

# Gendered Eviction in Saskatchewan

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*In the following article, authors Buhler and MacLean discuss the results of their research study designed to investigate whether gender is a factor in formal evictions in Saskatchewan. By analyzing documented tenant names and public eviction data, the study identifies a clear gendered dynamic in formal eviction processes and demonstrates both higher rates of eviction and increased severity of eviction orders for women than men in Saskatchewan in 2021. The disproportionate rates of eviction in the study confirm the results of existing research that gender has an impact on eviction levels. The authors argue that the feminization of poverty, childcare obligations, the gender of hearing officers, and gender-based power dynamics between landlords and tenants may influence such results. While the need for more research on the intersectionality of gendered eviction is highlighted, the study recognizes that while women generally face higher rates of eviction, all tenants facing eviction face deep inequities and challenges. The authors call on policymakers to improve access to justice and provide a gender-based lens in eviction prevention measures and policies, including training hearing officers on gender dynamics.*

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## **Introduction**

Gender inequality is entrenched in many aspects of housing in Canada. Research has established that women, girls, and gender-diverse people experience disproportionate levels of core housing needs, unsafe and inadequate housing conditions, and discrimination in accessing housing.<sup>1</sup> While advocates have long argued that the housing-related vulnerabilities experienced by women, girls, and gender-diverse people mean they are also disproportionately at risk of eviction from rental housing, and while American researchers have established that women (specifically Black women) are more likely than other groups to experience eviction,<sup>2</sup> very few Canadian studies have empirically investigated the relationship between gender and eviction.

The present study sought to investigate whether gender is a factor within formal evictions in the province of Saskatchewan. Adapting methodologies used

1. Kaitlin Schwan et al, *The Pan-Canadian Women's Housing & Homelessness Survey* (Toronto: Canadian Observatory on Homelessness, 2021) at 5 [Schwan et al, *Pan-Canadian Housing Survey*].

2. This research is discussed below.

in similar American studies where tenant names are analyzed in order to make conclusions about gender, we identified a clear gendered dynamic in formal eviction processes in Saskatchewan. Specifically, we found that in Saskatchewan in 2021, women received eviction orders more often than men. We also found that women received more drastic “immediate” eviction orders more often than men, as opposed to less drastic “delayed” eviction orders (where the tenant is given additional time to move out and find a new home). In this paper, we first provide some background discussion about gendered inequities in housing generally, and in evictions specifically. We go on to describe the methodology and limitations of our study. We then turn to a discussion of our results, the implications for policy and practice, and considerations for future research.

## II. Background: Gender, Housing & Eviction

### *A. Gender & Housing*

Although little Canadian research investigates gendered aspects of eviction, a body of Canadian research and scholarship documents deep gendered and intersectional inequities across multiple aspects of rental housing and homelessness. Research establishes that women, girls, and gender-diverse people experience disproportionate levels of core housing needs, meaning that housing “falls below at least one of the adequacy, affordability, or suitability standards and it would have to spend 30% or more of its . . . income to pay the median rent of alternative local housing that is acceptable”.<sup>3</sup> Women also experience disproportionately unsafe and inadequate housing conditions and higher rates of discrimination when trying to access housing.<sup>4</sup> As Brenda Parker and Catherine Leviten-Reid write, “gender relations shape vulnerabilities around shelter and survival”.<sup>5</sup>

Researchers identify several factors that shape women’s housing and homelessness experiences, including lower wages, the “feminization of poverty”, women’s caregiving responsibilities, and intimate partner and family violence.<sup>6</sup> Women are more likely to work in low-paid and precarious jobs, meaning they struggle more to pay rent and may be forced to live in inadequate and unsafe

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3. Statistics Canada, “Core Housing Need” (21 September 2022), online: <statcan.gc.ca/perma.cc/H439-GYH2>. “57% of renter households in core housing need are female-led families or single”: Schwan et al, *Pan-Canadian Housing Survey*, *supra* note 1 at 10.

4. See Brenda Parker & Catherine Leviten-Reid, “Pandemic precarity and everyday disparity: gendered housing needs in North America” (2022) 49:1 *Housing & Society* 10 at 13, 19.

5. *Ibid* at 10.

6. *Ibid* at 12, 15–16.

housing as a result of financial constraints.<sup>7</sup> As Schwan and her co-authors explain, “[p]overty often traps women and women-led families in cycles of violence, housing precarity, food insecurity, and various types of dangerous or unhealthy living situations”.<sup>8</sup> Because women are more likely to be primary caregivers for dependent children, they face unique challenges relating to affordability and adequacy of housing. Women who are unable to afford adequate or safe housing risk the apprehension of their children. Once children have been apprehended, women often lose benefits and face monumental struggles in re-establishing stable housing, which is often a precondition to regaining custody.<sup>9</sup> Finally, experiences of intimate partner and family violence create precarious and unsafe housing for many women and constitute a unique gendered pathway into homelessness.<sup>10</sup>

Researchers have emphasized that gendered inequalities in housing are profoundly intersectional. Gender intersects with other social identities and locations, including Indigeneity, race, immigration status, ability, and gender identity, to shape housing prospects and experiences.<sup>11</sup> Indigenous women are more likely to face housing insecurity, core housing needs, homelessness, and discrimination by housing providers.<sup>12</sup> Schwan and her co-authors write that Indigenous women, girls, and gender-diverse people face some of the most egregious violations of the right to housing in Canada.<sup>13</sup> Research also shows that women who are newcomers or refugees also experience disproportionate core housing needs and high levels of discrimination in the rental housing market.<sup>14</sup> 2SLGBTQIA+ people also experience high levels of homelessness

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7. See Schwan et al, *Pan-Canadian Housing Survey*, *supra* note 1 at 11. See also Kaitlin Schwan et al, *Implementation of the Right to Housing for Women, Girls, and Gender Diverse People in Canada* (Toronto: Office of the Federal Housing Advocate, 2021) at 9 [Schwan et al, *Implementation*].

8. Schwan et al, *Pan-Canadian Housing Survey*, *supra* note 1 at 11.

9. See Lisa Berg & Lars Brännström, “Evicted Children and Subsequent Placement in Out-of-home Care: A Cohort Study” (2018) 13:4 PLOS One. See also Allison Groening et al, *Housing Needs of Indigenous Women Leaving Intimate Partner Violence in Northern Communities* (Winnipeg: Canadian Centre for Policy Alternatives, 2019) at 10–11; Schwan et al, *Implementation*, *supra* note 7 at 9.

10. See Groening et al, *supra* note 9 at 8.

11. See Schwan et al, *Pan-Canadian Housing Survey*, *supra* note 1 at 12.

12. See e.g. Deanna Yerichuk et al, *Housing and Homelessness Policy Recommendations for Indigenous Women Affected by Domestic Violence: A Scoping Review* (Edmonton: PolicyWise for Children and Families, 2016) at 8; Carol Muree Martin & Harsha Walia, *Red Women Rising: Indigenous Women Survivors in Vancouver’s Downtown Eastside* (Vancouver: Downtown Eastside Women’s Centre, 2019).

13. Schwan et al, *Implementation*, *supra* note 7 at 34.

14. *Ibid* at 37.

and distinct challenges in housing.<sup>15</sup> Schwan and her co-authors write that “[t]hese challenges are rooted in deeply engrained discrimination in Canadian society”, including the “lack of shelter or services for people who fall outside of the gender binary”.<sup>16</sup> Furthermore, nearly half of Canadian women who have experienced homelessness are living with a disability.<sup>17</sup> Many women, girls, and gender-diverse people who live with disabilities face high levels of homelessness and many barriers to accessing sufficient financial support to afford adequate housing.<sup>18</sup> It is important to keep these intersectional inequities in mind when considering the data in our study.

