

Without Protection: An Examination of New Brunswick's Rental Housing Crisis

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 **St. Thomas**
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Without Protection: An Examination of New Brunswick's Rental Housing Crisis

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Report Authors

Tobin LeBlanc Haley, University of New Brunswick, HOME-RL

Kristi A. Allain, St. Thomas University

Matthew F. Hayes, St. Thomas University

Research Translation Support

Julia Woodhall-Melnik, University of New Brunswick, HOME-RL

Tracy Glynn, New Brunswick Coalition for Tenants' Rights

Aditya Rao, Canadian Union of Public Employees

Emily Nombro, HOME-RL

Sarah Durelle, HOME-RL

Ghazal Motamedi, HOME-RL

Stanford Yang, Alison Lamont, Dani Beaulieu, Kenzie Deas, Chloe Girouard, research assistants (UNB & STU)

Stephanie Dotto, editorial assistance

Canadian Centre for Housing Rights

Saint John Human Development Council

New Brunswick Coalition for Tenants' Rights

<https://www.nbtenants.ca/>

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List of Abbreviations

- AFFO:** Adjusted funds from operations
- BIPOC:** Black, Indigenous, and people of colour
- CMHC:** Canada Mortgage and Housing Corporation
- CPI:** Consumer price index
- EBITDA:** Earnings before interest, taxes, depreciation, and amortization
- MBS:** Mortgage-backed securities
- NHS:** National Housing Strategy
- PEI:** Prince Edward Island
- REIT:** Real Estate Investment Trust
- RTA:** Residential Tenancies Act
- TLRO:** Tenant and Landlord Relations Office (formerly the Residential Tenancies Tribunal)

Executive Summary

The situation for New Brunswick tenants is urgent, particularly for those with low or moderate incomes. Average rental costs rose a shocking 9% between October 2022 and October 2023, three times the rate of inflation for the same period. Since October 2020, average rents have gone up almost 30% (Jones, 2023b). The waitlist for public housing is now more than 10,000 households, double what it was in 2021. Shelters are full. Encampments are growing. More needs to be done.

Without Protection is a research report from the New Brunswick Coalition for Tenants' Rights in partnership with the Human Development Council of Saint John and supported with funding from the Community Housing Transformation Centre and the New Brunswick Innovation Foundation. This report examines tenant experiences in New Brunswick amidst this latest phase of the housing crisis. The project began as a response to the provincial government's initial refusal to acknowledge the crisis among tenants (Government of New Brunswick, 2021). It has since become a project that documents the continued hardships experienced by tenants in New Brunswick, despite some intervention on the part of the province (see Figure 2). A central concern of this report is the lack of adequate protections for tenants in New Brunswick under the *Residential Tenancies Act* (1975), including a lack of rent control and access to legal aid, the absence of a working tribunal to adjudicate landlord-tenant disputes, rapid eviction proceedings, and the exemption of public housing from the act.

This report provides an analysis of the rental housing situation in the province of New Brunswick, focusing primarily on the period between 2020 and 2023. This work includes insights shared by more than 350 tenants in surveys, interviews and focus groups, as well as desk research and analysis of existing tenant policies in New Brunswick. This report examines New Brunswick's current housing crisis, focusing on rental housing and the experiences of tenants. The report concludes with a set of recommendations aimed at strengthening tenant protections in the province in order to stabilize the housing situation of the province's more than 88,000 renter households.¹

¹ While this report focuses specifically on the tenant experience, the situation of the nearly 8% of homeowners living in situations of unaffordability needs to be addressed, especially as this number has most certainly risen with the end of pandemic benefits and rising interest rates.

Key Findings:

Tenants Struggled to Find Housing: More than a quarter of the tenants surveyed (and a third of those belonging to equity-deserving groups) found it challenging to obtain a rental unit, although the participants themselves were currently housed. Tenants struggled to locate available rental properties, remarking that renters were forced to act quickly in a competitive environment of scarcity to secure apartments that were sometimes in extremely poor condition. Tenants who were members of equity-deserving groups were further challenged in their search for housing, frequently experiencing discrimination due to class, family, disability, and occupational status. Survey respondents also cited experiences of racism in their dealings with landlords. The design and layout of apartments and buildings excluded many with disabilities, with almost 40% of respondents claiming that their units were inaccessible.

Tenants in New Brunswick Lived in Less-Than-Ideal Situations: The challenges did not stop once tenants secured their apartments. They faced poorly maintained properties, with landlords refusing to make repairs or resolve issues with bed bugs, cockroaches, and mold. More than 60% of tenants claimed that their rental units needed repairs. Tenants also reported that landlords were abusing the province's security deposit scheme, unscrupulously failing to deposit the money with the province or pocketing part of it. Many tenants reported that landlords attempted to falsify damage records to recoup costs for unit maintenance.

Tenants Felt the System was Stacked Against Them: For many tenants, the power imbalances with landlords are not recognized or accounted for in policy and programs designed to manage residential tenancy issues (e.g. the RTA and the LTRO). They believed their landlords to be more powerful, better resourced, and wealthier. They felt that government services sided with landlords or showed a lack of care for the plight of tenants in the province. As a result, many felt unprotected and unsupported, believing it to be futile to try to avail themselves of what supports are in place.

Tenants Made Sacrifices in Order to Get By: Faced with high rents and few protections, tenants resorted to extreme cost-cutting measures to maintain their housing. These included eating cheaply, skipping meals, missing health appointments, and stretching medications. For some, this meant living in overcrowded housing, prematurely moving in with romantic partners, and staying in relationships that were unhealthy or abusive. For many, simple luxuries like meals out, cable television or streaming services, internet, and even a telephone were out of reach. Tenants explained that the anxiety caused by not knowing if they would be able to afford their rent made day-to-day life difficult. Some tenants mentioned that if their rent increased, they would become homeless.

Tenants Feared Losing Their Homes: Tenants lived in a state of fear, knowing that in a jurisdiction with few protections, their landlord could take any number of measures to evict them. This included exorbitant rent increases, renovation, or a switch to short-term rentals. While almost half of survey respondents were fearful of these kinds of evictions, this was especially pronounced for single parents.

Renting in New Brunswick Made Tenants Pessimistic About the Future: Rising rents, few protections, and near constant housing instability meant that tenants lived in an almost constant state of anxiety. Many expressed little hope for the future.

Introduction

The purpose of this report is to enhance public understanding of the tenant experience in New Brunswick in the context of a deepening national housing crisis, and to establish a set of recommendations that will improve renter housing security in New Brunswick.

As of the 2021 census, there were more than 88,000 renter households in New Brunswick (Statistics Canada, n.d.), making up approximately one quarter of all private households in the province. Of these renter households, more than 27% experienced housing unaffordability,² meaning that these households spent more than 30% of their gross income on shelter costs.³

It is difficult to be a tenant in New Brunswick, especially a low- or moderate-income tenant. Unlike many other Canadian provinces, including BC, Manitoba, PEI, Ontario and Quebec (see Canadian Centre for Housing Rights, 2023), New Brunswick does not have rent control. While the rent control regimes in these other provinces are themselves imperfect and tenants continue to struggle, the lack of rent control in our province leaves tenants particularly unprotected against high annual rent increases. While tenants can apply to the Tenant Landlord Relations Office to potentially have a large rent increase phased in over a number of years if the rent, this applies only in certain conditions, dictated by complex regulations. Predictable, universally applied rent increases and an application process for landlords who may feel the need to exceed these increases, is not part of the legislative landscape in New Brunswick. In the absence of effective rent regulation, New Brunswick has seen some of the highest rent increases in Canada over the last three years. The rate of rising rents in New Brunswick is a staggering 28.7% since 2020, about the same as the previous 15 years combined.

Steep rental inflation compounded by historically low vacancy rates of under 2% on average (and as low as 0% in some regions of the province), leaving tenants with few options when facing rent increases (CMHC, 2023). Tenants who can secure public housing—which has a waitlist of more than 10,000 households (Samson, 2023)—must give up what protections are afforded to them under the *Residential Tenancies Act* (RTA, 2023). The act “does not apply where the tenancy relates to premises developed and financed under the *National Housing Act* (Canada) and administered by or for the Government of Canada, the Province of New Brunswick, the New Brunswick Housing Corporation or a local government, or any agency of any of them” (29.1.2).

In 2021, the Government of New Brunswick described the rental market in New Brunswick as “normally stable and still relatively affordable” (p. 10), stating, “New Brunswick is not currently in a housing crisis as the system is working for many” (p. 3). Notably, they did not define crisis. Despite this, the 2021 census found that more than 27% of renter households were still living in situations of unaffordability, as compared to 7.5% of homeowners. At the same time, median monthly shelter costs for rented dwellings increased by 17.89% between 2016 and 2021, but only by 3.91% for homeowners (Figure 1).

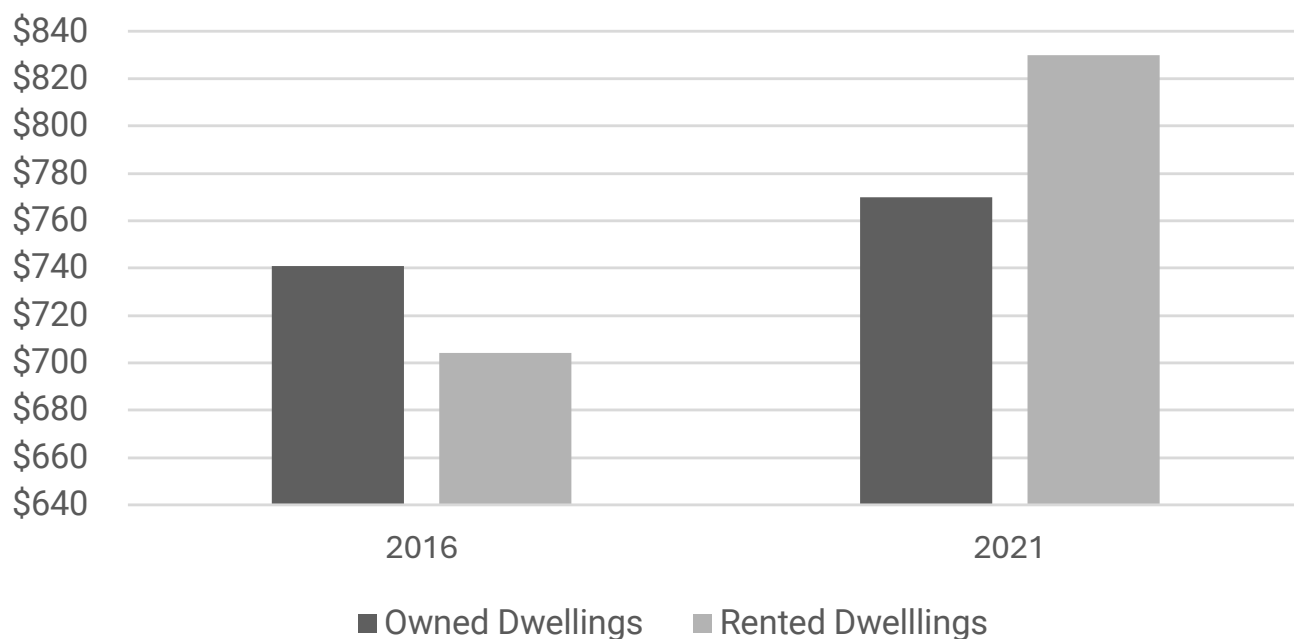
Economist Richard Saillant (2023) analyzed recent trends in New Brunswick rents, finding that between October 2020 and February 2022, “Rents in New Brunswick [grew] by 18 per cent, nearly twice the national average of 10 per cent” (p. 6). The most recent data reported by Statistics Canada shows that rent increased

² This statistic, like statistics that use income data from the 2021 census, is likely skewed due to temporary income increases from federal and provincial/territorial emergency COVID benefits, such as CERB. In this case, it is likely that the number of renter households experiencing housing unaffordability is higher than the census suggests. Throughout this report, we use census income data with this caution.

³ “Shelter cost refers to the average monthly total of all shelter expenses paid by households. Shelter costs for owner households include, where applicable, mortgage payments, property taxes and condominium fees, along with the costs of electricity, heat, water and other municipal services. For renter households, shelter costs include, where applicable, the rent and the costs of electricity, heat, water and other municipal services.” (Statistics Canada, 2021)

Figure 1

Median Monthly Shelter Costs, New Brunswick



by 9% between October 2022 and October 2023, well above the rate of inflation for this period (Jones, 2023b).

Despite the musings of the Government of New Brunswick, the rental market was not “relatively affordable” in 2021, nor is it now. In short, the situation for tenants is urgent and untenable.

This report proceeds in four sections. The remainder of this introductory section situates this research within broader structural contexts reshaping rental housing and the experiences of tenants. We pay particular attention to the impact of financialization on housing affordability. With this in hand, the methods section discusses how the authors gathered data from New Brunswick tenants about their experiences. The report then provides an overview of the findings from this data collection, and concludes with a series of recommendations emerging from the research.

Tenants as a Distinct Group

In this report we focus on the experiences of tenants. Their position is especially significant and worthy of special attention because they have lower incomes on average than homeowners, and they enjoy fewer rights to their homes.

According to the 2021 census, the median income of homeowner households and tenant households in New Brunswick was \$82,000/year and \$44,400/year respectively, or approximately \$6,800/month and \$3,700/month. Median monthly shelter costs, however, were higher for tenants (\$830 per month) than for homeowner households (\$770 per month). When comparing mortgage-holding homeowner households to tenants in non-subsidized housing, households with a mortgage earned a median annual income of \$97,000/year, or \$8,000/month, and had monthly shelter costs of \$1,210; renter households in non-subsidized housing earned \$47,600/year, or \$3,960/month, and had median monthly shelter costs of \$870. In 2020, homeowner households with a mortgage paid 15% of their gross income in shelter costs, while tenants in private rental market housing paid 21%.

