

KNOW YOUR RIGHTS:

Human Rights in Housing

Training handout

About the Canadian Centre for Housing Rights (CCHR)

CCHR is Canada's leading non-profit organization working to advance the right to housing. We do this through:



SERVICES

Empowering renters to claim their rights and stay housed.



EDUCATION

Sharing knowledge and tools that transform lives.



POLICY ADVOCACY

Engaging with communities and proposing realistic solutions.



RESEARCH

Creating knowledge and informing evidence-based solutions.



LAW REFORM

Advancing housing rights legal frameworks.

About this handout

This handout was developed for participants of CCHR's training session "Know Your Rights: Human Rights in Housing."

It is intended for use by renters in Ontario, to inform them about their rights in housing and to help them connect with resources to protect their rights.

This document is intended to be used for information purposes only.

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CCHR thanks the Law Foundation of Ontario for their generous support.

While financially supported by The Law Foundation of Ontario, CCHR is solely responsible for all content.



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The Human Rights System in Ontario

The human rights system

The law says you have human rights in housing:

- It is illegal for landlords and other tenants to discriminate against you or harass you.
- Landlords must help you with human rights needs that you have in your housing.

If your landlord or other tenants do not respect your human rights, you can complain to:

- Your Landlord
- The Human Rights Tribunal of Ontario
- The Landlord and Tenant Board

The human rights system

The *Code* does not apply in some situations, including when a tenant shares a kitchen or a bathroom with their landlord.

Also, some types of housing are exempt, such as senior housing, where renters can be selected based on age.

Discrimination

Human Rights Code protections

The *Code* protects tenants who may be vulnerable because of their:

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Religion
- Disability
- Family status
- Marital status
- Gender identity, gender expression
- Sex (including pregnancy and breastfeeding)
- Sexual orientation
- Receipt of public assistance

Scenario

Allie meets a landlord to interview for an apartment.

The landlord says she will not rent to Allie because Allie is wearing a short skirt and it's "inappropriate."

Allie says that's discrimination, but the landlord says "it's not – there's no *Code* protection for wearing short skirts."

Is the landlord correct?

Human Rights Code protections

- Discrimination can be broader than people think.
- If bad treatment is *connected* to a protected characteristic, then it is discrimination.

Scenario

Sunil is an international student in Toronto. He applies to rent an apartment over email and is accepted. But when he goes to the unit to sign the lease, the landlord says he's rented to someone else.

Sunil says the landlord is discriminating against him because he is an international student. The landlord says he's not discriminating because he has rented to students and newcomers in the past.

Is this discrimination?

Human Rights Code protections

- An action is discriminatory if it is connected to one *or a combination of* protected characteristics.
- For example, in 2008, we found that Black single mothers faced one of the highest levels of discrimination.

Scenario

Every time Charity leaves her apartment, her neighbouring tenant makes jokes about her clothing and her body.

This makes Charity extremely uncomfortable.

Charity complains to the landlord. The landlord says that she would never say those sorts of things, but she can't control what other people do.

Does the landlord have to do more?

Scenario

Mohammed's landlord advertises an important meeting for all tenants for Friday at 6:30pm.

Mohammed cannot attend then, because it overlaps with his prayer time.

Mohammed approaches the landlord and asks if the landlord can reschedule the meeting but the landlord says he had no idea Mohammed had a conflict when he planned the meeting, and it's too awkward to reschedule or do anything about it now.

Has the landlord done anything wrong?

"Accidental" discrimination

Not all discrimination is "direct". Sometimes it is accidental.

Discrimination is about effect, not intent.

Even if it's not intentional, when a rule or practice results in certain people being singled out or excluded, it could violate the Human Rights Code.

Landlords have a duty to ensure equal access.

Landlord duties

Landlords have to follow the *Code*. They must not harass or discriminate against tenants.

Landlords are also responsible for making sure that other people in the building – like other tenants, or people who work for the landlord – do not harass or discriminate against tenants.

