



“Sorry, it’s rented.”

**Measuring
Discrimination in
Toronto’s Rental
Housing Market**

www.equalityrights.org/cera



**CENTRE FOR EQUALITY RIGHTS
IN ACCOMMODATION • JULY 2009**

**The Atkinson**
Charitable Foundation

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About CERA

CERA is a non-profit organization established in 1987 to promote human rights in housing and remove the barriers that keep disadvantaged people from getting and keeping the housing they need. CERA has five key objectives:

- Promote knowledge and enforcement of human rights in housing among marginalized groups and individuals.
- Provide educational materials and programs on human rights in housing to groups whose rights may have been violated, as well as landlords, social service providers and the public.
- Represent marginalized groups and individuals who believe their human rights have been infringed.
- Encourage and facilitate effective public education and enforcement of human rights by provincial/territorial, national and international commissions, agencies and organizations, and governments.
- Research human rights and housing as they affect marginalized communities.

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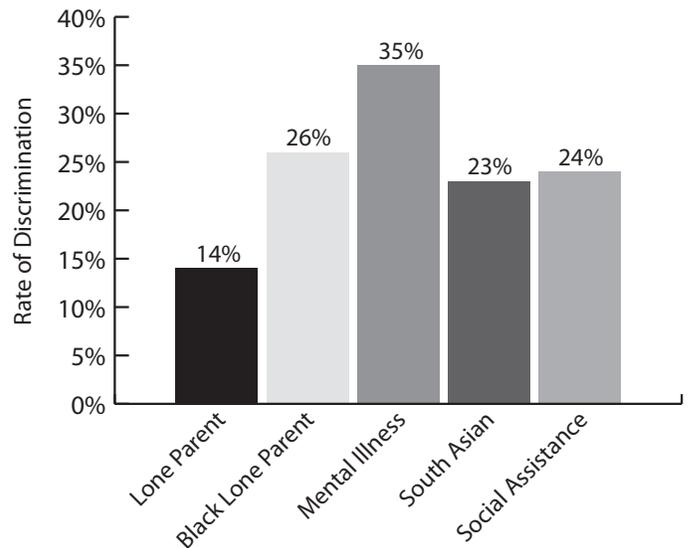
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Executive Summary

Do landlords prefer to rent to couples over single parents? What if the single parent has a Caribbean accent? Do they prefer to rent to people in low paying employment over individuals receiving the same amount from social assistance? Do they avoid renting to people associated with a mental health organization? Will a person with an identifiable South Asian accent have a harder time finding a place than someone with a so-called “Canadian” accent?

During the summer of 2008, the Centre for Equality Rights in Accommodation (CERA) and over twenty volunteers conducted telephone-based housing discrimination “audits” across the City of Toronto. Discrimination audits – or paired testing research – involve matching two individuals for all relevant characteristics (such as occupation, sex, marital status, income level, etc.) other than the one that might lead to discrimination. In the housing sector, paired testers apply for an apartment and the treatment they receive is closely monitored. For this research, CERA created profiles that tested discrimination against lone parents, Black lone parents, individuals with mental illness, South Asian people and individuals receiving social assistance. As illustrated in the summary chart on the right, the study found significant levels of discrimination associated with all five profiles.



From our research, we estimate that approximately 1 in 4 households receiving social assistance, South Asian households, and Black lone parents experience moderate to severe discrimination when they inquire about an available apartment – discrimination that would act as a substantial barrier to accessing housing. When the housing seeker has a mental illness, our research finds that more than one third will experience discrimination.

These numbers, alone, are cause for concern, but as will be discussed in the report, they may represent the tip of the iceberg. From this research, it is clear that policy makers need to bring discrimination into their discussions of housing and housing policy. Strategies developed to address homelessness and housing insecurity must take account of the reality that – even where rental housing is available – thousands of marginalized individuals and families cannot make it through the door.

“Naturally, you need to have a job.”

COMMENT FROM HOUSING PROVIDER



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Introduction

The rental housing crisis affecting low income tenants across Ontario is well known. Contributing factors, such as the withdrawal of federal and provincial governments from the provision of social housing and the scaling back of income security programs in the mid-1990's, along with the fundamental changes undergone by the labour market over the past two decades are also extensively documented. These explanations, however, only tell part of the story. What is often left out is the role that discrimination plays in drastically reducing the already limited housing options of low income and other disadvantaged individuals and families.

The Centre for Equality Rights in Accommodation (CERA) is a provincial non-profit organization established in 1987 to promote human rights in housing and challenge discrimination. Every year, CERA receives hundreds of calls from tenants who tell a story quite different from prevailing views on homelessness and housing insecurity. Our clients have been able to find apartments to rent, but because they are young, have children, are new to Canada, have a disability, are Aboriginal or belong to a racialized group, or receive social assistance, they cannot make it through the door.

Like human rights legislation in other provinces and territories, Ontario's *Human Rights Code* protects people from discrimination associated with accessing or retaining housing. Specifically, it protects Ontarians from discrimination on the basis of fourteen specific personal characteristics, or "grounds":

race	marital status
colour	creed (religion)
ethnic origin	disability
ancestry	sex
place of origin	sexual orientation
citizenship	age (including being 16 or 17)
family status	being in receipt of public assistance

Despite this progressive legislation, there is substantial evidence that discrimination in the rental market is a problem for many equality-seeking communities.¹ In 2007, the Ontario Human Rights Commission held a province-wide public consultation to document experiences of housing discrimination and assist in the development of their upcoming housing policy. The stories shared by hundreds of individuals and organizations at meetings in Kitchener-Waterloo, Ottawa, Sudbury and Toronto, and through written submissions to the Commission, reinforced the experiences of CERA clients that housing discrimination cannot be ignored.²

The types of discrimination that the people who call CERA experience range from blatant, intentional discrimination – “We don’t rent to families with children” – to more subtle, systemic discrimination where seemingly neutral rental policies or practices lead to discriminatory outcomes. For example, consider what happens when a housing provider

1 For an extensive discussion of Canadian research on housing discrimination, see S. Novac, J. Darden, J.D. Hulchanski and A.M. Seguin, *Housing Discrimination in Canada: The State of the Knowledge* (Ottawa: Canada Mortgage and Housing Corporation, February 2002).

2 See Ontario Human Rights Commission, *Right at Home: Report of the Consultation on Human Rights and Rental Housing in Ontario* (Toronto: Ontario Human Rights Commission, May 28, 2008).



applies an inflexible requirement that all applicants have Canadian credit and rental histories. Recent immigrants and refugees, young first-time renters, and women leaving a relationship after years as the primary caregiver are effectively excluded. When housing providers apply minimum income or “affordability” requirements to prospective tenants, most young people, newcomers to Canada, people with disabilities, young families and people receiving social assistance will be screened out.

