

Housing

Know Your Rights – Legal Information Handbook

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Disclaimer

This content is provided as general information and is not legal advice. If you need advice about a specific legal problem, contact a lawyer or a community legal clinic.

Acknowledgements

Thank you to the many volunteers and institutional collaborators who contributed to developing this legal information handbook. To learn more about the Know Your Rights project, please visit us [online](#).

Thank you to the [Law Foundation of Ontario](#) for making the Know Your Rights project possible. While financially supported by The Law Foundation of Ontario, the CNIB is solely responsible for all content.



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My Legal Rights

Q: What legal rights do I have when it comes to housing in Ontario?

A: Under Ontario laws, people with disabilities have important legal rights when it comes to housing. For almost all types of housing in Ontario:

- You have the right to **equal treatment** in housing where you live or want to live **without discrimination** because of your disability. Your right to equal treatment applies to:
 - the process of looking for housing,
 - the rules and procedures related to your housing,
 - the general enjoyment and use of your unit and premises,
 - the maintenance and repairs of your unit and premises,
 - the services and facilities related to your housing.
- You have the right to receive **accommodations** for your disability from housing providers up to the point of **undue hardship**.
 - Housing providers must provide you with accommodations in a way that respects your dignity, meets your individual needs and promotes your integration and full participation in the community.
 - This right applies to your private living space and to communal areas shared by all residents, such as laundry rooms, foyers, elevators, pools, and outdoor spaces.
- You have the right to be free from **harassment** by your housing provider, their representatives, or any occupants of your building.

If you live in a Long-Term Care Home, you have some additional rights granted under the **Long-Term Care Homes Act**. For more information about these rights, visit this [online publication](#) from Community Legal Education Ontario.

Duty to Accommodate & Undue Hardship

A housing provider's "duty to accommodate" means that they are legally required to provide you with the supports you need to succeed in the workplace. However, the duty to accommodate has a limit and this limit is called "undue hardship."

"Undue hardship" is a legal term. It means that if a housing provider can show that it is very difficult for them to provide you with a certain type of accommodation (because of high costs or health and safety risks), then they don't have to provide it.

It's usually difficult for a housing provider to claim undue hardship because they have to show clear evidence of undue hardship. Their evidence can only relate to these two factors:

1. Whether the cost of this type of accommodation is so high that it will significantly interfere with their ability to operate their business. When calculating cost, they must also consider outside sources of funding, e.g. grants or subsidies from government programs.
2. Whether this type of accommodation is going to create serious health and safety risks for their operations.

Even if a housing provider shows that a certain type of accommodation will create undue hardship for them, they still have a legal duty to provide you with the **next best** type of accommodation.

Q: Are there any housing arrangements where I don't have important legal rights?

A: Yes. Ontario's **Human Rights Code** does not apply to housing where you share a bathroom or kitchen with your landlord or your landlord's family.

In this type of housing arrangement, a landlord is legally permitted to discriminate against you and to deny you accommodations for your disability.

Also, the **Residential Tenancies Act** does not apply to this type of housing arrangement. This means that you don't have the legal rights and protections given to tenants under the **Residential Tenants Act**.

Q: Where do my legal rights come from?

A: Your legal rights come from a variety of different laws, including:

- Ontario's **Human Rights Code** which prohibits discrimination based on disability in most areas of public life, including housing.
- The **Accessibility for Ontarians with Disabilities Act** which requires almost all organizations in Ontario to meet minimum accessibility requirements when providing services, including housing. For more information about the **Accessibility for Ontarians with Disabilities Act**, see the Essential Legal Information Handbook.
- The **Blind Persons' Rights Act** which establishes rights and prohibits discrimination based on sight loss and the use of a guide dog

Other important housing-related laws that may be relevant to your situation include:

- The **Residential Tenancies Act** which governs most residential tenancies and provides processes to resolve landlord/tenant disputes
- The **Building Code Act** which governs the construction and renovations to buildings. It also requires that accessibility features are added to new buildings and to existing buildings that are undergoing extensive renovations.
- The **Long-Term Care Homes Act** - regulates long-term care homes and grants additional rights to long-term care home residents

Q: Who must comply with Ontario's housing laws?