Put simply, tenant households have less money and are spending a greater portion of it on shelter. And unlike the mortgage payments of homeowners, rent payments do not build equity for tenants, but instead generate wealth for landlords. Further, as tenants in New Brunswick are not protected by an effective rent control regime, they are subject to changing rents that are less regulated than mortgage rates. Nearly 30% of tenant households in New Brunswick already spend 30% or more of their pre-tax income on shelter costs (Statistics Canada, n.d). Rent increases only deepen the poverty renters already experience.

Our findings draw attention to the realities that tenants in New Brunswick are currently facing amidst the transformation of Canada's housing market. As our research highlights, security of housing tenure is one of the chief challenges facing tenants in the province. Housing tenure refers to the institutional and cultural factors that attach people to their homes—factors that may shift over time (Hulse, 2008; Hulse & Milligan, 2014), like government policy or the desirability of homeownership vs. renting. Secure tenure and occupancy for tenants refer to the legal rights, institutional arrangements, and cultural values that ensure renters have agency over their homemaking.

Our findings suggest tenants lack security both by law and in practice, a situation not uncommon elsewhere (August, 2016; Fields, 2017; Morris et al., 2017). Moreover, the low vacancy rates of recent years have increased tenants' *perceptions* of insecurity, which compound deficiencies in the law (van Gelder, 2010). Even where tenants do have legal protections, the lack of enforcement mechanisms, coupled with the belief that they will not be able to access formal rights, mean that tenants are more likely to endure poorer living conditions.

This perceived lack of security is one that the province needs to address, not least because of its overwhelming reliance on private rental housing and the light regulation it has historically imposed on landlords. This situation leaves tenants legally vulnerable. However, the ability to protect one's legal right to secure tenancy is often dependent on social connections, professional status, and wealth that tenant households do not always have—at least not to the same degree as owner households.

As some studies of tenant experiences suggest, tenants commonly face power imbalances that affect their homemaking experiences and autonomy over their living conditions (Byrne & Sassi, 2023; Fields, 2017; Hulse & Milligan, 2014; Morris et al., 2021). The landlord-tenant relationship is a relation of power, marked by the landlord's ownership of property that tenants must pay to access, but upon which they depend to live (Chisholm et al., 2020; Soederberg, 2018). Moreover, tenants commonly face safety concerns (Chisholm et al., 2020; Fields, 2017), discrimination, and unaffordability, where housing is treated as an object of private investment for profit, rather than a necessity and universal right. These same patterns are evident in New Brunswick, which has historically performed better than the national average on housing affordability metrics. However, as we highlight in this report, the housing situation is changing, and it is affecting tenants' lives with disproportionately negative impacts on those from equity-deserving groups. While our findings demonstrate that the higher costs of housing security are impacting middle- and low-income tenants, we note that the supply of housing for higher-income groups is expanding. The severe limitations on housing choice are evident in the rapid disappearance of more than 8,600 housing units affordable for households on annual incomes below \$30,000—a finding we released with UNB's Housing, Mobilization, Engagement and Resiliency Lab (HOME-RL) in May 2023 (NB Coalition for Tenants' Rights, 2023). This has diminished tenure security for lower-income tenants, who already lacked many formal rights that exist in other parts of Canada.

Insecurity of tenure and power imbalances with landlords are the main reasons why tenants in New Brunswick endure poor living conditions, which can be detrimental to their mental and physical health. Chisholm et al. (2020) note that the private rental sector often relies on tenants to initiate a complaint process against their landlords, which diminishes tenants' willingness and ability to access formal rights. This is particularly true in New Brunswick, where tenant protections rely entirely on the ability of tenants to navigate the Tenant and Landlord Relations Office (TLRO) and to pursue a process that may seem adversarial, especially when

dealing with potentially hostile landlords. Here the power imbalance between landlords and tenants becomes especially apparent, as tenants know that their home is at stake during conflicts with a landlord. Despite, some measures by the LTRO to avoid landlord retaliation, there are potentially catastrophic consequences for tenants if their landlords retaliate.

Public policy also shapes this relation of power in Canada, often placing the interests of landlords above those of tenants (Buhler & Tang, 2019; Tranjan, 2023). Buhler and Tang (2019) assert that legal regimes across Canada allow for the systematic exploitation of low-income tenants by allowing for tenant eviction rather than requiring landlords to maintain the affordability of units. New Brunswick is a particularly good example of this type of exploitation. Particularly memorable are the eviction proceedings against an elderly couple who had lived in their home on Shore Street in Fredericton for 33 years (Armstrong, 2022). Another man also facing eviction in the same residence was 83 and had lived there for 14 years, the longest he had stayed in any one place, he told the CBC (Jones, 2022).

Due to the lack of tenant protections, a permissive legislative attitude towards landlord interests, and the spread of new corporate landlords, tenants have faced significant challenges in a rapidly changing rental landscape. As noted above, the light regulation of the private rental sector has contributed to significant rental inflation, experiences of unaffordability, and insecurity of tenure amongst tenants. Academic literature on the tenant experience commonly identifies corporate landlords and property management firms (acting on behalf of absent investors) as detrimental factors. Due to the short-termism of corporate landlords, who are always under pressure to extract as much revenue as possible from properties under their management, maintenance issues are commonly neglected, undermining acceptable living conditions (August, 2016; Chisholm et al., 2020; McDougall et al., 2022; Sheppard et al., 2023). In the words of one New Brunswick property manager, “this is a business and operating a property is a business. And we have to look out for what’s best for our owners” (J. Murray, cited in Rao et. al, 2022, p. 30).

Housing affordability has developed into a significant policy problem for the Government of New Brunswick, one that is ignored at the expense of future governments. Pottie-Sherman et al. (2023) report that new Canadians often face housing affordability issues and are increasingly seeking locations in Atlantic Canada with affordability in mind. Despite their desire to attract more migrants to the province, the government has done little to ensure that its housing system is welcoming, failing to protect the affordability of the private market sector upon which new Canadians and international students depend (Pottie-Sherman et al., 2023).

Better housing legislation that protects tenants and treats housing as a right rather than an asset would allow the province to meet policy objectives tied to labour market recruitment, retention, and skills development. Moreover, it would have significant positive effects for all tenants. Affordability problems affect tenants’ well-being and health. Ramage et al. (2021) found tenants who had recently moved to social housing reported greater self-esteem, hope, and feelings of safety. Yet accessing social housing is difficult and the wait lists are growing.

Although legal regimes are stacked against them, tenants in New Brunswick find many different ways to fight back (a theme also discussed in the existing literature on tenant experiences; see Bate, 2021; Byrne & Sassi, 2023; Crosby, 2023; Fields, 2017; Mulligan et al., 2023). Tenants do sometimes make use of mechanisms to appeal against landlords. Ultimately, tenant agency also revolves around “unmaking home” (Baxter & Brickell, 2014). In other words, when faced with a lack of rights and security, some tenants simply end their tenancy and move on, sometimes to other provinces with more tenant rights—taking with them their skills and leaving behind a whole host of lost social connections (Manson, 2022). Still others resist by enduring poor living conditions and remaining in place as “unwilling subjects” of a housing system that fails to meet basic needs (Fields, 2017). Crucially, New Brunswick tenants have taken part in collective organizing, creating and joining tenant advocacy groups such as ACORN and NBCTR.

Recent Changes to the Residential Tenancies Act, 1975

Today, provincial officials use the language of crisis when describing the province's housing situation. They have made numerous policy interventions in the housing arena (Figure 2), including changes to the RTA. These include limiting rent increases to once per year, placing restrictions on the termination of tenancies, and, as stated above, allowing for rent increases over a certain threshold to be reviewed and potentially phased in over several years (Government of New Brunswick, 2023). However, enforcement of these provisions is limited and dependent on tenant complaints to the TLRO, formerly the Residential Tenancies Tribunal.

Despite numerous requests from tenant advocates and scholars, the province has refused to adopt an effective rent control regime, extend existing protections to public housing tenants, or reform the security deposit system (Roszell, 2021; Rudderham, 2022). Instead, their focus is on increasing supply through tax breaks to landlords and developers, a strategy discussed in depth in the next section. Without comprehensive tenant protections that include rent control for all tenants, renters in the province remain vulnerable. These vulnerabilities are documented in this report.

New Brunswick's Rental Market Within a National Context

The debate about housing in New Brunswick has focused primarily on a lack of supply. This approach to the housing market shapes political decision-making and public commentary right across Canada. However, it also misleads the public about what the problem is and how best to fix it. In order to mobilize solutions to our housing system, we need a proper assessment of the problem which lies at the nexus of social housing policy, residential tenancy legislation, and the regulatory framework governing institutional investors like real estate investment trusts (REITs). Specifically, our scholarship, which informs our advocacy and activist work, focuses on the fact that the devolution and defunding of social housing has reduced supply while at the same

Figure 2

Key Changes to the Rental Market Housing Landscape in NB, 2020–2024

- **April 2020** Covid-19 ban on eviction
- **May 2020** Covid-19 eviction ban comes to an end
- **January 2021** 90-day review of the rental market initiated
- **May 2021** Review of rental market report released, concludes there is no crisis in the rental housing market
- **December 2021** Amendment is made to Residential Tenancies Act to limit rent increases to once per year with 6-months' notice
- **June 2022** Amendment to the Residential Tenancies Act imposing a 1-year retroactive rent cap at 3.8% enacted and limiting reasons for ending a tenancy
- **October 2022** 102 million dollars announced for the building and renovating of 490 public housing units
- **December 2022** Amendment to the Residential Tenancies Act that allows the Residential Tenancies Tribunal to phase in rent increases over time, up to 3 years
- **March 2023** Planned revitalization of the NB Housing Corporation announced
- **June 2023** Amendment to the Residential Tenancies Act to limit rent increases on short-term leases
- **December 2023** Implementation of the NB Rent Bank
- **June 2024** Threshold for phased in rent increases increased, effective July 1, 2024

time ineffective and weakened tenant protections and the concomitant financialization of housing (August, 2022a, p. 4; 2022b, p. 4) has created a tenant class that is incredibly vulnerable to the interests of landlords and financial firms investing in the housing sector. In short, Canada's rental market housing crisis emerges from a sort of perfect policy storm wherein low- and increasingly moderate-income households must largely rely on the private market to meet one of their most basic needs, shelter, without adequate regulation of these tenancies. At the same time, REITs and other financial firms operating in the housing arena are structured to extract as much value as possible from the units through the tenants.

Amidst the current iteration of the crisis, the focus of politicians and policymakers has overwhelming been trained on increasing supply, often with incentives for private sector actors, with little attention to improving residential tenancy legislation, regulating financialized landlords and/or returning to large scale investments in social housing. While financialization also impacts student housing, nursing homes and other residential properties (August, 2022b), we are focused on rental housing for the purpose of this report. There are, therefore, two prongs to our housing crisis:

- First, the **apparent lack of supply**, which is discussed below with respect to housing statistics in New Brunswick. On its own, this does not need to lead to higher rents. That it does speaks to a regulatory environment that prioritizes investor profits. While certain economists assume that added supply will “loosen” markets and help preserve affordability under conditions of perfect competition (largely through a process of filtering⁴), we argue that this is not happening because of a failure to address the broader context of the affordable housing problem in Canada.
- The **broader context** (the second prong of the crisis) is that real estate investors are making new uses of rental income streams and properties, and New Brunswick's deregulated environment makes it easy for them to extract additional income from tenants. No level of government is adequately responding to this issue, even though it is having the most significant impact on affordability.

Unfortunately for tenants across Canada, political parties are uninterested in confronting the regulatory conditions that permit investors and property owners to pursue business strategies that reduce housing affordability amidst 40 or more years of stagnant or declining funding for social housing. Today, governments focus largely on building more housing faster, attempting to target tight vacancy rates and increase affordability through filtering processes in the rental housing sector. This “trickle-down” approach to housing is a solution to the first prong of the housing crisis.

For several years in the early 2010s, New Brunswick lost population to interprovincial migration, sparking much discussion in the province about its demographic and financial future (see for instance Saillant, 2014). Moreover, its demographic profile was ageing, which traditionally signals a future fall in demand for housing (Lindh & Malmberg, 2008). Therefore, between 2012 and 2017, there was a dip in housing starts, which assess the vitality of the housing market by measuring the number of new residential building constructions. The debate about our ageing and indebted province helped promote public policies that restrained public investment in core infrastructure, like affordable housing.

Despite frequent concerns that population growth has led to our housing crunch, it is important to note that despite low vacancy rates, there is enough housing for everyone. The population increased by 3.5% between 2011 and 2021, according to Statistics Canada census data. Between 2011 and 2021, the census also shows there was a 5% increase in the number of dwellings in the province, more than making up for population increases. Despite this, vacancy rates in New Brunswick dropped, *implying that at least some housing is being diverted from full-time use.*

⁴ A process wherein higher income households will move to newer, more expensive units leaving older, ostensibly less costly units for lower income households (CMHC, 2024).

Moreover, since 2005, there has been a significant decline in provincial and territorial investment in government-funded housing (including social housing, public housing, and cooperatives) prompting the federal government to establish the goal of producing 50,000 new community housing units through various bilateral programs. Even if this goal is reached, Canada will still have close to 100,000 fewer units of government-funded housing than it did in 2015 (Blueprint, 2022), despite a growing population and greater need for affordable units.

