

„A CRITICAL APPRAISAL OF RENT CONTROL IN SELECTED JURISDICTIONS: GERMANY AND CANADA IN PERSPECTIVE”

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Abstract

It is axiomatic that the role adequate, healthy, and affordable housing plays in human life cannot be overemphasised. At first, housing was seen as a commodity that was available only to those who could purchase, and this put the financially handicapped at a disadvantage. However, the world underwent a series of wars, which served as eye-openers to the countries. Consequently, housing moved from being a commodity to a socio-economic right. The height of things was the sudden emergence of the COVID-19 Pandemic alongside the overcrowding practice by many countries in the world. Consequently, various legal frameworks were put in place to ensure the facilitation of this socio-economic right, but this has been undermined by neglect from many countries. Essentially, among the issues related to housing, rent control is crucial. There has always been a tussle between landlords and tenants on balancing their proprietary interests and fundamental rights, respectively. Against this backdrop, there have been some underlying theories that justify the need for government rent control mechanisms to resolve this clash of interests. On the other hand, some countries adopted legal frameworks to settle this structural and legal pandemonium completely. Flowing from this background, this paper employs a doctrinal method to critically appraise the rent regulation mechanisms of Germany and Canada, and comparatively highlights their approaches to rent control. At the end of the work, practical recommendations such as the adoption of flexible, context-responsive rent regulation models and the need to strengthen institutional enforcement, among others, are provided that can be used by less advanced countries to make their rent control mechanisms more effective.

Key Words: Canada, Comparative Housing Law, Germany, Rent Control, Tenancy Regulation.

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1. Introduction

Over the years, matters relating to housing have been neglected. The surge in overcrowding and epidemics associated with poor urban living conditions reiterates this fact (Marcuse, P., Madden, D., 2016). However, human well-being is inseparable from an affordable and healthy place to dwell in with full security. The turning point of this problem was after World War II, when a large number of houses were bombed, and many people were made homeless (Beck, E. R., 2006). Furthermore, the aftermath of the war saw the few people whose houses were unaffected gain disproportionate control over displaced and impoverished populations (Downs, A. ,1977). In a bid to ensure that a proper housing strategy is in place, significant policy measures were introduced as timely responses to this crisis. For instance, Germany had a severe, acute housing problem following World War II. In the region that would become the Federal Republic, 22% of the housing stock in 1939 was completely destroyed or so severely damaged that it could not be repaired; another 23% sustained some degree of damage. The inflow of refugees from the east increased the number of homeless individuals even further. In North Rhine-Westphalia alone, around 600,000 refugees made their home between 1945 and 1950. Eleven per cent of them continued to live in camps or other emergency accommodation five years after the war. Politicians and planners were understandably distracted by these alarming statistics. However, they also saw the postwar housing crisis as a component of a larger, long-term housing issue in metropolitan Germany, at least among themselves (Egner, B., 2012). On the other hand, in Canada, the provinces were instructed to introduce rent control programmes as part of federal wage and price controls (Arnott, R.,1997).

Furthermore, in Europe and North America, advanced economies face rising housing costs and overcrowding, with some positive investment directed towards renovation and the prevention of homelessness. It is, however, regrettable that these efforts are often overshadowed by a focus on housing as a commodity, and this leads to increased affordability and quality challenges (UN-Habitat, 2011). Afterwards, some efforts have been exerted universally by the countries of the world to proactively change housing-related Matters from commodities to rights.

Hence, several international legal frameworks and policies have been put in place to address housing policy concerns. One of these laws is the Universal Declaration of Human Rights, in which Article 25 provides that:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

In the same vein, housing has been made to be a socio-economic right by virtue of Article 11(1) of the International Covenant on Economic, Social and Cultural Rights in the following words:

The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realisation of this right, recognising in this regard the essential importance of international co-operation based on free consent.

Conversely, because of the fact that housing is regarded as a socio-economic right, many countries have made it non-justiciable (For instance, in Nigeria, Section 6(6)(c) makes Cap. 2 of the 1999 Constitution of the Federal Republic of Nigeria not to be justiciable. This by extension affects the rights to shelter under Section 16(2)(d) of the Constitution). And most of the countries that made it justiciable have a weak institutional framework for implementation (Diver, A., Miller, J., 2016).

In addition, a very important component of housing is rent control. In other words, rent control generated tension between tenant protection and landlord profitability (Bakr, A., 2025). Much scholarly and juristic ink has been devoted to reconciling the conflict of interests between landlords and tenants. Hence, rent regulation comes in to strike a balance between the constant warfare between the perspectives of market distortions, which grant landlords the freedom to determine how much they charge and their obligations towards their

tenants generally, and on the other hand, social equity, which clamours for fairness and affordability of housing facilities (Calma, E., 2025).

