



CHAIRE DE RECHERCHE DU CANADA EN
DROIT DES BIENS TRANSSYSTÉMIQUE ET
COMMUNAUTÉS DURABLES



UNIVERSITÉ LYON III
JEAN MOULIN



McGill

Faculty of Law Faculté
de droit



**MALMÖ
UNIVERSITY**

Accès au logement

Logements durables et abordables

Access to housing

Affordable and sustainable housing

29 novembre 2024 de 9h00 à 12h

Salle | Room 200

New Chancellor Day Hall, McGill University

3644 Peel Street, Montreal, Quebec

Inscription | Registration

<https://www.chaire-dbtcd.org/évènements>

Description de l'événement

Ce colloque, qui se déroule à l'Université McGill (Canada), a pour objectif de mieux saisir la problématique pressante de l'accès au logement abordable, durable et décent pour tous, en vue de trouver des pistes de solutions pour répondre à l'insuffisance de logements, alors que la population mondiale est en croissance et que nos villes deviennent de plus en plus denses.

À partir d'une perspective comparative/transsystémique (intégrant le droit civil, la common law et les traditions juridiques autochtones) et interdisciplinaire (droit, philosophie, urbanisme, histoire, etc.), on cherche à réfléchir aux aspects théoriques et pratiques de l'accès au logement et de ses composantes variées (abordabilité, durabilité, accessibilité, etc.). Pour ce faire, on s'intéresse à des cas concrets qui permettent de mieux saisir les opportunités, tant en droit privé qu'en droit public, pour traiter la dimension transversale de l'accès au logement. En ce sens, les perspectives des milieux associatifs et communautaires sont les bienvenues.

Considérant les inégalités sociales et une crise croissante du coût de la vie, savoir quels sont les défis liés au logement accessible et comment les résoudre devient de plus en plus complexe et demande de la créativité. Alors que les marchés immobiliers et de location deviennent de plus en plus inaccessibles aux personnes et aux familles à revenu faible ou moyen, une grande partie de la société est à risque d'être placée dans des situations de précarité. Le taux de sans-abrisme est en hausse, avec peu d'options non marchandes pour ceux qui sont exclus du marché formel. Pendant ce temps, la crise climatique fait peser une menace physique croissante sur le logement dans les zones vulnérables, ainsi que le déplacement massif des personnes touchées, deux problèmes qui deviendront sûrement plus urgents dans les années à venir.

Le projet invite également à s'orienter vers des solutions pour répondre aux difficultés d'accès au logement. Comment pouvons-nous reconceptualiser notre compréhension des modèles de logement pour refléter l'évolution des besoins de notre société (les logements non marchands, les mini-maisons, les campements, etc.) ? Que peuvent apporter l'étude d'autres juridictions et communautés ? En particulier, comment pouvons-nous intégrer les connaissances autochtones dans nos solutions ? Quels outils juridiques pouvons-nous exploiter pour accomplir l'obligation internationale de concrétiser la mise en œuvre d'un droit à un logement décent ?

Event description

This conference, which will take place at McGill University (Canada), aims to better understand the urgent issue of access to affordable, sustainable and decent housing for all, in order to find solutions to the housing shortage, as the global population grows and our cities become increasingly dense.

From a comparative/transsystemic perspective (integrating civil law, common law, and Indigenous legal traditions) and an interdisciplinary approach (law, philosophy, urban planning, history, etc.), we seek to reflect on the theoretical and practical aspects of access to housing and its various components (affordability, sustainability, accessibility, etc.). To achieve this, we will focus on concrete cases that help us better understand the opportunities, both in private and public law, to address the cross-cutting nature of housing access. In this regard, perspectives from civil society and community organizations are welcome.

Given the social inequalities and the growing cost-of-living crisis, understanding the challenges related to accessible housing and how to solve them is becoming increasingly complex and requires creativity. As real estate and rental markets become more and more inaccessible to low- and middle-income individuals and families, a large portion of society is at risk of being placed in precarious situations. The homelessness rate is rising, with few non-market options available for those excluded from the formal market. Meanwhile, the climate crisis poses an increasing physical threat to housing in vulnerable areas, as well as the mass displacement of affected people—two issues that will certainly become more urgent in the years to come.

The project also calls for an orientation towards solutions to address the difficulties of accessing housing. How can we reconceptualize our understanding of housing models to reflect the evolving needs of our society (non-market housing, tiny homes, encampments, etc.)? What can the study of other jurisdictions and communities contribute? In particular, how can we integrate Indigenous knowledge into our solutions? What legal tools can we utilize to fulfill the international obligation of implementing the right to decent housing?

Direction scientifique | Scientific direction

Yaëll Emerich (Université McGill)

Béatrice Balivet (Université Lyon 3)

Magnus Andersson (Université Malmö)

Nos partenaires | Our partners

Université McGill (Canada)

Université Lyon 3 (France)

Université Malmö (Suède)

Programme

9h00 - 9h10

Introduction

Yaëll Emerich (*McGill University*)

9h10 - 10h30

1re session : **Évictions et sans logis**

Priya Gupta (*McGill University*) – Présidence

Panélistes

Sarah Hamill (*Trinity College Dublin*)

Access to Housing and Homelessness

Antoine Morneau-Sénéchal (*Morneau-Sénéchal Avocat*)

Lutte contre les évictions dans un contexte de pénurie de logements : une perspective canadienne

Programme

10h30 - 10h45

Pause-café

10h45 - 12h00

2e session : **Contexte autochtone de l'accès au logement**

Kirsten Anker (*McGill University*) – Présidence

Panélistes

Estair Van Wagner (*University of Victoria*)