Affordable Housing

New apartment construction is expensive, and almost all of it is geared to the housing needs of the top end of the housing market, as it always has been (Suttor, 2016). Only higher income groups can afford to defray the high costs of new construction—and even then, the federal government currently pads the private sector’s investments with generously subsidized mortgage financing. All new market rental housing in New Brunswick starts above \$1,250/month, regardless of unit type. This is above what would be considered affordable (30% of income spent on housing) for the median tenant household. However, the assumption underpinning the national housing debate is that building more market housing faster will resolve the lack of supply, and thereby enable older units to “trickle down” and become affordable to lower segments of the market. In other words, by addressing the issue of supply, the crisis of affordability will solve itself. Yet this is not happening. There is a larger piece of the housing crisis that is not being addressed.

Financialization: Housing as an Asset Class for Investors

Instead of trickling down, relatively affordable existing housing is being bought up across the country and “repositioned” to higher segments of the market—essentially making more housing available to those least affected by the crisis. *This is the larger piece of the housing crisis that much of our existing national discussion overlooks.* This second aspect of the housing crisis is the result of the financialization of housing, which refers to the growing dominance of financial actors in the housing sector (Aalbers, 2016; August, 2022b; Sawyer, 2014).

In this report, we use the term “financialization” to refer to a set of practices that financial firms use to extract wealth from property. These practices treat housing as a “financial asset and a tool for investors profits” instead of “a place to live” (August, 2022b, p. 4). Financial firms do not generally build new housing, though there is evidence that “financial firms have expanded from acquiring existing multi-family buildings, to developing newly built projects (August, 2022a, p.12). For the most part, they extract additional wealth from existing housing stock at the expense of people who live in houses. Housing has become an asset class for investors over the last three decades, which has profoundly impacted its cost. Traditionally, mortgage loans were held on a bank’s balance sheet for the life of the loan, but now they are “securitized,” or packaged with other loans into securities (or investments, such as mortgage-backed securities, or MBS) and sold to investors (Gorton & Metrick, 2013). This has freed up banks to originate more loans and take on more risk, including loans to investors who are collecting rental properties, and using accrued equity as collateral for new loans. Securitization of mortgage loans has also increased the size of loans, resulting in inflated real estate costs of all types, especially in the ultra-low interest rate environment that developed after the 2008 financial crisis.

In the rental universe, large corporations have also securitized rental income streams in a manner similar to mortgage-backed securities (Mulholland & Perlberg, 2013). Moreover, rental-backed securities have played a major role in the growth of build-to-rent housing development (Nethercote, 2020). Firms trafficking in rental-backed securities have an interest in increasing rents—a situation that on its own justifies more vigorous rent control legislation.

This situation is the result not of impersonal market forces, but rather of government policy, whereby successive Liberal and Conservative governments put the interests of investors and bankers ahead of those of

workers, tenants, and most people who own single-family homes. The federal government legalized mortgage securitization to help Canada's banks become more "internationally competitive" (especially vis-à-vis American banks) and take on more risk (Kalman-Lamb, 2017; Walks & Clifford, 2015). It supplemented securitization with the creation of the Canada Housing Trust under the CMHC, which buys banks' mortgage portfolios and packages them into Canada Mortgage Bonds, a security with government-guaranteed returns to investors (Mordel & Stephens, 2015; Walks & Clifford, 2015). These changes allowed for higher mortgage thresholds (the amount that banks were willing to lend to buyers) and helped inflate property prices, enabling financial firms to earn higher returns on more indebted borrowers. The federal government also opened the door to REITs through legislation in the 1990s (August, 2020). These changes have also enabled social classes with excess savings (i.e., the rich) to own and invest in housing income that has substantially increased since the 1980s, without actually having to own or manage any housing assets. In short, growing wealth inequality in Canada over the last four decades (see Osberg, 2018) has contributed to growing demand for real-estate-related investment income.

The emergence of real estate as an asset that financial firms can sell to investors has changed the nature of the housing market itself (Aalbers, 2016). *When asset managers use housing as an investment, their main goal is to increase its value.* To do so, the financial sector has developed new accounting practices to evaluate and compare rental real estate (Botzem & Dobusch, 2017). Investors both large and small evaluate properties' cash flows and cap rates (i.e., annual rates of return on fixed assets like housing) to seize on opportunities to extract additional wealth from rentals. Their strategies can be complex, but they involve two main sets of practices:

1. Repositioning units

Rental real estate investment firms "reposition" units by taking them from one income level and moving them "upward" towards a higher-paying segment of the market. In real terms, this is a euphemism for jacking the rents. In provinces with rent control, the primary mechanism for repositioning units is tenant turnover (or "turns"), which generally occur when someone chooses to leave their apartment. However, landlords also pursue turns by evicting tenants and renovating units sufficiently to justify higher rents. Because New Brunswick lacks rent control, landlords can raise rents without pursuing evictions. If rent control is eventually brought into place without vacancy control (which applies the cap to vacant as well as occupied units), turns and evictions will become the frontier of repositioning here as well.

2. Forced appreciation of real estate assets

"Forced appreciation" artificially pushes up the value of real estate. This business strategy re-appraises properties to take into consideration prevailing market conditions. Those market conditions are shaped by firms buying rental properties based on an assessment of the value of the cash flow. When rental units are "repositioned," the cash flow increases, raising the value of the property—essentially "forcing" an appreciation of the market value of the rental asset. Simply by raising rents, landlords can have their properties appraised at higher amounts and refinance their mortgages, allowing them to extract more money from rental properties, without producing more rental housing.

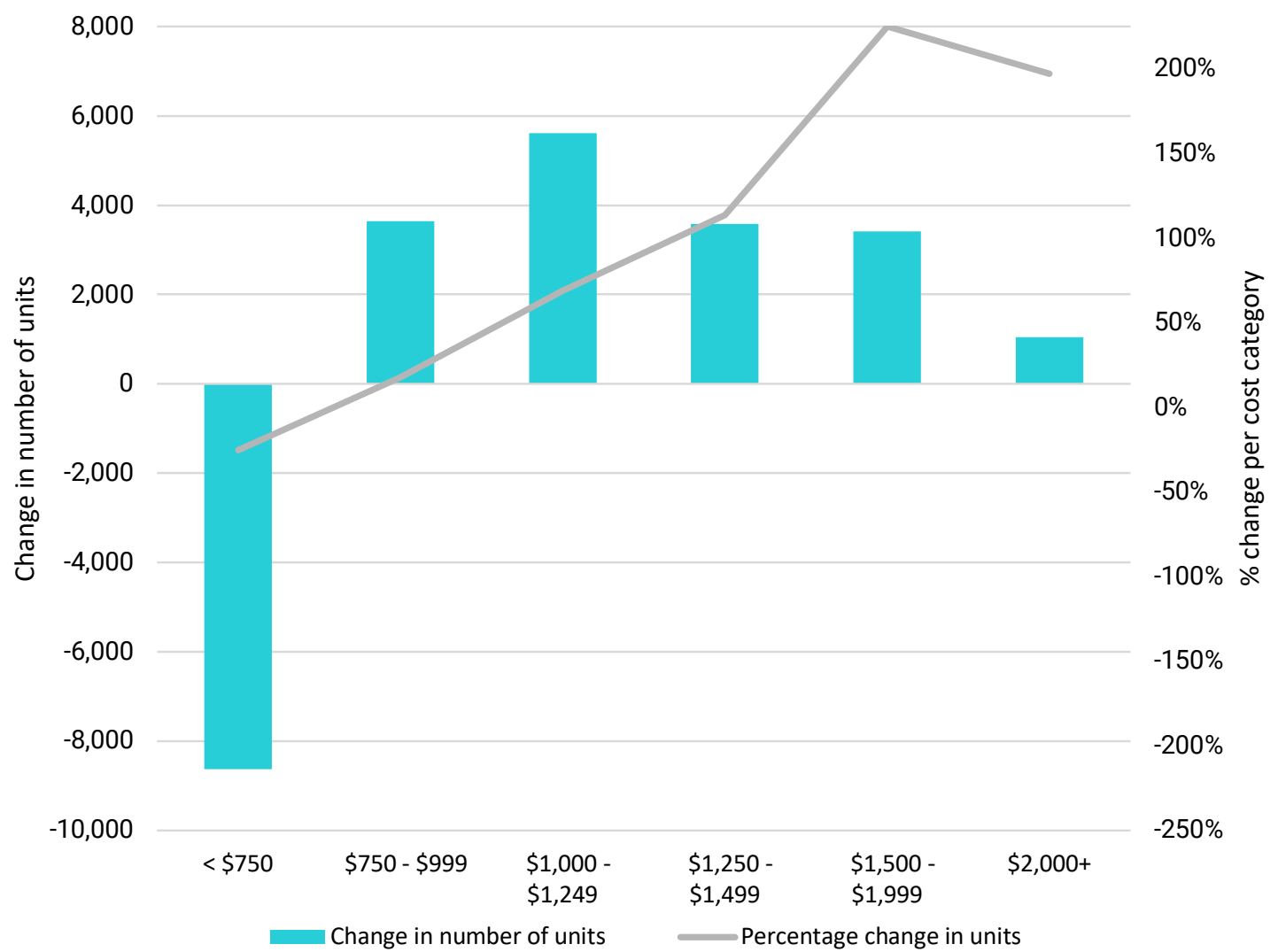
Unfortunately, New Brunswick is a great jurisdiction to pursue repositioning and forced appreciation because there are few rules restraining market actors, and because there is a relatively well-organized landlord lobby who have successfully campaigned for large tax concessions (e.g., the New Brunswick Apartment Owners Association; see Cox, 2024b). What is great for investors, however, is not so great for tenants. These strategies are euphemisms for transferring tenants' income and savings towards relatively wealthier social classes, with long-term deleterious impacts on our communities as housing insecurity expands.

In New Brunswick, investors can often reposition units without having to make any improvements to their buildings. Prior to December 2021, the province did not even prevent landlords from increasing the rent more than once per year. As noted above, tenants are now paying on average 28.7% more in rent than they were in October of 2020 (Jones, 2023)—the highest rental inflation in Canada over that period. This dramatic cost

increase suggests successful repositioning strategies, among other pressures. Moreover, as Figure 3a shows, these practices are rapidly depleting the stock of more affordable market rental housing. In just five years, between 2016 and 2021, New Brunswick lost more than 8,600 units that were affordable to households earning below \$30,000 per year, representing a quarter of the province’s affordable rental stock for that income bracket. Just as the private sector has expanded to increase housing options at the upper end of the market, it has dramatically decreased the options for lower-income tenants. This is the broader context for the housing crisis that New Brunswick must face.

Figure 3A

Change in NB Rental Stock by Monthly Shelter Cost, 2016-2021



Data: [Tables 98-400-X2016228](#) by Statistics Canada, 2016, and [Table 98-10-0253-01](#) by Statistics Canada, 2021.

Change in Unsubsidized Units by Shelter Costs in New Brunswick, 2016–2021

	< \$750	\$750 - \$999	\$1,000 - \$1,249	\$1,250 - \$1,499	\$1,500 - \$1,999	\$2,000+
2016	34,075	20,495	8,130	3,150	1,520	530
2021	25,450	24,135	13,735	6,735	4,935	1,575

	< \$750	\$750 - \$999	\$1,000 - \$1,249	\$1,250 - \$1,499	\$1,500 - \$1,999	\$2,000+
Change in number	-8,625	3,640	5,605	3,585	3,415	1,045
Percentage change	-25%	17.76%	68.94%	114%	225%	197%

Data are from [Tables 98-400-X2016228](#) by Statistics Canada, 2016, and [Table 98-10-0253-01](#) by Statistics Canada, 2021.

The unprecedented loss of affordable units occurred as REITs, capital funds (private pools of excess savings managed by a mutual fund, a pension plan, a hedge fund, or a private bank), and asset management firms began buying New Brunswick's rental supply, especially its older rental units that were supposed to become more affordable as the market built new housing (see Jones 2020). As the Canadian Alliance to End Homelessness pointed out, capital funds and asset management companies are purchasing affordable housing and moving them up-market, depriving the public of hundreds of thousands of needed affordable housing units across Canada since 2011 (Pomeroy, 2020). Investors in Canada are also building single-family rental portfolios, a practice that emerged out of the US foreclosure crisis (Colburn et al., 2020; Seymour et al., 2023; Younglai, 2023). These investors also pursue “repositioning” and “forced appreciation” strategies, which means market actors evaluate a region's home prices according to the market value of their potential rental income, rather than traditional metrics, like local labour market conditions. As a result, the average home price in New Brunswick shot up by 68% between 2019 and 2023—the highest percentage increase in the country (Cox, 2024a). This is also a result of a lax rental market, which has operated to draw more investors to the province's housing sector at the expense of people who live in homes.

As institutional investors (entities that manage investments such as a pension fund or a university endowment fund) have become more interested in holding rental income streams in their portfolios, the market value of those streams has increased. This is particularly true in New Brunswick, where rental stock was not widely securitized prior to the pandemic, and where national investors—both large and small—had not widely penetrated local rental markets. Their sudden interest in rental income streams during the pandemic has likely contributed to the significant inflation of the cost of rental housing, and subsequently, higher rents (Jones, 2020; 2023a).

The loss of affordable units is far greater than the number of new subsidized units built under the federal government's National Housing Strategy (Government of Canada, n.d.). The New Brunswick Action Plan (Government of New Brunswick, 2019) part of the National Housing Strategy, projected the completion of 151 new affordable rental units over three years (2019–2022), and 1,262 over 10 years (to 2028) (p. 23). On the other hand, Killam REIT, the province's largest landlord, had plans to "reposition" 1300 units in New Brunswick, according to its January 2021 report to investors (Killam, 2021, p. 15). Most of these repositions were market-rate apartment units that were more affordable than the federal government's affordable rental units.