Upon this premise, this paper critically examines the legal and policy foundations of rent control, with a focus on Germany and Canada in the course of the analysis. The choice of the jurisdictions is based on the rationale that their systems are distinct. While Germany has a civil law legal system, Canada, on the other hand, with specific reference to Ontario and Alberta, its two largest provinces by economy and population, operates a common law legal system. Despite the sharp contrast in their legal systems, the rent control frameworks in these jurisdictions are commendable. In addition, the two countries have strengthened legal certainty. In the paper, their successes and failures are highlighted, and essentially, lessons that could be gleaned by most of the developing African countries that operate either common law or civil law legal systems.

2. Conceptual And Theoretical Framework

2.1. Concept of Rent Control/Regulation

In general parlance, rent control has been defined as a programme created by the government with the intention of reaching more affordable rental housing in some states and protecting tenants living in rental units with higher rents (Bitton, D., 2024). Similarly, rent control is said to be a government-imposed limit on the amount of rent that a landlord can charge for a housing unit. It is a type of price ceiling that is implemented to make housing more affordable and accessible, particularly for low-income individuals and families (Investopedia Team, 2025).

Moreover, the rationale for rent control stems from the need to reconcile housing as both a social good and an economic commodity (Epstein, R. A., 1988). At its core, rent regulation is designed to protect tenants from excessive rent increases and arbitrary eviction, particularly in contexts where housing demand significantly outstrips supply. In the same vein, it operates as a social safeguard against market failures that would otherwise exclude low- and middle-income earners from accessing decent accommodation (Peppercorn, I. G., Taffin, C., 2013). Glaringly, from an economic standpoint, rent control seeks to curb inflationary pressures in the housing market, stabilise rent fluctuations, and promote long-

term tenancy security. However, it also enhances broader public policy objectives such as urban stability, prevention of homelessness, and the maintenance of social cohesion. In jurisdictions where housing is recognised as a socio-economic right, rent regulation is an instrument through which governments fulfil their constitutional and international obligations to ensure adequate housing for all (Chenwi, L., Tissington, K., 2010).

Although there are no uniform rent control policies in the world, there are two generally recognised broad types of rent control. These are: hard and soft rent controls (Lind, H., 2001). The first is the hard rent control. This type of rent control is the most restrictive form of rent control. Under hard rent control, there are strict limits on how much a landlord can charge for rent. In some cases, rents are frozen for a certain period or are capped at a level below the market price. This form of rent control is intended to provide tenants with long-term rent stability. Still, it can often result in negative consequences, such as reduced incentives for landlords to maintain their properties or invest in new ones (Merrefield, C., n.d.). When rents are kept artificially low, landlords most of the time struggle to cover maintenance and improvement costs, leading to declining rental housing quality (Gilderbloom, J., Appelbaum, R. P., 1987). The other kind of rent control is the soft rent control. It is also known as rent stabilisation, as it allows for more flexibility than hard rent control. This policy permits landlords to increase rent, but only by a certain percentage each year, typically in line with inflation or an agreed-upon rate (MetroPlanning, 2023). In other words, it ensures that tenants are not subjected to sudden, excessive rent hikes while allowing landlords to increase rents in a controlled manner to reflect rising operational costs. While soft rent control offers a more balanced approach, it can still have drawbacks, such as creating an imbalance between supply and demand (Basu, K., Emerson, P. M., 2000).

2.2. Theoretical Underpinnings

At this juncture, it is paramount to examine some of the theoretical underpinnings foundational to rent control in the context of this research.

2.2.1. Economic Theory of Regulation

An analytical foundation for comprehending rent control as a government intervention in the housing market is provided by the economic theory of regulation. In other words, it

asserts that market flaws that result in socially unacceptable results are corrected by regulation (Noll, R. G., 1989). Furthermore, rent increases and home insecurity for low- and middle-income groups are frequently caused by the mismatch between supply and demand in the housing market. Thus, rent control serves as a corrective mechanism to guarantee distributive equality and allocative efficiency (Arnott, R. J., Shevyakhova, E., 2014). Within this framework, the issue of efficiency versus equity is *sine qua non*. The first side of the coin is efficiency. Its concerns arise from the need to allow market forces to determine rent levels that reflect real housing values and incentivise investment. Whereas, equity considerations focus on ensuring that access to decent housing remains affordable and fair for all segments of society (Vejchodská, E., 2022). According to this theory, when market forces are insufficient to ensure equitable access to necessities like housing, regulation is warranted. On its long-term effects, economic scholars disagree (The International Monetary Fund, 2024). Critics, however, claim that rent control confuses market signals, deters new investments, and decreases the supply of housing, while supporters maintain that it preserves consumer welfare and avoids monopolistic exploitation (Kholodilin, K. A., 2024). Thus, the theory portrays rent control as an essential, if not ideal, tool for striking a balance between efficiency and social welfare, where the aim is to align market dynamics with the larger societal goals of stability, inclusiveness, and justice rather than completely suppressing them.

