



**ADOPTING A RIGHTS-BASED LENS ON  
LAND DEVELOPMENT AND PROPERTY MANAGEMENT  
FOR THE PROTECTION OF PEOPLE AND ECOSYSTEMS**

JAN 1, 2025  
WINNIPEG, MB

Dear Chairperson Rollins and members of the Standing Policy Committee on Property and Development, councilors Allard, Eadie, Rollins, Schreyer, and His Worship Mayor Gillingham,

Given widescale ecological repercussions associated with current development regimes, as well as the worsening crises of homelessness and poverty in Winnipeg and the challenges in addressing these issues, we are calling upon you to adopt a rights-based lens on land development and property management in order to protect people and ecosystems.

Although many theories explore the relationship between urban sprawl and inner-city divestment and decline<sup>1</sup>, a comprehensive strategy has yet to be developed that takes a rights-based approach in considering the connection between the environmental, quality of life, and equity-based issues related to suburbanization and the perpetuating of colonial ideologies in property and land development. The following seeks to investigate these connections and advocates for the development of protocols, policies, and the tabling of legislation that identifies these issues as human rights violations and creates mechanisms to hold perpetrators accountable for environmental and social harms, such as contributing to the affordable housing crisis in Winnipeg, that have until now fallen upon the public to remediate.

## HOUSING AS A HUMAN RIGHT IN CANADA

From its very inception, Canada has had a history of displacing populations from lands perceived to be unused or misused for colonization and economic exploitation. Ongoing rates of Indigenous poverty and homelessness can be traced to the severe intergenerational trauma experienced as a result of the cultural genocide enacted through official policies such as the Indian Act, residential schools, the Métis scrip system, and Inuit relocations.<sup>2</sup>

In 2021 the United Nations Declaration on the Rights of Indigenous Peoples Act received Royal Assent and came into force in Canada. Since its adoption by the UN General Assembly in 2007, Articles 3, 21, and 23 have been commonly cited when discussing Indigenous Homelessness in Canada, as well as Article 24, "Indigenous Peoples have the right to be actively involved in developing and determining housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions".<sup>3</sup> Although the history of the issue in Canada has only very slowly trended in favor of greater empathy for people living in poverty and homelessness, recent efforts have shifted the discussion toward a better understanding of the systemic causes or factors which undergird these realities. Because of Canada's level of affluence, international attention is being given to issues of equity and the widening wealth gap as the roots of the issue.<sup>4</sup>

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<sup>1</sup> Carter, Polevychok, Tom, Chesya. "Understanding Disinvestment and Decline." *Research Chair in Urban Change and Adaptation*, (2006). Accessed June 15, 2023.

<sup>2</sup> Thistle, Jesse. "Indigenous Definition of Homelessness in Canada." Toronto: Canadian Observatory on Homelessness Press, 2017. <https://www.homelesshub.ca/sites/default/files/attachments/COHIndigenousHomelessness>.

<sup>3</sup> Department of Justice Government of Canada, "Implementing the United Nations Declaration on the Rights of Indigenous Peoples Act," Implementing the United Nations Declaration on the Rights of Indigenous People Act, April 17, 2023

<sup>4</sup> Bullard, Robert D, ed. *Growing Smarter : Achieving Livable Communities, Environmental Justice, and Regional Equity*. Urban and Industrial Environments. Cambridge, Mass. MIT Press, 2007. <https://doi-org.uwinnipeg.idm.oclc.org/10.7551/mitpress/3375.001.0001>



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## **LAND AND PROPERTY DEVELOPERS**

Land and housing developers subscribe to a set of ecologically, economically, and socially harmful practices stemming from an extraction mentality that seeks maximum profits for minimum effort or investment. This equates to a censoring of options or solutions available to communities in addressing issues around access to housing, increasing food security, maintaining healthy ecosystems, and promoting collective well-being. Lacking adequate protections that limit developers' ability to collectively gain a stranglehold over the provision of housing, the Winnipeg community is consigned to whatever housing options these providers feel inclined to offer.