This report reveals the nature and extent of housing discrimination in the City of Toronto by showing how different groups protected by the *Human Rights Code* fare in the rental housing market. Do housing providers prefer to rent to couples over single parents? What if the single parent has a Caribbean accent? Do they prefer to rent to people in low paying employment over individuals receiving the same amount from social assistance? Do they avoid renting to people associated with a mental health organization? Will a person with an identifiable South Asian accent have a harder time finding a place than someone with a so-called “Canadian” accent?

During the summer of 2008, CERA organized a study in which over twenty volunteers conducted telephone-based housing discrimination “audits” across the City of Toronto. Discrimination audits – or paired testing research – involve matching two individuals for all relevant characteristics (such as occupation, sex, marital status, income level, etc.) other than the one that is expected to lead to discrimination. In the housing sector, paired testers typically apply for an apartment and the treatment they receive is closely monitored.

In the United States, paired testing studies are widely used to estimate the prevalence of discrimination and the Department of Housing and Urban Development (HUD) has undertaken a number of large-scale paired testing studies. Between 2000 and 2003, the HUD Housing Discrimination Study 2000 conducted almost 6,000 paired tests in metropolitan areas across the United States. The study found that White renters were preferred to Black renters in 21.6% of tests, and Hispanics in 25.7% of tests. It also found that Native Americans in New Mexico, Minnesota and Montana received unfavourable treatment when compared to White renters in 28.5% of the tests.³ A later HUD sponsored study of discrimination against renters with disabilities found that these individuals experienced particularly high levels of discrimination: hearing impaired renters experienced consistently adverse treatment in almost half of paired tests and renters using wheelchairs experienced adverse treatment in almost one third of tests.⁴

*“What is his disability?
I have to know if I’m safe
or not. I have to be
100% sure.”*

COMMENT FROM HOUSING PROVIDER

3 M. A. Turner, S. L. Ross, G. Galster and J. Yinger, *Discrimination in Metropolitan Housing Markets: National Results from Phase 1 HDS2000* (Washington D.C.: Urban Institute, November 2002); M.A. Turner and S. L. Ross, *Discrimination in Metropolitan Housing Markets Phase 3 – Native Americans* (Washington D.C.: Urban Institute, September 2003).

4 M. A. Turner, C. Herbig, D. Kaye, J. Fenderson and D. Levy, *Discrimination Against Persons with Disabilities: Barriers at Every Step* (Washington D.C.: Urban Institute, May 2005).



The Housing Section of the Justice Department's Civil Rights Division also uses this methodology, and community-based fair housing organizations across the US regularly conduct housing discrimination audits with volunteer testers on a variety of grounds, including race, family status, source of income and disability.⁵ The results of paired testing are also commonly used in litigation in the US.

Research of this nature is rare in Canada. Instead, Canadian research on housing discrimination tends to focus on qualitative studies of perceived discrimination.⁶ While research of that kind has contributed substantially to our understanding of discrimination and its impacts, it is limited by the fact that perceived discrimination is not necessarily reflective of actual discrimination. Many people may experience discrimination without realizing it, and others may perceive discrimination when none in fact has occurred. Paired testing studies, though often expensive to implement and limited by their reliance on individual auditors' unverifiable reports,⁷ are typically seen as a stronger methodology for documenting the prevalence of *actual acts* of differential treatment. We hope this study will act as a catalyst for future discrimination audits in communities across Canada.

Methodology

Keeping in mind the goal of promoting the use of discrimination audits to document discrimination, CERA placed a priority on developing a methodology that could be replicated relatively easily and inexpensively by community-based organizations. We wanted to strike a balance between an approach that is academically rigorous and one that is accessible. Needless to say, this was a challenging task. We were fortunate to be able to work closely with staff at the Institute for Social Research at York University in the development of the methodology.

The first major consideration in developing a methodology was the means of interaction between testers and housing providers. In US paired testing studies, the methodology of choice often involves either in-person applications for rental housing, or a combination of in-person applications and telephone-based inquiries.⁸ In-person testing is, perhaps, particularly common because American studies have focused on race-based discrimination which is presumably easier to test using face-to-face meetings. There is also substantial research in the US on "linguistic profiling" that has found that individuals can readily identify the race and ethnicity of another person based on auditory clues alone.⁹

5 See the Fair Housing Centre of Greater Boston for good examples of community-based discrimination audits: <http://www.bostonfairhousing.org/>.

6 Examples of Canadian housing discrimination research can be found in: L. Farha et al, *Women and Housing in Canada: Barriers to Equality* (Toronto: Centre for Equality Rights in Accommodation, 2002); P. Khosla, *If Low Income Women of Colour Counted in Toronto* (Toronto: Community Social Planning Council of Toronto, 2003); C. Teixeira, "Housing Experiences of Black Africans in Toronto's Rental Housing Market: A Case Study of Angolan and Mozambican Immigrants" (2006) *Canadian Ethnic Studies*, XXXVIII (3); J. Zine, "Living on the Ragged Edges: Homelessness, Informal Housing Networks and Housing Discrimination among Latin Americans and Muslims in Toronto." Metropolis International Conference, University of Geneva, Switzerland, 2004; and the extensive research of the Housing New Canadians Research Working Group (<http://www.hnc.utoronto.ca/>).

7 K. L. Dion, "Immigrants' Perceptions of Housing Discrimination in Toronto: The Housing New Canadians Project" (2001) *Journal of Social Issues*, Vol. 57, No. 3.

8 For examples of telephone-based discrimination audits, see D. Massey and G. Lundy, "Use of Black English and Racial Discrimination in Urban Housing Markets: New Methods and Findings" (March 2001) *Urban Affairs Review* 36(4); S. Page, "Accepting the Gay Person: Rental Accommodation in the Community" (1998) *Journal of Homosexuality* 36(2); Fair Housing Centre of Greater Boston, *We Don't Want Your Kind Living Here* (2001); Fair Housing Centre of Greater Boston, *Housing Discrimination Audit Report* (2006).

9 See for example, T. Purnell, W. Idsardi, and J. Baugh, "Perceptual and phonetic experiments on American English dialect identification" (1999) *Journal of Language and Social Psychology* 18(1).



An important study conducted by Douglas Massey and Garvey Lundy of the University of Pennsylvania used entirely telephone-based inquiries by testers using “White Middle Class English”, “Black Accented English” and “Black English Vernacular” to document racial discrimination in housing.¹⁰

We chose an entirely telephone-based approach for a number of reasons, including cost and complexity. CERA wanted to design a methodology that could be replicable by community organizations in different parts of Canada. The cost and difficulty of conducting high quality face-to-face discrimination audits would, in our view, make such research impractical for the vast majority of organizations. Also, for most renters, the telephone is the first point of contact with a housing provider and is, effectively, the first level of screening. Indeed, a significant portion of CERA’s clients report experiencing discrimination at this early stage and never get to the point of actually seeing the apartment in question. To CERA, a telephone-based audit was a natural choice.

The following section of the report will provide a detailed discussion of the various components of the methodology, including the development of test “profiles”, creation of scripts, the sampling methodology, volunteer training and the roll-out of the actual testing.

