

# Human Rights 101



Centre for Equality Rights in Accommodation  
Centre pour les droits à l'égalité au logement

**March 3, 2022 – Hosted in Partnership with Developmental Services Ontario  
Housing Navigators**



Kingston  
Community  
Legal  
Clinic

**Presenters: Tim Heneghan (Caseworker – Centre for Equality Rights in  
Accommodation)**

**John Done (Executive Director – Kingston Community Legal Clinic)**



# TODAY'S AGENDA

**6:30 Introduction to Human Rights (Tim Heneghan)**

**7:00 Human Rights in Action (John Done)**

**7:30 Question and Answer Session**

**8:00 Webinar ends**

This presentation contains general legal information about the law of Ontario. This presentation does not contain and is not intended to contain legal advice.

If you require legal advice relating to a particular issue, please contact a lawyer or your local community legal clinic.

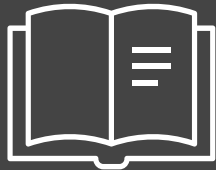


# What We Do

**CERA is Canada's leading non-profit organization working to advance the right to housing. We have done so for the past 30 years.**



We provide direct support to renters facing eviction and human rights issues in their housing



We provide public education and training about housing rights and responsibilities



We expand human rights and housing law through research, policy advocacy, strategic litigation and law reform.



**HOUSING  
IS A HUMAN  
RIGHT**

# The Law

**The *Human Rights Code* (the “Code”):** prohibits actions that discriminate against people based on a **protected ground** in a **protected social area**.

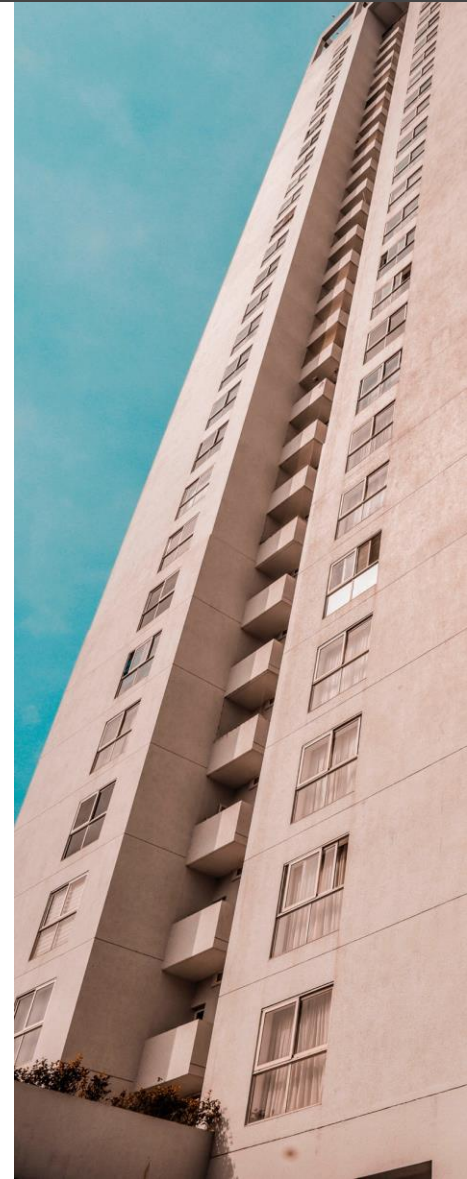
The *Code* also establishes the landlords’ “duty to accommodate” disabilities.

**Ontario Human Rights Tribunal:** a specialized court that resolves disputes under the *Code*.



# Protected Grounds

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



# Protected Social Areas

- Accommodation (housing)
- Contracts
- Employment
- Goods, services and facilities
- Membership in unions, trade or professional associations



# Discrimination

**Discrimination** occurs when someone experiences unequal or different treatment or harassment that causes harm. People have the right to equal treatment and opportunities, without discrimination or harassment, in the areas covered by the *Code*.

Discrimination can be direct or indirect.