2.2.2. Social Justice and Welfare Economics Theory

The social justice and welfare economics theory has a normative justification for rent control. This is because it emphasises equity, fairness, and human dignity in the allocation of housing resources (Slater, T., 2021). The theory places housing within the larger context of social welfare and distributive fairness, in contrast to the strictly economic justification (Bengtsson, B., 2001). Besides, it acknowledges that uncontrolled markets frequently put profit ahead of people, which marginalises disadvantaged populations that are unable to participate in housing markets with high levels of competition. Hence, rent regulation functions as a social policy tool to reduce inequality and encourage inclusive urban growth. It must be noted that a very crucial aim of this theory is the redistribution of resources and the shielding of tenants from predatory market practices, as such regulation improves societal welfare (Plerhoples Stacy, et al., 2023). Without an iota of doubt, this strategy supports the

idea that having access to decent housing is a socio-economic right and a fundamental human need, and not a result of purchasing power.

2.2.3. Property Rights and Constitutional Considerations Theory

Property rights, in the legal sense, denote a bundle of entitlements that determine the relationship between persons and things, particularly the power to use, enjoy, exclude others, and dispose of property. According to A.M. Honoré, these incidents include ownership, control, income, and transmissibility of property interests, all of which may be limited by law in the public interest (Honoré, A. M., 1961). In contemporary constitutional and human rights law, certain rights are subject to reasonable restrictions imposed for the public good rather than being unrestricted. One such restriction is the regulation of rent, which limits the amount of unrestricted control that landlords may have over rental prices in an effort to safeguard tenants and advance social welfare (Glassie, H. H., 1920). The idea that social responsibilities are correlated with property rights is reflected in this regulatory balance. Hence, rent regulation is a constitutional compromise that balances the state's obligation to provide enough housing and guard against economic exploitation with the sacredness of private property. Lucidly, the principle of proportionality states that any limitation on property rights must be reasonable, required, and appropriate to the goal of attaining social justice, and this is ultimately what gives such intervention its validity (Nwobike, J. A., 2023).

3. Rent Control/Regulation in Germany

The German housing sector, profoundly characterised by its market-based character, derives from the Weimar Republic (1918-1933). Notably, the driving force behind the housing sector was to “*provide good housing at affordable prices, contrary to the capitalist system, where only either the 'poor and affordable' or 'good and expensive' seemed achievable.*” Tragedy struck, and an acute shortage of dwellings posed a significant challenge to Germany after the Second World War. For instance, in the early post-WWII period, West Germany faced a deficit of millions of dwellings, making housing a national priority. To tackle this challenge, the state organised a large-scale social-housing construction program and tightly controlled rents. The Local housing offices (Wohnungsamt) were empowered to register all available units, allocate tenants, control evictions and forbid rent increases under emergency laws (Cornelius, Rzeznik, 2015). This housing command

economy, locally known as “Wohnungszwangswirtschaft”, persisted into the 1960s. In 1950 and 1956, two early Housing Acts were enacted to subsidise newly constructed buildings for private investors. These two Acts formed the embodiment of the basis for the promotion of social policy by enabling easy accessibility to public funds. By the late 20th century, the system transitioned to a market-friendly social model where tenants remained strongly protected by law even as broad price controls eased. The whole trajectory of this transition will be examined in the context of the statutory provisions and judicial decisions (Cornelius, Rzeznik, 2015).

3.1 Legal Framework

Germany has been increasingly active in protecting tenants from rent increases through various forms of generational rent controls. The ‘first’ generation model typically caps rents at a specific level relative to local market rents, whereas the ‘second’ generation typically limits rent increases within the period of the tenancy for individual tenants (Adedokun, I. A., 2023). The second-generation model has held a long-standing role in Germany’s rental markets and operationally restricts the scale of rent increases that can be applied during a tenancy. The landlord can determine the rent at the time the property comes to the market. The current system is such that the tenant and landlord agree the initial rent between them in a new lease agreement; rent increases every twelve months are set by reference to the average market rent in the locality, based on the official “Mietspiegel” (Tables Reflecting Local Rents), tables compiled by the local authorities. Obviously, this model is underpinned by strong tenancy rights. Today, German rental law is codified in the Bürgerliches Gesetzbuch (BGB).

Specifically, Sections 556 to 561 of the BGB outline basic rules on rent and cost allocation. The Section 556 typically governs passing on utilities to tenants, Section 558 allows rent increases up to the local comparative rent, Section 559 permits landlords to pass on part of modernisation costs, Section 560 covers changes of operating costs, while Section 561 grants tenants’ special right of termination after a rent increase. In the wake of 2015, the German parliament enacted Mietpreisbremse (“rent brake”), serving as an amendment to the BGB. The Mietpreisbremse grants authority to each federal state to legally set a maximum amount (cap) on new leases in designated tight markets. The major policy innovation since

2015 is the Mietpreisbremse (“rent brake”). Enacted as an amendment to the Bürgerliches Gesetzbuch (BGB), the Mietpreisbremse authorises each federal state to cap rents on new leases in designated tight markets.

In municipalities experiencing high demand for housing, landlords are prohibited from setting the initial rent more than 10% above the local average rent (Breidenbach, Eilers, Fries, 2019). This federal legislation gives the states (Länder) the authority to identify which cities are subject to this rent control cap. Essentially, the rent brake is a second-generation regulation that does not impact existing leases but specifically targets new tenancies. Since its introduction, about half of all German households rent their homes, meaning that even minor regulatory changes can significantly affect many people (Breidenbach, Eilers, Fries, 2019).