Profiles

With the assistance of an Ad Hoc Advisory Committee made up of human rights experts and community advocates, CERA developed five profiles to test as part of the research. The profiles were intended to reflect a range of households that, in CERA’s experience, commonly face housing-based discrimination. We also limited the profiles to those characteristics that could be discernable through

telephone-based communication. It is important to note that the five profiles do not each test a single prohibited ground of discrimination. Two cover a variety of prohibited grounds. While we had originally intended to focus on profiles that clearly targeted a single prohibited ground of discrimination, we realized that in some circumstances this would produce contrived testing situations. Instead, we produced profiles that reflected real-world circumstances, whether or not they corresponded neatly with any single ground. The control and test conditions associated with each profile were matched for all characteristics, such as income source and level, family and marital status, apartment rent and size, type of employment, length of time in job, reasons for moving, references, etc., other than the characteristic being tested.

The five profiles were:

1. Female lone parent with one child

In this profile, the tester was a female lone parent with a nine year old daughter. The control was a married female. Both were applying for a one bedroom apartment. We decided to have the child be of the same sex as the parent in order to simplify the profile, as applying for a one bedroom apartment with an opposite sex child would add a further potential barrier to the mix.

This is a profile that does not align itself neatly with a single prohibited ground of discrimination. Discrimination against the lone parent tester could be based on sex, family status, marital status, or a combination of the three grounds. While ‘messy’ in terms of the *Human Rights Code*, we feel this profile reflects the complex reality of discrimination and its intersections.

10 D. Massey and G. Lundy (2001) *Supra*, note 8.



2. Black female lone parent with one child

This profile was exactly the same as the previous, except that the test volunteer had an accent that would identify her as Black, or at the very least as someone from a racialized community. Thus, this profile targets discrimination based on sex, family status, marital status, race/colour, place of origin, ethnic origin, or some combination of these grounds. As mentioned earlier, studies in the US investigating linguistic profiling based on race use an African American “vernacular” to distinguish Black testers from their White counterparts. As we did not feel this approach was appropriate in the Canadian context, we used a Caribbean accent to identify the Black testers.

To ensure that people could identify these testers on the basis of their accents, we established a five person panel to “test” prospective volunteers. Panel members were selected from a range of backgrounds and were given a set of questions asking them to identify various characteristics of the volunteers, such as gender, age, education level and ethnicity. Panel members were not aware that the sole purpose of the test was to identify the racial background of the volunteers. Prospective volunteers and additional “dummy” callers with European and “Canadian” accents were then asked to contact each panel member and read a short sentence over the telephone. For a prospective volunteer to be selected to take part in the discrimination audit, he or she needed to have been consistently identified by panel members as belonging to a racialized community.¹¹

3. Single male with a mental disability

This was a challenging profile, as it would be very difficult – and inappropriate – to have volunteer testers attempt to “portray” someone with a mental disability over the telephone. However, discrimination against these individuals is widely reported, so we felt that it was important to include such a profile in the audit. To communicate a mental disability indirectly, we had the tester portray a support worker calling the housing provider on behalf of a client with a mental disability. This is not an uncommon practice. To clarify the link to a mental disability, the support worker would introduce herself as working with “The Community Mental Health Centre of Toronto,” a fictional organization.

“Social assistance? I won’t approve. Money will always be a problem. They may cut you off for some reason. Who will sign for you or be a co-signor when you get cut-off?”

COMMENT FROM HOUSING PROVIDER

¹¹ It should be noted that we did not require prospective volunteers to be consistently identified as Black and, in fact, most were identified with a different, non-White, racialized community by at least one of the panel members. As a result, we cannot say with certainty that results for this profile indicate discrimination against individuals who are Black or Caribbean. They instead indicate discrimination against individuals who are members of a racialized community.



4. Single South Asian male

For this profile, we worked with volunteers with identifiable South Asian accents and names. Like the volunteers with Caribbean accents, these volunteers had to first be pre-screened by the panel described above and be consistently identified as belonging to a racialized community.

5. Married female receiving social assistance

The final profile involved pairing a married woman receiving Ontario Disability Support Program (ODSP) benefits with a married woman with paid employment. In the test condition, both members of the household were receiving ODSP benefits. We chose ODSP as the source of social assistance income so that we could create a test condition that had a comparable income to someone in low-paid employment. Ontario Works (welfare) benefits are too low to create a meaningful comparator in paid employment. Also, because ODSP benefits are substantially higher than Ontario Works benefits, we would have a larger pool of prospective apartments to choose from.

Scripts

With the profiles in place, we developed a standardized script for each profile that the volunteers used when calling housing providers. The scripts began with an introductory sentence identifying the characteristic(s) being tested and proceeded through a series of questions related to the advertised apartment such as the amount of rent, move-in date, availability of other units, inclusion of utilities, promotions, deposit requirements, application requirements, etc.

A segment of the scripts associated with the social assistance profile can be found in the next column.

Social Assistance Profile (test condition):

“Hello. My name is... I am interested in the bachelor apartment you advertised for rent in... I’m receiving social assistance, but I’m sure that I can afford it. Is it still available?”

“Are there any other one bedroom apartments coming available?”

“When do you want someone to move in?”

“What’s the monthly rent?”

The script for the control condition was identical, other than the opening sentences:

Social Assistance Profile (control):

“Hello. My name is ... I am interested in the bachelor apartment advertised in... Is it still available?”

“Are there any other one bedroom apartments coming available?”

“When do you want someone to move in?”

“What’s the monthly rent?”

The scripts were designed to include a number of questions that could elicit differential treatment, while at the same time not be excessively long or sound artificial.



Sampling Methodology

We developed a methodology for selecting apartment listings that would approximate a representative sample. Using City of Toronto and Canada Mortgage and Housing Corporation (CMHC) statistics on the rental housing universe in Toronto and our own estimates based on listings in the *Renters News* (a major vacancy listing source), we selected apartments for the audit in the following manner:

- Approximately 70% of apartments selected were taken from the primary rental market (purpose-built rental housing)¹²
- The remaining 30% were taken from the secondary market (second suites in homes; rental condominiums)
- Of the primary market apartments, 34% were selected from the old City of Toronto, 26% from North York, 12% from Etobicoke, 13% from Scarborough, 6% from East York and 7% from York (based on CMHC data)
- Of the secondary market apartments, 44% were selected from the old City of Toronto, 12% from North York, 6% from Etobicoke, 36% from Scarborough, 1% from East York and 1% from York (based on a survey of secondary market listings in the *Renters News*)

In consultation with our Ad Hoc Advisory Committee and based on the experience of CERA clients, we selected a variety of sources for apartment listings: Viewit.ca, Renters News, the Toronto Star and insideToronto.com (which posts vacancy listings from the Scarborough Mirror, Etobicoke Guardian, North York Mirror, Bloor West Villager, York Guardian and other community newspapers). In order to randomize the selection of apartments within the listing sources, CERA staff reviewed the listings in order and selected every third listing that was in the

“How old is your daughter?...No, we don’t put children in our one bedrooms because legally they are supposed to have their own bedroom. You have to take a 2 bedroom.”

