



Research Paper

Housing in crisis: A qualitative study of the socio-legal contexts of residential evictions in Vancouver's Downtown Eastside

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ABSTRACT

Background: People who use drugs (PWUD) commonly experience housing vulnerability due to the intersection of drug laws, housing policies, gentrification, and social marginalization. Housing vulnerability produces social suffering amongst PWUD and is linked to health and social harms. In Vancouver, Canada, the rapid gentrification of the Downtown Eastside – a low-income inner-city neighbourhood – and the lack of affordable housing has led to residential evictions emerging as a key community concern. This study sought to understand the policies and practices that produced evictions among PWUD, situating vulnerabilities to evictions within the context of wider structural vulnerability of PWUD.

Methods: Between June 2015 and March 2016, baseline and 3–6 month follow-up qualitative interviews were conducted with recently evicted (past 60 days) PWUD in the Downtown Eastside. Participants were recruited by Peer Research Assistants. Baseline interviews (n = 56) focused on causes and socio-legal contexts of evictions, with follow-up interviews (n = 41) focusing on longer-term impacts. Interviews were analyzed thematically and interpreted by drawing on the concept of structural vulnerability.

Results: Most participants were evicted unlawfully, unfairly, and into homelessness. Participants were rendered structurally vulnerable to unlawful evictions by the shortcomings of existing residential tenancy laws and current dispute mechanisms. Residents of non-profit buildings, for whom it was unclear if provincial residential protections apply, found their housing security further undermined through the denial of rights extended to privately-housed tenants. Attempts to assert tenant rights further increased participants' vulnerability to eviction through landlord retaliation and targeting.

Conclusion: Findings demonstrate the inadequacy of existing housing policies and tenancy supports to account for the structural vulnerability of PWUD and their role in driving harms. Policy reforms are needed to address unlawful evictions and increase tenancy security, and must be accompanied by low-barrier interventions to more fully address this key driver of social suffering among PWUD.

Introduction

Housing vulnerability disproportionately impacts people who use drugs (PWUD) (Tsai & Huang, 2018) and produces and exacerbates health and social harms such as drug-related risks, HIV and hepatitis transmission, and early mortality (Aidala, Cross, Stall, Harre, & Sumartojo, 2005; Milloy, Marshall, Montaner, & Wood, 2012; Zivanovic et al., 2015). Residential evictions (i.e., forced removal of a tenant from leased residence via legal mechanisms) are an outcome of housing vulnerability among PWUD that are associated with an increased risk of violence and changes to drug use patterns (Damon et al., 2018;

Kennedy et al., 2017). Meanwhile, residential evictions also serve to reinforce the social and spatial marginalization of PWUD via exclusionary practices that limit access to private living spaces and the social advantages that accompany stable housing (Collins et al., 2018).

Previous research has demonstrated that PWUD are more likely to face eviction among residents in low-income neighborhoods (Desmond & Gershenson, 2017; Montgomery, Cusack, Szymkowiak, Fargo, & O'Toole, 2017; Tsai & Huang, 2018) and that landlords are motivated to fill housing units with tenants who are perceived as non-drug using (Desmond, 2012). In their recent legal review, Mead et al. (2018) found that PWUD—including those who are seeking medical intervention to

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respond to overdose—were among those specifically targeted for criminal activity nuisance ordinances in the United States, which led to residential eviction when enforced. Similar results have also been found in Vancouver among tenants designated as overdose response attendants in low-income housing (Bardwell, Fleming, Collins, Boyd, & McNeil, 2018), as well as in the Netherlands (Van Laere, De Wit, & Klazinga, 2009). Relatedly, in a recent study of evictions among women who use drugs, Collins et al. (2018) found that women were targeted not only on the basis of their drug use, but also for experiences of domestic violence, and police involvement. Researchers also noted severe structural barriers to women disputing unfair or unlawful evictions, including fears of violence and normalization of eviction of PWUD. The criminalization of drug-using populations (e.g., misdemeanor and felony convictions for drug possession and related offences) can pose further structural barriers to re-housing in settings where criminal records restrict access to market and non-market housing (Carey, 2005; Evans, Blount-Hill, & Cubellis, 2018). Such research illustrates how the inherent anti-drug user bias implicated in other socio-structural domains also impacts housing security. Given the impact of residential evictions among PWUD, greater understanding of the failures of current housing policy should be central to the goal of drug policy reform.

Recent literature documenting experiences of social and structural inequities has employed the concept of structural vulnerability to capture how positionalities or social locations within social hierarchies and networks of power can produce increased vulnerability among certain groups of people (Quesada, Hart, & Bourgeois, 2011). This concept stresses that multiple intersecting oppressions and inequities frame the disadvantages experienced by, for example, people who use drugs (Rhodes et al., 2012), but also that these produce differential outcomes within the wider drug-using population based on their differences (e.g., race, class, gender, ability) (McNeil, Small, Lampkin, Shannon, & Kerr, 2014). This lens draws attention to the myriad ways that social suffering is reproduced through the interaction of structural forces (e.g., drug criminalization) and socio-cultural forces (e.g., anti-drug stigma, racism). Previous studies investigating methadone regulation (McNeil, Kerr, Anderson et al., 2015) and the risk of HIV transmission among PWUD and sex workers (Rhodes et al., 2012) have utilized this lens to focus attention on socio-structural factors that limit agency and produce vulnerability to risk and harm among some groups, suggesting structural vulnerability as an appropriate lens with which to research socio-legal contexts of housing vulnerability among PWUD.