The loss of affordable housing units is costly for both renter households and the public. The City of Fredericton's Affordable Housing Strategy estimates the capital costs of building new affordable housing at \$300,000 per unit (City of Fredericton, 2022). To replace 9,000 units at rents of \$750 or less, the government would have to spend \$2.7 billion. The province announced plans to build or repair 490 public housing units in 2022 at a cost of \$102 million (Lothian, 2022). Much more significant investment will be necessary to prevent higher rates of homelessness and housing precarity.

Summary

The increase in housing precarity and the lack of affordable housing is much more than a problem of the supply of market rental units. In a well-regulated market, tight vacancy rates do not have to produce massive rent increases and insecurity for tenants. That they do—and that some economists and many landlords justify higher rents by speaking only about building new stock—indicates a lack of regulation to protect housing rights and a need for broader social investment in affordable housing.

Housing is something we all need. It should not be treated as an investment opportunity. The unwillingness of policymakers to confront the unequal social relations driving the housing crisis is understandable. It is inconvenient to take privileges away from privileged groups who are well-positioned to resist them, as the New Brunswick Apartment Owners Association resisted extending the temporary rent cap in 2022. But these inequalities are at the root of the affordable housing crisis. Ignoring the causes of the crisis means we can't address them. Our "housing crisis" threatens to go on indefinitely, justifying more and more sweetheart deals for developers that run roughshod over local urban plans and municipal institutions, while criminalizing those made homeless as a result of our broken housing system (Bellot & Sylvestre, 2017; Herring, 2019).

The bigger piece of the housing crisis is the lack of both investment in social housing and rental regulation that would ensure stable rents and prevent the use of rental housing as an asset for speculative investors. In the absence of such regulation, the business strategies that make up the housing market function to transfer the savings of low-income tenants to the investor classes (i.e., the wealthy with surplus funds they can invest). Tenants' insecure access to housing is the outcome of policymakers over-relying on a market system, increasingly penetrated by large corporate actors seeking various forms of return on investment in rental income streams. Solutions to the housing crisis require confronting (and curtailing) those business strategies and, where necessary, regulating housing to force landlords to operate according to the public good. Beyond that, the public needs to build a much more robust non-profit housing sector. This will require much more public investment.

We are deeply aware that the change New Brunswick tenants need requires a shift in the national housing debate. We need a conversation that places the discussion of supply and rising rents in the context of the last 40+ years of policymaking. The lack of supply is no doubt a problem, but it is the tip of the iceberg—a manifestation of decades of cuts to social housing stock, weak tenant protections, and the aggressive penetration of REITs and other financial firms into the rental housing market. A focus only on supply will not solve the problems the tenants in this report and throughout the province are facing everyday.

Methods

In this project, we aim to better understand the experiences of tenants renting in New Brunswick. This work took place against the backdrop of the latest iteration of the housing crisis and a series of policy changes undertaken by the provincial government in the housing arena between 2021–2023. The research team took a mixed methods approach to data collection that included an anonymous online survey, focus groups, semi-structured interviews, and reviews of provincial legislation and grey literature, such as housing strategies and reports. To participate in the survey and/or focus groups, individuals had to be tenants in New Brunswick and 19 years or older. Participants could reside in private rental housing, public housing, or non-profit housing. Data collection took place between June 2022 and October 2023. The project was reviewed by the Research Ethics Boards at the University of New Brunswick (#049-2021) and St. Thomas University (#2022-02).

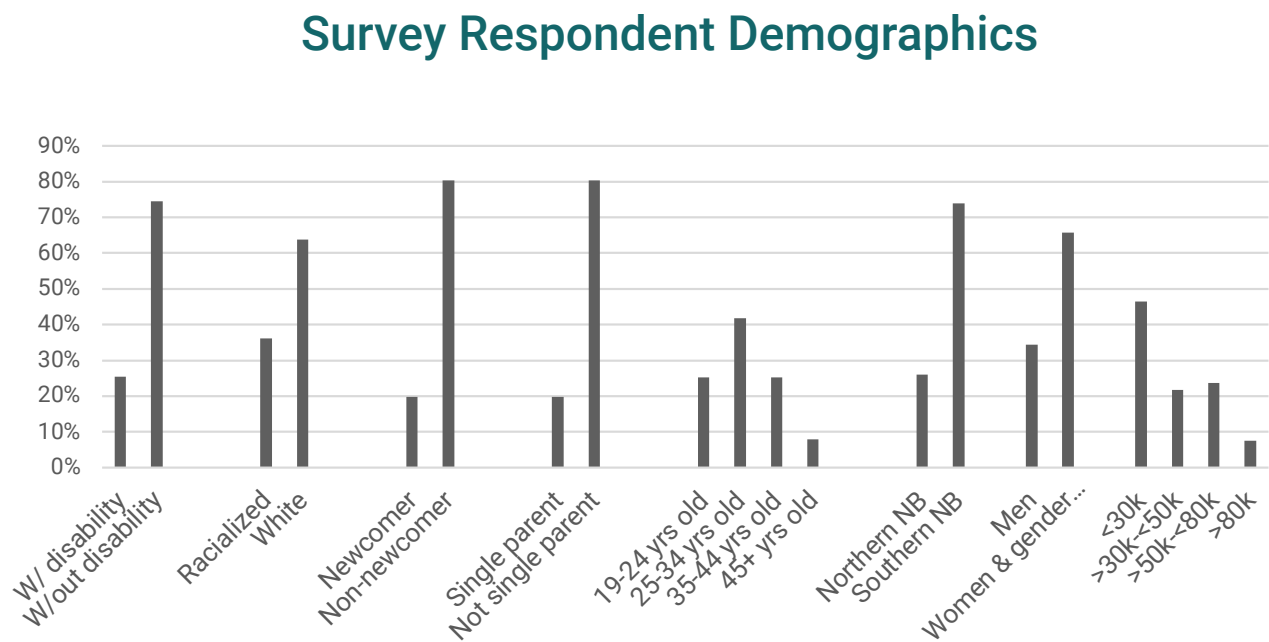
Survey

The online survey, available in both French and English, included fixed and open-ended questions. Data cleaning and recoding were carried out using Excel. The survey yielded a total of 416 respondents. The initial data review identified 18 ineligible respondents (i.e., non-tenants) and 79 suspected duplicates. Ineligible respondents were excluded from the analysis. After further processing, 52 of the 79 suspected duplicate entries were confirmed duplicates and excluded from the analysis. Overall, initial data processing yielded 346 valid respondents for the analysis. Participants were able to decline to answer and skip questions; therefore, not all 346 participants responded to every question. Analysis of the quantitative survey data was done using the quantitative analysis software STATA, and analysis of the qualitative data was done using the same coding process used for the focus groups, outlined below.

An anonymous online survey was necessary to provide tenants with the opportunity to freely share their experiences. Given the high rates of housing precarity in what is a small province, not all tenants would have been comfortable sharing in a focus group setting and some might have felt the need to censor themselves. As the survey was anonymous, participants could take part in both the survey and the focus groups, if they wished.

To understand the impact of social location on housing experience, the survey gathered relevant demographic data, including information about gender, race and ethnicity, and disability. When asked about gender, participants were invited to select all that applied from a list that encompassed many genders. As is standard practice, small numbers of responses (≤ 5) were suppressed or categories were collapsed to ensure anonymity. We made the decision to collapse respondents into two groups: (1) men and (2) women and gender minorities. When collecting data on ethno-racial identity, the survey provided a write-in response, allowing participants to use their own words. The research team then sought to create categories from this data. However, to preserve anonymity, the team aggregated the data into two categories: white tenants and racialized tenants. The latter group includes Black people, Indigenous people, and other people of colour (BIPOC). Similarly, the geographical data is divided into Northern and Southern New Brunswick. Southern NB includes Health Zones 1–3 and Northern NB includes Health Zones 4–7. Health zones are admittedly an imperfect proxy for the north and south of the province, as Zone 3 extends as far north as some parts of Zone 7. The overall demographics of survey respondents are represented below.

Figure 4



Focus Groups

Focus groups allowed the research team to explore tenant experiences in the province through in-depth discussions with small groups. The conversation was structured around a series of prompting questions (Appendix B). Focus groups were conducted online and typically lasted one to two hours. The research team conducted six focus groups with 24 total participants from across the province, as well as three semi-structured interviews with participants who were unable to attend the focus group or who expressed a preference for an interview. Five people who had signed up to participate in focus groups or interviews did not show up. Although focus groups did not allow participants to remain anonymous, identifying information about participants is not included in anything we publish.

Focus groups, interviews and qualitative data from the surveys were recorded and transcribed. The research team then identified several key themes in the transcripts, which they coded and analyzed. These themes are presented in the findings section.

Document Review

In addition to original data, this project involved an analysis of existing housing statistics from federal agencies (including the Canadian Mortgage and Housing Corporation and Statistics Canada), as well as a review of federal and provincial legislation, federal-provincial agreements, and grey literature, including provincial guidelines on housing discrimination and the most recent provincial strategy, entitled *Housing for All*. This document review provides insight on the policy context and socio-economic reality in which tenants in New Brunswick currently live.

Limitations of the Study

As with any project, there are limitations to this study. While both the survey and the focus groups were available in French, there was limited Francophone participation. Finally, there was minimal participation from people 55 years of age or older in the survey and focus groups. The quantitative data is not generalizable to the province, representing only the insights of those who responded to the survey.

Findings

This section provides an overview of the key findings from the focus group, interview, and survey data. The findings are organized around the four key themes that the research team developed during the data analysis process: (1) the experience of seeking a tenancy; (2) the experience of being a tenant; (3) the experience of ending a tenancy; and (4) the unique experiences of structurally marginalized groups. This last theme is integrated throughout the report, rather than separated into its own section. Taken together, the findings section provides insights into the challenges associated with renting in New Brunswick at each moment of a renter's tenancy.

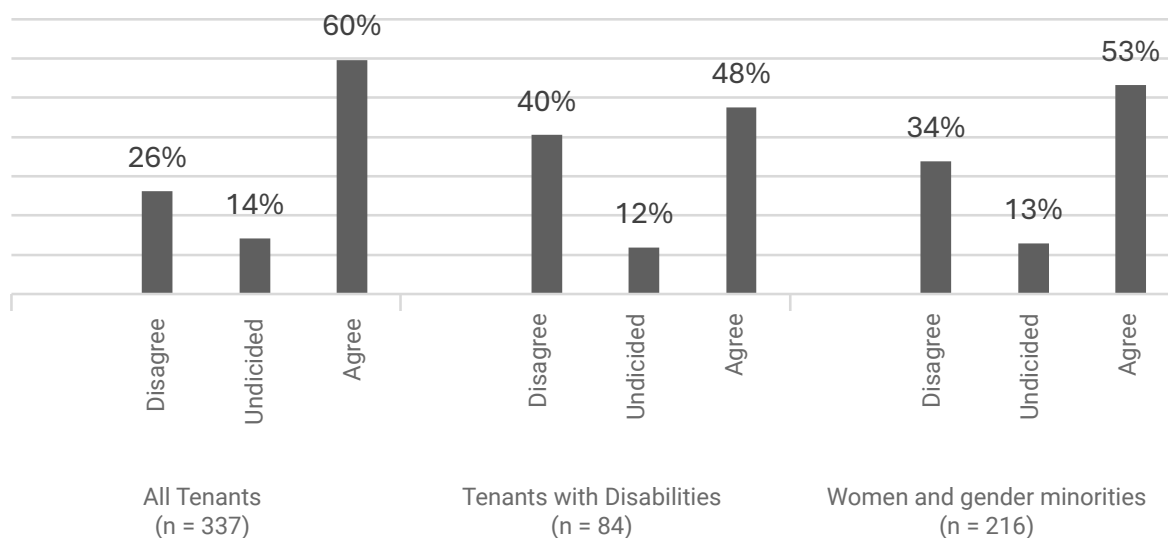
Obtaining a Rental

Low vacancy rates and high rents create significant challenges for renters before they even move into a unit. When presented with the statement, *"It was easy to find my current place of residence,"* 26% of survey respondents disagreed. Among some protected groups (e.g., people with disabilities), a higher percentage of survey participants reported challenges finding a place to rent. Forty percent of respondents with disabilities and 33% of women and gender minorities disagreed with the statement that it was easy to find their current residence.

These numbers are particularly concerning, as our participant pool only included those who were housed (i.e., those who had already found a place to live). It is likely that a study designed to include the homeless would see these numbers rise dramatically. Despite this, more than one in four participants expressed that it was not easy to find a place to live today in the province of New Brunswick.

Figure 5

Tenant Response to the Statement: "It Was Easy to Find my Place of Residence."



Given the disproportionate rates of poverty experienced by people with disabilities and gender minorities in Canada and the gendered income inequality in the province, it is not surprising that tenants belonging to these groups had more trouble finding a place to live. For example, the median income (includes all sources of income) of women was 19% lower than that of men (Statistics Canada, 2023). This data is limited as Statistics Canada uses a sex binary.

While the most recent census data on poverty among gender minorities and people with disabilities is not yet publicly available, these two groups experience higher rates of poverty nationally. Twelve to 20.6% of gender minorities experience poverty, as compared to approximately 8% of the cisgender Canadian population (Statistics Canada, 2022). Likewise, people with disabilities in Canada earn 21.4% less than people without (McDiarmid, 2023). Given the economic inequality outlined above, it is unsurprising that women, gender minorities, and people with disabilities are finding it more difficult to secure a place to rent.

