

Landlords must work with tenants to find and put in place the most appropriate accommodation as soon as possible. If this cannot be done without causing undue hardship, or if it will take a long time, you must provide interim or “next-best” accommodation.

Special programs and circumstances for housing

Under the *Code*, special programs are permitted to help a group of people who are disadvantaged based on *Code* grounds, as long as these programs meet the requirements the *Code* sets out. Examples would include setting up housing designed for older people, people with disabilities or university students with families.

When the *Code* does not apply

The *Code* does not apply in the case of a disagreement or “personality conflict” with a landlord or another tenant unrelated to a *Code* ground, or if a tenant shares a bathroom or kitchen with the owner or the owner’s family.

You can advance human rights in housing

Housing providers can take a number of steps to prevent discrimination and harassment and address human rights in rental housing by developing:

- anti-discrimination and anti-harassment policies
- plans for reviewing and removing barriers

- procedures for responding to accommodation requests
- procedures for resolving disputes quickly and effectively
- education and training programs.

It is important to make sure that organizational rules, policies, procedures, decision-making processes and culture do not create barriers, and do not cause discrimination. Areas where barriers could exist include wait-list and eligibility criteria, and occupancy rules including guest policies and bedroom requirements.

Follow some key human rights principles:

- design inclusively – which means thinking about people’s possible accommodation needs before you design your building, set up your rules, etc., so that your housing does not cause new barriers
- identify and remove existing barriers
- maximize integration – which means setting up housing and programs that are inclusive, where everybody can take part
- look at the needs of individuals, and consider the best possible solution

For more information on landlord and tenant rights and responsibilities in rental housing, see the Ontario Human Rights Commission’s Policy on Human Rights and Rental Housing. This policy and other OHRC information are available on-line at:

www.ohrc.on.ca

Human rights in housing

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An overview for landlords



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Housing is a human right

International law says that people in Canada should be able to get good housing that they can afford. To help achieve this in Ontario, tenants and landlords (or housing providers) have rights and responsibilities under the *Human Rights Code*.

Under the *Code*, everyone has the right to equal treatment in housing without discrimination and harassment. As a landlord, you are responsible for making sure the housing you operate is free from discrimination and harassment.

People cannot be refused an apartment, bothered by a landlord or other tenants, or otherwise treated unfairly because of their:

- race, colour or ethnic background
- religious beliefs or practices
- ancestry, including people of Aboriginal descent
- place of origin
- citizenship, including refugee status
- sex (including pregnancy and gender identity)

- family status
- marital status, including people with a same-sex partner
- disability
- sexual orientation
- age, including people who are 16 or 17 years old and no longer living with their parents
- receipt of public assistance.

People are also protected if they face discrimination because of being a friend or relative of someone identified above.

Where do housing rights apply?

The right to equal treatment without discrimination applies when renting or buying a unit (for example, in a high rise apartment, condo, co-op or house). This right also applies to choosing or evicting tenants, occupancy rules and regulations, repairs, the use of related services and facilities, and the general enjoyment of the premises.

As a landlord or housing provider, you are one of the people responsible for making sure tenants' human rights are respected. Government legislators, policy makers, planners and program designers, tribunals and courts must also make sure their activities, strategies and decisions address discrimination issues in housing.

Choosing tenants

The *Code* says what business practices are acceptable and what information you may ask for when choosing tenants:

- Rental history, credit references and/or credit checks may be requested. A lack of rental or credit history should not be viewed negatively.
- You can ask for income information, but you must also ask for and consider it together with any available information on rental history, credit references and credit checks (such as through Equifax Canada).
- You can only consider income information on its own when no other information is made available.
- You can only use income information to confirm the person has enough income to cover the rent. Unless you are providing subsidized housing, it is illegal to apply a rent-to-income ratio such as a 30% cut-off rule.

- You can ask for a “guarantor” to sign the lease – but only if you have the same requirements for all tenants, not just for people identified by *Code* grounds, such as recent immigrants or people receiving social assistance.

Accommodating tenant needs

You have a legal duty to accommodate tenants (meet special needs they may have) if they have real needs, based on *Code* grounds. You must accommodate up to the point of undue hardship, based on cost, the availability of outside sources of funding, or health and safety concerns.

For example, for a tenant with a disability, you might need to make changes to a unit, a building entrance, sidewalks or parking areas.

Some tenants need changes to rules and practices to accommodate changing family situations or religious practices. Sometimes a tenant who is unwell or who disrupts others (either because of a disability or due to that person being the target of discrimination themselves) may need help. You should assess your role to see if there are things you can do as a landlord to help the situation.

You and your tenants share the responsibility for making the accommodation work. You must take an active role in the process and work with tenants in good faith to find the best solution. If your tenant provides you with medical or other personal information, you must keep it private.