A: Ontario's housing laws apply to anyone who supplies or receives housing services. This includes:

- Tenants
- Landlords, including individual and corporate landlords
- Representatives of landlords, such as real estate agents and building managers

- Condominium corporations and Cooperative Housing corporations and their boards of directors
- the Ontario government and its agencies

Q: What can I do to enforce my legal rights?

A: If you feel you have been unfairly discriminated against by a housing provider, there are things you can do to stand up for yourself.

In general, you should first try to resolve your concerns by speaking with the people who are directly involved in an informal and collaborative way.

For more resources on self-advocacy, please visit the Self-Advocacy section of the Know Your Rights website.

If your concerns can't be addressed through collaborative discussions, you should consider consulting with a lawyer who specializes in human rights or housing issues to see if any of the following options are appropriate:

- A complaint to the Ministry of Municipal Affairs and Housing and their enforcement unit
- A complaint to the applicable municipality departments and their by-law enforcement units
- An application to the Landlord and Tenant Board
- A complaint to the Police under the Blind Persons Rights Act
- An application to the Human Rights Tribunal of Ontario
- A claim before an Ontario Court of Justice
- A complaint to the Condominium Management Regulatory Authority of Ontario (specific to condominiums)
- A complaint to the Ministry of Health and Long-Term Care (specific to long-term care homes)

Common Scenarios

Even though there are laws to protect you from discrimination, people with disabilities still face barriers to being treated equally when it comes to housing.

This section describes barriers that are commonly experienced and suggests practical next steps. Keep in mind that, in most situations, you should first try to resolve your concerns by speaking with the people who are directly involved in an informal and collaborative way.

Looking for Rental Housing

Q: I'm trying to complete a housing application form, but it is not in an accessible format. What can I do?

A: If you find a housing application form that's not in an accessible format, you have the right to request that form in an accessible format from the housing provider as an accommodation for your disability.

By disclosing your disability and making a request for accommodation, you trigger the housing provider's legal duty to accommodate you up to the point of [undue hardship](#).

If you don't want to disclose your disability to the housing provider before you apply for the unit, you can ask a friend to make the request for you. You can also get help from a local community organization or the CNIB.

Q: Am I required to disclose my sight loss to a potential landlord?

A: You are not legally required to share any information with your prospective landlord about your sight loss. If your prospective landlord asks you questions about your sight loss and then denies your housing application on the basis of your answers, this could be discrimination.

Q: I believe that my housing application was denied because of my sight loss.

What can I do?

A: Sometimes there are clear signs that you have been discriminated against when looking for housing. For example:

- When a housing provider asks intrusive and inappropriate questions
- When a housing provider makes statements that are offensive or based on false stereotypes
- When a housing provider says that they cannot rent a unit to you because of your sight loss

Before deciding what to do, it's important to understand how the law applies to your specific situation. You should consider consulting with a human rights or housing lawyer about your legal options. You can also contact CNIB who can help connect you with more supports.

When the signs of discrimination are not as clear, it may be harder to prove that you were discriminated against. Even if you think it will be hard to prove discrimination, you may **still** have legal options available. You should consider consulting with a lawyer to understand how the law applies to your specific situation.

What if I was denied housing because I have a guide dog?

A housing provider cannot refuse to rent you a self-contained unit just because you have a guide dog. If this happens to you, your legal rights under the **Blind Persons' Rights Act** may have been violated.

In response, you may want to file a complaint with the police who have the authority to investigate and lay charges in this type of situation. Some police officers may not be aware of their authority to enforce the **Blind Person's Rights Act**, so you may need to inform them.

Getting Accommodations

Q: I'd like to make changes to my residence to accommodate my sight loss. Is my housing provider required to make these accommodations?

Housing providers have a legal duty to provide you with reasonable accommodations for your disability up to the point of undue hardship.

Your housing provider has the right to get enough information from you about your disability to select an appropriate accommodation. If the housing provider asks for medical documentation about your disability, you should provide only the information that is necessary to explain your need for accommodations. You are not required to tell your housing provider your exact diagnosis. You are not required to give your housing provider information that is not related to your need for accommodations.