The qualitative data gathered through focus groups and interviews provided additional insights into the barriers to finding rental housing. The conversation about the housing search was largely characterized by a sense of uncertainty and urgency. When asked about the process of searching for rentals in their communities, focus group participants and survey respondents described challenges finding a unit in reasonable condition within their household budget. What follows is a detailed account of the experiences and insights of focus group and survey participants as they described their search for a place to live.

Lack of Information

Participants said even locating available units was an opaque process, noting that they had to rely on word of mouth and luck, or comb through advertisements on Facebook or Kijiji. As one individual stated:

That's the most [difficult] part of moving here, in my opinion, was that no one posted anything anywhere except for this group on Facebook that you had to get added into. And if you don't get added into it, you can't find anything. Like, nothing is really posted anywhere else. And even the, like big rental group[s], like companies that have places ... they never go up and they never get posted or advertised. So, it's really hard to find anything.

Another participant, who had applied for rental units through larger company websites, noted that:

They won't even tell you what they have available, how many apartments, nothing. Just you have to fill out the whole application with like your financial information, with who is gonna move in with you, everything, plus the damage deposit. And then they will tell you if they have something. It's ridiculous.

Even when participants identified an appropriate unit, they described a sense of urgency in securing the unit, competing with many other prospective tenants.

One of my friends, like, she found [a unit] on Kijiji and it's like was posted for ... five or ten minutes, or something like that and like immediately messaged the landlord and she's like, "I've had so many messages." ... And then, like, as soon as you get there, she'd be like, "Okay, so there's more people coming to see after this, like, do you want it or not?" Like, you had to decide immediately after viewing.

Tenants' autonomy over the location and condition of their unit was severely limited. One participant remarked that just a few years ago they had seen multiple units and were able to choose the best one, but "now students, and families, and professionals alike are all fighting each other for, you know, a place, whether it has mold or not."

Where there was choice, as one participant explained, the costs were "exorbitant" and "unrealistic." The situation, they went on to say, "crée un gros stress aussi avec la santé mentale. Ça joue un grand rôle sur notre santé mentale ... qu'on essaie de gérer. ... Le coût n'est pas réaliste, mais il n'y a vraiment pas [de choix]."

[The situation "creates big stress on mental health. It plays a role in mental health ... that you try to manage. ... The price is not realistic, but there is really no choice."]

For participants, the process of securing a tenancy was fraught and the sense of uncertainty was palpable. This was especially true for low- and moderate-income tenants whose pool of housing was significantly constrained by cost.

Discrimination in the Housing Search

Obtaining a rental unit can be difficult, but the challenges tenants faced were compounded by experiences of discrimination, especially for those who were members of protected groups. The New Brunswick Human Rights Act (2011) prohibits discrimination based on age, disability, sex, gender, race, ethnicity, social condition, and other protected grounds “in housing and sale of property” (Section 5.1). Nonetheless, discrimination in the rental housing market persists. Between April 2020 and March 2021, the New Brunswick Human Rights Commission received 60 complaints of discrimination from tenants, including those seeking accommodations (Lafontaine, 2021).

A number of participants shared their experiences and observations of discrimination in the housing search. For tenants facing structural marginalization, discrimination was compounded by the significant challenge of securing a unit in the province. One participant stated:

I feel like any group with a stigma is disproportionately impacted. And I guess what I mean, to generalize that, is I feel like single mothers might have a harder time. I have friends who came to Canada, into New Brunswick for school from, you know, different countries. And the ones without, like, Christian names, you definitely know they're discriminated against. ... One of my best friends [is neurodiverse], and even though, you know, you don't really disclose that on the apartment application ... [they've] certainly told me that [they] felt that like, in the viewing process, there was a decision made very quickly, and that decision was that [they were] not selected for that apartment.

The issue of discrimination against Black, Indigenous and other tenants of colour was not discussed in depth in the focus groups. Three survey participants listed racial discrimination as an issue they faced. Here, one participant noted, “Being an international student it is very difficult to make my landlord take me seriously as he always says things in a way to mean, ‘you don’t know anything here.’” They continued, “He is very racist and reluctant to fix anything around the house.” Aligned with this participant’s lived experience, the Systemic Racism Commissioner’s Final Report (Province of New Brunswick, 2022) documented this issue as follows:

Housing challenges were not only noted by international students but also from Black and Indigenous students and were mostly seen as examples of overt racism. Participants recalled being asked if their food would “smell bad,” if they would “keep the place clean” and two were even asked about their cultural hygiene habits. Others said that the landlords appeared open to renting until the participant showed up in person. When asked why they did not report these situations to the Human Rights Commission, participants noted that they didn’t want to jeopardize their study visas, they felt isolated, or they did not know that entities to help them existed. Sadly, some said that it was easier to just accept that racism existed and “move on with your head down.” (International student, male)

In discussing their housing search, many participants specified the different ways they had experienced discrimination from landlords. When describing direct expressions of discrimination, a participant experiencing poverty due to unemployment caused by disability recounted that landlords hung up on them when they inquired about affordable units.

I am living on long-term disability/regular disability. ... And, so, I can never go back to work because of my medical conditions. And when I moved in here, I thought about trying to get into housing prior to moving in here. So, I asked landlords do you take [affordable] housing clients. Some of the people just hung right up on me when I asked that question, so I stopped asking that question.

Several focus group participants also noted that they experienced discrimination due to their employment in lower-paying jobs or their status as low-income renters. One stated:

I am in a lower income bracket range, and [I] had one potential landlord tell me her rent was set as high as it was because she didn't want someone who couldn't afford it living there because of the type of person they would be.

Another explained:

Both times we were looking, I had a part-time retail job. Multiple landlords didn't want to rent to us on the assumption that I wouldn't be able to pay rent (or that I wouldn't?).

Discrimination in rental housing is not a new problem in New Brunswick. One participant recounted observing direct discrimination against students and families in the past.

I remember often if people just even disclosed [that] they were a student, they would often shut you down. "No, we don't rent to students," or, "no, we don't rent to families."

These issues were echoed by some participants who completed the survey, with one noting:

There's also a lot of ads that straight say no students. It's not as serious as other forms of discrimination, but it's extremely frustrating being denied housing ... it's automatically assumed because I'm going to school that I'm going to trash the apartment and make a lot of noise.

Others described their experiences of family discrimination. For example,

The apartment I live in currently was advertised as an "adult only" building. I was asked if I was planning on becoming pregnant during the viewing.

I messaged many places and as soon as I mentioned we were two adults and three kids, people just stopped replying, but still saw all the messages.

Other participants reported indirect forms of discrimination, such as inclusion criteria in unit postings. Indeed, participants often mentioned that some landlords do not rent to certain groups, in violation of Section 5 of the New Brunswick Human Rights Act (2011) that deals with "discrimination in housing and sale of property"..

I have noticed lots of listings will sort of use coded language suggesting that they'll only rent to people who are in like professional positions. Sometimes not even coded, just say we rent [to] professional couples, for example. Meaning they want people who have jobs like you [i.e., university professor]. Where there's more of a guaranteed income.

There is a disincentive to identify as a member of a protected group due to the risk of discrimination. Participants highlighted that some buildings will outright refuse to rent to someone with accessibility needs. One participant felt disregarded by prospective landlords for simply asking about the accessibility of a building:

If you're in a wheelchair or a walker or a cane, they don't even care what type of disability you have, you ask them if they got a button on their doors, if they have elevators, they just kind of try and get you off the phone rather than entice you to come look at any apartment. So you're already being pushed away just because you're identifying that you have a need.

The Government of New Brunswick has recognized that discrimination is a problem for renters. In their review

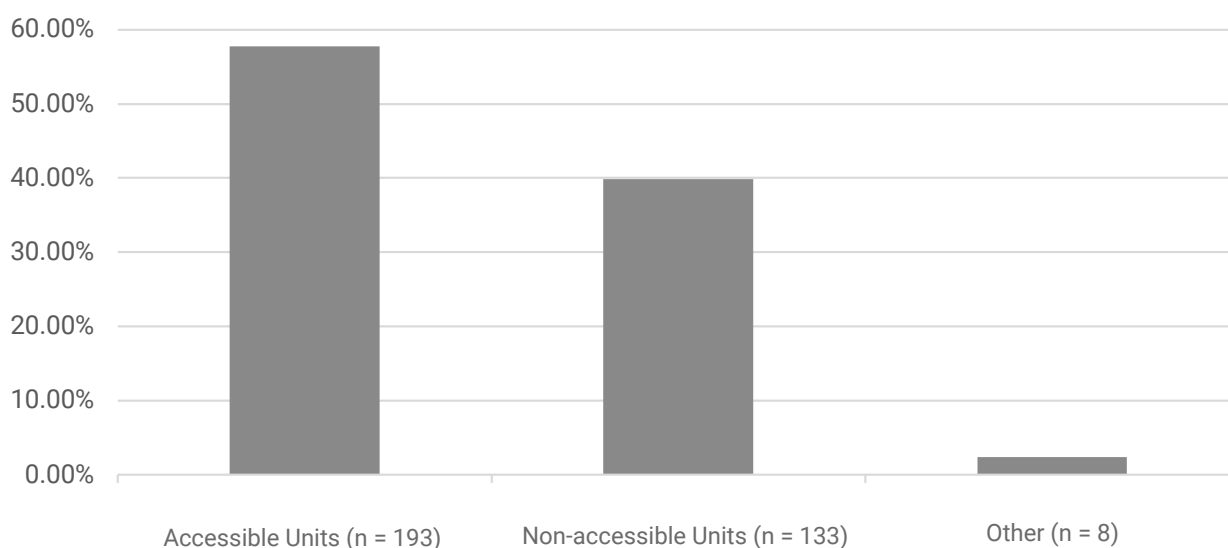
of the rental market in May 2021, they recommended “releas[ing] guidelines on non-discriminatory practices in housing and deliver[ing] supporting educational materials to raise awareness on tenant and landlord rights and ways to prevent discrimination” (p. 38).

In June of 2021, the New Brunswick Human Rights Commission released guidelines on housing discrimination that included language about prospective tenants. For example, the guidelines stated that “a housing owner who advertises a preference for tenants without children would violate the Act, because the advertisement would infringe the rights of parents with children under the ground of family status.” The complaint process, however, requires that an individual experience discrimination, rather than observe a discriminatory practice. This requirement further downloads responsibility for enforcement to individual tenants who are struggling to find housing in an extremely difficult market while also facing structural marginalization.

In addition to landlords’ outright discriminatory rental practices, the exclusion of certain groups is built into the design of the units themselves. Only 40% of survey respondents reported living in a building that was accessible and thus anticipated and made space for tenants with a variety of disabilities.

Figure 6

Percentage of Tenants in Accessible Units



Renting in New Brunswick:

The challenges faced by renters in New Brunswick were not resolved once they obtained a rental unit. Tenants detailed concerning issues associated with landlord-tenant relations, including landlord abuse of power. They also detailed how difficult it was to advocate on their own behalf in a jurisdiction with few tenant protections, with some noting that they often didn’t believe that the formal protections the province had in place would protect them.

Landlord Abuses

Tenants found themselves renting in conditions that were sometimes less than ideal in terms of utility costs, general maintenance, and overall condition of the apartment. Several participants noted that they feared renting from landlords they deemed “slumlords.” Several commented that they believed that “slumlords” were ubiquitous to the New Brunswick rental universe, citing various jurisdictions in the province as notable for their presence.

In the words of one tenant:

Be aware. Because there's a lot of slumlords. ... I've ended up in a lot of places where the landlords just don't seem to want to do the landlord stuff. ... I would definitely want to be sure that I end up in a unit that has a dependable landlord or maintenance crew.

Another tenant argued:

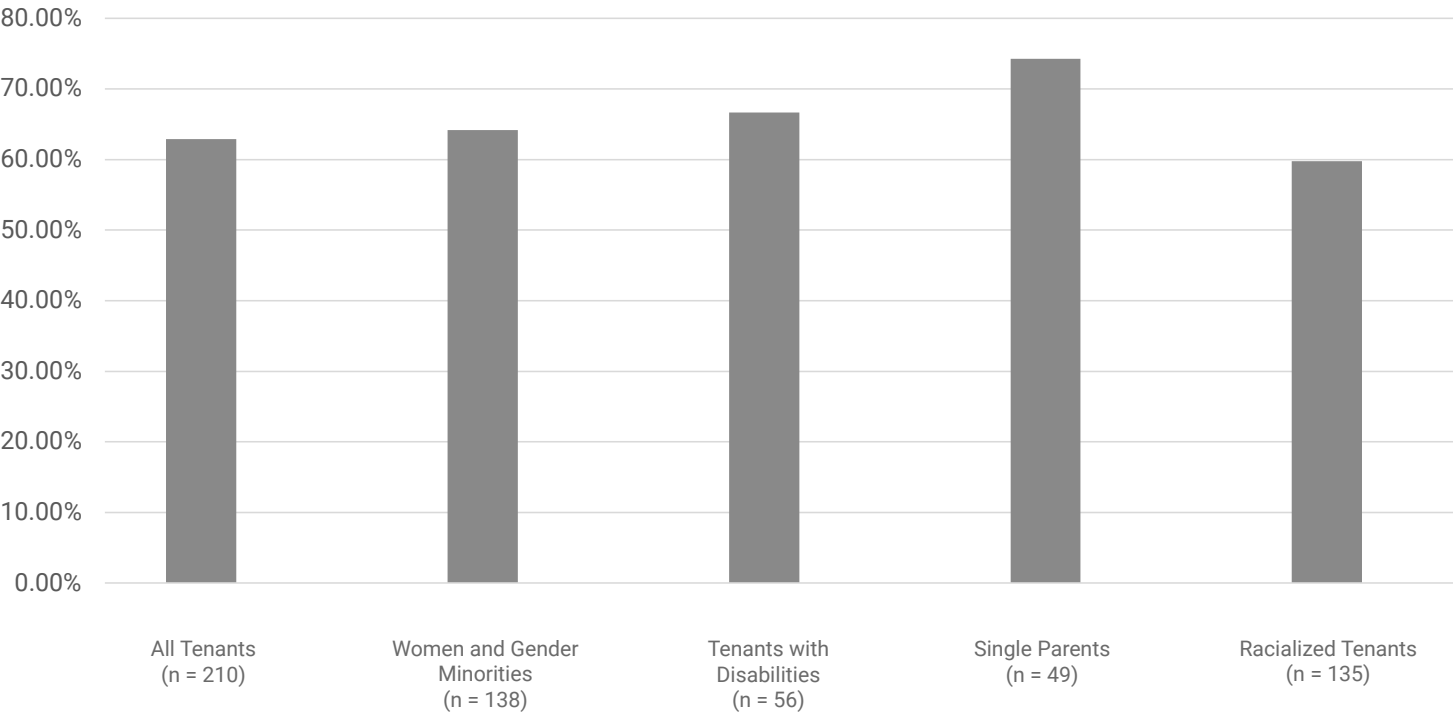
It would also be nice to see that they'd [the Government of New Brunswick] make some changes, or update, the landlord-tenant policy. ... I feel like that's how a lot of these, and I hate using the term slumlords, but I've come across so many of them in [my hometown]. I've seen a house that was condemnable, and there [was a landlord who] was trying to rent it out to people. ... I just wish that wasn't possible.