Recent research has demonstrated that policies related to spatial governance and public safety can have detrimental impacts on the health and safety of PWUD (Dickson-Gomez, McAuliffe, Obidoa, Quinn, & Weeks, 2016; Kerr, Mitra, Kennedy, & McNeil, 2017; McNeil, Cooper, Small, & Kerr, 2015; McNeil, Kerr, Lampkin, & Small, 2015), although this research has primarily maintained focus on drug use environments and explicit drug use policy. In the Netherlands, which has extended police power to allow for forced removal from home in the interest of fighting “the war on drugs,” Bruijn, Vols, and Brouwer, (2018) have documented the mass residential evictions of PWUD and found minimal success of the judicial review process in preventing these removals. However, beyond this there has been little research acknowledging the importance of housing policy in reducing the structural vulnerability of PWUD—a central goal of drug policy reform. Furthermore, the socio-legal environments that produce residential evictions, as well as access to housing justice for PWUD, remains critically understudied.

In Vancouver, Canada, the rapid gentrification of the Downtown Eastside (DTES) – a low-income inner-city neighbourhood – along with the lack of affordable housing has resulted in a housing crisis (Burnett, 2013; Lee, 2016), with evictions having emerged as a key community concern with regards to housing vulnerabilities (Active Manufactured Homeowners Association et al., 2017; PIVOT Legal Society, 2006). Single room occupancy (SRO) housing remains the main form of low-income housing in the DTES, despite these environments often having substandard conditions (e.g., pest infestations, non-functioning

washrooms) and being associated with adverse health outcomes that undermine harm reduction and drug policy reform efforts (Carnegie Community Action Project, 2017; Shannon, Ishida, Lai, & Tyndall, 2006). Often these housing environments implement policies that exist in a legal grey area (e.g., guest policies, curfews), and landlords can at their discretion require tenants to sign a “crime free addendum” stating they will not participate in any illegal activities in the building. (AMHA et al., 2017). Such policies differentially impact PWUD (e.g., disallowing guests to use drugs safely with) and can act as a major barrier to housing security (Krüsi, Fast, Small, Wood, & Kerr, 2010; Padgett, Gulcur, & Tsemberis, 2016). SRO housing in Vancouver is operated both privately (55%) and as non-market housing (45%) through government agencies and non-profit organizations (City of Vancouver, 2017), with units averaging 100 square feet with varying access to amenities (e.g., cooking facilities, shared toilet facilities). However, this housing supply is increasingly constricted as pressures to gentrify increase rents (e.g., up to \$1267 in certain private buildings, which is 3.5 times the amount allocated for housing for people on social assistance (CCAP, 2017)), displace tenants for renovations, and create opportunities for market-rate housing developments. For example, in 2016, 500 units of low-income housing were lost in the DTES (CCAP, 2017). As the housing crisis intensifies, so too do residential evictions. Almost one quarter of participants in a Vancouver-based longitudinal cohort study on injection drug use have reported at least one instance of residential eviction (Damon et al., 2018; Kennedy et al., 2017), although this likely underestimates the true frequency of residential evictions in the DTES as the most marginalized and hard-to-reach persons are difficult to recruit into research participation (Scott, 2008).

Rental agreements in Vancouver and elsewhere in the province are governed by the British Columbia Residential Tenancy Act (2018) (RTA), which grants protections to tenants and stipulates, among others, mandatory procedures that landlords must follow in ending a tenancy, including serving notice, returning security deposits, and providing information on filing for dispute resolution (i.e., challenging an eviction) (RTA, 2018). The RTA is administered through the Residential Tenancy Branch (RTB) of British Columbia. However, Section 4 of this Act explicitly excludes transitional housing (i.e., non-profit housing with fixed rental terms) and accommodation which provides rehabilitative or therapeutic treatments or services. In 2016 a Residential Tenancy Policy Guideline was released clarifying that transitional housing is exempt from the RTA and confirming that supportive housing is subject to the RTA (See Table 1) (Government of British Columbia, 2016). Despite this, there remains a lack of clarity in determining which non-profit housing is or is not subject to the RTA. This has led to litigation in some circumstances (*PHS Community Services Society v. Swait*, 2018) and continues to contribute to a lack of clarity regarding which tenancy rights apply to these settings. Therefore, tenants of some non-profit-operated buildings providing low-income housing in the DTES (see Table 1), particularly tenants in buildings where health and social supports are provided (e.g., on-site mental health professionals), may not be able to access tenancy protections and dispute resolution when faced with loss of housing.

Given the socio-legal contexts in which low-income housing in the DTES operates, gaining a better understanding of how this climate produces residential evictions is integral in protecting against the harms associated with housing vulnerability, and may inform the development of policy interventions designed to address the structural vulnerabilities of PWUD. This study sought to understand the policies and practices that produce evictions among PWUD in low-income SRO housing, and to situate their impacts within the context of the wider structural vulnerability of drug-using populations.

Methods

This community-based participatory research study involved semi-structured qualitative interviews with PWUD who were recently evicted

Table 1
Single room occupancy housing types and residential protections in Vancouver's Downtown Eastside.