Scenario

Mohammed's landlord now understands he has a duty to accommodate. He proposes to Mohammed that he'll record the meeting and share it with him afterwards.

Has the landlord done anything wrong?

Cooperation

- Accommodation is a co-operative process.
- You're not entitled to the exact accommodation you requested. Both parties have to work together to find a reasonable option that works for everyone.
- Accommodations have to respect an individual's dignity, unique needs, and ensure that they can fully participate in their housing.

The Duty to Accommodate



The duty to accommodate

The *Code* says that landlords must help tenants with human rights needs they have (for example, needs relating to a disability) so that they can fully access and enjoy their rental unit.

This is called the "duty to accommodate."

Landlords must accept accommodation requests in good faith.

Scenario

Kelly, who uses a wheelchair, is frustrated that she has to enter the building at the back, near the garbage cans, because there is no ramp at the front. Kelly's landlord says other tenants who use wheelchairs aren't bothered by the back entrance, so why is Kelly complaining?

Do any alarms go off for you with this scenario?

The duty to accommodate

- Landlords have a “duty to accommodate” needs you have relating to human rights grounds.
- Landlords must consider, assess and accommodate each tenant individually, on a case-by-case basis.
- Landlords cannot rely only on "standard accommodations." What worked for one person might not work for others.

Scenario

Amir is hard of hearing, so he asks his landlord to install a strobe (flashing) light fire alarm system in his apartment, rather than a sound-based alarm system. Amir's landlord says it's too expensive.

The landlord says if Amir pays for the alarm he will install it.

Has the landlord done anything wrong here?

Accommodations take effort

- Landlords have to provide an accommodation unless:
 - The landlord would experience *severe* financial hardship, or
 - The accommodation would cause a serious health or safety issue.

Accommodations take effort

Landlords must pay for accommodation up until the point of undue hardship.

The only considerations for undue hardship are:

- **Cost:** Must be so substantial it would alter the essential nature of the enterprise or substantially affect viability. Landlord must consider outside sources of funding.
- **Health and safety requirements:** Accommodations requested are likely to cause significant health and safety risks.

All other considerations are irrelevant.

Scenario

Maxe tells their landlord that they need soundproofing on their door. They provide a doctor's note to the landlord that confirms Maxe has a medical condition which is aggravated by the loud noise that is currently leaking into the apartment through the hallway door.

The landlord says she will not pay for soundproofing unless Maxe confirms what their particular medical condition is.

Does Maxe have to disclose their diagnosis?

Accommodations require context

- Tenants should share what information they can with their landlord, so that their landlord can develop a good accommodation.
- A doctor's note can be useful, and your landlord is allowed to ask for one.
- *But* tenants never have to share the name of their medical condition with their landlord.
- And landlords must always keep medical information received from tenants confidential.

Scenario

Zhinian tells his landlord that he needs a modified bathtub. The landlord arranges for a cut-out in the side of the tub, so that Zhinian does not have to lift his legs too high when entering the tub.

Later, Zhinian requires a wheelchair. He approaches the landlord to ask for a barrier-free bathtub that he can wheel into, but the landlord says he's already modified the tub once and he doesn't have to do anything else.

Does Zhinian's landlord have to do more?

Accommodations are ongoing

- An accommodation is not a one-time occurrence. It is ongoing.
- A landlord should check in periodically after they provide an accommodation, to ensure that it still meets the tenant's needs.
- If a tenant finds that an accommodation is no longer working for them, they should tell the landlord that as soon as possible, and seek a new or modified accommodation.

Getting Help

So, what can I do?

1. Write a letter to the landlord/housing provider
2. Talk to your neighbours
3. Consider taking legal action
 - a) Human Rights Legal Support Centre (HRLSC)
 - b) Human Rights Tribunal Ontario (HRTO)
 - c) Landlord Tenant Board (LTB)

Getting help

Put everything in writing.

Keep a log of events and conversations:

- Who
- What
- When
- Where
- How

Getting help

Tenants have one year from the date of a discriminatory event to submit an application to the *Ontario Human Rights Tribunal*.