Tenants complained that landlords routinely ignored their requests for routine maintenance on their units. In the words of one tenant, "Our landlord doesn't fix anything."

Other tenants complained of persistent issues with mold, broken appliances, and cockroach and bed bug infestations. Tenants regularly remarked that landlords ignored requests for repairs or implemented rent increases that tenants could not afford when they asked to have their apartments made livable. One tenant asked, "How can a landlord expect you to live in mold or [with] bed bugs?"

The survey data echoed frustrations with these issues, with the majority of respondents indicating that their units required some kind of repair.

Figure 7 **Percentage of Tenants in Units Needing Repairs**



Participants also noted that a lack of maintenance in their units could lead to increased costs for services, particularly heating. One tenant remarked:

When people get into low-income situations, they'll just take anything to have a roof over their head. And that's where ... I've witnessed people being taken advantage of [paying exorbitant heating costs] with, with the lesser conditions in their living situation.

Damage Deposits

New Brunswick permits landlords to collect "security" or damage deposits from tenants. According to the Government of New Brunswick, landlords can request these payments up to a maximum amount, depending on the type of lease. For example, the maximum security deposit for a week-to-week lease is equivalent to one week's rent. The maximum deposit for month-to-month or year-to-year leases is equivalent to one month's rent. Tenants can pay this directly to Service New Brunswick or to their landlords. Landlords are instructed to deposit this money to the TLRO within 15 days of receipt. Tenants must apply to Service New Brunswick to have their deposits returned at the end of their lease, wherein landlords are permitted to make damage claims on that deposit (Security Deposits, n.d.).

Several tenants in the focus groups and many more in the renters' surveys expressed concerns about their security deposits, with some explaining that landlords either manipulated the amounts when they deposited them with the TLRO, or that they didn't deposit them with the TLRO at all. Others complained that landlords attempted to use their damage deposits for income or regular maintenance on their premises.

One tenant recalled paying two months' rent for a security deposit, in excess of the maximum amount allowed by the province of New Brunswick. This landlord paid one month to the tribunal and held the other month themselves. Another tenant explained:

[My deposit is] supposed to be equal to one month's worth of rent, but we just, I just got a strange letter from the Tenancy Tribunal board or whatever, and it says that the landlord has ... reported my rent is \$1050 instead of \$1200. And when I asked my friend about this ... he immediately said that this sounds like the landlord skimming some off the top for some reason, or doesn't want to give me my full deposit back at the end of my tenancy. So, I'm thinking of talking to the superintendent, who is the person I interface [with] ... and asking why, why there's a discrepancy... on the sheet that I got from the Tenancy Tribunal.

Many other tenants noted that their landlord "didn't even enter our [damage deposit] to the Rentalsman [TLRO]." One explained that this meant they would not be able to move, despite living in a poorly maintained building with a landlord who repeatedly ignored requests for repairs. They stated, "So we didn't even have a choice of transferring that [money to our new apartment] if we did find a new place."

Upon moving out, many tenants complained that their landlords attempted to withhold their damage deposits for repairs that were not the results of tenant actions. For example, one survey respondent wrote:

[The landlord] claimed [my apartment] wasn't clean enough and kept almost \$1000. This happened with a landlord who is notorious for doing this. I also discovered when trying to get it back that he never submitted it to the [TLRO] which is required and so the only course of action was legal and that was not in my budget and so the money was lost.

Another remarked:

[The landlord] tried to claim we hadn't cleaned the floors which they openly said they were renovating so I quoted them from the newspaper interview they gave and in the end we received all the damage deposit

with the exception of \$50, which they took because we left an old mattress there, which wasn't ours to begin with.

The claim that landlords were abusing the province's damage deposit system was an important theme and was cited routinely by tenants.

One tenant explained how they believed landlords viewed this system:

Pretty much every place I've ever rented. No matter how much effort you put into making sure the place is spotless and well cared for, the landlords act like that money was theirs from the day you gave it to them, and are extremely hostile to being asked to give it back, often making up damage or cleanliness issues. You pretty much have to video and photo document everything to prove that any damage was in fact caused by the landlord after you've already moved out, and they'll still try to fight giving it back even then.

A few participants noted that tenants often struggled to advocate for themselves. In the words of one participant:

And I think, like, tenant ignorance is like a big thing too, because people don't know their rights. I mean even the very limited rights we have in New Brunswick. Like, the fact that I know my landlord has to give me six months' notice now to raise my rent is more power than I had had I not known that.

Tenants repeatedly stated that the deck was stacked in favour of landlords ("there's very little protections for you as a tenant") with little recourse. They hoped for a system that saw "more accountability for landlords."

This accountability is clearly needed. Another participant spoke of a case involving tenants at a rooming house who had agreed to renew for the following year:

C'était des étudiants puis ils ont mentionné qu'ils s'en allaient en vacances à quelque part pour un certain montant de temps. Puis lorsqu'ils sont revenus toutes leurs choses personnelles étaient par terre dehors. La personne avait décidé de louer leur chambre à quelqu'un d'autre.

[They were students, and they mentioned that they were going on holidays somewhere for a certain amount of time. And when they returned all their personal belongings were on the ground outside. The person [landlord] had decided to rent their room to someone else.]

One survey respondent, echoing the sentiments of several others, explained their frustration with government services that were supposed to help tenants:

My partner and I have had [an] absolutely horrible experience renting in NB. And one of the worst experiences was dealing with Service NB. They are absolutely useless, it seems they're there for the landlords and not the tenant[s].

Citing numerous landlord abuses for which they had sought government intervention, including refusals to make necessary repairs, threats, and non-remittance of damage deposits, the respondent concluded that "Service NB didn't do a thing. ... They didn't really care and said there's nothing they can do." This issue has also been covered in the New Brunswick media (Jones, 2024). We note that in a legal aid system where tenants cannot use Legal Aid certificates to cover landlord-tenant disputes that may extend beyond the TLRO, access to appropriate supports is limited.

Getting By

The high cost of rentals, combined with precarious tenure in the units, forced focus group participants and survey respondents to adjust how they lived, thought about themselves, and planned for their future and that of their families.

Cutting Costs

Tenants most commonly addressed the high cost of renting and shortage of alternative affordable apartments by cutting back on other essentials, most notably food. Some tenants described accessing food banks and other community food services to make ends meet and maintain their housing in a tight market where finding other, more affordable housing was challenging or even impossible.

Many tenants described limiting their food intake, going without, purchasing less expensive products, opportunistically eating food they didn't have to purchase themselves, and looking for sales to keep up with rising rents while maintaining their housing.

For example, a tenant described how their family adjusted to rising rents:

I find that I, we just eat less food now. And, and the things we do eat is a lot of stuff that's just kind of cheap, like, like rice and honestly just a lot of food that's probably not very good for me, because the food is that. ... I mean, I know this is only kind of tangentially related, food is very, very expensive, right now, along with rent. And I, I, you know, we both are pretty much eating like two meals a day and, and sometimes ... I'll just be eating at work, finding things that are marked for 50% off.

Another tenant noted:

I don't go out and spend my money. I don't go out to eat anymore. I, you know, you just have to cut down on everything, cut down on everything. And I'm scared of when the rent will go up. I'm scared, but I will deal with that.

Another renter described a friend's approach to "surviving" high rent: "I had a friend that she would ... go for like a week, or more, without groceries because she had to pay rent."

Yet another survey respondent explained the challenges of their current situation and what would happen if they lost their affordable housing:

If I lost my current place of residence, it is highly unlikely that I would be able to find a suitable deal for another apartment—even this one is very expensive and I have to sacrifice a lot and use things like the fresh food bags on campus. I would have to live with a friend until I could figure something else. I would definitely consider dropping out [of university] or transferring to a school in Montreal, because I hear the rent is cheaper there.

This participant summed up the experiences of many:

I have three kids and I have to work, and we're, we're at a point right now with the rent crisis that, you know, every paycheck you're choosing between what bill you're gonna pay or if you're gonna eat.

For some, especially those with children, choosing to cut back on food was not easy and was avoided whenever possible. However, those decisions came at a cost. Parents explained that sometimes they were forced to skip bill payments:

The last two paychecks we've had to skip car payments to be able to eat because my kids can't eat the car. ... You know, 75 % of every pay is rent, and the other 25 [percent] is the car.

Many tenants expressed concerns about the long-term health implications associated with limiting food intake and eating cheaply. Some commented that they could not afford fresh produce. One stated, "That is not good food. It's not healthy. It's not taking care of us." A participant with a disability remarked that they would have to cancel their private health insurance if their rent increased any further. One survey participant asked, "How can they [landlords] raise the rent to that extreme when ur [sic] barely even able to buy groceries for your kids?"

Other participants noted that they stretched medications or couldn't afford to purchase them at all.

I have medication that I'm supposed to take daily. Two different medications that I'm supposed to take daily that I have not been able to get for six months. I just cannot afford 100 dollars a month. That is my entire grocery bill.

In addition to prescription medications, participants also cut back on dental care due to the increasing costs of rent:

Médicaments, dentiste, les yeux, je te dirais avec certitude que c'est ça que les gens coupent. Parce que moi, les gens autour de moi qui ont eu de la misère, c'est ça qui coupait.

[Medication, dental care, eye care, I would say with certainty that folks cut back on these. Because for me and the people around me who have had difficulty, that is what was cut.]

Other participants detailed the stress of living in fear of not being able to afford housing. In the words of one tenant:

Oh, my stress level is high. Yes, yes. I have to—I write down everything I spend. I have to be very cautious. And, um, you know, it's just, ... I know I can feel blood pressure going up sometimes, like anxiety.

The participant noted that their anxiety was especially high when they checked their email, constantly fearing notices of increasing fees, including rent. Another remarked, "I lose sleep over whether or not our rent will increase beyond our means." And when asked where they would live if they lost their current residence, a tenant wrote in, "I genuinely don't know—this is a huge source of stress." Numerous survey participants explained that they would become "homeless" if their current rental situation changed.

Several tenants explained that living in New Brunswick's rental market made even the most basic pleasure a luxury that they could not afford. Many noted that they had to give up (or anticipated having to give up) cable, cell phone service, internet, and vehicles. In the words of one tenant, "No one can do anything fun, or enjoy their lives, 'cause they're too busy in survival mode." Services like internet and cable were especially important for those experiencing social isolation due to age and disability. For example, a disabled participant—who had been on a list for social housing for more than a decade—was contemplating cancelling their cable, even though it improved their well-being by easing feelings of loneliness. Although services like phone, internet, and cable may appear superficial, they were important to participants' ability to be safe, access employment, and maintain their health. In short, they were essential to their overall quality of life.

