

# HUMAN RIGHTS CODE (THE CODE) AND ACCESS TO HOUSING

Ontario Human Rights Code protects the dignity and worth of everyone.

## **Protected Grounds:**

You should not be subject to discrimination or harassment based on one or more of the following grounds:

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family status
- Marital status (including single status)
- Gender identity, gender expression c
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation

## **Access to housing is a human right:**

- Under The Code, you have the right to equal treatment in housing without discrimination and harassment.
- **You should not be refused an apartment, by a housing provider or other tenants, or otherwise treated unfairly**, on the basis of any of the above Code-protected grounds.

## **Housing Rights apply to:**

- Buying, selling, renting or being evicted from an apartment, house, condominium or commercial property.
- Rights also cover renting or being evicted from a hotel room.

## **Choosing a tenant:**

- Landlords can ask for rental history and credit checks. But lack of rental or credit history should not prevent them from being approved.
- Landlords can ask for income information, but they must also consider any available information on rental history and credit checks
- Income information can only be considered on its own when no other information is available.
- Income information should only be used to confirm the tenant is able to pay the rent.
- It is illegal for housing providers to apply a rent-to-income ratio such as a 30% cut-off rule except for when tenants are applying for subsidized units where the rent amount is geared to income level.
- Housing providers can also ask for a "guarantor" to sign the lease – but only if the landlord has the same requirements for all tenants, not just for people identified by Code grounds, such as recent immigrants or people receiving social assistance.
- Regulation 290/98 under The Code permits no other inquiries.



**Duty to accommodate:** The Code requires an effort, short of **undue hardship**, to accommodate the needs of persons who are protected by The Code. Duty to Accommodate is the term used to describe the duties of a service provider or landlord to give equal opportunities, access and benefits to people who are protected by The Code. The duty to accommodate recognizes that people have different needs & want different solutions to their needs. It would be unfair to exclude someone from accessing housing or their general enjoyment of their dwellings just because their Code-protected needs are different from others.

**Undue Hardship:** Accommodation need not be provided if it causes undue or excessive hardship. However, some degree of hardship is expected and acceptable. A service provider or landlord can reject a request for accommodation if they can prove:

- that the required accommodation is **too costly** and that they are **unable to get external funding** to bear the cost of accommodation; or
- If the required accommodation is likely to cause significant health and safety risks.

## **Accommodating the tenants needs:**

- When you have clear needs based on the categories identified in The Code, landlords have a duty to meet any special needs you have, and this is called duty to accommodate.
- The landlords are only required to accommodate your needs up to the point of undue hardship, which can result in terms of significant costs or the health and safety of the tenants' living environment.
- The landlord can also seek external funding to address the needs of the tenants. Those needs should be in line with health and safety requirements as well.
- If you have any special needs based on your religious, social, and/or racial identity, you should discuss it with your landlord and work together to solve the problems. When providing information to the landlord about your needs, the landlord must keep all personal information private and confidential.

## **Making a Housing Complaint:**

### **Landlord & Tenant Board:**

<http://www.sjto.gov.on.ca/ltb> ; Toll free: 1-888-332-3234 ; TTY: 1-800-855-0511

### **Human Rights Tribunal**

To file a human rights complaint (application) contact Human Rights Tribunal of Ontario , [www.hrto.ca](http://www.hrto.ca)

You can also contact the Human Rights Legal Support Center for your human rights complaint:

<https://www.hrlsc.on.ca/en/contact-hrlsc/contact-information>

For more information on Human Rights and Housing: [www.ohrc.on.ca](http://www.ohrc.on.ca)

**You have the right to be treated fairly and your needs should be accommodated to a point of undue hardship. This applies to the following housing issues:**

- Applying to rent a unit
- Tenants rules and regulations
- Repairs and maintenance
- Using related services and facilities
- Your general enjoyment of the place you rent
- Lease termination and evictions
- Access to doors, laundry rooms, swimming pools, other common areas, repairs and other aspects of housing.

The *Code* applies to municipalities, as both regulators and providers of housing. They must ensure that their bylaws, processes and decisions do not target or disproportionately affect groups relating to a *Code* ground.


To be able to understand, assess and address creed based conflicts, housing providers (particularly community housing providers) require **skilled social workers who have been trained in culturally and religiously sensitive conflict resolution for tenants with specific religious identities.**

Many have expressed concerns that their complaints are not followed up by the landlord or the housing provider due to creed based discrimination. The *Code* application of the duty to accommodate requires landlords and housing providers to create and maintain a responsive system of complaints, to follow up with tenants and to address them without any discrimination or favoring of one tenant over another.

## **Brought to you by:**

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