### *B. Gender & Eviction*

Eviction from rental housing can be a harshly destabilizing experience with long-lasting consequences for those subject to it. Research has shown that eviction can lead to loss of employment, disruption of schooling, and higher risks of a variety of physical and mental health problems.<sup>19</sup> In a recent Canadian study, tenants who had been evicted used the language of trauma to describe their experiences, attributing fear, depression, and a sense of loss to their experiences of eviction.<sup>20</sup> Tenants who have a history of eviction often face significant challenges in subsequently finding adequate housing.<sup>21</sup> Eviction can also lead to homelessness.<sup>22</sup> As Peter Hepburn and his co-authors have

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15. *Ibid* at 39. The term 2SLGBTQIA+ refers to Two-Spirit people, lesbian, gay, bisexual, transgender, queer, intersex, and asexual people, and is intended to be inclusive of those who identify as part of diverse gender/sexual communities.

16. *Ibid*.

17. See *ibid* at 41.

18. See *ibid* at 41–42.

19. Note that given the relative dearth of empirical research on the impacts of eviction in Canada, it is common practice for Canadian studies to refer to American research. Clearly, there remains a need for more Canadian research on all aspects of eviction. See Kathryn A Sabbath, “Housing Defense as the New Gideon” (2018) 41 *Harv JL & Gender* 55 at 66; Sarah Zell & Scott McCullough, *Evictions and Eviction Prevention in Canada* (Winnipeg: Institute of Urban Studies, University of Winnipeg, 2020) at 43; Hugo Vásquez-Vera et al, “The Threat of Home Eviction and Its Effects on Health Through the Equity Lens: A Systemic Review” (2017) 175 *Soc Science & Medicine* 199; Joey Dobson, “Housing is Healthcare: How Preventing Evictions Keeps People Alive” (2021) 90 *Hennepin L* 13.

20. See Zell & McCullough, *supra* note 19 at 102.

21. See Matthew Desmond, *Evicted: Poverty and Profit in the American City* (New York: Crown Publishers, 2016) at 118.

22. See Emily Paradis & Tracy Heffernan, “Preventing Homelessness by Preventing Eviction” (24 November 2016), online: <homelesshub.ca> [perma.cc/NN3C-9GX8].

concluded, eviction is therefore implicated in the reproduction of poverty and disadvantage.<sup>23</sup> Eviction impacts individual tenants and their families, but researchers have pointed out that eviction's harms reverberate beyond the individuals directly affected. Neighbourhoods subject to high eviction rates have lower levels of community cohesion and stability relative to other neighbourhoods.<sup>24</sup> Eviction is also costly to the public as it is associated with higher health and other public expenditures.<sup>25</sup>

Women, gender-diverse people, and children experience specific harms due to eviction. Sabbeth writes that mothers suffer doubly from eviction because of the suffering that eviction inflicts on children.<sup>26</sup> Eviction can also shatter families as it can trigger child apprehension proceedings.<sup>27</sup> Other research has shown that eviction is more likely to lead to homelessness and risk of abuse for women.<sup>28</sup> Matthew Desmond and his co-researchers found that evicted mothers experienced more material hardship, higher rates of depression, and worse health outcomes for both them and their children as compared to mothers who were not evicted.<sup>29</sup>

Eviction and the harms that flow from eviction are not distributed evenly among tenants. American research has shown striking gender and racial disparities in eviction, and women—particularly Black women—experience higher rates of eviction than other groups.<sup>30</sup> Studies conducted in several American cities showed that women comprised the majority of all evicted tenants with Black women facing higher eviction rates than other groups.<sup>31</sup>

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23. See Peter Hepburn, Renee Louis & Matthew Desmond, "Racial and Gender Disparities among Evicted Americans" (2020) 7:27 *Sociological Science* 649 at 649.

24. See Sabbeth, *supra* note 19 at 68–69.

25. See *ibid* at 69. See also Judith Fox, "The High Cost of Eviction: Struggling to Contain a Growing Social Problem" (2020) 41:3 *Mitchell Hamline LJ Pub Pol'y & Practice* 167 at 170.

26. Sabbeth, *supra* note 19 at 95.

27. See Groening et al, *supra* note 9.

28. See Richard Tessler et al, "Gender Differences in Self-Reported Reasons for Homelessness" (2001) 10:3 *J Soc Distress & Homeless* 243 at 248.

29. See Matthew Desmond & Rachel Tolbert Kimbro, "Eviction's Fallout: Housing, Hardship, and Health" (2015) 94:1 *Soc Forces* 29.

30. See Hepburn, Louis & Desmond, *supra* note 23 at 658; Chester Hartman & David Robinson, "Evictions: the Hidden Housing Problem" (2003) 14:4 *Housing Pol'y Debate* 461 at 467; Emily A Benfer et al, "Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy" (2021) 98:1 *J Urban Health* 1.

31. Deena Greenberg, Carl Gershenson & Matthew Desmond "Discrimination in Evictions: Empirical Evidence and Legal Challenges" (2016) 51:1 *Harv CR–CLL Rev* 115 at 120; Public Justice Center, *Justice Diverted: How Renters are Processed in the Baltimore City Rent Court* (Baltimore: Public Justice Center, 2015) at 12–13; Hartman & Robinson, *supra* note 30 at 467.

Black women may face more than double the rate of eviction compared to white women.<sup>32</sup> Indeed, the disproportionate impact of eviction on Black women led Desmond to observe that “if incarceration has become typical in the lives of men from impoverished black neighborhoods, eviction has become typical in the lives of women”.<sup>33</sup> As Sabbeth and Steinberg conclude, in the United States, all studies thus far have reached the same conclusion: “[e]victions disproportionately affect Black women and children”.<sup>34</sup>

As noted, there is limited research on the gendered dynamics of eviction in Canada. Leora Smith studied illegal act evictions in Toronto and New York City, focusing on a subset of evictions specifically brought because of allegations relating to behaviours of third parties (i.e. guests or family members of the tenant) in public housing contexts.<sup>35</sup> Smith examined a total of twenty-seven Ontario eviction decisions over six years (2010–2016).<sup>36</sup> As Smith notes, her study provides only a small snapshot in terms of its analysis.<sup>37</sup> Nevertheless, Smith found that in her dataset, 90% of tenants threatened with illegal act evictions based on the act of a third party were women.<sup>38</sup> In contrast, Silas Xuereb, Andrea Craig, and Craig Jones recently conducted an analysis of evictions using survey data from the Canadian Housing Survey.<sup>39</sup> They found no relation between gender and eviction.<sup>40</sup> However, Xuereb’s study considered voluntary survey data rather than an analysis of eviction decision data. There appear to be no other studies considering gender and eviction in Canada. Indeed, Zell and McCullough conclude that in Canada, “because of lack of data on evictions, it remains unclear which demographic groups may be most vulnerable [to eviction]”.<sup>41</sup> Similarly, the National Right to Housing Network and the Women’s National Housing and Homelessness Network recently noted

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32. See Hepburn, Louis & Desmond, *supra* note 23 at 654; Matthew Desmond, “Eviction and the Reproduction of Urban Poverty” (2012) 118:1 *Am J Sociology* 88 at 98–100.

33. Greenberg, Gershenson & Desmond, *supra* note 31.

34. Kathryn A Sabbeth & Jessica K Steinberg, “The Gender of Gideon” (2023) 69 *UCLA L Rev* 1130 at 1147.

35. Leora Smith, “The Gendered Impact of Illegal Act Eviction Laws” (2017) 52:2 *Harv CR-CLL Rev* 537.

36. See *ibid* at 553.

37. *Ibid*.

38. See *ibid* at 556.

39. See Silas Xuereb, Andrea Craig & Craig Jones, *Understanding Evictions in Canada through the Canadian Housing Survey* (Vancouver: Housing Research Collaborative, 2021).

40. See *ibid* at 8.

41. Zell & McCullough, *supra* note 19 at 13.

that there is a lack of data on women and gender-diverse people's experience of eviction.<sup>42</sup> Our study has attempted to address this lack of data by examining the gender of tenants who received formal eviction orders in one Canadian jurisdiction, Saskatchewan, over the course of one year.