COMMENT FROM HOUSING PROVIDER

appropriate size/price range for the profile and which was consistent with the sampling methodology.

Volunteer Recruitment and Training

Because CERA wanted to employ a methodology that could be replicated by other community agencies, we chose to use volunteer testers rather than hire experienced survey testers. Volunteer testers have been used to good effect in US audits, so we were confident that this approach could work. That said, inconsistencies and bias (both perceived and real) are a significant concern when using volunteer testers, so we took considerable steps to control testing “behaviour”. A total of 24 volunteer testers participated in this research.

¹² This is lower than the percentage usually cited for purpose-built rental housing because our research does not consider subsidized rental housing.



Removing variation and inconsistencies between testers was partly accomplished through the scripts themselves: volunteers were asked to read the scripts as written and simply document the housing providers' responses. In this way, we tried to remove individual judgment from the interview process. In addition, because each volunteer will inevitably sound different when he/she reads the script and responds to questions posed by a housing provider, we recruited three test condition and control condition volunteers for each profile. By doing this, we could ensure that any particular volunteer's idiosyncrasies would not systematically bias the results for a profile.

We also developed training materials and held a training session to ensure that prospective volunteers fully understood the research, the testing process, their role, and how to prepare for and perform the test calls.¹³ In order to correct any "bugs" in the methodology, we scheduled a practice week in April 2008 during which we conducted a sample of paired tests.

Audit

The audit itself was conducted over a ten week period during the summer of 2008, with volunteers scheduled in pairs (control condition and test condition) for 1.5 hour time slots. Though using such brief slots increased the risk that the volunteers would be detected, it was important to minimize the time between the control and the test condition calls. The longer the time between calls, the more likely that conditions associated with the listing (e.g. the availability of the unit) would have changed and confounded the results. We acted on the assumption that, in the vast majority of cases, the conditions associated with an apartment listing would not change within a 1.5 hour period.

During the morning of a test "shift", CERA staff collected apartment listings using the sampling methodology described earlier. The list of the apartments, including the address, price, unit type, telephone number and contact person, was then e-mailed to each member of the pair. The lists were randomized so that each volunteer received the listings in a different order. This helped to ensure that any legitimate change in conditions associated with a listing that occurred in the short time between the control and test condition calls would not systematically favour either member of the pair.

During the 1.5 hour time slot, each volunteer called the numbers on the list. If the housing provider was available, the volunteer then proceeded through the set of scripted questions, and would write down the housing provider's responses and any unsolicited comments or questions in the space provided on the scripts. If the housing provider did not answer the call, the volunteer was instructed to hang up and try another two times. If on the third call the housing provider did not answer, the volunteer left a scripted message asking to be called back. Volunteers were provided with 15 apartment listings for each 1.5 hour shift.

CERA staff kept a master list of all apartment listings called and specific lists for each profile. New listings were cross referenced with the master list to ensure that no apartment was called more than once. A total of 982 distinct apartment listings were contacted as part of this research.

"What's his mental state?"

COMMENT FROM HOUSING PROVIDER

¹³ Our training materials were based on *Fair Housing Tester Training: a Manual for Fair Housing Testers* produced by the HOPE Fair Housing Center.



Analysis

Once the completed scripts were collected, CERA staff matched the paired calls and entered the information from the scripts into a database. Each question from the script was scored based on whether the test profile experienced positive, negative or no differential treatment. The interview was then given an overall score for positive or negative differential treatment. The overall score was based on a +/- 0-3 scale described in Figure 1.

“I’m looking for someone who is working, because I had someone [on social assistance] before and I had a lot of problems.”

COMMENT FROM HOUSING PROVIDER

Figure 1: Differential Treatment Scale

0	No differential treatment or minor, seemingly random differences
1	Mild degree of differential treatment (differential treatment that may indicate bias, but does not necessarily constitute a significant barrier to accessing the apartment). For example: <ul style="list-style-type: none"> • minor differences in move-in dates, features • minor differences in rent that aren’t likely to restrict access to the apartment (less than \$30/month) • minor differences in the housing provider’s comments/questions (e.g. the only difference is that the housing provider asks if the test caller is working but doesn’t ask the control) • differences in the availability of other suitable units
2	Moderate degree of differential treatment (differential treatment that constitutes a significant barrier to accessing the apartment). For example: <ul style="list-style-type: none"> • differences in rent or fees that are likely to restrict access to the apartment • excessive questions asked to one caller compared to the other (indicating significant bias in favour of one caller over the other) • Different move-in date that is so far in the future that it acts as an effective barrier
3	Severe differential treatment (housing access denied). For example: <ul style="list-style-type: none"> • apartment is “not available” for one caller, but available for the other • Both callers leave a message, but the housing provider only returns one call • housing provider hangs up on one caller, but not the other • housing provider offers a clearly unsuitable unit (e.g. a one-bedroom renting at \$850/month when the caller is seeking a bachelor at \$600-\$700), rather than the advertised unit.



Each pair of scripts was scored independently by at least two CERA staff, with the scores being compared to ensure consistency. Where there were discrepancies, staff discussed the scores in question and came to a joint decision about the final score. It is important to note that each scripted question did not carry the same weight in terms of determining the overall level of negative differential treatment. For example, negative treatment associated with the question of unit availability (i.e. one caller is told the apartment is available, while the other is told it has been rented) would have had a much greater impact on the overall differential treatment score than negative treatment associated with the availability of special features (e.g. only one caller is told that the building has storage facilities for residents).

Limitations of the Methodology

While we attempted to create a research design that would allow us to estimate the prevalence of various types of housing discrimination in the City of Toronto, there were some limitations associated with the methodology. For example, we did not incorporate all of the sources that housing seekers potentially use to find apartments, such as signs posted outside of buildings, word of mouth, etc. And while we tried to minimize the potential for individual variation or judgement in the interviews, volunteers inevitably had different approaches to conducting the interviews – and had different perceptions of their experiences. A significant criticism of paired testing methodologies is that they rely solely on individuals' reports of their experiences; additional observers do not independently verify the auditors' reports, raising questions about the reliability of results. Because of this absence of corroboration, it has been argued that paired testing studies are actually documenting the *perceived* discrimination of the individual testers.¹⁴

Concerns over reliability can be minimized through tester training, carefully laid out scripts and the use of multiple testers per profile, but without independent verification of results, these concerns cannot be entirely addressed.

Individual judgement and perceptions played a significant role in the determination of the overall differential treatment scores associated with each paired test. We attempted to systematize the process by putting in place a clear ranking scale (described above) and having two staff – and sometimes three – independently score the tests. However, there were challenges associated with the cases that fell into “grey” areas between the scores. We tended to take a cautious approach to scoring these ambiguous cases and, as a result, may have under-represented the level of actual differential treatment.

