



Know Your Rights

**Housing Discrimination is
Against the Law**



This booklet was produced by the Centre for Equality Rights in Accommodation (CERA), a non-profit organization established in 1987 to promote human rights in housing.

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Disclaimer

The information contained in this booklet is for educational purposes only and is not legal advice. If you require legal advice, you should contact a lawyer or a community legal clinic.

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Centre for Equality Rights in Accommodation



Housing is Your Right

You have the right to adequate, affordable housing. The *Ontario Human Rights Code* (the “Code”) says you must have an equal opportunity to rent an apartment. If you are already renting an apartment, the Code says you must be treated fairly by the landlord and other tenants. You cannot be discriminated against or harassed because you fall under one or more of the following categories. These are called *Prohibited Grounds*:

- ⇒ Receipt of Public Assistance
- ⇒ Family Status
- ⇒ Citizenship
- ⇒ Place of Origin
- ⇒ Ancestry
- ⇒ Age
- ⇒ Sexual Orientation
- ⇒ Sex
- ⇒ Disability (Physical or Mental)
- ⇒ Religion
- ⇒ Marital Status
- ⇒ Race, Colour, or Ethnic Background



The Human Rights Code

The *Code* is the most important legislation in Ontario. In most cases, it overrules any other law in the province. The *Code* covers just about every kind of rental housing: private market units, public subsidized units, condominiums, and co-ops.

The *Code* does ***not*** apply if you share a bathroom or a kitchen with your landlord.

Discrimination

The law says all people must be treated equally when they apply to rent a place to live. This means a landlord has to look at each applicant as an individual and not make a decision based on stereotypes. For example, it is illegal for a landlord to refuse an application because they “don’t rent to people on welfare” or they “don’t rent to single mothers”.

Also, discrimination does not need to be intentional. A landlord can break the law without knowing it.



Harassment

Harassment usually involves ongoing, unwelcome behaviour from the landlord or other tenants. This unwelcome behaviour must be related to one of the *Prohibited Grounds* listed on page 1.

Rude behaviour or personality conflicts are **not** considered harassment under the *Code*, unless they are related to a *Prohibited Ground*.

Reprisal

All tenants are entitled to stand up for their human rights. If a tenant makes a formal complaint against a landlord, that landlord cannot try to “get even” with the tenant. This is called reprisal and it is also illegal.





Receipt of Public Assistance

Olivia is a 39-year old woman who lives in Hamilton. She has a physical disability and cannot work. As a result, she receives Ontario Disability Support Program (ODSP) benefits. Olivia saw an advertisement for a basement bachelor apartment with a monthly rent of \$500. She felt she could afford this and made an appointment to see the apartment. When she saw the place, she liked it and asked for an application. The landlord asked what Olivia did for a living. Olivia replied that she is on ODSP. The landlord said he “doesn’t rent to those kinds of people”. When asked why, the landlord replied, “those kinds of people trash the apartments and are bad tenants”. Olivia asked if the landlord thought she was one of “those” kinds of people. The landlord did not answer her. He just walked away.

Olivia felt she was denied an equal opportunity to apply for the basement apartment. She called CERA to confirm that the landlord had broken the law.

“Those kinds of people trash the apartments and are bad tenants.”



Family Status

Fatemeh is married and has a 5-month old baby. She and her husband had been living in a basement bachelor apartment in Toronto, but when their baby was born they decided to look for a larger place. Fatemeh answered an email advertisement for an affordable, one-bedroom apartment. She explained that she and her husband are newcomers to Canada and have a 5-month old baby. She added that her husband works in construction and they would provide an employment letter, as well as the contact information for her husband's employer.

The landlord emailed a very polite reply. He thanked Fatemeh for her interest, but said the one-bedroom apartment is suitable only for one person, not three people. He also said that his other tenants might be bothered by Fatemeh's 5-month old baby. The landlord wished her luck in her search.

Fatemeh emailed back to say the landlord should not refuse to rent to her because of the size of her family or because she has a baby. The landlord never replied to this email.

