment in a one- or two-family dwelling shall have a livable area of not less than eighty square feet. The maximum number of persons who may occupy any such apartment shall be determined by dividing the total livable floor area of the apartment by eighty square feet. For every two persons who may lawfully occupy an apartment, one child under four may also reside therein, except that a child under four is permitted in an apartment lawfully occupied by one person. No residual floor area of less than eighty square feet shall be counted in determining the maximum permitted occupancy for such apartment. The floor area of a kitchen or kitchenette shall be included in measuring the total livable floor area of an apartment but the floor area for private halls, foyers, bathrooms or water closets shall be excluded.</li> <li data-bbox="565 1024 1360 1155">2. A living room in a rooming unit may be occupied by not more than two persons if it has a minimum floor area not less than one hundred ten square feet in a rooming house, or one hundred thirty square feet in a single room occupancy.</li> </ol>

**Table B.4: Municipal Standards for New Builds for the the City of London (Greater London Authority, 2016)**

Jurisdiction	London Plan, 2015, Minimum Space Standards for New Dwelling				
London, England	<b>Minimum Gross Internal Density (Square Metres)</b>				
	<b>Number of Bedrooms</b>	<b>Number of Bed Spaces</b>	<b>1 Storey Dwellings</b>	<b>2 Storey Dwellings</b>	<b>3 Storey Dwellings</b>
	1b	1p	39	N/A	N/A
		2p	50	58	N/A
	2b	3p	61	70	N/A
		4p	70	79	N/A
	3b	4p	74	84	90
		5p	86	93	99
		6p	95	102	108
	4b	5p	90	97	103
		6p	99	106	112
		7p	108	115	121
		8p	117	124	130
	5b	6p	103	110	116
		7p	112	119	125
		8p	121	128	134
	6b	7p	116	123	129

## Appendix C.

# Public Resources for Occupancy Standards of Comparable Jurisdictions

### ***C.1 Toronto (City of Toronto, 2016)***<sup>33</sup>

- Adult household members who are spouses must share a bedroom. Two persons who live together are considered "spouses" if
  - the social and familial aspects of the relationship amount to cohabitation, and
  - one individual provides financial support to the other, or
  - the individuals have a mutual agreement or arrangement regarding their financial affairs.
- for adult household members other than spouses, a minimum of one and a maximum of two persons per bedroom
- for children under the age of 18, no less than one and no more than two persons per bedroom where the unit contains three bedrooms or less
- for children under the age of 18, no less than one and no more than three persons per bedroom where the unit contains more than three bedrooms, if the shared bedroom provides the minimum space required under the City's Municipal Code Property Standards.
- a single parent may share a bedroom with a child if the applicant wants to share.
  - Bachelor units are normally given to single persons. However, a two-person family is eligible for a bachelor unit, if the applicant requests it. A two-person family consists of either two spouses or a parent and child.

### ***C.2 England***<sup>34</sup> (*Shelter England, n.d.*)

#### **Statutory Overcrowding Standard:**

1. Room Standard
  - Any room you can sleep in counts, not just bedrooms
  - Your home is overcrowded by law if
    - Two people of a different sex have to sleep in the same room.
    - they are aged 10 or over, children under 10 aren't counted.
    - The rule doesn't apply to couples who share a room.
2. Space Standard
  - Count the number of people in the home based on these parameters:

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<sup>33</sup> Replicated from publicly available resources on the occupancy standard.

<sup>34</sup> Replicated from publicly available resources on the occupancy standards.



- anyone aged 10 or over counts as 1 person
- children aged 1 to 9 count as 0.5
- children under 1 year old don't count
- Then, count the number of rooms including the bedrooms and living rooms but only those over 50 square feet.
- Apply the following tables and use the lower figure of maximum occupancy allowed.

Number of Rooms	Maximum Number of People Allowed
1	2
2	3
3	5
4	7.5
5	10

Room's floor space in square meters	Maximum number of people allowed
4.6-6.4	0.5
6.5-8.3	1
8.4-10.1	1.5
10.2	2

**Bedroom Standard:**

You count as overcrowded under the bedroom standard if you don't have a bedroom in your home for each:

- couple
- single person aged 21 or over
- pair of children under 10 regardless of sex
- pair of adolescents aged 10-20 of the same sex

### **C.3 New York (New York City Housing Authority, 2020)**

<b>Bedrooms Required</b>	<b>Household</b>
0	1
1	2 <sup>1</sup>
2	2 <sup>2</sup> , 3, 4
3	4X, 5
4	6, 7, or 8
5	9 or 10
6	11 or 12
7	13 or 14
8	15 or 16
9	17 or 18

**Legend:**

2<sup>1</sup>: Married couple, two persons registered as domestic partners or a single adult with a child less than six years of age.

2<sup>2</sup>: Two adults who are neither married nor registered as domestic partners, or a single adult with a child of six years of age or more.

**4X Family:**

Married couple or couple registered as domestic partners, with other family members being one male and one female who are neither married nor registered as domestic partners.

Three females, one male (e.g., mother, 2 daughters, 1 son; father with 3 daughters).

Three males, one female (e.g., mother with 3 sons; father, 2 sons, 1 daughter)