Other obvious limitations to our research design relate to the geographic area it covered and the type of transactions it documented. Our study was limited to the City of Toronto, a large, socio-economically diverse city with an extensive professional landlord population and a long history of providing rental housing for a wide range of communities. It is quite likely that similar studies conducted in smaller, more homogeneous communities would yield significantly different results. Finally, our research only examined the first stage of the housing transaction process. Housing seekers go through a set of transactions in their attempts to rent an apartment, including calling to inquire about the unit, setting up an appointment, viewing the apartment, and submitting an application for consideration. Discrimination can occur at any point in the process. Because this study only considers the first stage, the results likely underestimate the true extent of discrimination in the rental market.

14 K. L. Dion (2001) *Supra*, note 7.



Results

During the summer of 2008, paired volunteers contacted housing providers associated with 982 discreet apartment listings, yielding 417 useable observations (42% of all tests). The number of useable observations for each profile ranged from a low of 67 to a high of 110. This is comparable to the base sample size of 72 used at the metropolitan level for the HUD Housing Discrimination Study 2000.

There were a variety of reasons for the discrepancy between the total number of listings called and the useable data, which included:

- Neither the control or the test caller was able to reach the housing provider (32% of spoiled observations);
- The control and test caller reached the housing provider, but both were told that the apartment was not available (20%); and
- One of the callers reached the housing provider in person, but the other did not (44%).¹⁵

Overall Levels of Differential Treatment

Table 1 (below) and Figure 2 (on page 12) illustrate the extent of negative differential treatment observed for the five profiles (represented here by the term “unfairness”). As can be seen, we measured the level of differential treatment associated with both the test and the control condition so that we would have a representation of the random unfairness any caller could potentially experience when inquiring about an apartment. By tracking this random differential treatment, we can better estimate the magnitude of discrimination associated with the test condition. In a substantial percentage of cases, the control condition actually experienced mild negative differential treatment. For example, the control condition associated with the lone parent profile (i.e. the married woman without a child), experienced mild unfairness compared to the test condition (i.e. the lone parent) in 21% of observations. At the same time, there are consistently higher levels of negative differential treatment among the test conditions for all of the profiles.

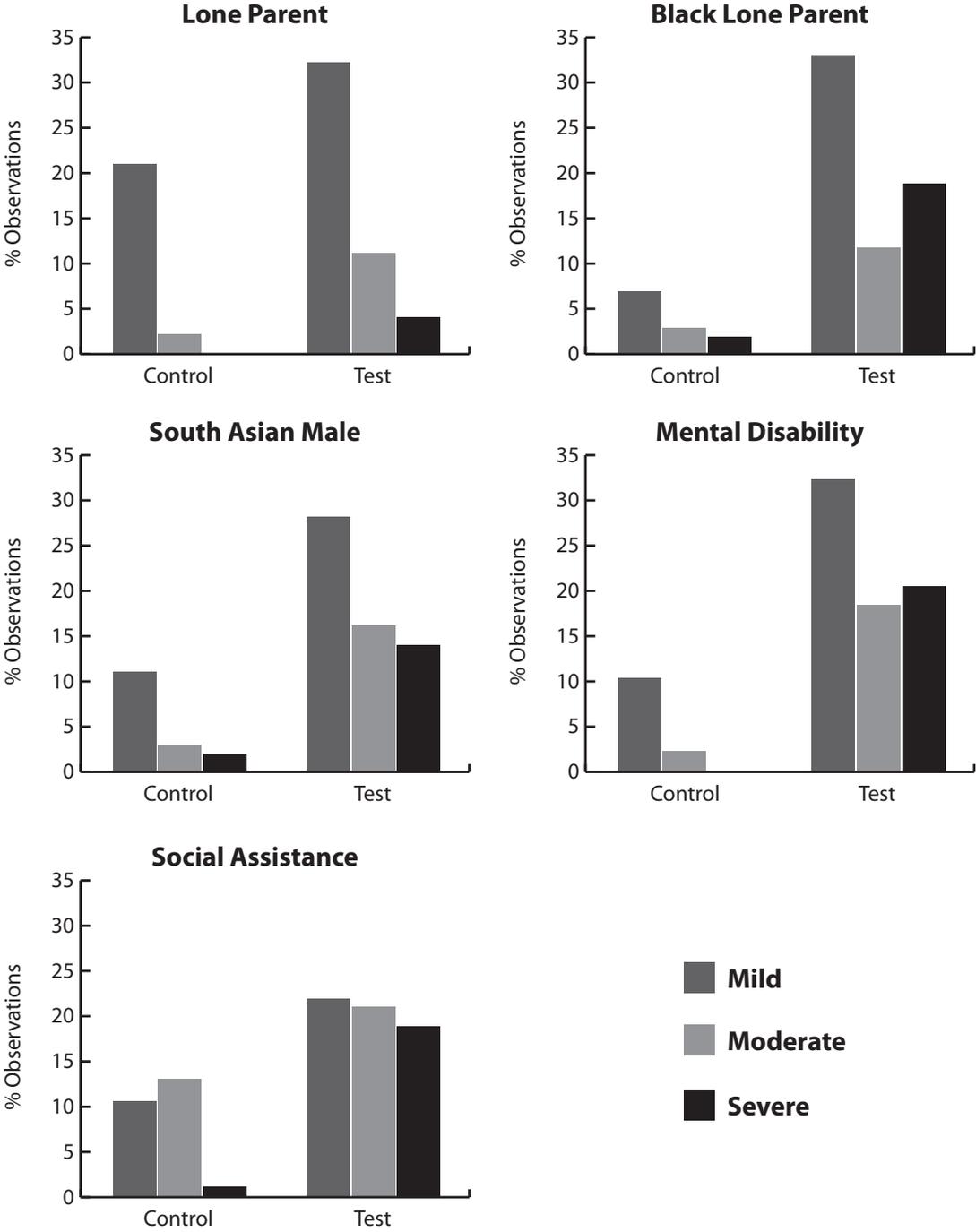
Table 1: Extent of Mild, Moderate and Severe Negative Differential Treatment

Profile	Unfairness to control condition			Unfairness to test condition			No Difference	Total	Total Observations
	Mild	Moderate	Severe	Mild	Moderate	Severe			
Lone Parent	21%	2%	0%	32%	11%	4%	30%	100%	110
Black Lone Parent	7%	3%	2%	33%	12%	19%	24%	100%	67
South Asian Male	11%	3%	2%	28%	16%	14%	26%	100%	89
Mental Disability	10%	2%	0%	32%	18%	20%	18%	100%	79
Social Assistance	11%	13%	1%	22%	21%	19%	13%	100%	72

¹⁵ The remaining 4% of spoiled observations were discarded for a variety of reasons, including that the housing provider suspected something.