### III. Methods

#### *A. Data Collection, Analysis & Limitations*

In Saskatchewan, evictions are handled by an administrative tribunal called the Office of Residential Tenancies (ORT), which is responsible for applying the provisions of the *Residential Tenancies Act, 2006 (the Act)*,<sup>43</sup> the legislation that governs evictions in the province. The Act permits landlords to seek eviction orders in a variety of circumstances, including non-payment of rent/rental arrears (by far the most common ground for eviction), disruptive or illegal behaviours of tenants or their guests, or because the landlord wishes to renovate the property.<sup>44</sup> Eviction orders can be immediate, meaning the tenant must vacate their home immediately, or set for a later date in order to give a tenant some time to pack and move out.<sup>45</sup> Typically, a landlord seeking to evict a tenant applies for a hearing at the ORT.<sup>46</sup> Following a hearing, where both the landlord and tenant can provide evidence and argue their case, a hearing officer releases a written decision. These decisions are published through CanLII,<sup>47</sup> a free online legal database. According to the ORT, all of its decisions are posted to CanLII.<sup>48</sup> Unlike some of its counterparts in other jurisdictions that anonymize tenant names

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42. The National Right to Housing Network and the Women's National Housing and Homelessness Network, *Gendered Evictions in Financialized Housing Markets Across Canada: The Case for Human Rights Intervention and Oversight* (Canada: National Right to Housing Network & Women's National Housing and Homelessness Network Report, 2023) at 7.

43. *Residential Tenancies Act*, SS 2006, c R-22.0001 [*Residential Tenancies Act*].

44. See generally *ibid.*

45. See discussion in Sarah Buhler, "Pandemic Evictions: An Analysis of the 2020 Eviction Decisions of Saskatchewan's Office of Residential Tenancies" (2021) 35:1 JL & Soc Pol'y 68 at 90.

46. See *Residential Tenancies Act*, *supra* note 43 at ss 67–68.

47. See "CanLII" (last visited 8 July 2023), online: <canlii.org> [perma.cc/H7HP-KSEN].

48. See "Office of Residential Tenancies" (last visited 6 May 2023), online: <saskatchewan.ca> [perma.cc/RW4B-N5QK]; Tyler Young & Andrew Restall, "Office of Residential Tenancies: the Impact of Covid-19", CBA Saskatchewan, BarNotes (Winter, 2020) 19 at 19.



when publishing them, the ORT publishes the full names of tenants in its decisions.

Our goal in the study was to determine the gender of tenants who were named in eviction decisions released by the ORT in 2021. As we will explain below, our methodology involved a two-stage process. We first attempted to determine tenant gender by identifying tenant pronouns that appeared in the written decisions. Because a large number of decisions did not include tenant pronouns within the body of the decision, we also used an online “gender guesser” program for the remaining names. The dataset for our study was all of the 2021 eviction decisions of the ORT published on CanLII. Relying on the statement of the ORT that all decisions are published on CanLII,<sup>49</sup> we believe that these published decisions constitute the entire (or close to the entire) dataset of written eviction decisions for that year.

The decisions were reviewed and reported on by four undergraduate law student research assistants.<sup>50</sup> All research assistants received the same detailed directions, and their compliance was verified throughout the data collection process. Research assistants identified eviction decisions by first accessing the CanLII homepage for the ORT. Following this, the research assistants were instructed to enter “Order of possession’ OR ‘Order for possession” into the search bar entitled “Document text”. These terms are used in ORT decisions dealing with eviction. At this point, research assistants were instructed to use the “date” filter function to locate the decisions for the specific months in 2021 assigned to them. We note that not all decisions that fall into this search function were related to eviction, as can be seen with select cases where the only hearing grounds relate only to payment of arrears or damages.<sup>51</sup> Consequently, the authors reviewed all of the results to ensure that only cases relating to eviction were recorded in the final dataset. This process allowed us to identify all 2021 ORT eviction decisions published on CanLII: 2,323 in total.

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49. See *ibid.*

50. The authors acknowledge the invaluable support of these research assistants, who were JD Candidates at the University of Saskatchewan at the time that the research was being conducted: Wendy Corden, Alexis Kardas, Joshua Marych, and Zeyad Aboudheir. We note that the authors also completed the data collection of three months cumulatively.

51. This process was undertaken by identifying all cases where the outcome was solely payment and by reviewing all cases where s 70 of the *Residential Tenancies Act*, *supra* note 43 appeared in isolation as grounds for the hearing. Disqualified decisions include those of *Ouellette v Malinowski & Anor*, 2021 CanLII 1143 (SKORT), *PA Community Housing Society Inc v Naytowhow*, 2021 SKORT 1145, and *Weidner Investment Services Inc v Robillard*, 2021 SKORT 934. Further, cases were disqualified if the landlord was seeking payment from a tenant who had already vacated the unit at the time of the hearing. See *Regina Housing Authority v Mang*, 2021 SKORT 1716 at para 1.

The year 2021 was chosen for this research because it represents the most recent complete year of data at the time of the research. Our team analyzed all 2,323 ORT eviction decisions published on CanLII between January 1, 2021, and December 31, 2021. Each decision was coded by a member of the research team, who reproduced the following elements in a preformatted Microsoft Excel document: case citation, tenant name, tenant pronouns (if present in the written decision), whether the tenant appeared at the hearing, name of the hearing officer, outcome, and any relevant notes.

While the majority of the elements were straightforward in terms of coding, the tenant pronoun element requires further explanation. Research assistants were instructed to identify whether the following terms were used by the hearing officer when referencing the tenant: “she”, “her”, “hers”, “he”, “his”, and “him”. Where the key terms “she”, “her”, or “hers” were used by the hearing officer in the written eviction decision, research assistants were instructed to label them as “feminine pronouns”. Conversely, where the key terms “he”, “him”, or “his” were used by the hearing officer in the written eviction decision, research assistants were instructed to label them as “masculine pronouns”. Where none of the above-mentioned key terms were found within the hearing officer’s written eviction decision, research assistants were instructed to label the tenant’s pronouns as “unknown”.

We acknowledge that there is a potential for error when relying on adjudicator-identified pronoun use. In a 2021 opinion post, the Canadian Bar Association highlighted the risk of incorrect pronoun use in court, stating that “[m]isgendering in court happens regularly”.<sup>52</sup> Largely, the subjects of misgendering are either transgender or identify as non-binary.<sup>53</sup> In order to counteract the harmful nature of misgendering, a number of courts and tribunals across Canada have implemented a policy that allows parties before the court to state their pronouns.<sup>54</sup> However, there is no indication that a policy of this sort exists at the ORT.

As a result of the data collection methods chosen—where researchers identify and reproduce each decision’s metadata—we also acknowledge the probable presence of human error. It is commonly understood that “[w]here humans do data entry, errors are . . . expected”.<sup>55</sup> Such data entry errors are a source of random error, which effectively reduces the reliability of the dataset.<sup>56</sup>

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52. Duston Klautd & Lisa M G Nevens, “No Need To Guess”, *CBA National* (10 February 2021), online: <nationalmagazine.ca> [perma.cc/6HE3-HG6K].

53. See *ibid.*

54. See *ibid.*

55. Kimberly A Barchard & Larry A Pace, “Preventing Human Error: The Impact of Data Entry Methods on Data Accuracy and Statistical Results” (2011) 27:5 *Computers in Human Behavior* 1834 at 1834.

56. See *ibid.* at 1838.

Despite these concerns, human data collection methods were still chosen on the grounds of limited resources and expertise pertaining to automated data collection. Throughout the data collection process, we were cognizant of such possibilities for error and employed strategies to reduce their likelihood of occurrence. This largely consisted of randomized checks of the researchers' data reliability. In particular, each month of eviction decisions received a check on a minimum of ten decisions. Where errors were found, the randomized checking snowballed until there was a satisfactory level of accuracy based on the subjective opinion of the authors. As a result, the probability of human error has been actively counteracted, thus reducing the probability of random error and increasing the reliability of the data discussed herein.