SRO type	Definition	Residential protections
Privately-operated	Independent, long term tenancy; no obligation on landlord to maintain below-market or geared-to-income rents	Rental agreements subject to the RTA
Non-profit-operated Supportive	Long-term housing where social or health supports are offered to tenants; rents generally below-market or geared-to-income	Rental agreements subject to the RTA, although it is unclear to tenants whether the RTA applies, partially because some tenants are required by landlords to contract away their rights and possibly due to conflation with transitional housing
Transitional/supportive	Temporary, government funded, and intended as a step towards independent living; tenant supports may be offered; rents generally below-market or geared-to-income	Excluded from the RTA

(past 60 days) from privately-owned and non-profit housing in Vancouver's DTES neighbourhood. This study examined the social-structural contexts of residential evictions and their impacts on health and social outcomes. Consistent with our community-based research approach, we worked closely with a drug user-led organization to develop the research objectives, research design, and grant submission. A community advisory board comprised of members of partner organizations (e.g., drug user organizations, community organizers, legal advocacy groups) was later convened and consulted during all stages of the research process. As is standard practice in recruitment of PWUD (Kral et al., 2010), we used targeted sampling strategies based on demographic characteristics, and within a defined geographic area (i.e., the DTES) during recruitment (Watters & Biernacki, 1989). Recruitment was conducted through outreach activities by Peer Research Assistants—people who use(d) drugs who were trained in research methods—in settings across the DTES, as well as by referral from partnering drug user, sex worker, and tenant rights organizations. Peer Research Assistants are well situated to conduct community-based recruitment due to their positionality as embedded members of the community, and ability to engage with “hard to reach” populations (Greene et al., 2009; Greer, Amlani, Pauly, Burmeister, & Buxton, 2018). We aimed to oversample women relative to their representation in the neighbourhood to ensure that their experiences were adequately represented, and have reported on gendered experiences in relation to eviction elsewhere (Collins et al., 2018).

Data collection included baseline and follow-up interviews which took place three to six months later. Interviews were conducted by the Research Coordinator (WD). In total, 56 PWUD were recruited to participate in this study, 41 of whom completed follow-up interviews (see Table 2 for participant characteristics). Participants were lost to follow-up for reasons including, but not limited to: opioid-related death; displacement to other neighbourhoods or municipalities; and incarceration or court-mandated treatment. Interviews were conducted at a storefront research office in the DTES beginning in June 2015 and follow-up interviews concluded in May 2016. Written informed consent was obtained prior to commencing interviews, and participants were re-consented prior to their follow-up interviews. Interviews were 30–60 minutes in length, audio recorded, and transcribed verbatim by professional transcriptionists. All interviews were facilitated using interview guides that were developed in consultation with the community advisory board. Baseline interviews focused on circumstances surrounding eviction, access to tenancy protections and dispute mechanisms, and immediate health and social impacts of eviction, while follow-up interviews focused on longer-term health and social impacts of evictions and access to housing.

Interview transcripts were imported into NVivo, a qualitative analysis software program, and analyzed by TF, AC, WD, and RM using deductive and inductive approaches (Creswell & Creswell, 2017). A preliminary coding framework was developed based on topics in the interview guide, as well as observations from the interviews. We incorporated input from peer researchers and housing rights lawyers, and

Table 2
Participant Characteristics.

	Baseline (n = 56)	Follow-up (n = 41)
Age		
Mean	43.5	–
Range	24–67	–
Gender		
Men	35 (63%)	25 (61%)
Women	18 (32%)	13 (32%)
Transgender, Two-Spirit, or non-binary	3 (5%)	3 (7%)
Ethnicity		
White	29 (52%)	21 (51%)
Indigenous	21 (38%)	16 (39%)
Other	5 (9%)	4 (10%)
Drug of choice		
Heroin	18 (32%)	12 (29%)
Crack cocaine	8 (14%)	4 (10%)
Crystal methamphetamine	10 (18%)	6 (15%)
Other	10 (18%)	17 (41%)
Frequency of drug use		
Daily	42 (75%)	25 (61%)
3–4 times per week	5 (9%)	5 (12%)
≤1 time per week	9 (16%)	8 (20%)
Evictions in past 5 years		
No evictions	1 (2%)	–
1 eviction	24 (43%)	–
2–3 evictions	23 (41%)	–
≥4 evictions	8 (14%)	–
Evicted into homelessness	47 (84%)	–
Contested eviction	13 (23%)	–
Secured new housing	–	16 (39%)
New housing type		
SRO	–	13 (32%)
Transitional/supportive housing	–	3 (7%)
Places stayed since eviction^a		
Unsheltered/outside	–	28 (68%)
Emergency shelter	–	23 (56%)
Friend's place	–	23 (56%)
Place staying at follow-up		
Unsheltered/outside	–	9 (22%)
Emergency shelter	–	7 (17%)
Friend's place	–	10 (24%)

^a Participants could report multiple places stayed since eviction.

key social-structural contexts in buildings and in relation to housing policy. This coding framework was used by members of our research team to code transcripts, and was revised during subsequent study team meetings until the final categories were established. Selections of data were then re-coded to ensure the trustworthiness of these coding categories. We interpreted these themes through a structural vulnerability lens (Quesada et al., 2011) to emphasize within our findings how the intersection structural inequities and social norms shaped experiences of eviction among our participants. For the purposes of this analysis we will refer to “private” SRO hotels where housing is privately owned and managed, and where the RTA clearly applies. This is contrasted against “non-profit” housing which is owned or managed by non-profit service

providers. In the data, the non-profit housing referred to by participants was not – or tenants were led to believe was not – covered by the RTA. The researchers recognize that, outside the confines of this study, there exist forms of non-market and non-profit managed housing to which the RTA does apply. This study was approved by the Providence Healthcare/University of British Columbia Research Ethics Board.