In other words, the entire future of housing in Winnipeg is being left up to a handful of stakeholders whose vested interest in housing provision is the maximizing of profits. Without systems to empower divergent voices, uplift viable solutions, and hold offenders accountable for their harmful and destructive practices, the perpetrators continue to gain capital and influence to affect future plans for housing developments. Although the lack of alternatives leads the City of Winnipeg to approve of these plans *de facto*, allowing these projects to proceed constitutes several violations of human rights. The concept that should shock the conscience of citizens and policy-makers is that these corporations are being paid quite handsomely for being a (significant) part of the problem in terms of the affordable housing crisis as well as the climate crisis, extracting profits associated with land and property development while saddling taxpayers with the economic, ecological and health-related fallout of their problematic practices.

Industry standards favor aesthetic or cosmetic improvements that are deemed worthy of significant price increases (such as new countertops or cabinets) over expensive health and safety issues (such as mold remediation) which are downplayed by developers and property managers because addressing them would be a cost that does not bring a return on investment. Housing providers disproportionately favor products and services which can be quickly and easily churned out on a large scale, and involve maximal profit margins. Developers increasingly rely on business models that seek to produce immense, immediate dividends exclusively which has led to an overabundance of condominium units and a shortage of rental apartments in Winnipeg.

## **ECOLOGY, EQUITY, AND DECOLONIZATION**

Current growth patterns and practices are one of the current forms of ongoing land colonial and environmental injustice taking place in Canada. These operations represent the continuing subjugation of Indigenous peoples and present-day colonization of traditional lands through the large-scale devastation and subsequent cosmetic remediation of these spaces. Native plants are frequently replaced with non-native and often invasive species of flowers, grasses, trees, and shrubs. "Unlike the common colonialist definition of homelessness, Indigenous homelessness is not defined as lacking a structure of habitation; rather, it is more fully described and understood through a composite lens of Indigenous worldviews. These include: individuals, families, and communities isolated from their relationships to land, water, place, family, kin, each other, animals, cultures, languages, and identities."<sup>5</sup> Native species of plants often hold cultural

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<sup>5</sup> Thistle, Jesse. "Indigenous Definition of Homelessness in Canada." Toronto: Canadian Observatory on Homelessness Press, 2017. <https://www.homelesshub.ca/sites/default/files/attachments/COHIndigenousHomelessness>.



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significance and are used as food and medicine, and the disruption of these ecological relationships further isolates Indigenous people from their cultural practices and knowledge.

These housing developments also represent an unchecked transfer of wealth from the pockets of consumers, who are pushed into large, expensive homes due to a low supply of affordable housing. They become saddled with unnecessarily enormous utility bills and trapped in costly maintenance packages. The additional resources that are necessary to keep exotic fauna healthy are welcomed by companies that purposely work against ecological principles in order to operate on a commodity-based business model, getting paid repeatedly for expensive irrigation, fertilization, and herbicide treatments that keep spaces manicured while further damaging ecosystems.

By approving land-development projects premised upon the domination of nature which promote overconsumption and competition, rather than projects that support cooperation around food security, ecosystem protection and quality of life, the City of Winnipeg is violating Section 7 of the Canadian Charter of Rights and Freedoms which protects the right to life, liberty and security of the person<sup>6</sup> as well as Sections 11 and 12 of the International Covenant of Economic, Social, and Cultural Rights.<sup>7</sup>

Bill S-5, *Strengthening Environmental Protection for a Healthier Canada Act*, received Royal Assent on June 13, 2023 wherein the "Government of Canada recognizes that every individual in Canada has a right to a healthy environment and that the Government has a duty to protect that right when administering CEPA."<sup>8</sup> By allowing land developers to clearcut old-growth forests; damage the soil in ways that take decades to heal; encourage the spread of invasive plants (into the city and outward onto agricultural lands); design green spaces that feature non-native species requiring environmentally harmful maintenance to upkeep and endangering local flora and fauna including native pollinators, all of which place further strain on food production and ecosystem function, the City of Winnipeg would be seen as violating this recently affirmed right to a healthy environment.