Further mitigating concern about human error is the large sample size investigated in this study. Where a sample size is small, a single random error can skew the results of the study. For example, if the sample size is 10 and 1 random error is made, the result is a 10% error rate. Conversely, if the sample size is 100 and 1 random error is made, the result is a 1% error rate. As a result, "the key to controlling random error in designing a trial is to ensure that the sample size is large enough to permit an observed difference of a specific size to be considered documentation of a true difference in effect".<sup>57</sup> In addition to addressing random error, the large sample size also decreases the likelihood of systemic error.<sup>58</sup> This type of error is a non-random error which stems from the lack of reliability of the information provided to the researcher.<sup>59</sup> Thus, both systemic and random errors are addressed where an appropriate sample size is provided in order to meet the accuracy goals of the analysis at hand.

Finally, it is important to keep in mind when considering our study that evictions can be "formal" or "informal". Our study only focuses on formal evictions in Saskatchewan—that is, evictions that are decided through the legal process. Many observers have noted that the majority of evictions may, in fact, be informal, meaning that they happen outside of the legal process and the tenant moves before an official legal process is initiated or completed.<sup>60</sup> Zell and McCullough note that informal eviction can occur following a range of actions, "from a simple landlord request that a tenant vacate . . . to

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57. Susan S Ellenberg & Jacqueline A French, "Bias and Random Error" in Bernard Ravina et al, eds, *Clinical Trials in Neurology* (Cambridge, UK: Cambridge University Press, 2012) at 44. See also Loleen Berdahl & Keith Archer, *Explorations: Conducting Empirical Research in Canadian Political Science*, 3rd ed (Toronto: Oxford University Press, 2015) at 164.

58. See Berdahl & Archer, *supra* note 57 at 154.

59. See *ibid* at 379.

60. See Zell & McCullough, *supra* note 19 at iii; Matthew Desmond & Tracey Schollenberger, "Forced Displacement from Rental Housing: Prevalence and Neighborhood Consequences" (2015) 52:5 *Demography* 1751 at 1761.

actions by a landlord that effectively force a tenant to leave”.<sup>61</sup> In contrast, formal evictions are enacted through a legal process—the ORT in our case. Because our study only focuses on formal evictions, it only captures part of the whole picture of evictions. Future research could investigate the gendered dynamics of informal evictions in Canada.

### *B. A Binary Gender-Based Analysis & Other Limitations*

As discussed above, researchers were instructed to classify tenant gender based on pronouns used by hearing officers in the written eviction decisions. The possible outcomes of classification were: (1) feminine, (2) masculine, and (3) unknown. The majority of the tenants in our dataset were classified as “unknown”, resulting from a lack of reference to tenant pronouns in many of the decisions. Other research that links eviction data to tenant gender has encountered similar issues, and has sought to expand the number of tenants who can be classified on the gender binary through the use of a probability-based classification of first names.<sup>62</sup> For example, Hepburn and his co-authors used a combination of two R package programs and a web program to classify first names of tenants into gendered categories: *gender*, *genderizR*, and *GenderAPI*.<sup>63</sup> Employing a triad of programs to assign gender allowed researchers to take the mean of all available results, which provides for increased reliability in gender classifications.<sup>64</sup>

Because of time, technical, and financial constraints, we opted to not use fee-based gender-classification programs or to attempt to create our own from scratch, as recommended by some authors.<sup>65</sup> Instead, we turned to a free online gender classification program, the “Gender-Guesser”

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61. Zell & McCullough, *supra* note 19 at iii–iv.

62. Hepburn, Louis & Desmond, *supra* note 23.

63. See *ibid* at 650.

64. See *ibid*.

65. See e.g. Hua Zhao & Fairouz Kamareddine, “Recursion Identify Algorithm for Gender Prediction with Chinese Names” (2018) Data Science Conference Proceedings 137. Programs, such as those used by Hepburn, Louis & Desmond, *supra* note 23, are not accessible where financial restrictions exist on the research undertaking. For example, the web application used in their analysis—*GenderAPI*—would have cost at least 18.95 CAD to complete the research herein “Pricing” (last visited 17 July 2022), online: <[gender-api.com](http://gender-api.com)>. The requirement to pay in order to access gender-predicting programs is not unique to the research from Hepburn, Louis & Desmond. The gender classification program *genderize.io* costs 7 EUR per month, *NameAPI* costs 150 EUR per month, and *NameSor* costs 80 EUR per month. Lucia Santamaria & Helena Mihaljevic, “Comparison and Benchmark of Name-to-Gender Inference Services” (16 July 2018), online (pdf): <[peerj.com](http://peerj.com)> [perma.cc/JY9J-68W2] [Santamaria & Mihaljevic, “Comparison”].

program, to allow us to classify tenant names.<sup>66</sup> Gender-Guesser is a free Python package that can accurately classify a database of 45,000 names.<sup>67</sup> While the repository of names has not been recently updated, the program has been held to be of high quality in its classification of names.<sup>68</sup> For the research at hand, the priority given to accuracy over the number of names in the repository is acceptable. Despite the indications that limited names exist in the database, only 133 of 2,323 tenants in our study remained classified as unknown by the Gender-Guesser program. This means 5.73% of tenants in our dataset are without gender classification. While this is not a significant proportion, it is of note that, based on author perceptions, the majority of the names which remain “unknown” are recognizable by the authors as being feminine. As a result, while the magnitude may be altered as a result of unclassified “unknown” tenants, the trends of the results are unlikely to be. This is due to the fact that “unknown” tenants show similar outcomes to their “feminine” counterparts.

In sum, the Gender-Guesser program supported the authors’ reclassification of all “unknown” gender classifications from the researchers’ data collection to: (1) feminine, (2) masculine, (3) bi-gendered cohabitation, and (4) unknown. This reclassification is based off the outputs available from gender-guesser: (1) female, (2) mostly female, (3) male, (4) mostly male, (5) “andy”,<sup>69</sup> and (6) unknown.<sup>70</sup> If the outcome on Gender-Guesser was “male” or “mostly male”, the name was classified as masculine. If the outcome was “female” or “mostly female”, the name was classified as feminine. If the outcome was “andy” or “unknown”, the name was classified as “unknown”. Where two tenants of the same rental unit were of different genders (masculine and feminine), the eviction was classified as “bi-gendered cohabitation”. Where an “unknown” tenant and a gender-identified tenant were cohabiting, the eviction was listed under the gender of the tenant that we could identify. The result of these classifications compartmentalizes gender on the binary, allowing for gender-based conclusions to be reached in relation to our specific dataset.

It is important to emphasize that our approach is unable to account for tenant self-identification in terms of gender. Actual gender identities could have only been confirmed through the subjective reporting of the tenants—a process that was outside the scope of our project. Our reliance on a gender classification program means that we have imposed a binary lens on our results. We acknowledge that the reliance on the gender binary is problematic. The

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66. See *ibid.*

67. See Santamaria & Mihaljevic, “Comparison”, *supra* note 65 at 6.

68. See *ibid.*; Helena Mihaljevic & Lucia Santamaria, “Telling the Gender from a Name”, *Gender Gap in Science* (16 July 2018), online: <gender-gap-in-science.org/> [perma.cc/QV9K-3CVS].

69. “Andy” represents all names which are equally probable to be female and male.

70. See Santamaria & Mihaljevic, “Comparison”, *supra* note 65 at 5.

research herein does not seek to advance cisnormativity, but does limit the visibility of non-binary and genderqueer individuals as a result of the methods chosen. Such an exclusion has historically led to the stigmatization and oppression of non-binary and genderqueer individuals.<sup>71</sup> To counteract such a result, we recognize here and throughout the subsequent analysis that the gender binary in the dataset is artificially created. It does not capture non-binary and genderqueer individuals; but that does not mean that these individuals do not exist, nor does it mean that their experiences are not worthy of consideration. This is an important area for future research. While our approach does not reflect non-binary and genderqueer<sup>72</sup> tenants, we note that our study may, in fact, appropriately match transgender tenants with their gender identity where transgender tenants have changed their legal name to a name associated with their self-identified gender.<sup>73</sup> That is, where transgender individuals have changed their legal name to one of their self-identified gender, the process of gender categorization through Gender-Guesser will appropriately match the individual with their gender identity. Conversely, where a transgender individual is forced to rely on a deadname or chooses to retain a name that Gender-Guesser does not identify as matching their gender identity, non-random errors may occur. As a result, transgender persons have the possibility of being appropriately classified by Gender-Guesser, an outcome that is not available for non-binary and genderqueer persons.