3.2 Case Law and Practice

Article 14 of the Basic Law (Grundgesetz) stands as the constitutional source for the property guarantee, which the Federal Constitutional Court invoked in several cases, including BVerfGE 115, 97 (2 BvR 2194/99, judgment of 18 January 2006). In that case, the Court referred to the protection of the “core elements of ownership”, meaning the Constitution protects the essential content of property rights, while allowing legislative regulation as checks (Paragraph 110). German rent laws have traditionally been enforced through ordinary courts, but noteworthy new measures have recently been tested in the constitutional arena.

The most notable example is Berlin's Mietendeckel, or rent freeze, implemented in 2020. Berlin's state government enacted a law that froze all private-sector rents at mid-2019 levels and imposed strict caps on future rent increases, surpassing the federal rent brake. However, the German Federal Constitutional Court (BVerfG) ruled that the Mietendeckel was unconstitutional. The Court held that by attempting to regulate "commercial leasing" (Wohnungswesen), Berlin overstepped its authority and encroached on exclusive federal powers as defined in Articles 73–74 of the Basic Law (Grundgesetz), (Sardo et al., 2024).

Essentially, the rent freeze was deemed void due to a lack of state competence. The BVerfG's decision (BVerfGE 151, 1 (2021), widely known as the "Mietendeckel case", has sparked widespread debate. Some critics argued that Berlin should have broader authority

over housing or that federal and state regulations could coexist. Nonetheless, this ruling points out the limitations of local rent control measures in Germany.

3.3 Evaluation

3.3.1. Achievements

German rent regulation has succeeded in stabilising rents for existing tenants. Under current law, landlords can increase a tenant's rent by no more than 20% over three years and must adhere to formal notice requirements (Breidenbach, Eilers, Fries, 2019). Due to these restrictions and the very low tenant turnover, many long-term tenants have experienced relatively modest rent increases: data shows that from 2010 to 2023, city-wide asking rents rose by approximately 30%, while rents for existing contracts increased by only about 10% (Breidenbach, Eilers, Fries, 2019). This means that while newcomers often face expensive new lease agreements, established tenants benefit from "rent inertia" and predictability in their housing costs. Additionally, by protecting many renters from bidding wars, the system helps to mitigate displacement in tight housing markets. Germany's comprehensive tenant protections, outlined in the BGB and housing statutes, reflect a social-market norm that dates back to the postwar period (Nwobike, 2023).

3.3.2. Shortcomings

Nevertheless, some scholars have identified several weaknesses in the Mietpreisbremse (rent control regulations) in Germany. Firstly, empirical analyses indicate that the impact on rental prices has been minimal. For instance, a study found that the rent brake reduced rents by only about 2.5% on average, and this effect diminished over time (Kholodilin, 2022). In fact, despite the maximum limit set, rents continued to rise quickly across the city, particularly in areas with low vacancy rates. One major issue is the complexity of the regulations. The rent brake applies only in certain areas and specifically to older apartments; units constructed or refurbished after 2014 are exempt from these controls. Critics argue that this 'patchwork approach' creates loopholes and results in heavy bureaucracy (Kholodilin, 2022). Furthermore, it incentivises landlords to complete renovations or reclassify their apartments to evade the rent cap, which, in turn, reduces the number of rent-regulated units available. Economists have sternly warned that strict rent

controls can deter property maintenance and new rental construction, leading owners to exploit the system (Bundesverfassungsgericht [Federal Constitutional Court of Germany]. (2006, January 18). BVerfGE 115, 97 (2 BvR 2194/99).

Additionally, Germany's legal precedents suggest that overly aggressive measures, such as a rent freeze, could conflict with constitutional limits. In sum, while it is true that Germany's system provides stability for many tenants, it comes with an administrative burden that has been analysed above. These shortcomings have distorted the rental market and punctured the main goal: the overall affordability of rental price (Bundesverfassungsgericht, 2006).

4. Rent Control in Canada

High rents are a topic of frequent discussion in Canada. Although the media reports the financial struggles of the citizens alongside the political promises of the government daily, effective rent control, which stands as a viable solution to the problem, remains underdiscussed in some jurisdictions. With rising inflation, however, rent control has become one of the most pressing topics, requiring prompt attention from all provincial governments.

Thus, policies and regulations intersecting the realms of law, economics, and social policy are devised to balance affordability on behalf of the tenants against adequate supply of housing and private investment in housing on behalf of the landlords. These developments are in response to the high rate of inflation, which has persisted in the country since the 1970s.

4.1. Evolutionary Trends of Rent Control in Canada

World War II had the same effect on Canada as it had on other parts of the world, particularly concerning housing. Although the post-WWII era in Canada saw an increasing number of house ownerships, there were significant numbers of rentals, which stood at 42% of the total housing demands (Suttor, 2009).