## **CONCLUSION: CURRENT NEED AND CALL TO ACTION**

Amid calls to address environmental injustices by incorporating an environmental justice framework into municipal, provincial, and federal policies; in keeping with Calls to Action 43, 44, and 92; and also in keeping with The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among the UN Agencies adopted by UN development agencies in 2003 which calls for "a dynamic interdependence of social policy, human rights principles and legal entitlements"<sup>9</sup> and requires

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<sup>6</sup> Canadian Charter of Rights and Freedoms, s 7, Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11. <https://laws-lois.justice.gc.ca/eng/Const/page-12.html#docCont>.

<sup>7</sup> United Nations, "International Covenant on Economic, Social and Cultural Rights," OHCHR, 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

<sup>8</sup> Canada, Environment and Climate Change. "Update – Strengthening the Canadian Environmental Protection Act, 1999 and Recognizing a Right to a Healthy..." Canada.ca, February 15, 2023.

<sup>9</sup> Porter, Bruce. "International Human Rights in Anti-Poverty and Housing Strategies: Making the Connection." SSRN Electronic Journal, 2014. <https://doi.org/10.2139/ssrn.2500384>.



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that "strategies and programs ensure meaningful engagement with, and participation of, those living in poverty as rights claimants, with access to effective remedies"<sup>10</sup>:

We must hold developers accountable for the devastation they cause not only to our ecosystems but to our communities. It is no longer appropriate or acceptable to assume that developers will act in good faith, adhere to best practices, and align their operations with community interests and priorities. The situation unfolding with Lemay Forest is a perfect example of corporate interests utilizing every available mechanism to push their plans through, despite being explicitly contrary to what the community is calling for. These plans are premised on exploiting this space in the interest of tremendous profit, without regard to how it will actively impact long-established Indigenous cultural grounds, habitat to critically endangered wildlife, and historically significant spaces. Even a direct appeal from the community, with concrete evidence and a substantial offer (2.95 mil) to buy the land, has not deterred the developers from proceeding as they wish. Investors interested solely in profit must be prevented from exploiting our housing crisis to justify wreaking havoc on our wildlife, flora, and citizens. These are the places we call home, not playgrounds for profiteers.

Without stronger protections, these parties feel free to operate in bad faith, to leverage the community's connection to the land, and all available legal mechanisms, to ensure they've obtained the maximum return on their investment. In the absence of these protections, land defenders have had to step in to prevent further destruction of this important space, placing them in the legal crossfire. This is quite frankly a completely unacceptable outcome.

We call upon Standing Policy Committee on Property and Development to table legislation that would take a no-nonsense, 'you broke it, you fix it' approach to holding Property and Land Developers as well as Property Managers and Landlords accountable for their ecological, economic, and social human rights abuses, while simultaneously empowering the community through the restoration and revitalization of its spaces, in a manner that promotes the balancing of voices, the redistribution of power and the provision of housing as a human right, through increased access to appropriate, affordable, hygienic and safe housing options as well as ecosystem-friendly, food-secure communities and housing developments.

We have started a petition on [change.org](https://change.org) in conjunction with this letter to demonstrate community support for legislation providing stronger protections for ecosystems, cultural spaces, and places important to our neighbourhoods, which put the onus on developers to keep them healthy. It can be viewed by clicking [here](#).

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<sup>10</sup> Porter, Bruce. "International Human Rights in Anti-Poverty and Housing Strategies: Making the Connection." SSRN Electronic Journal, 2014. <https://doi.org/10.2139/ssrn.2500384>.



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