We also note that the nature of our study also means that we were unable to draw conclusions about many other important aspects of the identities of people who experience eviction in Saskatchewan. For example, while the above research suggests that racialized and Indigenous tenants, single mothers, people with disabilities, and members of 2SLGBTQIA+ communities are more likely to face eviction than other groups, the ORT's written eviction decisions do not record this kind of information about tenants, and our study could therefore not address these issues. We conclude that more women than men face eviction orders; however, this means we are unable to say, for example, whether women who are also mothers or women who are racialized are more likely to experience eviction.

Related to the above, we acknowledge that our study focuses on tenants who are actually named in written eviction decisions. As we will

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71. See Meredith G F Worthen, "Why Can't You Just Pick One? The Stigmatization of Non-binary/Genderqueer People by Cis and Trans Men and Women: An Empirical Test of Norm-Centered Stigma Theory" (2021) 85:2 Sex Roles 343 at 345.

72. The term "genderqueer" is often used as an umbrella identity term that encompasses individuals who are gender non-binary or gender fluid and/or those who do not fit within the categories of man or woman". See *ibid.*

73. Many studies erroneously equate non-binary and genderqueer individuals as being transgender and other gender, leading to gender identity-based stigmatization. See *ibid.*

see, women who are named as sole tenants are evicted more often than men who are listed as sole tenants. As noted, our study does consider co-habiting couples who are listed in the eviction decisions as co-tenants. However, it is likely that some or many of the women who are listed in the written decision as sole tenants may, in fact, have had roommates or partners who were not formally listed as tenants living with them. As noted above, it is also likely that some or many of these women also lived with children. Again, this information is not included in any systematic way in the decisions. Conversely, it is possible that when men who are listed in the ORT decision as the sole tenant are evicted, women and children who are living with them but who are not named in the decision are also impacted. Clearly, more research is needed to more fully understand the dynamics and impacts of eviction in Saskatchewan and elsewhere in Canada. That said, our study shows that where women are listed as sole tenants, regardless of whether they are living with unlisted spouses, children, or other people, they are evicted more often than other tenants. We believe this remains an important finding. There is a clear need for detailed future research to answer many questions that our small study was unable to address.

To summarize, in cases where we were unable to identify gender pronouns within the body of the decision, we classified the gender of tenants through the Gender-Guesser program. The results divide all tenants into binary categories of feminine, masculine, bi-gendered (where two or more tenants of feminine and masculine classifications are named together in the decision), or unknown. This approach, however, creates limits within the scope of gendered analysis. The analysis does not capture the presence of non-binary and genderqueer individuals. Conversely, the gender identities of MtF<sup>74</sup> and FtM<sup>75</sup> transgender persons may be accurately represented within the dataset where their legal name matches their gender identity. Furthermore, these methods do not account for disability, marital status, sexuality, number of dependents and/or cohabitants, etc. In the subsequent analysis, we are cognizant of these limits and recognize the limits on population representation that such an analysis creates. We call for future researchers to design approaches that move beyond binary gender analyses.

### *C. Choice of Statistical Analysis*

We are cognizant of our intended audience: lawyers, lawmakers, policymakers, and housing advocates. As a result, we attempted to choose simple and accessible quantitative methods. We undertake to explain how our choice of statistical analysis works at every step of the calculation process in an effort to be as clear as possible.

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74. Male to Female.

75. Female to Male.

Throughout the statistical analysis, we consider the proportion of male and female tenants in Saskatchewan. A study undertaken in 2019 indicates that 51.6% of total tenants in Saskatchewan identify as female, while 48.3% of tenants identify as male.<sup>76</sup> Between these two values, there is a variance of 3.3%. However, this statistic does not indicate how many tenants are cohabiting in bi-gendered couples. Nevertheless, the variance on the gender binary—even where one applies this variance exclusively to the male and female tenants identified—has little effect on the conclusions ultimately drawn in this study, where we found that women faced eviction in excess of 3.3% more often than men.

## IV. Results

### *A. Female Tenants Were the Subjects of More Eviction Hearings and Received More Eviction Orders Than Male Tenants*

In 2021, the ORT published 2,323 eviction decisions on CanLII. In the vast majority of these decisions, the landlord was successful, and landlords received immediate or delayed eviction orders in 2,148 cases, or 92.47% of all cases. Table 1 outlines the rate of eviction hearings based on gender, showing that female tenants were the subjects of 45.54% of all eviction hearings at the ORT in 2021. Conversely, male tenants were the subject of 34.27% of all eviction hearings, making them 11.27% less often the subject of an eviction hearing than women. Thus, female tenants were more often involved in eviction hearings than male tenants, even where the data is controlled for renter population demographics.<sup>77</sup>

When we look at the outcomes of these hearings (as opposed to simply the total number of hearings), Table 2 shows that female tenants received a total of 990 eviction orders (46.09% of total orders), whereas male tenants received

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76. See CMHC, “Core Housing Need Characteristics by Population and Gender” (8 October 2019), online: <cmhc-schl.gc.ca> [perma.cc/5LM6-P4Y7] [“Core Housing Need”].

77. Note that as discussed in the previous section, the population demographics indicate that women make up a larger portion of the rental population in Saskatchewan than men by 3.3%. Given that women experience formal eviction proceedings 11.92% more often in Saskatchewan, the 3.3% difference in renter population does not negate the presence of increased evictions for women. If evictions had been equally distributed, one might have expected the number of women subject to eviction hearings to be 3.3% greater than that of men. The same is true for eviction orders. We do acknowledge that the rental population statistics does not take into account bi-gendered cohabitation, whereas the eviction data collected here does. This may lead to data incongruence-based errors. See *ibid.*



a total of 734 eviction orders in 2021 (34.17% of total eviction orders). As a result, women received 11.92% more eviction orders than men in 2021. Bi-gendered cohabitating tenants (who are listed in the decisions as co-tenants) represented only 14.46% of hearing subjects and 14.15% of evicted individuals. The quantitative results presented in Table 2 are also presented in Figure 1.

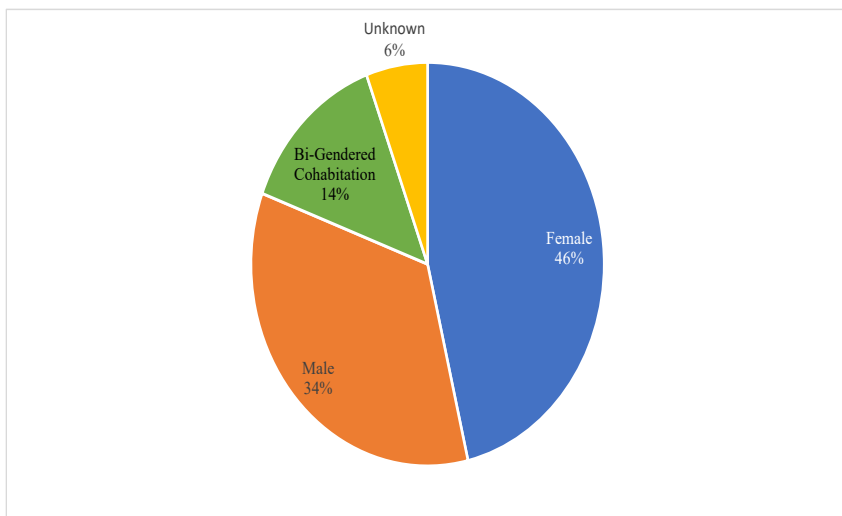
**Table 1: The Relationship Between Gender and the Total Number of Eviction Hearings**