Findings

Participants accounts reflected (1) the various socio-structural mechanisms that created a climate of housing vulnerability, including prejudice against PWUD, and inability to assert power in the face of abusive landlords and unsafe conditions; and (2) experiences of evictions-related processes, which were characterized by gaps in tenancy protections that created questions regarding the lawfulness of evictions, and dispute resolution processes that were inaccessible to, and stacked against, PWUD. Note that reported findings are reflective of the perspectives and experiences of our participants, and any claims should be interpreted as such.

Socio-structural mechanisms that produce vulnerability to eviction

Prejudicial targeting of people who use drugs

Nuisance complaints (e.g., noise complaints) and breaches of building policies were among the most commonly cited reasons for eviction, with participant accounts demonstrating that these were prejudicially enforced among PWUD. Building policies implemented across private and non-profit housing environments, including guest policies, building curfews, and codes of conduct, established rules in relation to tenancies that were not typical in other rental housing environments. This largely reinforced structural vulnerability by framing the expected behavior of a ‘good tenant.’ Building policies failing to account for the complex social relationships and survival needs of PWUD (e.g., irregular hours, need to store goods for re-sale) often then provided the basis for nuisance complaints by building staff, managers, and landlords. For example, participants described being threatened with eviction because of their accumulation of possessions. Even as participants stated that such policies were unfair, the lack of alternate housing left them with little choice but to agree to these conditions. ‘Jessie,’ a 54-year-old white transgender woman, made every effort to comply with unfair rules regarding her possessions, yet was evicted regardless:

I tried desperately to order my room and bring it to a state that they would like, and having moved from a larger apartment into a room, one automatically ends up with a lot of stuff. And in the inevitable rush of moving, you end up with all this stuff packed into a room. ... It was really quite a nightmare. And that wasn't even the issue... things were organized, things were beautifully done. And the manager said I had to go to [a shelter] while she threw my things away. Even though I had achieved the goal.

Whereas nuisance complaints and breaches of building policies were key drivers of evictions among participants, these operated in ways that involved the prejudicial targeting of PWUD. First, the marginal position that PWUD occupy within social hierarchies meant that participants were less-desirable tenants in privately-owned housing, as well as to some non-profit housing providers. As such, participants noted they were targeted for eviction by housing providers in favour of renting to more desirable tenants (e.g., labourers, students) at increased rents. Although less common among non-profit housing providers, several participants were evicted from an SRO hotel that underwent a mass eviction of drug-using tenants following changes to management and building policies resulting from a shift from a private to non-profit housing operator. These participants indicated their evictions from this building stemmed from the prioritization of non-drug-using tenants. Whether privately-owned or non-profit housing, participants expressed

that decisions to evict were made on the basis of their drug use.

Second, participants reported that building policies were implemented inconsistently within private and non-profit housing environments, and that their enforcement was at the discretion of building staff, managers, and landlords. As PWUD were already positioned as less-desirable tenants, participants explained that they were often targeted for breaches of building policies tolerated among other non-drug using tenants for the purposes of evicting them. For example, ‘Daniel,’ a 35-year-old Indigenous man, described one such instance of rules against patio furniture being enforced against him:

I signed an agreement stating that I wouldn't have any patio furniture ...I followed those rules and I took pictures of all the other patios 'cause they had patio furniture, things like that. So then it's kind of like monkey see monkey do, so I thought well if they're able to do that, I guess they're not enforcing that rule that much. And then I'm starting to get eviction notices for it. So I'm like well if it's so important than why is everyone else having their stuff on the patio?

Finally, because little evidence is needed in relation to nuisance or policy violations, participants commonly reported that staff, managers, and landlords “made up” violations in order to evict them. These violations were communicated to participants verbally or in writing, but were not required to be registered with a third-party (e.g., RTB), and participants were thus unable to challenge these claims. ‘Vincent,’ a 48-year-old white man, explained:

The landlord would do anything to get me out. They said I was selling drugs which I wasn't. They said my friends were using drugs... [The landlord] just came up with everything they possibly could imagine. But none of it was true.