- Example of direct discrimination: overt refusal to rent to ODSP recipients.
- Example of indirect discrimination: policy that landlord only accepts maintenance requests via email.

Tip: look at all of the circumstances to determine whether discrimination is occurring. Focus on whether people are being singled out for differential treatment.



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# Discrimination in Housing

Examples of discrimination in housing drawn from CERA's work serving tenants:

- Prospective landlords refusing to rent to families.
- Property management refusing to install ramp to enter common area.
- Landlord imposes “no pets” policy that impacts disabled person reliant on service animal.



# Harassment

**Harassment** occurs when someone is “engaged in a course” of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

Examples of harassment include:

- Being yelled at or verbally berated.
- Pictures being taken without permission.
- Sexually suggestive remarks or unwanted sexual advances.

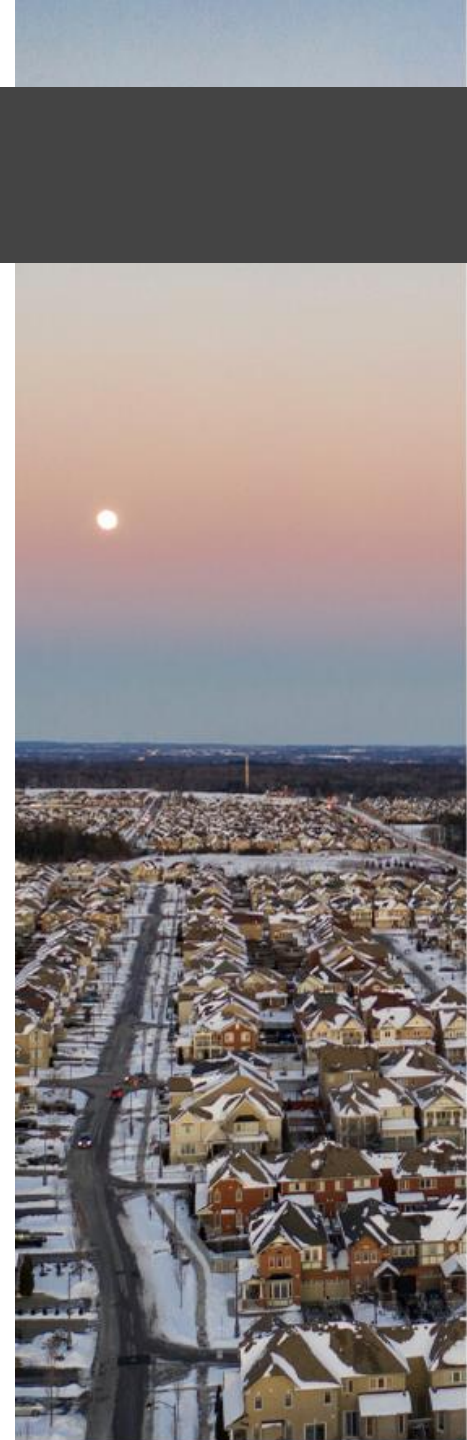


# Harassment in Housing

It is illegal for **your landlord or one of their employees** to harass you, threaten you or invade your privacy.

- Even if you're behind on rent, your landlord is not permitted to bother you at unreasonable times, cut off services, or enter your home without consent.

If you're being harassed **by another tenant**, your landlord has an obligation to take reasonable steps to address the problem.



# The Duty to Accommodate

Housing providers have a legal **duty to accommodate** the needs of people with disabilities to make sure they have equal opportunities, equal access and can enjoy equal benefits.

The duty to accommodate is informed by three principles:

- Respect for dignity
- Individualization
- Integration and full participation

It is the responsibility of the housing provider to accommodate up to the point of **undue hardship** – a high legal threshold.



# The Duty to Accommodate

Examples of the duty to accommodate in action:

- Tenant with disability requests installation of metal bar in shower to lessen risk of falling. Landlord bears cost of accommodation.
- Blind tenant requests help in completing maintenance request form. Property management staff lend a hand.
- Wheelchair-bound tenant requests access ramp be added to rear entrance of building. Landlord installs ramp and absorbs cost.