Motivated by the high level of urbanisation and social change, both caused by human capacity development in economics, sciences, and technology, the rental rate in postwar Canada reached a greater per capita rate than in other territories such as Australia and the United States of America. (Suttor, 2009). The necessity which increased rental production

also called for the introduction of mechanisms through which housing supply and demand can be balanced. Consequently, following the war, the federal government devolved the responsibility of rent control to the province (Strong-Boag, 1991).

However, the response of each of the provinces varied. While some provinces revamped their rent control, others jettisoned rent control entirely. However, with the advent of the double-digit inflation of the 1970s (Strong-Boag, 1991), it became nearly impossible for any province not to adopt rent control as citizens were faced with high costs of living, a large sum of which went into housing. And particularly because housing generally has an inelastic demand, which means tenants would pay, notwithstanding how high the rents are, governments across the provinces realised rent regulation was necessary to prevent houseowners from unduly taking advantage of the common populace. Consequently, the 1970s marked the beginning of the mass adoption of rent control legislation by the provinces. Some examples include the Ontario Residential Premises Rent Review Act, 1975; the Manitoba Residential Rent Regulation Act, 1976; etc.

The rent control terrain in Canada has, however, been flawed with several criticisms, such that in the following decades, 1980s-1990s, political and industrial lobbyists, economists, and free-market proponents argued against rent control and sponsored its abandonment (Smith, L. B., 1981). Despite this setback, there was a resurgence of the control mechanism in the 2000s (Bundesverfassungsgericht, 2006). The current rent control landscape in Canada has a wider scope and application, covering the entire tenant-landlord relationship with detailed procedural requirements for eviction, rent increase, subletting, and dispute resolution. The Covid-19 pandemic created a rent increase in 2020, and this called for the issuance of guidelines to respond to the development. In Ontario, for instance, the government issued an annual rent increase guideline aimed at preventing outrageous rent increases (Tranjan, R., Vargatho, P., 2024). Although this guideline had existed prior to the advent of the COVID-19 pandemic, it was effective in alleviating the financial burden of getting affordable housing during the period.

The practice of rent control in Canada is not exclusively handled by the provincial government. The federal government is empowered through the National Housing Strategy adopted in 2017 to engage in housing matters indirectly. Thus, during the early years of the

COVID-19 pandemic, the Canadian government deployed rent freezes to stabilise rents (August, M., 2021). In today’s Canada, provincial responses to rent control have intensified with the introduction of diverse rent control legislation, policies, and guidelines.

4.2. Legal Framework: Federal v. Provincial Autonomy in Housing Policy

The constitutional system of government obtainable in Canada is the federal system, which allows legislative powers and responsibilities to be shared between the federal government and the component units. Under Section 92(13) of the Constitution Act, 1867, property and civil rights are assigned to the provincial governments, enabling them to oversee rent control within their jurisdiction. Thus, all matters relating to the tenant-landlord relationship of fundamentally local character are regulated on a provincial basis.

Within Section 91 of the Constitution Act, the federal government may intervene in rent regulation during emergency periods. This is tied to the Peace, Order, and Good Government (POGG) principle rooted in the Canadian constitutional construction. This doctrine gives statutory validity to the rent freezes orchestrated by the Canadian government post-WWII and the Covid-19 pandemic eras. Besides this arrangement, the involvement of the federal government in housing is indirect, with the provincial governments wielding the substantive powers to regulate rents within their jurisdiction.

Each province is empowered to decide its rent regulation mechanisms. For instance, while British Columbia has a robust rent control framework with no exception for any construction, rent control is a strange phenomenon in Alberta, given the reliance of the province on market dynamics to regulate rents (Dillon, T. et al., 1982).

This constitutional arrangement reflects the core quality of federalism, which allows experimentation by the subordinate governments with the central government playing the indirect role of an overseer but with no actual regulatory authority.

4.3. Provincial Legislation: Ontario and Alberta as Case Studies

Given the province-based approach to rent control in Canada, each province designs its statutory framework for rent regulation. In Ontario, rent control is principally governed by the Residential Tenancies Act, 2006. Since its enactment, the statute has operated through rent increase guidelines, issued annually. The annual rent increase is measured based on the

Consumer Price Index, providing a means through which housing supply can be balanced against demand. Landlords wishing to increase their rent above the one specified by the guideline must notify the Landlord and Tenant Board (LTB), requesting an Above-Guideline Increase (AGI). There are various instances in which an AGI may be requested, including an increase in utility costs, capital expenditures, municipal taxes, and other similar considerations. However, it is required that landlords satisfactorily prove that their issued rents are reasonable.