Housing in crisis: Building conditions, power, and control

Our findings illustrate the ways in which Vancouver's housing crisis produced vulnerability to eviction among PWUD attempting to improve their living conditions in privately-owned SRO hotels in the DTES. Participants evicted from privately-owned SROs emphasized the poor conditions of these century-old buildings, characterizing these housing environments as “hellholes” and “utter chaos.” Participants reported that their repeated requests for maintenance, repairs, and pest control were ignored by building managers and landlords, and they expressed dismay that PWUD were expected to live in conditions that compromised their health and safety. Further, participants expressed particular concerns regarding non-functioning washrooms, broken locks on room doors, leaking pipes, pest infestations (e.g., rodents, bedbugs, cockroaches), and black mould. Many participants living in privately-owned SROs reported being targeted by landlords and building managers in retaliation for voicing concerns regarding housing conditions, and that it was perceived they could be easily replaced due to the neighbourhood's severe and sustained low-income housing shortage. Among participants, the initiation of evictions by building managers and landlords in privately-owned SRO hotels often began when conflict surrounding room and building conditions escalated and outside parties became involved (e.g., tenant advocates, by-law officers). ‘Chris,’ a 50-year-old white man, described how he had been evicted after filing a complaint about building conditions:

It's been leaking the whole time. Like, we couldn't smell it because the closet was full of blankets and clothes and what have you. Once he started throwing that stuff out, we realized there was black mold. So, all we did was call the Health Department [and a] day later we get an eviction notice for disrupting the tenants and I'm a bad tenant. For four and a half years, I was never a bad tenant.

As experienced by other participants, Chris's landlord exploited mechanisms under the RTA that allow tenants to be evicted on the basis of interfering with quiet enjoyment of the building (e.g., noise and

nuisance complaints) or breaching building policies. Eviction for these reasons have low evidentiary requirements and, according to Chris, were used to retaliate against him for seeking maintenance and repairs.

Some participants evicted from privately-owned SROs reported withholding monthly rent payments when building managers and landlords would not provide necessary maintenance, repairs, or pest control in an attempt to register displeasure and reclaim some form of power in these interactions. Participants positioned withholding rent payments as a strategy to protest landlord inaction in regards to building conditions. ‘Freddie,’ a 49-year-old white man, described his decision to withhold rental payments when his landlord would not act to address a rat infestation:

The fucking place was infested, and fuck, I couldn’t handle it. I told the landlord. I said, ‘Listen, man, you guys better come in here. You better either close the building down fucking fumigate it, or I can’t handle it, right? And I’m not paying.’ They wouldn’t, so I never paid my rent...and I couldn’t deal with it, couldn’t fucking deal with it.

That non-payment of rent provided landlords with non-disputable cause to evict tenants within ten days meant that such attempts to assert power only served to increase vulnerability to eviction. Even Freddie acknowledged, “*The only thing you can get really kicked out for and can get you out is not paying your rent.*” However, given the often unsafe and unsanitary housing conditions participants would otherwise be expected to endure, withholding rent payments often served as a final act of defiance among participants resigned to losing their housing.

Socio-legal contexts of eviction-related processes

Unlawful practices in privately-owned housing & the absence of tenancy rights

The structural vulnerability of PWUD within the context of evictions was exacerbated by the inadequacies of tenancy protections (e.g., tenancy laws, dispute mechanisms), including the lack of oversight mechanisms. As privately-owned rental housing operates under the jurisdiction of the provincial RTA, landlords are required to adhere to policies and procedures in relation to residential evictions, including: giving a minimum two month notice for renovations, 30 day notice for cause, and 10 day notice for nonpayment of rent; giving notice in writing; state the reason for eviction; and informing the tenant of their right to dispute the notice (Tenant Resource & Advisory Centre, 2016). However, landlords are not required to register residential evictions with the provincial RTB and no governmental oversight occurs unless a tenant contests an eviction by filing for dispute resolution. As a result, we found that these policies did not protect the rights of PWUD in relation to evictions, and led to widespread landlord abuses. Our analysis of participant accounts uncovered that the majority of evictions from privately-owned SRO hotels were ‘unlawful’ – that is, processes surrounding evictions did not comply with the requirements of the RTA (see Table 3). Most participants evicted from privately-owned SRO hotels reported that eviction notices were issued improperly (i.e., verbally or without proper forms) and without adequate notice. For example, ‘Miranda,’ a 31-year-old white woman, explained that her eviction from a privately-owned SRO did not comply with the requirements of the Act:

When I came home from work at 9:30 the guy at the front door told me I was barred from the building. I was not allowed there. And I said, ‘Well, could you tell me why? I’d like to know what I did.’ He goes, ‘Oh, well, your rent wasn’t paid.’ And I said, ‘Like I don’t already have enough problems’ ...Like if they barred me from the building, there should be an eviction notice, at least in my mailbox...I was furious that they didn’t have enough decency to treat me like a human being and actually talk to me about what was going on. Because they don’t like to listen to what they’re doing wrong. And to this day I have tried to talk with them a few times, and, ‘Well, we don’t have time for this, and you’re not our tenant anymore, and it’s not our problem, so just fuck off. Go away.’

Table 3
Notice of Eviction.

