



Human Rights Legal support Centre

Fall/Winter 2012

WORKING TOWARDS INCLUSIVE WORKPLACES, SERVICES AND HOUSING

FALL 2012

Focus on housing

It is against the law to refuse to rent to someone because they are on social assistance or because of:

- * race, ancestry, country of origin
- * sexual orientation
- * family size
- * Disability

Or any other ground protected in Ontario's *Human Rights Code*.

The **Human Rights Legal Support Centre** can help you if you have been subjected to discrimination in finding or maintaining your housing.

Asserting your human rights does not always have to be a long and involved legal process.

Sometimes a call or letter to the landlord will fix the problem.

The Human Rights Legal Support Centre and the Centre for Equality

Rights in Accommodation can call a landlord on your behalf because you have been refused an apartment because of personal characteristics covered by the *Human Rights Code*.

About CERA

The **Centre for Equality Rights in Accommodation (CERA)** is the only organization in Canada dedicated to promoting human rights in housing and ending housing discrimination.

Call for help.

About Us

The Human Rights Legal Support Centre offers services to people throughout Ontario who are discriminated against under Ontario's *Human Rights Code*. We work to help people claim and protect their rights -in many ways: by providing advice on our telephone inquiries line, by reminding employers, landlords and service providers about their obligations, by assisting individuals to file human rights applications, and by representing people at mediations and hearings at the Human Rights Tribunal of Ontario.

Contact Us

Toll-free: 1-866-625-5179

TTY: 1-866-612-8627

www.hrlsc.on.ca

Mailing address:
180 Dundas St W, 8th Floor
Toronto ON M7A 0A1

My landlord wants me to pay 6 months rent in advance because I am new to Canada. Can he do that?

No. In Ontario, it is normal for a landlord to ask you to pay the last month's rent in advance, as a deposit. The landlord cannot ask for more than that.

A landlord should not refuse to rent to you because you have no previous Canadian landlord references or credit history.

Try to take someone with you when you are looking for an apartment and take notes of the date and time and names of the people who you talked to.

How are my housing rights protected under Ontario's Human Rights Code?

You are protected from discrimination and harassment in housing because of:

- * Race, colour, ancestry, place of origin, citizenship, ethnic origin
- * Creed (religion)
- * Receipt of public assistance (ODSP, OW, EI)
- * Marital status and family status, pregnancy
- * Age
- * Disability (visible or invisible)
- * Gender or sex (including sexual orientation and gender identity).

Note: If you share a bathroom or a kitchen with your landlord, the *Human Rights Code* may not apply.



The following types of rental ads are discriminatory under Ontario's Human Rights Code:

"Mature residents only"

"Working people only"

"Not suitable for children"

For more information, see:

<http://www.ohrc.on.ca/en/writing-fair-rental-housing-ad>

Mediated settlements negotiated by the Human Rights Legal Support Centre

Many human rights applicants choose to settle their applications rather than go through a hearing at the Human Rights Tribunal of Ontario. The terms of settlement are usually confidential, and may include both individual remedies such as financial compensation, and public interest remedies, such as revised policies on harassment or accommodation of disabilities. The Centre works with applicants to seek public interest remedies that will help others who experience similar discrimination.

Accessibility improvements must be made to individual units

A man lived in an accessible unit in a non-profit housing development. He requested a variety of modifications to his unit and the common areas. All his requests were refused. The housing provider said it did not have funds to cover the cost of the modifications.

The Centre helped the tenant to reach a settlement in which the housing provider agreed to provide a range of physical improvements to his unit and the building. In addition, the housing provider agreed to:

- * implement a policy within six months for dealing with accommodation requests;
- * post the policy on its website and make request forms available in all buildings;
- * respond to accommodation requests within 30 days;
- * provide human rights training to staff within 12 months.

Landlord has obligations with respect to other tenants

A tenant was verbally harassed in the laundry room on the basis of her race by another tenant. She complained to the building manager who said she could do nothing. After the Centre contacted the building management, the manager agreed to complete human rights training and to post a copy of the Human Rights Code in the apartment laundry room. The other tenant also agreed to take training.