It's important to remember that selecting an appropriate accommodation is a collaborative process. As a tenant requesting an accommodation, you have a legal duty to collaborate with your housing provider to help them select an appropriate accommodation.

Q: Do I have to pay for my housing-related accommodations?

A: Your housing provider cannot make you pay for your accommodations. It is your housing provider's duty to accommodate you up to the point of undue hardship and your housing provider is responsible for paying the costs of your accommodations.

Q: My housing provider communicates important information about the building (such as fire alarm testing, repairs, or temporary water shut-off) in an inaccessible format – for example, using posters in common areas or by distributing printed flyers. What can I do?

A: You can make a request to your housing provider to communicate with you using an accessible format, e.g. email, accessible pdf, or Microsoft Word documents.

Your housing provider has a legal duty to provide you with a reasonable accommodation for your disability under the Ontario's **Human Rights Code**. In addition, your housing provider is obligated

under the **Accessibility for Ontarians with Disabilities Act** to communicate with you in an accessible format.

Q: My housing provider says that my requested accommodations conflict with another law or policy – for example, a requirement under the Building Code Act or a policy in a Condominium’s by-laws. Does this mean that the accommodations can't be made?

A: If you are told that your requested accommodation conflicts with another law or policy, it's important to keep in mind that, in almost all cases, the Ontario **Human Rights Code** takes priority over other laws and policies. This means that even if another law or policy conflicts with your requested accommodation, your housing provider still has a legal duty to provide a reasonable accommodation for your disability up to the point of [undue hardship](#).

Long-term Care Homes and Non-profit Housing

Q: I am a resident of a Long-Term Care Home and I feel that my rights have been violated. What can I do?

A: If you live in a long-term care home and you believe that your rights have been violated, you should consult these step-by-step guides to making complaints provided by [Community Legal Education Ontario](#) and the [Government of Ontario](#).

Q: I am a resident of a non-profit housing cooperative and I believe that I've been discriminated against because of my sight loss. What can I do?

A: Non-profit housing co-operatives must comply with Ontario’s **Human Rights Code** and the **Accessibility for Ontarians with Disabilities Act**.

Note that the Landlord and Tenant Board does not generally resolve complaints about non-profit housing cooperatives. The [Financial Services Commission of Ontario](#) provides more information about the complaints process for residents of non-profit housing co-operatives.

Getting Help

CNIB Services

We're here to help – contact CNIB for more services, support and resources. Some ways we can assist include:

CNIB Rehab Services

[CNIB Rehab Services](#) offers personalized services and supports, such as learning new ways to cook, shop and manage your home, and connecting you with devices and apps that may help to make life easier. You can consult with CNIB about environmental assessments, which are free of charge and may assist in securing accommodations with housing.

CNIB's Guide Dog Program

[CNIB's Guide Dog Program](#) can assist guide dog handlers with advocating for themselves and understanding their rights in the housing sector. They can also provide public education to organizations, condominium boards, etc. through guide dog ambassador speaking engagements, lunch and learns, etc.

CNIB's Advocacy Team

[CNIB's Advocacy Team](#) can assist clients with advocating for themselves and understanding their rights in the housing sector. They can also provide education to organizations, condominium boards, etc. about the rights of people with sight loss.

Vision Loss Rehabilitation Ontario

[Vision Loss Rehabilitation Ontario](#) (VLRO) provides people with the practical skills they need to live safely and independently. You can learn more about Vision Loss Rehabilitation Ontario by visiting their [Frequently Asked Questions page](#).

Legal Services

Legal Aid Ontario

Legal Aid Ontario provides legal services to low-income Ontarians. In order to receive services from Legal Aid Ontario:

- You must meet their [financially eligibility criteria](#); and
- Your problem must fall in one of these areas: domestic violence, family law, immigration and refugee law, criminal law, or poverty law.

Even if you don't meet these two requirements, you call Legal Aid Ontario's [toll-free hotline](#) and a representative can [refer you](#) to other organizations or agencies that can help you with your legal problem.

Ontario's Community Legal Clinics

In Ontario, legal help is available to low-income people through 73 independent community legal clinics, including 13 [specialty clinics](#). To get the contact information for your regional community clinic visit [this website](#).