	Non-transitional housing (n = 42)	Transitional housing (n = 14)	All housing (n = 56)
Average days notice given	14	6.5	12
Number of days notice given			
30 days notice	12 (29%)	2 (14%)	14 (25%)
11–29 days notice	5 (12%)	1 (7%)	6 (11%)
10 days notice	9 (21%)	1 (7%)	10 (18%)
1–9 days notice	10 (24%)	–	10 (18%)
No notice	6 (14%)	9 (64%)	15 (27%)
Verbal evictions	14 (33%)	8 (57%)	22 (39%)
Written evictions	27 (64%)	4 (29%)	31 (55%)
Evictions for unpaid rent	9 (21%)	–	9 (16%)
Security deposits not returned	20 (48%)	9 (64%)	29 (52%)

Furthermore, participants reported that landlords rarely met their obligation to store belongings, frequently disposing of what participants could not take with them when they vacated their unit. Not only were evictions from privately-owned SRO hotels often unlawful amongst our participants, the widespread landlord abuses that routinely occurred in these housing environments continued throughout the eviction process. Participants reported that landlords regularly subjected them to threats of physical violence or destruction of property to coerce them into vacating their rental units, leading to situations that were, as one participant described, “*quite crazy.*” Here, landlords exploited the structural vulnerability of PWUD, including their lack of access to mechanisms (e.g., police) as criminalized people, to undermine their housing security.

Non-profit housing & the absence of tenancy protections

Because non-profit housing, as defined in this paper, is perceived to be exempt from the RTA, eviction-related practices that are unlawful in private housing were permissible in these settings and the lack of tenancy rights served as a mechanism that produced structural vulnerability to evictions. Most participants living in non-profit housing were unaware of whether or not they had rights under the RTA (e.g., advance notice, ability to contest eviction), which further undermined their housing security. In the perceived absence of protections, evictions from non-profit housing were commonly issued verbally and occurred with short notice (6.5 days on average), leaving participants without time to arrange for alternate accommodations and secure storage for belongings. Participants characterized the processes surrounding evictions from non-profit housing as “*unfair*” and described how, in the words of ‘Olivia,’ “*we don’t have rights*” (40-year-old white woman). Whereas most evictions from non-profit housing stemmed from breaches of building policies, participants commonly characterized their evictions as prejudicial and occurring unexpectedly. Here, regardless as to whether or not evictions were justified, the structural-environmental context of non-profit housing (e.g., lack of tenancy protections, formal dispute mechanisms) framed the precarity of participants and undermined their housing security. ‘Sarah,’ a 48-year-old Indigenous woman, described such an experience:

The cop says, ‘Unfortunately the management has just called them and shown me the papers stating you’ve got to be out in an hour.’ ...I said, ‘Why?’ I said, ‘I didn’t do anything. One hour to get out?’ Oh, it’s not fair. I just stood there crying ...No [legal notice], just a piece of paper that stated the reasons why, and in their section of agreement [stating they could evict at any time] ...I got my animals, you know. It wasn’t right. And I then had to pack up everything in an hour?

Contesting evictions: An inaccessible and stacked system

Our findings demonstrate that tenancy protections and dispute resolution mechanisms through the RTB were inaccessible to PWUD, highlighting inequities in access to justice. The majority of participants did not dispute evictions from privately-owned SROs by filing for dispute resolution through the RTB following the receipt of an eviction notice (written or verbal), while those in non-profit housing reasonably believed they were ineligible to contest evictions through this mechanism. Participant accounts indicated that eviction-related proceedings initiated by private landlords were typically unlawful (e.g., improper and insufficient notice, coercive) and were not subject to third-party oversight unless tenants filed for dispute resolution through the RTB. However, participants were often unaware of rights and protections under the RTA and were unable to access tenant advocates due in part to the inaccessibility of legal advocacy. ‘Peter,’ a 37-year-old Indigenous man, explained, “*There was nobody I guess that would help me legally.*”

Alongside systemic barriers to dispute resolution, the social and economic marginalization of PWUD posed additional barriers to contesting evictions through the RTB. Whereas participants’ survival needs were precarious (e.g., income generation, drug use patterns), they lacked the time and resources (e.g., \$100 filing fee (Government of British Columbia, 2018)) necessary to seek community supports (e.g., legal advocacy, support to request a fee waiver) or contest evictions. Even participants who were aware of the process characterized this system as inaccessible to structurally vulnerable PWUD. ‘Daniel,’ a 35-year-old Indigenous man, explained:

For a person who’s on income assistance it’s difficult because having to find say fax machines and also like having to pay for copies, like there’s places that you can get free photocopies but, if it’s after four o’clock and you’re having to- Like I had the next deadline to get to and I had to find a place - Because I was doing all the evidence at night, and then cause like I’m an intravenous drug user where I’m not exactly on the ball. Like you know, I leave things to the last minute.

Furthermore, due to the widespread harassment and intimidation of tenants in privately-owned SRO hotels, participants reported that they were afraid that contesting their evictions would lead to further retaliation. For example, ‘Kyle,’ a 41-year-old white man, noted:

I said ‘This is ridiculous!’ I said ‘You can’t run a place like that! I know my rights as a tenant!’ And so what they said to me was ‘Yeah, you’re right, you do have rights, but we got hundreds of applications.’