Figure 2: Extent of Mild, Moderate and Severe Negative Differential Treatment





Estimated Levels of Discrimination

To better estimate the impact of discrimination on housing seekers, we focused on cases where the differential treatment experienced was substantial enough to constitute a major barrier to accessing housing – that is, cases where the test condition experienced moderate to severe negative differential treatment (a level of 2 or 3 on the differential treatment scale). This also allowed us to address the apparently high level of randomness associated with the “mild” differential treatment category. Table 2

(below) and Figure 3 (on page 14) combine observations which scored a level 2 or 3 on the differential treatment scale. In order to address random differences, we took into account negative differential treatment experienced by the control condition, producing an estimated frequency of discrimination. These figures are conservative estimates of differential treatment, as it is unlikely that all of the observations favouring the control condition represent random differences.¹⁶

Table 2: Estimated Rate of Discrimination

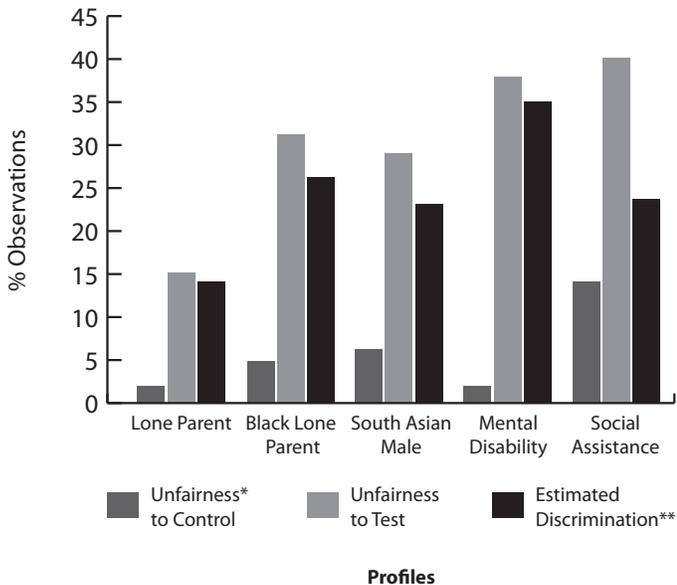
Profile	Unfairness to control condition*	Unfairness to test condition	Unfairness to neither condition	Total	Rate of Discrimination**	Total Observations
Lone Parent	2%	15%	83%	100%	14%	110
Black Lone Parent	5%	31%	64%	100%	26%	67
South Asian Male	6%	29%	65%	100%	23%	89
Mental Disability	2%	38%	60%	100%	35%	79
Social Assistance	14%	40%	46%	100%	24%	72

*Unfairness here refers to a differential treatment score of 2 or 3 and, thus, represents a significant barrier to accessing housing

** The rate of discrimination refers to the percentage likelihood of the test profile experiencing discrimination at a level that would constitute a significant barrier to accessing housing (i.e. a score of 2 or 3 on the differential treatment scale). Due to rounding error and the modeling method (multinomial logistic regression), this number is not exactly equal to the difference between the figures in the “Unfairness to test condition” column and the figures in the “Unfairness to control condition” column. The 95% confidence interval of the estimates can be found in the Appendix.



Figure 3: Estimated Rate of Discrimination



*Unfairness here refers to a negative differential treatment score of 2 or 3 and, thus, represents a significant barrier to accessing housing.

**The rate of discrimination refers to the percentage likelihood of the test profile experiencing discrimination at a level that would constitute a significant barrier to accessing housing (i.e. a score of 2 or 3 on the differential treatment scale). Due to rounding error and the modeling method (multinomial logistic regression), this number is not exactly equal to the difference between the figures in the "Unfairness to Test" column and the figures in the "Unfairness to Control" column.

The level of moderate and severe discrimination observed was significant. We estimated the extent of discrimination against the test conditions, discrimination that would act as a major barrier to accessing housing, to be:

- 14% for the lone parent
- 26% for the Black lone parent
- 23% for the South Asian man
- 35% for the man with a mental disability
- 24% for the woman receiving social assistance

While the levels of moderate to severe differential treatment experienced by the control conditions in four of the profiles were close to or below 5% of observations, this was not the case for the social

assistance profile. For this profile, the control condition experienced substantial negative differential treatment 14% of the time. It is very unlikely that this reflects purely random differences. Instead, in some observations at least, it probably reflects cases where the housing providers actually gave preferential treatment to the caller who was receiving social assistance. This will be discussed below.

Discrimination Associated with Interview Questions

In addition to analyzing the overall levels of differential treatment associated with each profile, we broke down the scripts by question to determine at which points during the interview differential treatment was most likely to occur. The analysis considered 13 script variables (listed here in the order in which they appeared in the scripts):

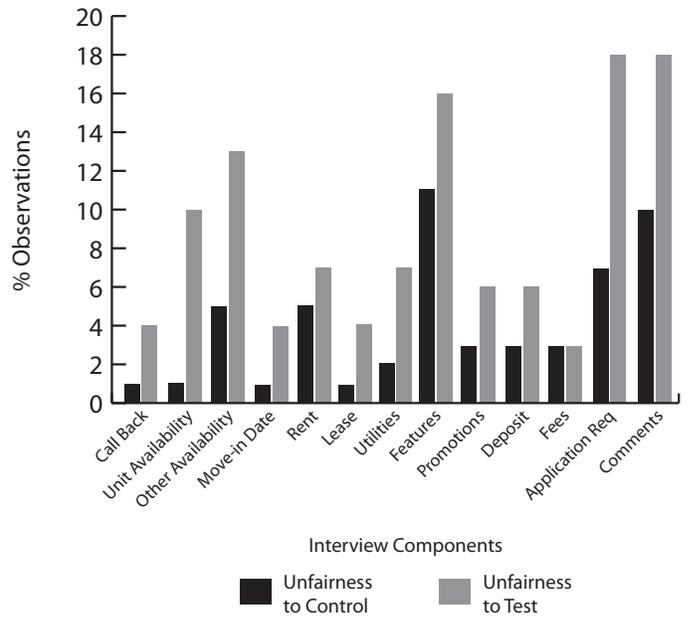
- Call back (for cases where the caller was not able to reach the housing provider and left a message)
- Availability of the unit advertised
- Availability of other suitable units
- Move-in date
- Rent
- Lease requirements (i.e. month-to-month tenancy or one year lease)
- Special features associated with the apartment/building (e.g. pool, exercise room, lockers, etc.)
- Inclusion of utilities in the rent
- Availability of promotions for new tenants (e.g. free 1st month, free TV, etc.)
- Rent deposit requirements
- Any additional fees (e.g. deposit for key card)
- Application requirements (e.g. credit check, references, employment letters, bank statement, co-signors, etc.)
- Unsolicited comments by the housing provider



Considering all profiles, the parts of the interview that were most likely to elicit differentially unfavourable responses for the test condition were the questions about: unit availability, availability of other suitable units, application requirements and comments made by housing providers. That is, compared to the control conditions, the test conditions were particularly likely to be told that an apartment was unavailable and that there were no other suitable units, when this was not in fact the case; they were particularly likely to be subjected to extra, more rigorous application requirements; and they often heard negative and discriminatory comments from housing providers.