Tenants also mentioned having to cut back on heating to afford rent:

Je pense pour l'hiver, on se prépare mentalement pour parce qu'il faut quand même vivre avec du chauffage pour tout ça, mais j'ai ramassé plus de couvertures puis l'hiver on se trouve des moyens pour s'habiller avec plus de choses comme des bas de laine puis des couvertures versus mettre la chaleur

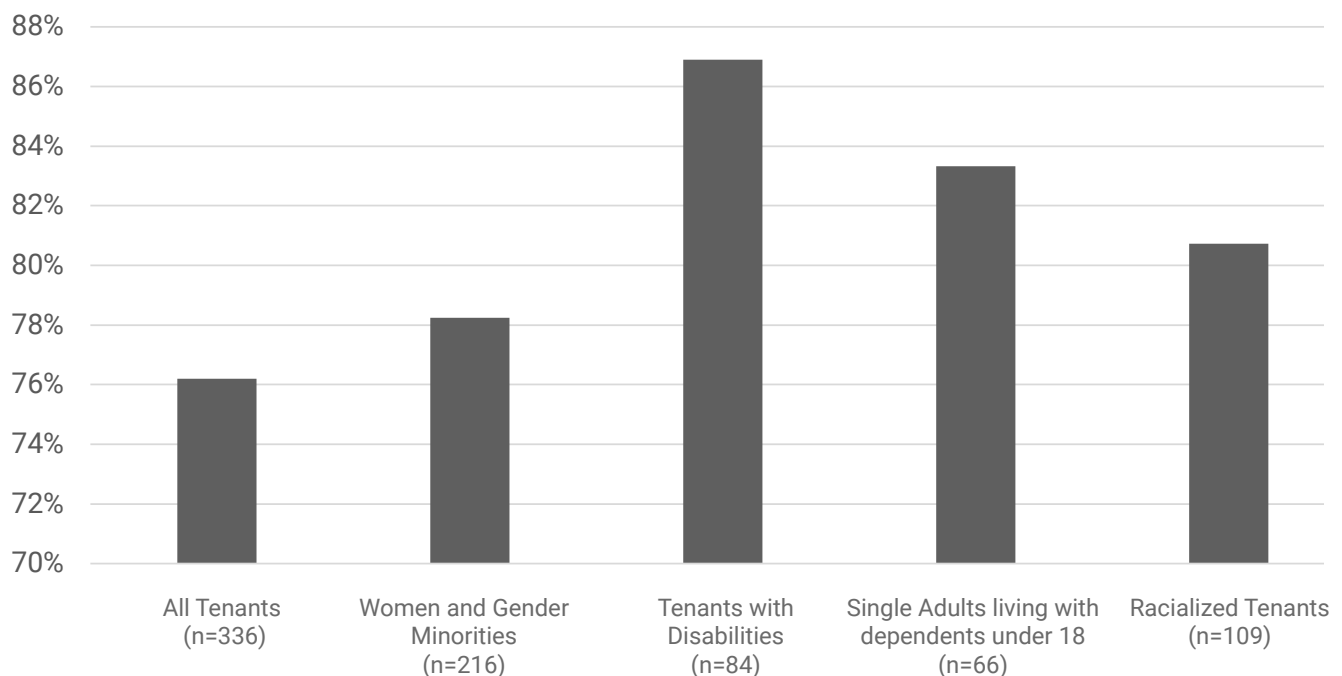
à chaque fois là. J'essaie de vivre comme dans le vieux temps et je devrais pas être si extrême que ça, mais c'est une chose que je planifie.

[I think for winter, you prepare mentally for it because you have to live with heating for all that cold, but I got more blankets and for the winter we find ways to cover up with more stuff, like wool socks and blankets, instead of heating all the time. I try to live like the old times, and I shouldn't have to be so extreme, yet it is something I plan for.]

The financial hardships described by focus group and interview participants were echoed in the survey data. One tenant described giving up their two-bedroom apartment for a one bedroom when their landlord raised their rent. Seventy-six percent of survey respondents indicated that they were worried about rent increases. Notably, this worry about rent increases was higher among several protected groups and single adults with dependents. The heightened concern about rent increases among women and gender minorities, tenants with disabilities, racialized tenants, and single parents with dependents reflects broader patterns of inequality in New Brunswick and across the country.

Figure 8

Tenants who Agreed with the Statement: “I am worried about my rent increasing”



Mobilizing Resources

Cutting back was only one way that tenants squeezed by rising rents worked to make ends meet. They also frequently strategically mobilized resources at their disposal, including social and familial contacts and student loans.

For example, many participants relied on family and friends to provide aid when they experienced challenges with their housing. For an older disabled participant, this meant staying with children until suitable housing became available. Others returned home after post-secondary school to save money and search for suitable

employment. Most who contemplated staying with family were thankful to have this resource, but also frequently expressed that this situation was “far from ideal.”

One tenant summed this up:

Well, moving back, moving back in with family, when you don't necessarily want to [is an option if I lose my housing]. I've been joking with my mother about moving back in with her and she kind of laughs. But like, what do I do? Do I burden my mother, or do I burden my kids? And I'm lucky, I have a good family. I have a loving family. And I know that if I get evicted, or whatever, my building sold and I can't find a place to live, I won't be homeless.

Or as another tenant noted:

You just have to—you have to find a place. I mean, I did—I never lived on the streets or anything, I lived in houses with my children.

Students from post-secondary schools used their student status, access to professional contacts, and student loans to help secure apartments in a tight rental market. This was especially helpful for international students, who did not always have easy access to local references.

Student loans helped students obtain good, safe housing that might have been impossible to secure with only a part-time job. In the words of one survey respondent, “Rent is not affordable as a student. The only reason I can pay for it is with my student loans and EI.” However, in 2022, the Government of New Brunswick revoked the ability of many post-secondary students in the province to collect employment insurance (Sturgeon, 2022). Another tenant reported on the challenges of finding housing as a student, claiming that if they lost their housing, “I would have to move in with a friend while I searched for another affordable place to live.” They recognized that their position as a student might aid them in their search, stating, “I might look into temporary housing through [my university].”

While student loans can cover housing costs, students using loans for housing were incurring greater debt. Participants noted that the burden of paying back these loans limited their ability to own a home. In the words of one tenant:

I'm very, very much stagnant and I, I'd love to increase the payments on my student loans to get them out of the way sooner, but I can't do that because I'm paying somebody else's mortgage.

Living Unsafely

Beyond making tough decisions to cut costs and mobilize resources, many tenants in this study admitted to living in situations that were untenable and sometimes potentially dangerous to avoid housing precarity. This included living in overcrowded housing and staying in apartments that seemed unfit for living due to poor maintenance.

Many tenants stated that they needed roommates to make their housing affordable, despite their desire to live without roommates. For example, one tenant rented their spare room to their neighbour's father to afford their winter heating bill. But many explained that taking on roommates had its challenges and contributed to tenant stress.

It's been pretty shitty with my anxieties [around trying to afford a place to live]. [My strategy] is to kind of network with more people in my cohort who might be looking to have a roommate in the future. To sort of build those relationships. But it can be hard, you know?

Another tenant described having to live with total strangers to stay housed:

It's impossible, I think. I had such a hard time finding a place, and wound up finding it through, like, my mom's running friend from however many years ago and ... [so I] moved in with five complete strangers which is, uh, unsafe.

During one focus group, several participants described how low-income workers made ends meet by “doubling up.” This process of “doubling up” was a euphemism for overcrowding, or putting more than one person in an apartment’s bedroom. One tenant explained that “people that are renting [and] ... work low-income jobs, they share apartments with ... four, six, eight people in a two-to-four-bedroom apartment.” Other participants described renters “coupling up,” often rushing relationships, to stay housed.

A participant explained the issues associated with overcrowding as follows:

It's a really common strategy and it's, uhm, really hard on folks. And with COVID, it's really freaking unsafe. It puts people in really unsafe situations.

As one tenant astutely pointed out, roommates were not a viable strategy for all, particularly those with disabilities and those with children.

Participants also talked about putting up with housing conditions that were unsafe or unorthodox. One tenant spoke of the hardships they had observed:

Il y avait de nouveaux arrivants qui ont dû se faire kicker out malheureusement. Eux ils ont dû, je pense qu'ils ont dû rester dans le garage d'un ami parce que y pouvaient pas se trouver un appartement de dernière minute que ça. Ça fait, t'sais un garage, tu te dis y a moyen de moyenner, mais t'sais, ouf. ... Moi tout de suite, je vois c'est soit tu restes chez tes parents, soit tu trouves une manière créative de comme rester avec des amis s'il y a de la place, ou comme plan C, c'est effectivement comme tu restes dans ton char ou t'es dans la rue, là.

[There was a case of newcomers who must have been kicked out unfortunately. They, I think, they had to stay in the garage of a friend because they could not find an apartment at the last minute like that. So you know, a garage, you say there is a way of getting by, but you know, ouf ... Right now, I see that either you stay with your parents, or you find a creative way to stay with friends if there is room, or like Plan C, which is basically either staying in your car or on the streets.]

Many tenants described knowing of situations of intimate partner violence that were exacerbated by the rental crisis. Tenants were forced to move in with new partners sooner than they would have liked and were sometimes fearful of leaving, as finding new housing was a particular challenge. One tenant summed this up:

Perhaps having somewhere to sleep is prioritized over safety, you know?

Likewise, tenants described staying in unsafe neighborhoods because they could find few other housing options. They also described living in units with mold, air leaks, and pests, as well as other unsavory conditions, including landlord abuse.

For example, a few tenants described enduring strange landlord behaviour with no real recourse due to their fears of being unable to find a new place to rent. More than one female tenant explained that their male landlord routinely entered their apartment without notice or knocking, sometimes even entering their bedroom without warning.

In the words of one tenant:

Earlier this year, one of my roommates made a case because our male landlord just went into their room without knocking. You know, fortunately, they were just doing homework.

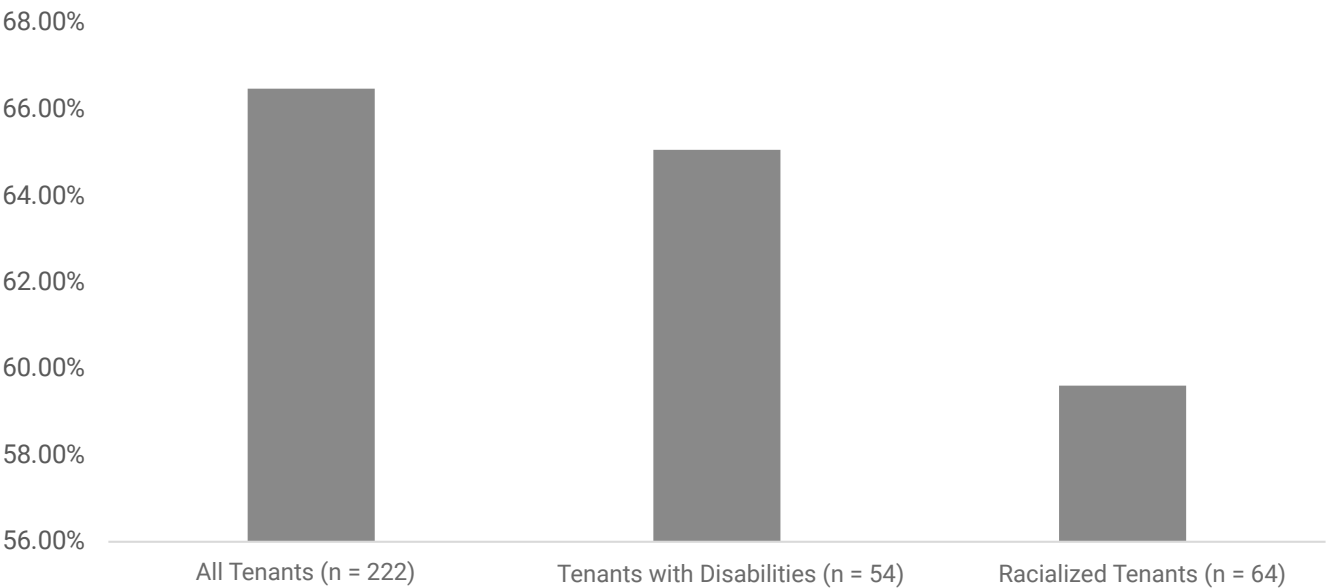
A tenant with a disability reported the following:

The first place that I was offered in subsidized housing was way out behind the [location], where there's like no grocery stores and no reliable bus transportation. So it's stuff like that, like we get forced like out to these edges where there's no, like accessibility even in the community and then the communities themselves aren't safe. And then everyone [is] piled in on top of each other and kind of like bored and up in each other's business ... it's very toxic environments like the rentals that we get forced into.

Some tenants reported that fear of retribution from landlords meant that they refused to ask for maintenance or repairs on their dwellings. One explained, "I feel as I'm reluctant to request needed maintenance repairs if they arise or any complaints in fear of being evicted." Another recalled, "Bringing up maintenance issues in the past has not gone over well."

The concerns about safety were reflected in the quantitative survey data, with only two-thirds of tenants agreeing with the statement that they felt safe in their current residence. As demonstrated in Figure 9, feelings of safety were lower among tenants with disabilities and racialized tenants.

Figure 9 **Percentage of Tenants who Feel Safe in their Unit**



The challenges associated with finding a safe and affordable place to live were expertly summed up by this tenant:

So, many people are suffering in one way or another, whether it be below modest conditions, or overcrowding, or falling behind on other essential[s]. It's, you know, it's clearly, clearly shows that there is a problem.

Eviction

In a province with few tenant rights and protections, tenants frequently lived in a near-constant state of fear about losing their homes due to evictions, rent increases, repurposing of units for personal use or renovations (the latter three scenarios amount to the same outcome as an eviction, though they are not tracked as such by the province). Given the present state of the New Brunswick rental market, with limited availability in most regions of the province, tenants were keenly aware that they might have to move from their home and that finding a new place to rent would be near impossible. This meant that they lived with an ever-present threat of homelessness.

Tenants knew that the lax regulations in the province meant that they could be evicted from their homes easily and for reasons other than poor treatment of the property and non-payment of rent.