Remember: accommodation is a two-way street. Be prepared to work with your housing provider to achieve necessary accommodation.



# THANK YOU



416-944-0087 | 1-800-263-1139



[cera@equalityrights.org](mailto:cera@equalityrights.org)



[equalityrights.org](http://equalityrights.org)



[@CERAOntario](https://www.facebook.com/CERAOntario)



[@CERAOntario](https://twitter.com/CERAOntario)

# Dispute Resolution



education



negotiation



mediation



adjudication



# Accommodating Disabilities

*Best Practices*





# Dispute Resolution

Educating your landlord about their duties to not discriminate, and to accommodate.



# Pursuing Human Rights Claims

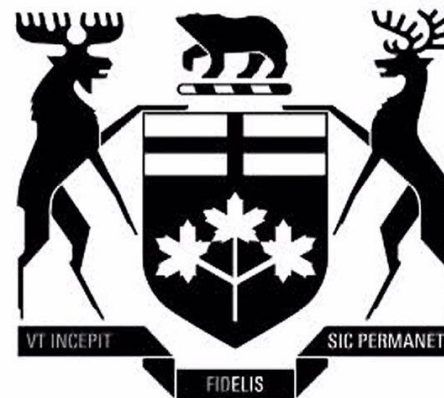
In what legal forums may human rights claims be pursued?

- Human Rights Tribunal of Ontario
- Administrative tribunals including the Landlord and Tenant Board
- Court proceedings.



# Landlord and Tenant Board (LTB)

- Landlord's applications
- Tenant's applications
- LTB website
- LTB forms



Ontario

Landlord  
and Tenant  
Board

# Landlord and Tenant Board Eviction Applications

- Rent arrears Applications: Duty to accommodate arising from “receipt of public assistance”
- Duty to accommodate, arising from disability
- Behaviour related applications: Cummings v. Van Wyngarden
- Renovations: delaying or denying eviction because of a tenant’s difficulty moving



# Obtaining Legal Help and Representation



Centre for Equality Rights in Accommodation  
Centre pour les droits à l'égalité au logement



HRLSC | Human Rights Legal Support Centre

CAJDP | Centre d'assistance juridique  
en matière de droits de la personne



Advocacy Centre  
for Tenants Ontario | Tenant Duty  
Counsel Program

- Centre for Equality Rights in Accommodation (CERA)
- Community legal clinics
- Human Rights Legal Support Centre
- Tenant Duty Counsel Program

# Mediation

- Landlord and Tenant Board
- Human Rights Tribunal of Ontario
- The mediator is not your friend
- The perils of participating in mediation without legal representation



# Human Rights Tribunal

- How to apply: completing forms
- Limitation periods
- Human Rights Legal Support Centre
- Timelines
- Mediation is the process where most disputes are resolved
- Summary dismissal
- Mediation-arbitration by the adjudicator
- Adjudication: Few applications go to for hearing



# Adjudication

## The Hearing Process





# Contacting Legal Help



John Done

Kingston Community Legal Clinic  
345 Bagot Street, Kingston, ON  
K7K 6T8

E-mail: [donej@lao.on.ca](mailto:donej@lao.on.ca)

Website: [www.kclc.ca](http://www.kclc.ca)

# Resources

- Advocacy Centre for Tenants Ontario (ACTO): <https://www.acto.ca/>
- Centre for Equality Rights in Accommodation (CERA): <https://www.equalityrights.org/>
- Community Legal Education Ontario: <https://www.cleo.on.ca/en/about/about-cleo>
- Human Rights Legal Support Centre: <https://www.hrlsc.on.ca/en/home>
- Legal Aid Ontario: <https://www-legacy.legalaid.on.ca/en/contact/contact.asp?type=cl>

**THANK YOU!  
QUESTIONS?**