Comments made by housing providers ranged from excessive, intrusive questioning to blatantly discriminatory remarks related to the caller's family status, source of income or disability. In response to a call from a volunteer portraying a mental health support worker, one housing provider commented, "Is something wrong with him?... Does he take pills?... Is he quiet?... Why are you calling for him?... I don't know about it, it makes me scared." A housing provider responded to a volunteer portraying a lone parent by stating, "Every time we rented to people with children, it has been a problem." For volunteers portraying someone on social assistance, it was common to hear, "I don't take people from welfare. I'm sorry." Other examples can be found throughout the body of the report. As illustrated in Figure 4 on the right, negative differential treatment was more likely to be associated with the test than the control condition in every part of the interview other than the question about additional fees, for which the control and test conditions were equally likely to experience negative differential treatment.

Figure 4: Differential Treatment and Interview Questions



Highlights of the differential treatment associated with particular profiles include:

- The lone parent was subjected to extra application requirements in 23% of observations
- The Black lone parent was told an available unit was "rented" 16% of the time, and was subjected to negative comments by the housing provider (invariably related to her family status) in 21% of observations
- For the mental disability profile, the test condition received unfavourable responses regarding unit availability in 14% of observations, extra application requirements in 23% and negative comments from the housing provider in 28%



- The test condition for the social assistance profile was subjected to extra application requirements (such as direct deposit from social services, co-signor or minimum income requirements) in 25% of observations.

Interestingly, the social assistance test condition actually experienced less negative treatment than the control condition with respect to the scripted questions related to special features and deposit requirements. In terms of the deposit requirements, many housing providers actually reduced their rent deposit requirements when they discovered that the caller was receiving social assistance.

“[Not having a job] is going to be a problem, because I need a reference from your employer.”

COMMENT FROM HOUSING PROVIDER

Discussion

Across Canada, housing cases have historically made up a very small percentage of claims filed with human rights enforcement agencies. In 2007-2008, only 159 complaints related to discrimination in housing were filed with the Ontario Human Rights Commission, representing 4.6% of all complaints.¹⁷ There is little doubt that these numbers do not reflect the actual extent of discrimination in the housing market. When people are looking for an apartment and experience discrimination, the vast majority do not even consider taking legal action – they merely move on to the next advertised unit. Understandably, their priority is to find a place to live. People who come to CERA to challenge discrimination have invariably been turned down over and over again and desperately need to secure housing. They also are usually living on low incomes and belong to extremely marginalized communities; most do not have the resources to legally challenge discrimination. And, of course, there are those housing seekers who experience discrimination without realizing it. It is not surprising then, that the overwhelming majority of people who experience discrimination when trying to access housing never make it into any formal discrimination statistics.

Housing discrimination affects thousands of Torontonians annually

This research is an attempt to quantify individual experiences of discrimination in housing, to get a more accurate estimate of its incidence in Toronto's private rental market. Our research suggests discrimination on *Human Rights Code*-related grounds such as family and/or marital status, race/ethnicity and/or place of origin, disability and receipt of public

¹⁷ Ontario Human Rights Commission, *Annual Report 2007-2008* (Toronto: Ontario Human Rights Commission, 2008).



assistance is widespread. We estimate that approximately 1 in 4 households receiving social assistance, South Asian households, and Black lone parents experience moderate to severe discrimination when they inquire about available apartments – discrimination that acts as a significant barrier to accessing housing. When the housing seeker has a mental illness, our research shows that more than one third will experience discrimination. While lower than the other profiles, the 14% discrimination rate reported by the lone parent profile was still significant and could translate into approximately 6,000 individuals across Toronto annually (if we only consider people in families headed by a lone parent who is Black, the number would likely be close to 2,000). The rate of discrimination associated with the South Asian profile translates into about 10,000 individuals annually, while the rate for the social assistance profile would mean that almost 15,000 Torontonians receiving Ontario Works or Ontario Disability Support Program benefits experience significant discriminatory barriers.¹⁸ Considering that schizophrenia alone affects approximately 25,000 individuals in Toronto, discrimination directed at renters with mental illness undoubtedly affects thousands of Torontonians every year.¹⁹

The tip of the iceberg?

While the numbers presented above are troubling, it is important to reiterate that they likely underestimate the magnitude of the problem. Of several stages associated with the rental application process, we only tested the first. Households that do not experience discrimination during the initial telephone contact with the housing provider could still be treated unfairly when they go to view

“We’re looking for someone single, but could accommodate a couple.”

COMMENT FROM HOUSING PROVIDER

the apartment, or when they fill out and submit an application.

Discrimination related to mental illness is particularly common

“Stigma infects every issue surrounding mental illness, often with worse consequences than the illness itself.”

CANADIAN MENTAL HEALTH ASSOCIATION²⁰

Most Canadians do not understand mental illness. While 20% of us will suffer from a mental illness at some point in our lifetime,²¹ these conditions are shrouded in mystery and fear. Not surprisingly, the mental illness profile distinguished itself by being associated with a substantially higher rate of discrimination than any other profile. The rate of discrimination was 35% – a full 9 percentage points higher than the second highest rate of discrimination. Negative comments by housing providers were also frequently reported. That is, many housing providers felt comfortable making blatantly

18 These are rough estimates based on data from Statistics Canada, the City of Toronto and the Ontario Ministry of Community and Social Services on female lone parent households, South Asian immigrants and social assistance households in Toronto, taking into account housing tenure and mobility rates.

19 Schizophrenia affects 1% of Canadians. Health Canada, *A Report on Mental Illnesses in Canada* (Ottawa: Health Canada Editorial Board Mental Illnesses in Canada, October 2002).

20 Canadian Mental Health Association, *Stigma and Mental Illness: A Framework for Action* (Toronto: CMHA, 2007) at 1.

21 Health Canada (2002) *Supra*, note 19.



*"[The owner] wants quiet:
no pets, no kids."*

COMMENT FROM HOUSING PROVIDER

discriminatory comments to the test callers – volunteers portraying mental health workers. This suggests a disturbing level of public acceptance of discrimination against these individuals. Many people obviously feel it is acceptable to make and voice negative assumptions about a person because he/she has a mental illness. To make matters worse, people with mental illness often have the added stigma of being poor and in receipt of public assistance. Thus, many experience discrimination on multiple grounds, suggesting that the level of discriminatory treatment observed only tells part of the story.

Social assistance recipients experience substantial discrimination (but sometimes it works in their favour)

At 24%, the discrimination rate for the social assistance profile was similar to those associated with the Black lone parent and South Asian profiles. However, in this case it is useful to distinguish between the total level of differential treatment and the estimated discrimination rate. If we consider the incidence of moderate to severe negative differential treatment associated with the test condition alone, it is 40% – the highest of any of the profiles and 16 percentage points higher than the estimated discrimination rate of 24%. The reason for this substantial discrepancy is that, unlike the other profiles, the social assistance profile had a significant amount of

moderate to severe differential treatment (14%) associated with the control condition.