Pro Bono Ontario

Pro Bono Ontario is a non-profit that provides a toll-free legal advice hotline to help people with their legal needs. By [calling their hotline](#), you can speak to a lawyer for 30 minutes about a civil law matter (they do not provide advice for problems related to family law or criminal law)

The Human Rights Legal Support Centre

The Human Rights Legal Support Centre (also known as HRLSC) is an independent agency, funded by the government of Ontario, to provide legal services to individuals who have experienced discrimination. They have a [toll-free hotline](#) where you can get:

- Legal assistance in completing an application to the Human Rights Tribunal of Ontario
- Legal advice about how to address the discrimination that you experienced

ARCH Disability Law Centre

ARCH Disability Law Centre (also called ARCH) is a specialty legal clinic that practices exclusively in disability rights law. ARCH has a [toll-free hotline](#) where you can get:

- up to 30 min of free, confidential legal advice
- referrals to organizations that can provide you with further help

If you meet eligibility certain criteria, ARCH may be able to provide you with additional legal services.

The Centre for Equality Rights in Accommodation

[The Centre for Equality Rights in Accommodation](#) (also called CERA) is a non-profit organization dedicated to advancing human rights in housing for tenants. CERA provides Ontarians with direct service, support and education, including one-on-one free support to tenants who are facing discrimination in housing or eviction.

Legal Information

The Centre for Equality Rights in Accommodation

[The Centre for Equality Rights in Accommodation](#) (also called CERA) is a non-profit organization dedicated to advancing human rights in housing for tenants. CERA has created valuable [resources](#) to help challenge discrimination in housing, including:

- Information to support tenants with self-advocacy
- Information to support community and front-line workers with advocating on behalf of clients
- [Information to help landlords](#) understand and comply with the law
- A [video](#) that provides a detailed explanation of the legal rights provided to tenants under Ontario's **Human Rights Code**

Steps to Justice

Steps to Justice is a resource that provides practical information about common legal issues, including [housing](#). They have step by step answers to questions including:

- [I think I'm being discriminated against. Is that legal?](#)
- [What information can a landlord ask me for when I apply to rent a place?](#)
- [A landlord won't rent to me and I think it's because of discrimination. What can I do?](#)
- [Can a landlord refuse to rent to me because I have a pet?](#)
- [What if my place has cockroaches, mice, or other pests?](#)
- [Can the Landlord and Tenant Board help me if my landlord doesn't do repairs?](#)
- [How do I find a lawyer or paralegal to help me with my tenancy issue?](#)
- [I can't afford to hire a lawyer. How can I get help with my tenancy issue?](#)

Human Rights Legal Support Centre

The Human Rights Legal Support Centre (also known as HRLSC) is an independent agency, funded by the government of Ontario, to provide legal services to individuals who have experienced discrimination. As part of its service, HRLSC provides information about Ontario's **Human Rights Code** and answers to [frequently asked questions](#) about the rights of tenants in Ontario.

The Ontario Human Rights Commission

The Ontario Human Rights Commission works to promote human rights through research, education and by developing policies. The policies developed by the Ontario Human Rights Commission are used by many organizations as helpful guides to understanding the law.

The Ontario Human Rights Commission's [website](#) provides a helpful overview of tenants' rights and landlords' duty to accommodate. It also provides information about social housing and co-operative housing.

The Landlord and Tenant Board

The Landlord and Tenant Board is Ontario's major tribunal for resolving legal disputes between landlords and tenants. Its website provides lots of helpful information including [when and how to file an Application with the Landlord and Tenant Board and what to expect after an Application is filed.](#)

Access Forward

[The Access Forward website](#) offers free training modules for service providers, including housing providers on their obligations under the **Accessibility for Ontarians with Disabilities Act**. It was created in partnership with the Government of Ontario to assist organizations with meeting the training requirements under the **Accessibility for Ontarians with Disabilities Act**. To learn more about the legal force of the **Accessibility for Ontarians with Disabilities Act** standards, please see the Know Your Rights – Essential Information Handbook.

The Federation of Rental-Housing Providers of Ontario

[The Federation of Rental-Housing Providers of Ontario's website](#) provides links to various government resources that are designed to assist landlords with understanding and complying with their obligations under the **Accessibility for Ontarians with Disabilities Act**.

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