Fatemeh was certain she had been wronged. She called CERA and decided to proceed with a human rights complaint.



Citizenship and Place of Origin

Iqbal and his wife came to Canada from Bangladesh. After they arrived, they stayed with family members in Mississauga for five months before looking for their own apartment. Iqbal was a student at Sheridan College. He was not working, but had applied for an Ontario Student Assistance Program (OSAP) loan and also had \$5,000 in savings.

Iqbal saw an advertisement for a bachelor apartment in Oakville. It was close to school. The rent was \$740 per month. He completed the application and gave a deposit for first and last month's rent. Iqbal waited two weeks, but did not hear anything. He called the property manager, who told him his application was denied because he did not have stable employment. The property manager told Iqbal that he would consider renting to him if he paid 12 months rent in advance. The property manager said that this is what most newcomers do.

Iqbal did not think this was fair. Between his OSAP loan and his savings, he knew he would have enough to pay the rent each month. Iqbal called CERA and was told that landlords must accommodate the particular needs of newcomers to Canada. Newcomers are not as likely to have steady employment when they arrive and will often have to rely on their savings and other funds. Asking for 12 months rent in advance is illegal.



Age

Ashley is a 17-year old woman. Her parents' home was very unstable so she moved out. For three months, Ashley had been living in a Toronto youth shelter. She wanted her own place.

She saw an advertisement for a bachelor apartment. The rent was \$625 per month. Ashley and her worker from the Children's Aid Society (CAS) went to see the apartment. She liked it and asked the superintendent for an application. The superintendent asked Ashley's age and when told she was 17 years old, he said he cannot rent to anyone under 18. Ashley's CAS worker asked to speak with the landlord. The landlord said he once rented to students and they were "too loud". Now his policy is to never rent to "young people". Ashley and her CAS worker tried to persuade him to change his mind, but he would not.

Ashley called CERA to ask if she had faced discrimination. Once she gathered all her information, Ashley filed a human rights complaint with the Human Rights Tribunal of Ontario. 16 and 17-year olds are legally entitled to rent an apartment in Ontario.

**His policy is to never rent
to "young people."**



Physical Disability

Carlton has lived with his girlfriend in a London apartment building for 3 years. In December, he was in a car accident that left him unable to walk. Carlton now requires a wheelchair. In his wheelchair, Carlton cannot climb the set of steep stairs at the front of his building.

A few months after his accident, Carlton and his girlfriend spoke with the landlords and asked them to install a ramp. The landlords said the steep incline in front of the building would make it very difficult to install a ramp. As an alternative, they suggested Carlton enter the building through the garbage room in the back, where there are no stairs.

Carlton and his girlfriend called CERA, who referred them to an accessibility consultant. The accessibility consultant suggested a wheelchair lift. The lift cost \$12,000. Carlton and his girlfriend told the landlords about the lift, but the landlords said it was too expensive.

Carlton and his girlfriend again spoke with CERA, who told them that their landlords have a *duty to accommodate* Carlton's disability to the point of *undue hardship*. This means the landlords must prove that the cost of installing the lift would be so great that they might go out of business. If the landlords cannot prove this, they will probably have to install the lift for Carlton.



Mental Health Disability

Clare is a 66-year old woman. She lives alone on the 5th floor of a Toronto apartment building. Two of her neighbours told the superintendent that they suspected Clare was a hoarder. The superintendent came to inspect the apartment on two separate occasions, but Clare did not allow him in. One week later, Clare received a notice from the landlord saying her apartment was a fire safety hazard. She was told to have her whole place cleaned within a month or face an eviction hearing at the Landlord and Tenant Board.

Clare called CERA. At first, she described her apartment as “cluttered”, but later admitted she had “lots of boxes and papers piled everywhere”. CERA explained that this situation required co-operation on both sides: Clare, as a tenant, should allow the superintendent and a fire safety official to inspect the apartment. If deemed a safety hazard, then she would agree to work with an outside cleaning agency. The landlord, who had the safety of other tenants to consider, also had a *duty to accommodate* Clare’s disability because hoarding is considered a mental health issue.