Participants further emphasized that the dispute resolution system operated in ways that were ‘stacked against’ PWUD. In an attempt to increase access to dispute resolution, the RTB shifted toward a phone-based system that poses considerable barriers to structurally vulnerable PWUD. Participants emphasized that people living in extreme poverty would likely be unable to access a phone-based system because “*first you need a telephone to participate in a hearing.*” Furthermore, participants emphasized that calling in even “*four minutes late*” to a scheduled hearing would result in them automatically losing, thereby posing further challenges. The relatively small number of participants who disputed their evictions through the RTB reported limited success due to the power imbalances between landlords and tenants, relatively low evidentiary requirements for evictions, and their perceived lack of credibility as PWUD. False accusations from landlords of non-payment of rent, damage, and threats made by the tenant were common in participant narratives. Even in situations where the arbitrator ruled in favor of participants, typically in regards to the required compensation for ‘renovictions’ (i.e., evictions for extensive renovations to rental units), participants reported that private landlords did not comply with these orders, thereby rendering the rulings meaningless. As ‘Vincent,’ a 48-year old white man, explained:

They [landlord] didn’t do nothing on the RTB order like they were supposed to. They were supposed to give me one month’s back rent and they didn’t do that. I couldn’t get it from welfare so I was like you know what’s the sense of even going to the RTB when that didn’t help anyway.

Discussion

Our findings demonstrate that existing tenancy laws and dispute resolution processes are inadequate in protecting the rights of PWUD and render them structurally vulnerable to evictions and unable to access justice. The lack of accountability to regulatory mechanisms fostered circumstances in which participants faced eviction and other forms of subjugation in retaliation for attempts to assert their rights or exert control over their housing conditions. Our findings also demonstrate the differential causes and contexts of residential evictions between housing types. While all participants reported similar experiences of poor living conditions, conflict with landlords, and short-notice evictions, participants from non-profit housing were structurally vulnerable to eviction owing directly to the perceived lack of tenancy rights within these housing environments. Collectively, these narratives underscore the how the social-structural contexts under which low-income housing operates exploit existing structural vulnerabilities to produce housing vulnerability among PWUD. Moreover, our findings point to the importance of addressing these contexts as part of the broader aims of drug policy reform in addressing the inequities experienced by PWUD.

Whereas previous research has demonstrated that socio-economic marginalization drives housing vulnerability in low-income housing in Vancouver and elsewhere (Brisson & Covert, 2015; Collins et al., 2018; Dickson-Gomez, Convey, Hilario, Weeks, & Corbett, 2009; Dickson-Gomez, McAuliffe, & Quinn, 2017; Lazarus, Chettiar, Deering, Nabess, & Shannon, 2011; Shannon et al., 2006), our findings demonstrate how experiences of housing vulnerability—in this case, residential evictions—are framed by gaps in housing policies and oversight mechanisms (e.g., dispute resolution). This study thus extends this literature to more fully characterize how gaps in housing policy and failures of existing oversight mechanisms both produce and perpetuate housing vulnerability among PWUD. Participant narratives emphasized that SROs were lawless spaces in which the rights of PWUD were frequently violated, and landlords were not held accountable for the welfare of their tenants. Tenancy laws that were not responsive to the needs of PWUD, and were not enforced by appropriate regulatory bodies created opportunities for landlords to fabricate reasons to evict and to eschew required evictions procedures. Desmond (2012) notes that the short notice, unlawful, and unfair evictions characteristic of such housing environments contribute to a significant portion of the residential evictions experienced by marginalized populations in urban spaces. That our participants frequently faced such informal evictions illustrates that residents of SROs experience ongoing vulnerability to eviction by virtue of living in this type of housing.

However, our findings highlight how this vulnerability to eviction is differentially impacted by building contexts. Without knowledge of accountability mechanisms to ensure standard evictions procedures and practices were followed, PWUD in non-profit housing were vulnerable to eviction due to irregular and prejudicial enforcement of rules, power imbalances between residents and housing operators, and threats of violence and other social harms. Whereas PWUD in private housing experienced housing vulnerability in spite of the protections supposedly granted to them by the Residential Tenancy Act, those in non-profit buildings were rendered vulnerable to eviction due to the implied absence of legislated tenant protections. Consistent with previous research noting the heavy governmentality and surveillance PWUD face in their daily lives (Boyd, Cunningham, Anderson, & Kerr, 2016; Collins et al., 2018), our participants saw non-profit housing as heavily controlled

and surveilled environments in which behaviour was dictated and housing providers could evict at any time for any reason. Therefore, these were spaces in which violations of building policies were easily caught. It is important to note that participants from all housing contexts described building-specific policies that problematize the lived experiences of PWUD (e.g., guest policies, curfews, limits on personal belongings), and were therefore easily, yet unintentionally broken; however, only those in non-profit buildings, which are generally intended to house the most “at risk populations” (BC Housing, 2018), were viewed to be lawfully subjected to such policies. Globally, urban centres, including Vancouver, are aiming to expand availability and access to low-income housing as a means to address growing housing crises (City of Chicago, 2014; City of Vancouver, 2014; Hackney Council, 2016), however there is minimal discussion of the implications of such expansions on tenancy rights and housing justice. Given this, our findings demonstrate the need for expanded tenancy rights across all forms of low-income housing, including consideration of housing policies more attuned to the needs of PWUD and in line with local commitments to drug policy reform.