In CERA's view, rather than being entirely random, the negative treatment experienced by the control condition actually reflects the conflicted status of social assistance recipients in the private rental market. Many housing providers, due to outright prejudice and/or assumptions about income and default risk, do not want to rent to people on social assistance. On the other hand, this research suggests that there may be a significant minority that are quite happy to rent to social assistance recipients, and that these landlords may even give such households special consideration, such as by relaxing deposit requirements. These landlords may see applicants receiving social assistance as desirable because they have a steady source of income and are, out of necessity, good money managers. The results suggest that, while many social assistance recipients experience discrimination in the rental market, a lucky minority of these housing seekers may actually get seemingly preferential treatment.

Lone parents face less discrimination (but not if they are Black)

Family status discrimination is one of the most common forms of discrimination reported by CERA's clients. Despite being illegal, adult-only apartments continue to exist and it is not unusual to see newspaper advertisements for apartments which specify "no kids" or "single or couple preferred". We were surprised, therefore, to find that the non-racialized lone parent profile had the lowest level of estimated discrimination of the five profiles. Part of this may be explained by the fact that we created the profile in such a way that it could only elicit relatively uncomplicated, obvious discrimination: we made sure that the control and test conditions had the same number of people in their households,



ensuring that any differential treatment could not be justified based on household size. Had we defined the profile so that the only difference between the test and control conditions was the presence of children, the test condition would have been a couple with a child, so the household would have been larger than the control condition's household. If this was the case, we would have likely found a much higher rate of negative differential treatment as many housing providers would likely have preferred to rent to a smaller household. While this could still be in violation of the *Human Rights Code*, we decided it was too subtle for the purposes of our research.

Tellingly, when the lone parent had a Caribbean accent, the estimated magnitude of discrimination jumped from the lowest among the profiles, to the second highest at 26%. The comparison of these profiles clearly illustrates the central reality of discrimination: most people experience it on multiple fronts simultaneously. Not only did the test condition in this case have to contend with the fact that she was single with a child, she had the additional barrier of being a single mother from a racialized community. Adding the variables of race, ethnicity and/or place of origin to lone parent status dramatically increased the likelihood of discrimination.

Discrimination is frequently hidden

The prevalence of discrimination related to race, ethnicity and/or place of origin was also illustrated through the 23% discrimination rate associated with the South Asian profile. Not surprisingly, while many housing providers were comfortable making discriminatory statements to the test caller in the mental disability profile, this was not the case with the South Asian profile. In this profile, the control and test conditions had virtually equal incidences of negative comments, and no housing provider made

any outwardly racist comments about the test caller. Instead, discrimination was primarily demonstrated through indirect means.

This is consistent with the experience of CERA's clients and other members of racialized communities. In the Ontario Human Rights Commission's 2008 report, *Right at Home: Report on the Consultation on Human Rights and Rental Housing in Ontario*, one informant, a South Asian man, commented:

... [when] I called to book an appointment ... I used a Canadian accent and the superintendent gave me the interview and was quite cordial and even went the extra mile. Once I showed up for the viewing with my family, the superintendent was making various excuses which seemed quite unusual at that particular time. He claimed that the apartment was already rented out. Later in the week I had my White friend call and go in for a viewing and it turned out to be the same apartment that I was supposed to view. My White friend was successful in viewing and applying for the apartment.²²

In CERA's experience, housing providers will frequently make discriminatory comments related to the presence of children, receipt of public assistance, or as the research results show, mental illness, but

"I'm sorry. We don't take anybody on assistance"
COMMENT FROM HOUSING PROVIDER

²² Ontario Human Rights Commission (2008) *Supra*, note 2, at 21-22.



will rarely comment directly about race or ethnicity. As a result, it is difficult to clearly identify racial discrimination in the rental housing market.

One of the distinct advantages of the paired testing methodology is that it can capture hidden discrimination. And as the analysis of the interview components illustrates, while discriminatory comments from housing providers were relatively common, the bulk of the negative differential treatment would not have been apparent to the caller. The caller would not know, for example, that the allegedly rented apartment was still in fact available, that the housing provider returned another caller's – but not her – call inquiring about the apartment, that he wasn't offered the "free TV with a 12 month lease", or that the housing provider was applying particularly rigorous application requirements. The high level of disguised differential treatment uncovered through this research suggests that paired testing approaches need to play a larger role in guiding our understanding of housing related discrimination.

This research is a first step. We now need to go further and look at different types of discrimination and different communities. What kind of barriers do youth face when trying to rent an apartment? And what about recent immigrants or refugees who have no Canadian credit or landlord references? What affect does perceived sexual orientation have on rental opportunities? How do the discrimination rates of different racialized communities compare? Will a person with a physical disability experience a high level of discrimination? In CERA's view, all of these

questions – and more – could be tested effectively and affordably through telephone-based discrimination audits in communities across Ontario. We hope that this report and the research on which it is based will help mobilize governments, academics and community organizations to make greater use of paired testing methodologies to investigate the state of equality rights in housing.

More importantly, this study demonstrates that discrimination is indeed a significant barrier for many equality seeking communities in their attempts to access housing, adding to the stress and effort associated with the housing search process, decreasing the pool of available rental housing, pushing individuals into over-priced and/or inadequate apartments – and potentially into homelessness. It shows us that Canada's housing crisis is far worse than we imagined. Not only is there an inadequate supply of affordable rental housing, but members of vulnerable communities are being denied access to many of the units that currently exist. For most of the profiles we studied, there are roughly 25% fewer units available. Any strategies to address homelessness and housing insecurity must address this reality.

Canada claims to be a nation that values diversity and inclusion. It should be intolerable that so many people are being denied access to a fundamental necessity on the basis of the colour of their skin, their accent, where they are from, their source of income or because they have children or are living with a disability.



Recommendations

1. The Government of Ontario should fund housing discrimination audits in communities across Ontario. The audits could be conducted by the Ontario Human Rights Commission in collaboration with community-based organizations, such as CERA.
2. The Government of Ontario should establish and fund a system to monitor housing discrimination. The system would be separate from but complementary to the formal human rights complaint process, and would include:
 - a. ongoing random checks of housing providers' rental policies and practices to ensure that they comply with the *Human Rights Code* (potentially using a paired testing methodology)
 - b. targeted checks in response to individual complaints of discrimination
 - c. annual housing discrimination report cards that are distributed throughout the province and which are used in reporting to United Nations human rights monitoring bodies
3. The Government of Ontario should provide adequate funds to ensure that equality seeking communities, such as those described in this report, can access targeted advocacy supports to challenge housing-related discrimination.
4. The Government of Ontario should provide adequate funds, directed to the Ontario Human Rights Commission and community-based organizations, for human rights education targeted at housing seekers, tenants and housing providers. This education should be focused on exploring the discrimination exposed through this study, such as discrimination against persons with mental illness, racialized single mothers and other members of racialized communities, and people receiving social assistance.

“Who will look after [your daughter] while you’re at work?”

COMMENT FROM HOUSING PROVIDER



Appendix

	95 Percent Confidence Interval of Discrimination Estimate	
	Lower Bound	Upper Bound
Lone Parent	6%	21%
Black Lone Parent	14%	39%
South Asian Male	12%	34%
Mental Disability	23%	46%
Social Assistance	9%	38%



www.equalityrights.org/cera

