

Tuesday, December 15, 2020

URGENT

Dr. Eileen de Villa
Medical Officer of Health, City of Toronto
eileen.devilla@toronto.ca

Sent via email

Dear Dr. de Villa,

**RE: Suspension of residential eviction enforcement
Your legal duties and powers**

The purpose of this letter is to draw your attention to your legal authority and responsibility to order the suspension or restriction of enforcement of residential eviction orders – a measure urgently needed to help reduce the spread of COVID-19 and the threat that it poses to health. As our city's Medical Officer of Health, we demand that you act upon the overwhelming evidence that residential evictions exacerbate homelessness, overcrowding of shelters, circulation between households, and other phenomena that encourage the spread of this virus, as well as the human suffering and death that result from it.

The Superior Court of Justice had suspended residential eviction enforcement in Ontario from mid March until the end of July 2020, [but has since concluded that it does not have jurisdiction to reconsider or reverse that decision](#). The Court has instead held that [the question of whether to suspend evictions is a public policy decision for government to make](#).

Last week, the [Ontario Legislative Assembly unanimously adopted a resolution calling for the suspension of residential eviction enforcement in this province until the end of the COVID-19 pandemic](#). The passage of that resolution came after similar calls by the [City of Toronto](#), the [Regional Municipality of Peel](#) and the [Toronto Board of Health](#) seeking provincial action on this matter.

However, none of those resolutions are binding on government, and so enforcement of residential evictions continues as though there is no pandemic. In our view, **as the government official tasked with preventing the spread of disease and protecting the health of the people of Toronto, you have the power and responsibility to make the decision to suspend the enforcement of residential evictions during the COVID-19 pandemic**. This decision is especially yours to make because it requires the application of public health evidence to temporarily restrict an activity likely to spread a communicable disease.

Section 22 of the *Health Protection and Promotion Act* (“HPPA”) gives you, as a medical officer of health, the power to make orders that “may require a person to take or to refrain from taking any action that is specified in the order in respect of a communicable disease.” Your order may be directed at one or more classes of persons (e.g., residential landlords seeking to enforce eviction orders, and Court Enforcement Officers or the “Sheriff”), and may be binding on other branches of government.

In September, the U.S. Centers for Disease Control and Prevention (CDC) [declared residential evictions of tenants “detrimental to public health control measures to slow the spread” of COVID-19 and instituted a nation-wide partial moratorium](#). The CDC were acting on evidence that enforcement of residential eviction orders not only causes persons to circulate within outdoor encampments, shelter spaces, public transit, and acute health care settings – but even in the best-case scenario, such evictions cause entire households to move into other households, increasing contact between persons of varying ages, health conditions, and activity levels within the community.

As the weather turns colder and the second wave of COVID-19 continues, all of these ordinary consequences of residential eviction pose an added health risk not only to low-income and racialized communities most evicted, but to their families, friends, and ultimately the public at large. Tenants facing eviction may end up as patients in a hospital emergency room or long-term care facility; some of them already work as front-line staff in those facilities or in our factories, kitchens, grocery and hardware stores.

All our political leaders seem to agree that something should be done. The CDC took this action months ago. It is time for you to act.

Sincerely,

Greater Toronto Clinic Housing Advocates



Per: Benjamin Ries, Staff Lawyer
Downtown Legal Services

CC: Toronto Public Health (publichealth@toronto.ca)

CC: Michael Finkelstein, Associate Medical Officer of Health and Acting Director,
Communicable Disease Control, Toronto Public Health
(Michael.Finkelstein@toronto.ca)

CC: Effie Gournis, Associate Director, Communicable Disease Control, Toronto Public Health (Effie.Gournis@toronto.ca)