The landlord agreed to cancel the eviction notice and give Clare extra time to work with the cleaning agency.



Sexual Orientation

Eva is a 29-year old woman who lives in Kingston. She moved into a one-bedroom apartment on the top floor of a house. The landlord lived on the main floor. For the first three months, Eva and her landlord got along well. Then, Eva began to date Jennifer. Jennifer would stay over at Eva's twice a week; she would arrive after dinner, park in one of the two spots in the front of the house and leave early the next morning.

Eva began to notice a change in her relationship with her landlord. These changes were very subtle. Her landlord was less friendly and made complaints about the sound of footsteps on the stairs.

A few months later, Eva received a letter from her landlord saying the two parking spots in front of the house were reserved for "family". The next day, Eva spoke to her landlord about the parking spots. Again, her landlord said the two spots were for "family". Eva said the spots were often unused and asked why her girlfriend couldn't use one spot occasionally. Her landlord said she didn't know Eva had a girlfriend when she rented the apartment to her.

The following month, Eva received an eviction notice. The notice said the landlord's son was going to move into Eva's apartment. Eva suspected this was just an excuse. She believed she was facing discrimination because of her sexual orientation and filed a discrimination complaint.



Race

Kelvin is a 28-year old Jamaican-Canadian. He answered an online advertisement for a one-bedroom apartment on the fifth floor of a building in Etobicoke. The superintendent said the apartment was still available and Kelvin made an appointment to see it. He liked the apartment and could easily afford the monthly rent of \$740. Kelvin filled out the application and provided all the necessary supporting documents.

Kelvin did not hear anything for one week. He called the superintendent and was told his application had been denied. Kelvin asked why, but the superintendent refused to provide a reason. Kelvin also left several messages for the property manager, but never got a call back.

Kelvin noticed that the apartment was still available for over one month after his application was denied. He began to suspect that he was denied because of the colour of his skin – he could think of no other reason why he was turned down. His annual income was more than \$38,000, easily enough to pay the rent. He also had good landlord references and a solid credit rating. Kelvin called CERA and proceeded with a discrimination complaint.





What Happens Next?

If you think you have faced housing discrimination:

- ⇒ Write down everything that you can remember about the incident(s). Names, dates, what was said and by whom.
- ⇒ Call CERA. Staff or volunteers will contact the landlord to advocate on your behalf to stop the discrimination and try to get you the apartment.

416-944-0087 ext. 22
1-800-263-1139 ext. 22 (Toll Free)

You can also file an application with the **Human Rights Tribunal of Ontario**. You only have one year after the last incident of discrimination to file the application.

- ⇒ Be prepared. This process can take time. You may have to wait several months before you can settle your case.
- ⇒ Call CERA. We may be able to help you file your application.
- ⇒ Call the **Human Rights Legal Support Centre (HRLSC)**. The HRLSC provides free legal services for anyone in Ontario who has faced discrimination. The HRLSC can also help you file your application.

416-314-6266/1-866-625-5179



About CERA

The Centre for Equality Rights in Accommodation was formed in 1987 to promote human rights in housing. We are the only organization in Canada dedicated to fighting discrimination in housing and using human rights principles and legislation to challenge homelessness and housing insecurity. We have offices in Toronto and Ottawa. Our objectives are to:

- ⇒ Promote knowledge and enforcement of human rights among disadvantaged groups and individuals.
- ⇒ Provide educational materials and programs in human rights to groups whose human rights may have been violated, landlords, service providers and the public at large.
- ⇒ Provide representation to disadvantaged groups and individuals who believe their human rights have been infringed.
- ⇒ Encourage and facilitate effective public education and enforcement of human rights by provincial, national and international commissions, agencies and organizations and by governments.
- ⇒ Engage in research on housing and human rights.

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