Gender	Number of Eviction Hearings	Percentage of Total (%)
Female	1,058	45.54
Male	796	34.27
Bi-gendered cohabitation	336	14.46
Gender Unknown	133	5.73
<b>Total</b>	<b>2,323</b>	

**Table 2: The Relationship Between Gender and Eviction Orders Following a Hearing**

Gender	Number of Actual Eviction Orders	Percentage of Total (%)
Female	990	46.09
Male	734	34.17
Bi-gendered cohabitation	304	14.15
Gender Unknown	120	5.59
<b>Total</b>	<b>2,148</b>	

**Figure 1: Pie Chart of Eviction Orders Following a Hearing Per Gender Category**



Looking at Table 1 and Table 2, we make a few observations. We can see that once an eviction hearing is set, all genders face very high, and more-or-less equal, rates of eviction.<sup>78</sup> Specifically, landlords were awarded with eviction orders 93.57% of the time for female tenants<sup>79</sup> and 92.21% of the time for male tenants.<sup>80</sup> Consequently, it appears that gender disparities present in the number of actual eviction orders is actually the result of gender disparities in the number of cases being brought before the ORT in the first place. That is, the ORT orders evictions for male and female tenants at more or less equal rates, but significantly more women are subjects of eviction hearings at the ORT to begin with. We will discuss this observation in further detail later.

78. However, note that female tenants receive more drastic immediate eviction orders than men. See Table 4 below.

79. Of the 1058 eviction hearings involving only female tenants in 2021, 990 led to an eviction outcome.

80. Of the 796 eviction hearings involving only male tenants in 2021, 734 led to an eviction outcome.

*B. Female Tenants Received the More Severe Consequence of an Immediate Eviction Order More Often Than Male Tenants*

Above, we showed that female tenants were the subjects of more eviction hearings, and therefore received more eviction orders overall, than male tenants in 2021. However, it is important to point out that female tenants were also more often the subjects of the most severe outcome of immediate eviction (as opposed to the less severe outcome of a delayed eviction order),<sup>81</sup> as demonstrated in Table 3 and Table 4. In particular, immediate eviction orders occurred in 78.36% of evictions of female tenants, whereas they occurred in 73.87% of evictions of male tenants. In contrast, 18.34% of male tenants received delayed eviction orders—meaning they were granted additional time to move and make alternate living arrangements—while only 15.22% of female tenants received delayed eviction orders. Thus, while both female and male tenants received equally high rates of eviction orders overall, male tenants were more often allotted additional time to find new lodging through delayed eviction orders than women. As discussed below, this finding may be connected to the observation that female tenants attend their eviction hearings less often than male tenants. It may also be connected to the fact that female tenants accumulate greater arrears than their male counterparts. This is also discussed below.

**Table 3: The Number of Decision Types Ordered Within Each Gender Category**

Eviction Type	Female	Male	Bi-Gendered cohabitation	Unknown	Total
<b>Immediate</b>	829	588	268	106	1,791
<b>Delayed</b>	161	146	36	14	357
<b>Dismissed</b>	68	62	32	13	175
<b>Total</b>	<b>1,058</b>	<b>796</b>	<b>336</b>	<b>133</b>	<b>2,323</b>

81. See Buhler, *supra* note 45.

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**Table 4: The Proportion of Decision Types Within Each Gender Category**

Rate of Eviction Per Type	Female (%)	Male (%)	Bi-Gendered cohabitation(%)	Unknown (%)
Immediate	78.36	73.87	79.76	79.70
Delayed	15.22	18.34	10.71	10.53
Dismissed	6.43	7.79	9.52	9.77

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*C. Rental Arrears Was By Far the Most Common Reason for Eviction*

For all tenants, regardless of gender, the existence of outstanding rental arrears was by far the most common reason for eviction. However, it is interesting to note that female tenants were evicted as a result of rental arrears more often than male tenants. In particular, in 2021, 74.39% of total eviction hearings for female tenants involved rental arrears, whereas 72.24% of total eviction hearings for male tenants involved arrears. We also note that female tenants owed more arrears than male tenants. Of all eviction matters heard where the arrears dated back three or more months, 50.00% involved female tenants, while 34.98% involved male tenants.<sup>82</sup> This is indicative of a correlation between higher rates of arrears and female tenants. As discussed below, this data suggests that women may struggle more to pay their rent.

*D. Female Tenants Attended Their Eviction Hearings Less Frequently Than Male Tenants & This Seems to Have Impacted the Severity of Order*

Table 5 shows information about gender and the hearing process itself. It indicates that compared to male tenants, female tenants participated less frequently in their eviction hearings as compared to male tenants. In 2021, 60.11% of female tenants did not appear at their hearings, whereas 55.53% of male tenants did not appear. Bi-gendered cohabitators appeared to have a similar rate of appearance to female tenants. Overall, this seems to show that female tenants may have faced greater access to justice barriers than male tenants when it comes to eviction hearings.

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82. Note that bi-gendered cohabitation made up 15.02%, and tenants of unknown gender made up 7.20% of this population. Note also that in some cases the written reasons pursuant to eviction hearings did not mention the monthly rental cost and only stated the amount of arrears. In this case, we classified the arrears as being equal to or less than one month of arrears.

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**Table 5: The Rate of Tenant No-Show Based on Gender**

Tenant No-show	Female	Male	Bi-Gendered cohabitation	Unknown
Count	636	442	204	100
Rate (%)	60.11	55.53	60.71	75.19

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**Table 6: The Relationship Between Tenant No-Shows and Eviction Hearing Outcomes**

	Dismissed	Immediate Eviction	Delayed Eviction
No-Show	74	1,262	46
Show	101	529	311

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The relationship between a higher no-show rate and the eviction hearing outcome is of particular note in the eviction context. Turning to Table 6, it is clear that those who attend their eviction hearings often receive a more “lenient” delayed eviction order (or an outright dismissal of the eviction application) as opposed to an immediate order. This is paired with a decrease in the rate of immediate eviction where the tenant attended their hearing. In essence, the results indicate that there is a distinct advantage in tenants attending their eviction hearing.

Considering the results in Table 6, we find it pertinent to also detail the female tenant-specific data to confirm the gendered application. Table 7 details the effects when female tenants did not appear at their hearings. The results for evictions of female tenants largely mirror those of the general tenant population. The results are striking. Primarily, those who attend their eviction hearing received a delayed eviction more often, and a decision of immediate eviction less often. In particular, 2.52% of female tenants did *not* attend their eviction hearing received a delayed eviction. Conversely, 34.36% of female tenants who appeared for their eviction hearing received a delayed eviction. This is particularly interesting when compared to the difference in immediate eviction rates, which was 92.14% for no-shows and 57.58% for those who attended their hearing. These findings indicate that female tenants who received an eviction order were often awarded a more lenient eviction type—delayed eviction—where they attended their hearing. Similarly, female tenants disproportionately received an immediate eviction order where they were no-

shows to their eviction hearing. Consequently, failure to attend one's hearing appears to have had an effect on eviction outcomes in 2021.

**Table 7: The Relationship Between No-Shows and Eviction Decisions Involving Female Tenants**

	Dismissed <sup>83</sup>	Immediate Eviction	Delayed Eviction
No Show	34	586	16
Show	34	243	145

*E. Male Hearing Officers Make the Vast Majority of Eviction Decisions at the ORT & Order Evictions More Frequently*

Table 8 and Table 9 look at the distribution of hearing officers within the ORT. Table 8 illustrates that decision-making was not evenly distributed among hearing officers. Similarly, Table 9 confirms the number of eviction outcomes based on the decision distribution in 2021. Table 8 confirms that male hearing officers presided over 2,027 eviction hearings in 2021, while female hearing officers presided over only 296. During this time period and between all ORT hearing locations, thirteen hearing officers were male while six were female. We note that this means tenants were disproportionately likely to have their eviction matter heard by a male hearing officer. We have included this data here in an effort to bring to light the lack of gender parity in the appointment of hearing officers and, perhaps more importantly, in the distribution of cases.