Trends have, however, shown that the average rent increase exceeds the guideline increase. For instance, while the guideline increase for 2022 was pegged at 1.2%, the average rent increase was about five times higher, standing at 6.1% (Canadian Centre for Policy Alternatives, n.d.). The situation was not any different in the following year, as the 2.5% guideline-prescribed increase appeared significantly lower than the 8.1% average rent increase (Canadian Centre for Policy Alternatives, n.d.). Although the AGI has been criticised as being an easy pass for landlords, particularly because of its flawed calculation formula, which allows landlords to push down costs on tenants (Zigman, P., August, M., 2021) the initiative remains operational within the province. However, since subsidised loans are made available to landlords by the federal and provincial governments, AGIs are suggested to be replaced with government support, conditioned on the strict adherence to the rent increase guideline issued annually.

The robust rent control mechanism obtainable in Ontario is in sharp contrast to what is practised in Alberta. Since the 1980s, rent control has been abandoned within the province (August M., 2021) with no trace of its re-emergence. However, there were traces of rent regulation in Alberta between 1977 and 1980 (August M., 2021). Although the regulation was short-lived, it provided the foundation for the full-scale adoption of rent control. Through the study conducted by the foremost housing corporation in the country, the Canada Mortgage and Housing Corporation (CMHC), it was discovered that the prevalence of rent control for a long duration has the potential to adversely affect the residential rental market (Kholodilin, 2022). However, the data gathered from the study showed that the existence of rent control, particularly during the three years in the late 1970s, did not appear to have

slowed down new housing construction. The validity of the data appears to triumph over the abstract conclusion, as recent evidence has shown (Kholodilin, 2022).

A comparative analysis of these jurisdictions shows that for rent controls to achieve any desired outcomes, government support and interest are a priority, especially in order to resolve the affordability challenges confronting many tenants.

4.4. Institutional Mechanisms and Rent Control Evaluations

Within the legal sphere of rent control in Canada are various institutional mechanisms, designed to respond to the interactions of housing demand and supply and issues arising from rentals.

One of such institutional mechanisms is rent increase caps, which specify the standard of increment by house owners. The most common factor for the determination of this mechanism is inflation, often based on the Consumer Price Index. The reason for this is not far-fetched; landlords respond to higher costs of maintenance, utilities, and taxes by fixing corresponding rents. The provincial governments intervene through their CPI measures, enabling cost recovery while preventing exploitative increases. Through the rent increase guidelines issued every summer in Ontario, for instance, relations between landlords and tenants are closely monitored. Thus, the caps exist as default maximum rates. Conversely, reality shows that landlords usually impose rent increases, having demonstrated higher expenditures on construction before the LTB. This makes the caps a floor rather than an actual ceiling.

Disputes are constant in tenant-landlord relations. The resolution of these disputes is handled by specialised administrative tribunals due to several considerations, including judicial backlog, the high cost of going to court, and the strict adherence to formalities in litigation.

An example of this administrative model is Ontario’s Landlord and Tenant Board, which is saddled with the responsibility of overseeing and presiding over tenancy matters, ranging from rent increase disputes to compensation claims and eviction applications. Another example is Quebec’s *Tribunal Administratif du logement*, an administrative set-up

which, unlike the Ontario LTB, conducts more formal hearings and gives decisions which are largely quasi-judicial in nature (Veilleux, G., 1969).

The fundamental importance of shelter to human security and dignity informs eviction protections as significant institutional mechanisms within the Canadian housing sphere. The ideal position under the Canadian law is that evictions can only be properly authorised by the courts or tribunals, not landlords (Vakili-Zad, C., 2004). This mechanism offers tenants a height of protection which their landlords cannot arbitrarily breach.

The Canadian rent control scheme, therefore, demonstrates both strengths and weaknesses. With regard to the former, rent control in Canada is a commendable effort given the predictability and planning that it affords. Both tenants and landlords have the opportunity to budget their expenses, knowing a rent increase is an annual outcome.

The eviction protection mechanism provides tenant accessible dispute resolution without excessive spending. Procedural fairness is also enabled as the delay associated with conventional litigation is absent. In the same vein, tenants are guaranteed the security of tenure under the Canadian rent control mechanism. Arbitrary evictions by landlords are outlawed.

Regardless of these benefits, the mechanism is criticised for causing supply constraints. Due to the absence of self-initiated rent increase, rent control has been argued to be less profitable, a point which many opponents state is responsible for the limited new rental housing construction in the country.

Likewise, rent control has been opined to deter landlords from carrying out maintenance on their houses, as landlords are denied the liberty of increasing rents for the purpose of recovering capital improvement costs. Gentrification is another weakness that has been tied to the rent control scheme in Canada. In response to migratory trends, landlords may carry out renovations and reconstructions, the rent of which may be burdensome for the existing residents of the locality to shoulder (Mendonça-Vieira, P., 2018). This way, rent control paradoxically displaces vulnerable and often racialised populations to accommodate affluent renters.

The non-uniformity of the provincial approach to rent control continues to hamper the effectiveness of the mechanism within the Canadian jurisdiction. This makes it difficult for residents in one province to easily adjust to the financial demands of housing in another province, especially where the rents in the receiving province are significantly higher than the rents in the province of origin.