Individuals or groups can make applications.

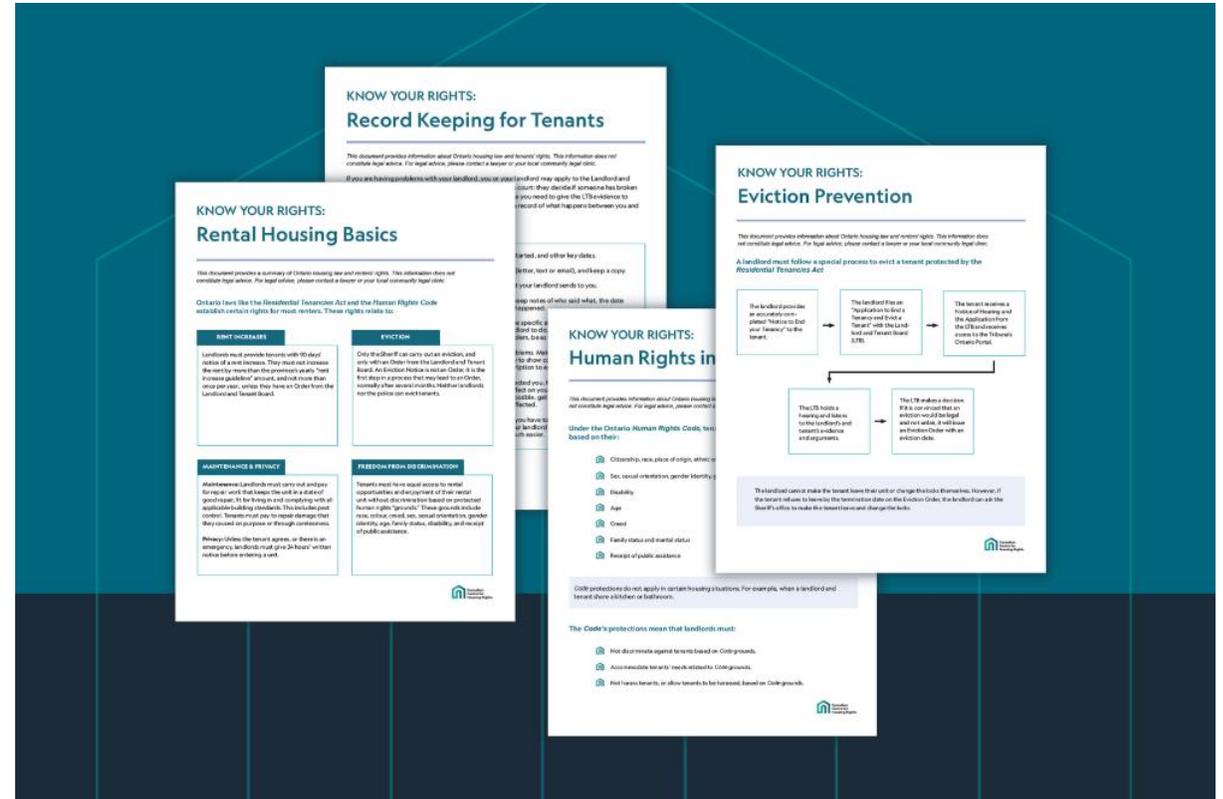
A person or organization can make an application on behalf of another person, with their permission.

The process can take a number of years.

Getting help

Our collection of printable resources provide basic information about Ontario housing law, human rights in rental housing, and renters' rights when facing eviction.

[Get the resources](#)



Getting help

The Human Rights Legal Support Centre

- Website: hrlsc.on.ca

Canadian Centre for Housing Rights

- Website: housingrightscanada.com
- Phone: 416-944-0087

The Human Rights Tribunal of Ontario

- Website: tribunalsontario.ca/hrto/

Local legal clinic and resources

- Website: legalaid.on.ca/legal-clinics

Keep in touch



HousingRightsCanada.com



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