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83. We recognize that the dismissal data differs from that of the general tenant results outlined in Table 7. Given the small sample size of dismissed tenants, we have opted to not address the possible causes for this outcome.

**Table 8: The Number of Hearings Presided Over by Each Hearing Officer**

<b>Gendered Eviction by Officer</b>	<b>Female Tenant</b>	<b>Male Tenant</b>	<b>Bi-Gendered cohabitation</b>	<b>Unknown Tenant Gender</b>
Willner (m)	72	64	33	5
Deacon (m)	43	26	12	2
King (m)	265	190	64	25
Petrescue (f)	75	55	32	16
Mayer (m)	86	66	36	15
Knox (f)	7	5	4	3
Young (m)	83	76	36	15
Restall (m)	128	98	26	20
Fisher (m)	55	47	13	10
Smith (m)	23	9	9	1
Connelly (m)	137	92	40	13
Kraus (m)	18	29	2	3
Brown (f)	12	9	4	0
Hymers (m)	11	4	6	0
Scott (f)	24	13	10	1
Reimer (m)	2	0	1	0
Peszko (m)	5	8	1	2
Sikora (f)	11	5	7	2
Frise-Schlosser (f)	1	0	0	0

**Table 9: The Number of Evictions Ordered by Each Hearing Officer**

<b>Gendered Eviction by Officer</b>	<b>Female Tenant</b>	<b>Male Tenant</b>	<b>Bi-Gendered cohabitation</b>	<b>Unknown Tenant Gender</b>
Willner (m)	61	49	23	3
Deacon (m)	42	25	12	2
King (m)	250	181	62	22
Petrescue (f)	62	49	23	13
Mayer (m)	76	62	29	12
Knox (f)	7	5	4	2
Young (m)	79	71	35	14
Restall (m)	122	87	26	20
Fisher (m)	54	47	13	10
Smith (m)	23	9	8	1
Connelly (m)	134	90	40	13
Kraus (m)	17	24	2	3
Brown (f)	12	9	4	0
Hymers (m)	11	4	5	0
Scott (f)	21	10	9	1
Reimer (m)	2	0	1	0
Peszko (m)	5	7	1	2
Sikora (f)	11	5	7	2
Frise-Schlosser (f)	1	0	0	0

While we will not discuss this in-depth, it is relevant to highlight the different rates of eviction that stem from male and female hearing officers. Table 10 catalogues the different eviction rates overall and within each gender category. The results clearly indicate that female officers order an eviction less frequently following an eviction hearing. In particular, male officers ordered an eviction for female tenants—immediate or delayed—6.70% more often than female officers. We also note that female officers evicted male tenants at a higher rate than they evicted female tenants. The inverse is true for male officers. Overall, the results show that female hearing officers ordered an eviction less often than male hearing officers.



**Table 10: The Relationship Between the Gender of the Hearing Officer and Tenant and the Percent of Hearings that Resulted in an Eviction Decision**

Officer Gender	Female Tenant	Male Tenant	Bi-Gendered cohabitation	Unknown Tenant Gender	Overall
Female Officer	87.69%	89.66%	82.46%	81.82%	86.82%
Male Officer	94.40%	92.52%	92.11%	91.89%	93.29%

## V. Discussion

As stated above, our key goal in undertaking this study was to examine the relationship between gender and eviction rates in Saskatchewan. The key results to this effect, detailed above, indicate that women were more often the subjects of eviction hearings than men during the period of our study. Once the hearing process is underway, the die appears cast and all tenants experience equally high rates of eviction, with the important caveat that female tenants faced higher rates of the more drastic consequence of an immediate eviction order. Based on these results, it seems likely that the disproportionate eviction results are largely the result of a disproportionate number of women in Saskatchewan being called to participate in eviction hearings in the first place.

Now that we have confirmed that female tenants are more often parties to an eviction hearing than male tenants—and more often receive an immediate eviction order—we turn to a key question: *why*? Drawing on American research on gender and eviction, we suggest that there are several reasons why women face eviction hearings more often than men, and face the more serious outcomes of immediate eviction more often than men. First, we will outline three main conditions that may influence the rate of eviction hearings for female tenants: (1) income, (2) number of dependents, and (3) gender-based power dynamics between landlords and tenants. Subsequently, we will build on these reasons to outline how the same factors may influence the no-show rate of female tenants at their eviction hearings, leading to an increased rate of immediate eviction outcomes.

### *A. Why Are Female Tenants the Subjects of More Eviction Hearings?*

Turning to why female tenants are the subject of an eviction application by a landlord more often than male tenants, we first propose the explanation of gendered poverty and income disparity. We believe an influential factor in divergent rates of eviction hearings is the reality that women are more likely to have low incomes and struggle to pay their rent. In 2018, Statistics Canada confirmed that a gendered wage gap continues to exist.<sup>84</sup> For every dollar made by men, women still only make \$0.87,<sup>85</sup> and racialized women make only \$0.58.<sup>86</sup> This contributes to a higher percentage of income going towards housing. Furthermore, in 2020, Statistics Canada also indicated that 10% of women were considered to be low income, while only 8.5% of men were.<sup>87</sup> We know that in Saskatchewan, women are more likely than men to live in situations of core housing need.<sup>88</sup> In his work, Desmond linked women's lower incomes and higher poverty rates with women's higher risk of eviction.<sup>89</sup> Lower incomes are likely contributing to the disproportionate number of female tenants being subjects of eviction hearings at the ORT. Because non-payment of rent is the most common ground for eviction, the ability to pay rent on time is perhaps the single greatest precondition to housing security for women.<sup>90</sup> Indeed, as discussed above, female tenants in our study faced eviction relating to rental arrears more often than other groups.

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84. See Rachele Pelletier, Martha Patterson & Melissa Moyser, "The gender wage gap in Canada: 1998 to 2018" (11 October 2019), online: <statcan.gc.ca> [perma.cc/F5LA-BHE9].

85. See *ibid.*

86. See Sheila Block & Grace-Edward Galabuzi, "Persistent Inequality: Ontario's Colour-coded Labour Market" (December 2018) at 5, online (pdf): <policyalternatives.ca> [perma.cc/E633-QLNW].

87. See Statistics Canada, "Percentage of Persons in Low Income by Sex" (26 April 2024), online: <www150.statcan.gc.ca> [perma.cc/T4UF-2GTF].

88. See generally "Core Housing Need", *supra* note 76.

89. Matthew Desmond, *Poor Black Women are Evicted at Alarming Rates, Setting off a Chain of Hardship*, (Chicago: MacArthur Foundation, 2014) at 1 [Desmond, "Evicted at Alarming Rates"].

90. See e.g. section IV(c)

Second, and relatedly, more women are likely to be caring for child dependents, and this can be linked to a higher risk of eviction because of struggles to pay rent, lower ability to supplement income, and requirements for more space (which is more expensive).<sup>91</sup> As Desmond has noted, the presence of children constitutes a “risk factor for involuntary displacement”.<sup>92</sup> According to Statistics Canada, in 2014, only 69% of single mothers were employed, while 82% of single fathers were employed.<sup>93</sup> Where single mothers were employed, this employment was less frequently full time than for single fathers.<sup>94</sup> This led to a considerable discrepancy in average weekly income: single mothers made on average \$809.32 per week, while single fathers made on average \$1,169.39 per week.<sup>95</sup> This suggests that single mothers are more likely to have fewer available funds, and would thus be more likely to be in arrears than single fathers. In addition to having lower incomes, single women with children often have more children than single fathers. In particular, 8.3% of single mothers have two or more children, while only 7.4% of single fathers have two or more children.<sup>96</sup> Not only does this place increased stress on their limited income, but landlords may fear the wear and tear that comes with crowded apartments.<sup>97</sup>

Third, landlord-tenant relationships and power dynamics may influence the rate of eviction hearings. Desmond concludes that “women’s nonconfrontational approach with landlords and their tendency to dodge the issue” rather than attempt to negotiate a solution may contribute to their higher eviction rates.<sup>98</sup> Similarly, Roesch-Knapp suggests that tenant gender is often taken into account where the landlord wields discretionary powers.<sup>99</sup> The result is that tenants with certain gender and economic profiles

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91. See Desmond, “Evicted at Alarming Rates”, *supra* note 89 at 2.