State Obligations and Indigenous Self-Determination:
Encampments, Human Rights and the UNDRIP in Canada

Jayne Engle (*McGill University*)

FreeHouse Toronto: Self-owning housing as common good
infrastructure

12h00-12h10

Mot de conclusion

Yaëll Emerich (*McGill University*)

Lunch

Access to Housing and Homelessness

The National Housing Strategy Act 2019 committed the federal government of Canada to the progressive realisation of the right to housing. The Act was an early achievement of Canada's National Housing Strategy (NHS) launched in 2017. The NHS has since had many successes and yet Canada's housing crisis seems to have only gotten worse. In this paper, I draw on the subtitle of the NHS – “A place to call home” – to critically interrogate the broader legal context in which the NHS operates. That context includes both the heavy-handed responses to homeless tent encampments and the recently extended ban on foreign ownership. Both such interventions are suggestive of a hostile and punitive approach which is hard to square with the goals of the NHS. The end result is new forms of insecure and dependent housing forms which undermine the security of tenure that the right to housing is supposed to protect. I argue that there is a need to recentre the idea of home if the housing crisis is to be solved.

Note biographique

Dr Sarah Hamill is an Assistant Professor at the School of Law, Trinity College Dublin. Her main areas of research are property law and theory, housing law, and legal history. Her work has appeared in the McGill Law Journal, the University of British Columbia Law Review, and the Law and History Review among others. Her work has been cited by the Tribunal des droits de la personne, the Quebec Court of Appeal, and the Supreme Court of Canada.

Lutte contre les évictions dans un contexte de pénurie de logements : une perspective canadienne

Depuis plusieurs années et particulièrement depuis la pandémie de COVID-19, plusieurs secteurs du Canada vivent une grave crise du logement. Cette pénurie encourage la spéculation, la hausse des loyers et fragilise la stabilité résidentielle. Dans ce contexte, les évictions de locataires sont à risque de se multiplier. La conférence traitera de l'encadrement de deux types d'évictions, soit les réno-évictions et les évictions pour conversion en hébergement touristique, dans les trois plus grandes provinces canadiennes (Ontario, Québec, Colombie-Britannique). Elle abordera également, dans une perspective comparative, les interventions apportées récemment par les législateurs de ces trois provinces afin de limiter ces types évictions.

Note biographique

Antoine Morneau-Sénéchal est avocat en droit du logement et enseignant en techniques juridiques au Cégep de Sorel-Tracy. Il est titulaire d'un baccalauréat en droit (LL. B.) et d'une maîtrise en droit (LL. M.) de l'Université de Montréal, ainsi que d'un diplôme de 2e cycle en droit notarial de l'Université de Sherbrooke. Formateur et conférencier, il est l'auteur des ouvrages *Le louage résidentiel* (2020) et *Parajuristes et étudiants en droit : une nouvelle approche pour un meilleur accès à la justice* (2022), tous deux publiés chez Wilson & Lafleur.

State Obligations and Indigenous Self-Determination: Encampments, Human Rights and the UNDRIP in Canada

This paper will examine UNDRIP implementation in the context of homeless encampments in Canadian cities. Despite the overrepresentation of Indigenous people experiencing housing precarity, and living in encampments, policy approaches have largely failed to engage with the United Nations Declaration on the Rights of Indigenous Peoples and to recognize Indigenous self-determination as a key element of housing justice. This paper will focus on how state governments at all levels should reorient their approaches to encampments to account for international human rights obligations enshrined in the UNDRIP and recognize Indigenous jurisdiction in the context of encampments.

Note biographique

Estair Van Wagner is an Associate Professor at the University of Victoria Faculty of Law (currently on leave from Osgoode Hall Law School) where she researches and teaches about how property law shapes our relations with each other and with the living world we share. She is currently engaged in research projects about human rights and homeless encampments and Indigenous law and natural resources extraction

FreeHouse Toronto: Self-owning housing as common good infrastructure

The FreeHouse Toronto/Toronto project seeks to establish a new model of housing self-ownership and stewardship governance with Indigenous communities. This 'proof of possibility' aims to demonstrate different approaches to addressing critical housing needs, supporting Indigenous self-determination, and promoting cultural revitalization and restorative justice. The project proposes a housing prototype within Toronto's Ravines, focusing on creating legal frameworks that enable urban Indigenous communities to steward the land and housing and reestablish traditional, reciprocal relationships. FreeHouse will design governance models shaped by Indigenous scholars and community members, and foster broad engagement around climate action and land regeneration, and the adaptation of the approach to meet diverse housing needs.

FreeHouse aims to set an example for decolonizing housing systems, contribute to the revitalization of Indigenous legal traditions, support climate resilience, and challenge existing property-based housing systems. Expected outcomes include a legal entity for self-owning land, strengthened political support for alternative housing models, and deeper connections between urban Indigenous communities and their cultural heritage.

Note biographique

Dr. Jayne Engle is co-lead of 7GenCities, a new collaborative with Indigenous, municipal and other civil society partners, and she is mission co-holder at Dark Matter Labs, working on futures of philanthropy and the Property & Beyond Lab. She has a background in city planning, policy & governance innovation; philanthropy; and participatory research and practice. Jayne co-edited the book *Sacred Civics: Building Seven Generation Cities*. She's an Adjunct Professor, McGill University School of Urban Planning, from which she holds a PhD in Urban Planning, Policy and Design.