Decisions of the Human Rights Tribunal of Ontario where the human rights claimant was represented by a lawyer from the Human Rights Legal Support Centre

Accessibility of a multi-unit apartment building (Dixon v. 930187 Ontario <http://canlii.ca/t/27xnh>)

Mr. Dixon uses a wheelchair. He and his wife lived in a building that was not accessible, making it impossible for him to travel independently. The Dixons asked the landlord to modify the building entrances and repeatedly asked for a transfer to a ground floor apartment because the elevators were unreliable.

The Human Rights Tribunal of Ontario ordered the landlord to:

- * offer the next available apartment on the first floor to the Dixons and reduce their rent until they moved into the new apartment
- * pay the Dixons \$12,595 as financial compensation for the impact of the discrimination
- * make the front and back entrances wheel-chair-accessible within six months provide anti-discrimination training to all management staff within three months.

Condominium failed to respond in timely way

(Jakobek v. Toronto Standard Condominium Corporation No. 1626 <http://canlii.ca/t/fnj13>)

Mr. Jakobek's condominium refused to allow him to park his scooter in one of the parking spots he owns and refused to install an automatic door opener. Although they eventually cooperated two years after his request, the Tribunal found the condominium's responses "untimely."

The Human Rights Tribunal of Ontario ordered the Condominium to:

- * Make a donation in the amount of \$5,000 to the March of Dimes (at the applicant's request)
- * Ensure that the condominium's by-laws, by amendment, specifically permit that mobility assistive devices can be parked in the parking garage
- * Ensure the condominium management get human rights training.

Other significant Human Rights Tribunal of Ontario decisions on housing

Transfer for disabled tenant required

(**Devoe v. Haran** <http://canlii.ca/t/fs87s>)

The Tribunal found that the landlord discriminated against the applicant when he refused her request to be transferred from her second floor apartment to a vacant main floor apartment because of her disability.

The Tribunal ordered the landlord to:

- * Immediately rent a vacant main floor apartment to the applicant
- * Pay the tenant \$4,000 as compensation for the impact of the discrimination
- * Take human rights training

Significantly, in this case the Tribunal issued an interim decision requiring the landlord to hold the first floor apartment vacant pending the hearing on whether the tenant had been refused the apartment on a discriminatory basis.

The interim decision stated:

“I appreciate that the respondent will lose rental income during this period, but, in my view, this is outweighed by the fact that if the applicant proves her discrimination case at a merits hearing, but the respondent has already rented the apartment to someone else, the Tribunal will likely be unable to award her the main remedy that she is seeking”.

Illegal to refuse to someone because they are on social assistance

(**Janes v. Wright** <http://canlii.ca/t/fsh09>)

The Tribunal found that the landlord refused rental accommodation to the applicant based on his incorrect understanding that she was in receipt of public assistance.

The Tribunal ordered \$7,500.00 in compensation for the impact of the discrimination.

**“Denial of rental accommodation,
particularly in an area where such
accommodation is scarce, is an objectively
serious matter.”**

**-Vice Chair, Human Rights Tribunal of
Ontario**



Resources

HUMAN RIGHTS LEGAL SUPPORT CENTRE

www.hrlsc.on.ca

ONTARIO HUMAN RIGHTS COMMISSION

<http://www.ohrc.on.ca/en/human-rights-tenants>

LANDLORD AND TENANT BOARD

http://www.ltb.gov.on.ca/en/STEL02_111281.html

ADVOCACY CENTRE FOR TENANTS ONTARIO

<http://www.acto.ca>

FEDERATION OF METRO TENANTS' ASSOCIATIONS (GTA ONLY)

<http://www.torontotenants.org>

CENTRE FOR EQUALITY RIGHTS IN ACCOMMODATION (CERA)

<http://www.equalityrights.org/cera>

In particular, see CERA's resources at:

http://www.equalityrights.org/cera/?page_id=74

(English only)