5. Comparative Analysis of Germany and Canada

5.1. Policy Philosophy

Notably, Germany and Canada approach rent control from different ideological perspectives. Germany's system is rooted in the concept of the soziale Marktwirtschaft (social market economy), which views housing as a quasi-social good. German law, as reflected in Article 14 of the Basic Law, emphasises the social function of property and prioritises access to quality housing (Nwobike, 2023). In contrast, Canada, with its mixed economy and dual Anglo-French heritage, leans towards market solutions that are complemented by targeted welfare programs. After the post-war expansion, Canada has largely depended on private ownership and rent prices established by supply and demand, with the government intervening through subsidies or localised regulations. The separation of federal housing policy has resulted in Canada's lack of a cohesive housing strategy. Instead, provinces implement a combination of pro-tenant measures and pro-market policies, such as landlord/tenant law reforms and tax incentives, according to their individual needs (Hulchanski, J. D., 2003).

5.2. Legal and Administrative Design

The structural differences between the rental regulations in Germany and Canada are crystal clear. Germany has a uniform federal code known as the BGB, which applies nationwide. Individual German states (Länder) can implement specific measures, such as the Mietpreisbremse, in selected regions. In contrast, Canada has a variety of provincial regimes, with each province creating its own Residential Tenancy Act (RTA) and guidelines. The enforcement mechanisms also differ between the two countries. German tenants can take legal action in regular civil courts or seek advice from local Mieterschutzvereine for assistance. Canadian tenants, on the other hand, primarily use specialised tribunals for rent

disputes (Musulan, A., 2022). German rental regulations tend to be more rigid, with fixed percentage caps and explicit exemptions laid out in legislation. In contrast, Canadian tribunals exercise discretion, often approving variances for specific hardships (Landlord and Tenant Board, 2020). Despite these differences, both systems strive to balance tenant protection with landlords' interests. Notably, German courts have affirmed that rent limits must enable landlords to achieve a "fair" return on their investments. For instance, the Federal Constitutional Court (BVerfG) has ruled that if a controlled rent is significantly lower than market levels, the resulting financial burden on landlords may be deemed unconstitutional. Similarly, Canadian laws generally permit landlords to apply for higher rents or evictions under certain conditions, reflecting an acknowledgement of their investment needs (Leon, S., 2021).

5.3. Socio-Economic Impact

A convergent point is that Germany and Canada view rent regulation as part of a broader housing strategy. In Germany, the effects have been mixed. On one hand, the rental market is substantial, with approximately 52% of households renting, and rent prices, particularly for existing tenants, have remained relatively stable (Sardo et al., 2024, 221). This stability likely fosters social cohesion, allowing many families to stay in their homes. However, housing costs in major cities continue to rise, and critics cite supply constraints as a significant issue. Economists warn that strict rent laws can discourage maintenance and redevelopment, which could ultimately harm the quality and availability of housing (Bundesverfassungsgericht, 2006). In Canada, the outcomes of rent regulation vary by region. Studies, such as the one conducted by Clarke–Gold (2024), show that tenancy reforms have not driven up housing prices, suggesting that overall market affordability has not deteriorated due to regulation (Clarke, D. R., Gold, D., 2024). Nonetheless, localised shortages remain in cities like Vancouver and Toronto, where rent controls have not adequately addressed demand pressures. Both countries also employ subsidies or tax incentives to increase housing supply. Post-World War II Germany undertook extensive social housing construction, while Canada's Canada Mortgage and Housing Corporation (CMHC) traditionally funded social housing units (Wellesley Institute, 2011). Currently, the debate centres on whether stronger tenant protections should be accompanied by increased new construction, such as relaxed

zoning and incentives for affordable housing, to ensure a healthy overall supply (Wellesley Institute, 2011).

5.4. Best Practices and Lessons

Several lessons can be drawn from comparing Germany’s and Canada’s rent regulation systems. First, targeted controls tend to be more effective than broad freezes. Germany's current policy exempts new-build and renovated units from rent caps (Breidenbach, Eilers, Fries, 2019). which aims to maintain incentives for developers. Similarly, some stricter provinces in Canada, such as Quebec and British Columbia (until recently), allow for modest annual increases on existing contracts, while imposing fewer restrictions on new units. This also shows a mixed approach. Empirical research indicates that such "second-generation" measures, if well-designed, can effectively balance affordability and supply (Arold, B. W. et al., 2025). Secondly, integration with supply policy is of utmost importance. Germany's early successes resulted from combining rent controls with a substantial subsidy-driven building program (Glassie, 1920). Canada's later use of funding from the Canada Mortgage and Housing Corporation (CMHC) shows a similar intent (Clarke, Gold, 2024). Third, administrative clarity improves compliance. Both countries have taken major steps toward establishing clear rules, such as standardised leases and transparent guidelines, as well as accessible adjudication through courts or tribunals. This clarity improves predictability for both landlords and tenants. Finally, respecting legal boundaries is crucial to avoiding irreparable errors. Germany’s experience has shown the dangers of implementing local measures that fall outside constitutional authority, while Canada’s federalism limits what the federal government can mandate (Arold et al., 2025).