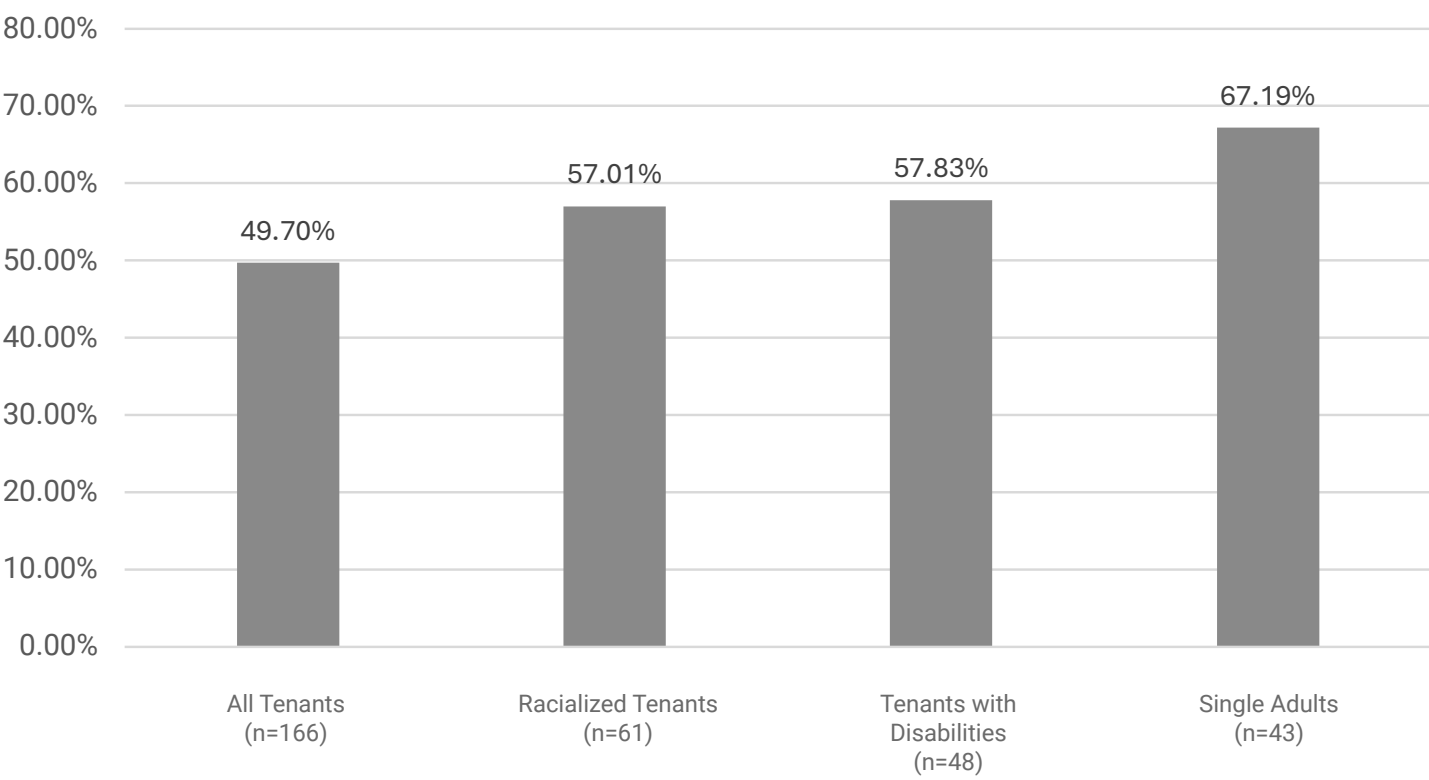
As one tenant noted:

You read about landlords evicting people to turn their properties into Airbnbs. ... You know what you're doing. You're not fooling anybody.

Another recounted, "They said they were renovating so they evicted me and my girls who were both under three [years old]."

Fear of eviction was high for all survey respondents, but highest among single parents (Figure 10). In Canada in 2020, single-parent households experienced poverty at a rate of 36.5%; in New Brunswick, the rate was 38% (Human Development Council, 2022, p.15). Given the significant economic hardships faced by single-parent households in addition to rising rents and low vacancy rates, the high rates of concern about eviction among single parents were unsurprising.

Figure 10 **Percentage of Tenants Worried About Eviction**



One tenant put this fear into words:

I was subject to a renoviction when my daughter was an infant. I was given two months' notice, and was able to find alternative housing, but it was stressful and difficult to find a place as many landlords don't want to rent to families with children.

Several participants also noted that they were evicted or that their landlords attempted to evict them for non-payment of rent. They often noted that this was after either an exceedingly short time span or an attempted negotiation with the landlord.

We had missed a payment because of a holiday and weren't able to go to the office of the company our landlord uses. They had the eviction notice on the door the day we came back from the holiday. I.e. the first possible day we could have paid.

I was one day late paying rent [and] she [the landlord] told me I had 24 hours to vacate till I contacted the [TLRO].

The Social Costs of New Brunswick's Rental Crisis

There is no part of a tenancy that is untouched by the housing crisis and the power imbalance between tenants and landlords. When tenants were looking for apartments, they worried that they wouldn't be able to find a place to lease. When they found places that they believed were at least somewhat suitable, they were forced to make decisions quickly for fear of losing their desired apartment. Once in an apartment, tenants worried that their rents would increase or that they would be evicted or have their leases revoked.

Tenants explained that they lived in a constant state of insecurity, fearing that their housing situation could be turned on its head at any moment. One tenant stated, "I don't think it's just the, the way the housing market is right now. ... Like, it's just, it feels more stressful than it needs to be." Another tenant also emphasized the stress of renting in New Brunswick:

Yeah, it's really scary to think that, you know, they could just slip a note under my door and say, "Okay, you get 30 days," and this time there's, and there's no place for me to go.

Looking to the Future

High costs, few rights and a constant state of uncertainty not only led to stress and anxiety, but also made tenants very uncertain about their futures, particularly their capacity to get ahead. One tenant explained that high rents combined with student loans made it impossible for them to imagine making a better life for themselves. Some tenants felt relegated to a "lower class" position, despite their well-paying employment in the trades:

Things are so expensive that you don't have the ability to save. I feel like we're essentially creating ... a permanent owner class. Like, there's people who can afford to buy houses and rent them out, and there is people who can't afford to, and they can't afford to save 'cause they have to rent at exorbitant prices. That's the situation I'm kind of in right now.

Another tenant remembered a conversation with her 12-year-old son about cost of living and affordability in her community. The woman's son dreamed of moving into a new apartment, asking her about the costs to live in such a building. She described the conversation:

It costs us this much now. Who knows what it's gonna cost when you're when you're old enough to live on your own, legal, legally, you know, and it depends on your employment and those sort of things.

So, the these are hard conversations to have with a 12-year-old, 'cause, you know, other than saying, "Well, you should try to live with some friends 'cause then you can share the costs" and you know those sort of things. And, "If you go to school, maybe, get a scholarship if you're lucky enough," you know those sort of things. But they're [hard conversations to have] ... he's just in the beginning of middle school.

Some tenants even made connections between the cost of living and the growth of the province. As one tenant pointed out:

And, you know, then if people are spending less on housing, then it leaves perhaps room for them to invest their money in other areas in the province, whether it's tourism or health care or maybe they can afford their medications this month, you know?

Across the province, tenants are struggling. They are struggling to find a place to live, to pay rent, and to plan for their futures. Something must be done to address the needs of tenants, and small changes to the RTA—changes that are out of step with the other provinces—remain insufficient. What follows are a set of conclusions and then recommendations to improve the situation of tenants in the province.

Conclusion

The NB Coalition for Tenants' Rights uses a housing justice perspective (Lima, 2021; Roy, 2019) to inform its recommendations on addressing the crisis in rental housing. We are concerned with housing as a basic human need that all members of our communities require. Access to affordable housing, therefore, should be provided as a right. At present, access to this universal human need is premised on ability to pay. The existing "housing crisis" is really an affordability crisis, insofar as there are too many people in our communities who cannot afford to pay for the housing they need.

Moreover, as we have demonstrated in this report, New Brunswick's housing system relies overwhelmingly on free-market mechanisms, which entail a series of special problems that existing legislation fails to cover. Too often, debates about housing in New Brunswick take the standpoint of landlords. We hear often, for instance, about landlords' financial balances and how they have to increase rents because of the operations of the market. This position was amply illustrated in the Province's 2021 report on housing where they juxtaposed housing as a human right and housing as a business, arguing that they aimed to find balance between these two positions (Government of New Brunswick, 2021). Often, members of The Coalition have felt that these landlords—who throw their hands in the air and blame their inability to provide affordable housing on the market—are arguing to socialize the housing sector altogether. As Tranjan (2023) suggests, there is a contradiction at the core of the Canadian housing system: an investor's apparent right to profit conflicts with the human right to housing. In the conflict between the two, the public is supposed to identify with investors' rights to profits. Today, real estate investment is even commonly understood as connected to one's ability to successfully retire (see CUPE, 2023). This ideological commitment, i.e., that we should identify with real estate investors rather than people who live in homes, prevents us from acting on the right to housing. The effect is to produce a housing system that impoverishes our fellow New Brunswickers and increases housing costs for all.

The tenant-landlord relationship is fundamentally a relation of power. Because it is a relation of power over a good that everyone needs to live, government is justified in taking measures to regulate the housing system, either through direct provision to ensure that housing is provided, or through market regulation. Below, we make specific recommendations for New Brunswick's housing system that government should adopt to ensure the public's housing rights are met and the shortfalls we identified in this report are addressed. The recommendations are premised on the housing systems in other provinces and are oriented to addressing the practical problems tenants face in accessing housing rights in a market where a privileged few enjoy the legal right to accumulate profits by collecting homes that others need.

This report has documented that tenants struggle to obtain housing, often feel unsafe, go without basic necessities in order to pay rent, and experience discrimination at the hands of landlords. Tenants are scared. They report living in fear of rent increases and eviction. It is not surprising that many are not optimistic about their future. These are the realities of a rental housing system that does not prioritize their needs. Despite numerous requests by tenants, advocates, community organizations, and scholars, the province has been unwilling to adopt rent control, modernize the Residential Tenancies Act, address the unequal treatment of public housing tenants, or to establish a TLRO that can act as a tribunal, where tenants can have their rights reliably vindicated and landlords can be held accountable. Much more is needed to improve the situation for low- and moderate-income renters in the province.

Recommendations

THE GOVERNMENT OF NEW BRUNSWICK MUST:

1. Adopt a Rent Control Regime

The Government of New Brunswick must protect tenants from exorbitant rental inflation and protect the province's existing supply of lower-cost units by immediately implementing a rent control regime.

The limit to annual rent increases must:

- (a) be published yearly;
- (b) be no greater than annual consumer price index (CPI);
- (c) and apply to all rental units, occupied and unoccupied.

Rent increases above the year's rent cap must only be permitted for large capital expenses and must be approved by a landlord-tenant tribunal (see recommendation 3 below) and phased in over ten years.

2. Amend the Residential Tenancies Act to Include Public Housing Tenants

As New Brunswick is the only province in Canada where public housing tenants are entirely excluded from provincial housing legislation, the province must include public housing tenants in sections of the act that protect tenants' safety and security. This should include access to the TLRO for matters such as repairs, safety, and belongings.

3. Develop a Landlord-Tenant Tribunal

The Government of New Brunswick must develop a landlord-tenant tribunal to address disputes between residential landlords and tenants, as well as eviction proceedings. This tribunal should be impartial and have the jurisdiction to enforce the RTA. It should have clear regulations, procedures, boards, and appeals processes.

4. Abolish Damage Deposits

Instead, landlords should hold a tenant's last month of rent payment, applying it to the final month of rent at the unit. Interest accruing on the last month's rent should be refunded to the tenant annually at a rate in accordance with the CPI. Applications for monies to address damage to the rental unit should be addressed through the landlord-tenant tribunal.

5. Offer Greater Eviction Protections to Tenants

The Government of New Brunswick must work to ensure that whenever possible, tenants remain in their homes. To do this, they must amend the RTA to:

- (a) legislate that all evictions be reviewed by a newly created landlord-tenant tribunal;
- (b) provide tenants a minimum of 16 days to settle rental arrears upon receiving a notice to vacate;
- (c) amend the RTA to make all tenancies that are twelve months or longer self-renewing as month-to-month tenancies after the first year.
- (d) allow tenants to end a lease during the first twelve months with 60 days notice,
- (e) shore up loopholes in existing legislation that allow landlords to evict for short-term rentals and

other business ventures;

(f) and empower local governments to keep a landlord registry in order to regularly inspect units to ensure that they are appropriately maintained and in a good state of repair, thus avoiding renovations.

6. Place the Onus on the TLRO to Serve Landlords with Complaints

Once a tenant has unsuccessfully requested a repair from their landlord, the TLRO should assume responsibility for serving the first formal written complaint to the landlord and monitoring landlord progress on the issue.

7. Allow Tenants the Rights of Reasonable Enjoyment in Their Rental Homes

The Government of New Brunswick must amend the RTA to allow tenants to reasonably enjoy their rental homes. The RTA should begin with the assumption that when a landlord rents a property, that property becomes someone else's home. This means that regular wear and tear is acceptable, and that a tenant should be allowed to decorate, entertain guests, and keep their pets.

8. Provide Aid to Low-Income Tenants to Cover Landlord-Tenant Matters

Legal Aid certificates in New Brunswick currently do not cover landlord-tenant matters. However, low-income tenants need access to representation, should they or their landlord decide to take a matter to the court. We recommend that the province fund access to legal representation through community-based clinics or, at least, by expanding the permissible use of Legal Aid certificates.

9. Allow Anyone to Make an Official Complaint to the NB Human Rights Commission

Currently only an aggrieved party can make an official complaint to the NB Human Rights Commission. Individuals who come across discriminatory rental advertisements or who witness other forms of discriminatory rental practices should be able to make an official complaint. It is unreasonable to require an individual from an equity-deserving group to apply to rent a unit with a discriminatory advertisement and then be denied a rental before making a complaint. At the same time, provide the NB Human Rights Commission with adequate resources to address the backlog of complaints and establish faster response times.

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