Consistent with the previous research (Desmond & Shollenberger, 2015; Desmond, 2012), low-income housing and its characteristic power inequities between housing operators and PWUD undermined any attempts to assert agency and advocate for tenancy rights and, in fact, increased vulnerability to eviction. As seen among our participants, fear of eviction often deters tenants from voicing concerns (Desmond & Shollenberger, 2015), as retaliatory evictions in response to speaking out about poor conditions are a common experience among marginalized communities (Desmond, 2012). Additionally, our study demonstrates that willfully withholding rent can be a final and extreme strategy to force action in response to poor conditions and apathetic management, thereby granting landlords cause to evict, and reinforcing the structural vulnerability of PWUD. In contrast, previous research has understood deliberate non-payment of rent as a survival mechanism among those faced with the inevitability of eviction and recommended housing subsidies as an anti-eviction measure (Dickson-Gomez, Convey, Hilario, Corbett, & Weeks, 2008). Certainly, such subsidies represent an important mechanism for preventing evictions due to non-payment of rent, but our findings demonstrate that directly intervening in buildings to enforce building standards and maintenance has some potential to reduce the need for housing subsidies when rent is withheld in protest of substandard living conditions.

In addition, our findings illustrate that housing vulnerabilities attributed to SRO housing models are exacerbated by local policy contexts that reduce ability to dispute evictions and other housing injustices. In our sample, those in non-profit buildings were perceived to be ineligible to contest evictions, while those in private housing faced significant barriers to housing justice due to lack of knowledge of tenant rights and inability to access legal advocacy. Most prominently, participant narratives characterized the extreme inaccessibility of dispute resolution mechanisms through the RTB resulting from the intersection of various structural vulnerabilities (e.g., socioeconomic marginalization, drug use patterns) and dispute procedures that are unaccommodating of the lived experiences of PWUD (e.g., costs associated with disputes, inflexible scheduling). Consistent with Sandefur (2008), this study illustrates how mechanisms to promote housing justice are themselves an engine to reproduce inequities, as access is shaped by resource distribution, representation of group interests, and previous experience. Additionally, we found that in the select cases PWUD were able to successfully access dispute resolution, their intersecting structural vulnerabilities contributed to an unfavourable ruling and incited retaliation from landlords, thus illustrating the social costs of accessing justice (Sandefur, 2008). Previous research has examined the many ways in which structurally vulnerable people experience inequitable access to, and application of, justice (Beckett & Herbert, 2008; Herbert & Beckett, 2010; McNeil, Cooper et al., 2015; Wacquant, 2009), highlighting the ways in which the justice system is mobilized to spatially govern PWUD and other marginalized groups. However, to our knowledge, this

the first study to critically investigate how vulnerability informs access to housing-related justice among PWUD. Ultimately, available tenant protections and dispute mechanisms operate in a way that underscores the structural vulnerabilities of PWUD and entirely excludes PWUD in non-profit operated buildings, with the unintended consequence of increasing vulnerability to eviction.

Our study adds to the growing body of research suggesting that eviction prevention must be viewed as a public health intervention, and appropriate policy interventions are needed (Holl, Dries, & Wolf, 2016; Van Laere et al., 2009). Expanded tenancy rights are urgently needed across low-income housing types to better protect against landlord abuse, and the negative health and social impacts of unfair and unlawful evictions. Further, housing justice mechanisms should enforce stronger evidentiary requirements for landlords seeking to evict for cause (e.g., noise complaints). However, these must also be accompanied by low-barrier interventions (e.g., increased access to legal assistance, opt-out arbitration) to further empower and assist PWUD in pursuing housing justice. In our context such policy interventions include revisions to the Residential Tenancy Agreement to include tenant protections for residents of non-profit transitional housing, elimination of financial barriers to filing for dispute resolution, and dispute resolution proceedings that are responsive to the structural vulnerabilities of PWUD (e.g., flexible scheduling).

This study has several limitations. Our sample did not include PWUD evicted from market-rate housing or low-income housing located outside of the DTES. Therefore, our findings may not be reflective of the housing experiences of PWUD in other contexts. Our sample also did not include other actors such as housing operators, landlords, and building staff, and thus may not provide a complete account of specific contexts under which PWUD were evicted. Further, transgender, non-binary, and Two-Spirit (i.e., Indigenous persons with masculine and feminine spirits) participants, who experience among the highest degree of marginalization (Logie, James, Tharao, & Loutfy, 2012; Lyons et al., 2016), were underrepresented in our study. Lastly, the experiences of tenants of one specific building (n = 4) may be over-represented, as the data collection period coincided with a mass-eviction from one specific SRO in the DTES. Future research should aim to examine the unique ways in which the intersection of marginalized identities (e.g., transgender, non-binary, and Two-Spirit; racialized persons) impact experiences of eviction and arbitration, as well as be inclusive of the experiences of PWUD in other housing environments.

In conclusion, our study demonstrates that housing vulnerabilities produced and perpetuated by SRO housing models are structural in nature, and although they may be exacerbated by local housing contexts, are ultimately caused by housing and drug policies that systematically exclude marginalized people and problematize the lived experience of PWUD. Understanding the socio-legal contexts that produce vulnerability to residential eviction across low-income housing environments, as well as the differential impacts of tenancy protection and arbitration mechanisms, is necessary to advance housing and drug policies that are more responsive to the needs of PWUD and protect from the risks associated with SRO housing. Consistent with the broader objectives of drug policy reform to address the harms experienced by PWUD, so too will housing policy reforms be necessary to address structural oppressions impacting drug-using populations.

Author contributions

RM designed the study. SC assisted in participant recruitment. WD completed data collection. TF, JB, ABC, WD, and RM analyzed the data. TF and RM wrote the manuscript with input from all authors.

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