In conclusion, Germany’s and Canada’s rent regulations reflect their unique social and legal traditions. Germany emphasises long-term tenant stability through strict statutory limits (Bundesverfassungsgericht, 2006). whereas Canada relies on provincial guidelines and dispute resolution mechanisms to promote fairness (Arold et al., 2025). Each system has its strengths: for instance, Germany successfully achieves tenant rent stability, while Canada offers procedural remedies and adaptability. However, each system also comes with its peculiar disadvantages: Germany’s controls risk supply-side challenges, and Canada’s market-responsive rules can leave some tenants vulnerable. A balanced approach that

combines moderate rent regulation (to protect affordability) with incentives for new supply and clear enforcement mechanisms can be a way forward. When designed in tandem, controls and construction can strengthen each other, as vividly depicted by the post-war histories of both countries.

6. Conclusion and Recommendations

Rent control remains one of the most enduring yet contentious housing mechanisms across the world, with countries such as Germany and Canada as avant-garde in formulating and enacting laws towards the ascertainment of its wholesome benefits. From the onset of World War II to the 21st century, these countries have tweaked their laws and policies from the federal to the provincial levels to provide simple and beneficial housing plans for their citizenry. Tenants are able to make long-term planning and predict housing costs, courtesy of a well-designed rent control mechanism.

The ups associated with rent control are not without downs. A strict rent control policy discourages new rental housing construction as houseowners explore unregulated environments where their investments can yield greater returns. Quality deterioration compounds the issues. Landlords become cautious of their expenditures on maintenance of houses, considering that improvement costs may be irrecoverable due to low rent increases.

These weaknesses are responsible for the non-adoption of rent control in some jurisdictions/provinces. Thus, it is apparent that the successful implementation of rent control depends on socio-economic considerations aimed at balancing investment incentives against tenant protection; proper legal enforcement through resource-rich administrative and legal institutions; and formulation and integration of comprehensive housing strategies to level housing demands against supply. Satisfying these conditions creates a fertile ground for the rent control mechanism to flourish.

At this juncture, it must be noted that the effectiveness of rent control in achieving the twin objectives of tenant protection and sufficient housing investment returns generation for landlords is based on various policy and legislative recommendations, some of which include the following:

6.1. Strengthening Institutional Enforcement

To mitigate the negative consequences of rent control, it is not sufficient to make policies and guidelines without adequate frameworks for enforceability. In the absence of effective enforcement, even well-designed control schemes would fail. Constructive compliance monitoring is practicable with strengthened institutional enforcement, providing a means through which violations can be properly penalised.

To achieve a significant level of enforceability, administrative support, introduction of technological infrastructure, and constant investment in adjudicators must be prioritised. Recourse can also be made to alternative dispute resolution methods for any contractual disputes arising from the tenancy undertaking.

6.2. Adopting Flexible, Context-responsive Rent Regulation Models

Rent control is designed based on context. It responds to housing market dynamics which vary across jurisdictions. For instance, the housing market in rural provinces interacts differently from the housing markets in urban provinces. Thus, the approach must be flexible and resonate with existing variables in the locality. The age and type of building may also demand flexibility. For relatively old buildings, for instance, rent control should be stricter, considering the house owner has had the luxury of time to recover their expenditures on the construction. Contrarily, newer buildings should attract relaxed rent control, allowing the landlord to recover costs of acquisition and other operational costs.

6.3. Enabling Public-Private Housing Initiatives

Rent control tends to affect housing supply significantly, reducing it to the lowest possible ebb. To promote housing affordability, however, supply must expand. The availability of incentives sponsored by the government will encourage private investment in housing construction. For instance, tax abatements have enabled private players to take the central stage in investing in housing construction in the US. Also, given that governments across all levels hold and control vast land territories, land leases to co-operative housing organisations are a viable option to increasing housing supply.

6.4. Encouraging the Modernisation of Dwellings by the Landlord and the Tenant

One of the common criticisms of rent control is that it would lead to a decline in the quality of the existing stock. The rationale behind this is that when rent is fixed at a ceiling

that does not account for the increasingly high demand, the landlord will reduce costs in the form of repair and maintenance expenses to maximise profits. The tenant must tolerate measures for the maintenance and/or adequate modernisation of the dwelling for energy and water saving or additional dwelling space. These measures have to be reasonable. Consequently, introducing the rent control regime in a country with a general shortage of residential accommodations, attracting high rents and a lack of affordable housing, is highly desirable. Such a regime of rent control should not only take cognisance of improvements made by landlords in the indexation of rent but also take cognisance of reasonable expectations from their investment. For instance, when modernisation takes place in a tenanted apartment, the landlord should be allowed to pass on the costs to the tenant and increase the annual rent by a certain percentage of the cost of the modernisation. This increase can occur in addition to a reasonable rent increase. This Energy efficiency regulation should be based on models which allow some operating cost recovery for landlords in the determination of rents. In a jurisdiction like Germany, this model ranges from allowing landlords to recover a portion or all of their operating expenses to one which enables landlords to fully recover all operating costs plus a reasonable profit.

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