92. See Greenberg, Gershenson & Desmond, *supra* note 31 at 126.

93. See Statistics Canada, “Lone-parent Families” (last modified 27 November 2015), online: <statcan.ca> [perma.cc/S3CC-8QUR].

94. *Ibid.*

95. See *ibid.*

96. See *ibid.*

97. See Desmond, “Evicted at Alarming Rates”, *supra* note 89 at 2.

98. *Ibid* at 1. A “nonconfrontational approach with landlords and their tendency to dodge the issue” may contribute to the eviction of poor black women at alarming rates in the United States (*ibid* at 1–2). See also Andrew Roesch-Knapp, “The Cyclical Nature of Poverty: Evicting the Poor” (2020) 45:3 L & Soc Inquiry 839 at 847 (indicating that landlords prefer direct demeanor associated with masculine behavioural characteristics).

99. *Ibid.*

may be accorded significant leniency by landlords, while others will be evicted the moment they are in arrears.<sup>100</sup> Desmond suggests that when they enter into rental arrears, men are more likely to go directly to the landlord and resolve the dispute.<sup>101</sup> This more direct approach may serve to balance the power distributed between tenant and landlord.<sup>102</sup> In contrast, some landlords (or their employees) may feel more entitled to exploit power imbalances in relationships with female tenants, and indeed, harassment, discrimination, and gender-based exploitation have been well-documented in landlord-tenant relationships more widely.<sup>103</sup>

*B. Why Are Female Tenants the Subjects of More Immediate Eviction Orders?*

Many of the factors that we suggest may influence eviction hearing rates can be transposed into the context of tenant no-show rates for eviction hearings, thus influencing the disproportionate female tenant rate of immediate eviction outcomes. Amongst other factors discussed above, we propose that gender-based power imbalances, harassment, and discrimination faced by female tenants may extend to tenant-landlord conflicts in eviction processes, leading female tenants to more often fail to attend their eviction hearings.<sup>104</sup> As noted above, 60.11% of female tenants were no-shows to their eviction hearings, compared to 55.53% of male tenants. This shows a distinction between female and male tenant behaviour before eviction hearings. Female tenants may be more likely to assume that attending their eviction hearing will have no impact on the outcome, or may simply be attempting to avoid conflict with their landlord by failing to attend their eviction hearing. Other barriers to attendance and participation are likely also at play, including childcare, access to technology (as most hearings are held by telephone), and histories of negative experiences with government or judicial institutions.

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100. See *ibid.*

101. See *ibid.*, citing Matthew Desmond, “Eviction and Reproduction of Urban Poverty” (2012) 118:1 *Am J Sociology* 88 at 112.

102. See Roesch-Knapp, *supra* note 98 at 847.

103. See discussion earlier in this paper. See also Rigel C Oliveri, “Sexual Harassment of Low Income Women in Housing: Pilot Test Results” (2018) 83:3 *Mo L Rev* 597.

104. See Roesch-Knapp, *supra* note 98 at 848.

Another possible explanation for higher rates of immediate eviction orders for female tenants is related to higher rates of arrears accumulated by women as compared to men. As noted above, female tenants more often accumulated larger amounts of arrears by the time of their eviction hearing. While this might mean that landlords may be more willing to tolerate arrears in the case of female tenants, the results still show that many women are struggling to pay their rent and are accumulating arrears. Further research, including qualitative research, is needed to understand the dynamics underlying these findings.

Overall, we advance that failure to attend one's hearing is possibly a symptom of the conditions that many female tenants find themselves in, including lower income, increased dependents, and persistent gender-based inequalities. This results in an increased no-show rate for female tenants, as well as higher rates of accumulated arrears, which are associated with an increased prevalence of immediate eviction decisions. In this sense, factors that contribute to the increased prevalence of female tenant eviction rates may also affect the type of eviction decision ordered. The two issues are likely intertwined.

## **VI. Conclusions & Recommendations**

Our study has shown that female tenants experienced disproportionate rates of eviction at Saskatchewan's ORT in 2021. They also received immediate eviction orders more often than male tenants and the more severe outcome of an eviction order, as opposed to the more lenient order of a delayed eviction. This study conforms with a significant body of research in the United States that establishes that gender impacts eviction rates.<sup>105</sup> Our study shows that part of the explanation for these outcomes has to do with the fact that female tenants participated in their eviction hearings less frequently than male tenants. We believe that the feminization of poverty, child-care obligations, and gender-based power dynamics that impact landlord-tenant relationships may help explain these outcomes. It is also possible that the gender of hearing officers contributes to these outcomes. Male hearing officers conduct the vast majority of eviction hearings in Saskatchewan and order evictions at higher rates—particularly in cases with female tenants. Indeed, more research is needed to understand the nuanced and underlying dynamics that shape all of these observed phenomena.

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105. See discussion.

In addition, we need research that helps us understand the intersectional dynamics of gendered eviction. As discussed earlier in this paper, a highly significant finding in American research has been the observation that gendered eviction is also racialized, and that women with dependent children are more severely impacted. Our study design was unable to address issues relating to intersectionality and further research is required. Similarly, as noted above, our study was unable to move beyond a gender-binary approach and we are fully aware that some tenants would identify as gender diverse and not on the binary.<sup>106</sup>

It is also important to note that while women face higher rates of eviction, all tenants who are subjected to an eviction proceeding in Saskatchewan face high rates of eviction. Several measures could be taken by policy makers and the ORT to address these issues. First, the tribunal should consider how to improve access to justice and dismantle barriers to participation. The tribunal and governments should consider how to remove barriers to hearing attendance for female tenants, such as providing reimbursements for child-minding at the time of a tenant's eviction hearing or helping to ensure access to telephones or other necessary technology. Further, given the serious consequences of eviction and power imbalances between landlords and tenants, and given the presence of research that has established that legal assistance reduces eviction rates, we propose the expansion of free legal assistance and representation for tenants facing eviction.<sup>107</sup>

Second, a gender-based lens should be brought into all eviction prevention measures and policies.<sup>108</sup> We believe that the ORT should employ more female hearing officers and train all hearing officers about gendered realities of housing and homelessness. Hearing officers should be required to produce high-quality reasons in their decisions, to fully canvas all reasonable alternatives to eviction, and to carefully consider the circumstances of women and their children.

Given the fundamental importance of housing and home to all people, the deep harms of eviction, and the ongoing gendered inequities that characterize housing in Canada, we urge policy-makers to recognize and address the gendered dynamics of eviction. We also urge researchers to explore the underlying reasons for this phenomenon, as well as the intersectional dynamics that are likely at play. Addressing systemic gender and other inequities in society

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106. We do recognize, as is discussed above, that some may also identify on the gender binary, but not with the gender that we have assigned them herein.

107. See e.g. Marieke Holl et al, "Interventions to Prevent Tenant Evictions: A Systematic Review" (2015) 24:5 *Health & Soc Care in Community* 532; Erika Peterson, "Building a House for Gideon: The Right to Counsel in Evictions" (2020) 16:1 *Stan JCR & CL* 63 at 76.

108. See Schwan et al, *Pan-Canadian Housing Survey*, *supra* note 1 at 35.

will be required in order to reduce evictions of women and their children. Put simply, it seems quite clear that one way to reduce gendered evictions is to ensure income equality and housing affordability for all tenants. But there are specific measures, such as providing free legal assistance to tenants, that can be implemented in the meantime. It is urgent to consider how to ensure women, gender-diverse people, children, and all tenants can achieve the right to housing, including security of tenure, affordable and safe housing, and a place to call home without fear of eviction.