

# Housing

**Know Your Rights – Legal Information Handbook**

The CNIB logo is located in the bottom right corner. It consists of the letters "CNIB" in a bold, white, sans-serif font, set against a black, irregular, brushstroke-like background.

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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

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To learn more about the Know Your Rights – New Brunswick Project, please visit our [Know Your Rights – New Brunswick](#) webpage.

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# My Legal Rights

## Q: What legal rights do I have when it comes to housing in New Brunswick?

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

- 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, and
  - 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 the building.
- You have the right to not be discriminated against by a housing provider because you rely upon a service animal, such as a guide dog. What this means it that a housing provider cannot:
  - Refuse to rent to you because you rely upon a service animal, such as a guide dog;
  - Apply a no pets policy to service animals

- Deny a prospective tenant or purchaser an opportunity to view a unit because the person relies on a service animal;
- Permit only service animals that have been registered or certified;
- Permit the harassment of a person based on his or her reliance on a service animal;
- Prevent a person relying on a service animal from accessing a common area that's customarily available to other tenants or residents.

Under New Brunswick's [Residential Tenancies Act](#), tenants have additional [rights](#), such as the rights to receive a rental unit that is safe, clean and fit to live in. It is important to keep in mind, however, that unlike New Brunswick's [Human Rights Code](#), the Residential Tenancies Act does not apply to living arrangements where the tenant is sharing a bathroom or kitchen with the landlord, nor does it apply to transition houses or shelters.

## **Duty to Reasonably Accommodate and Undue Hardship**

A housing provider's "duty to reasonably accommodate" means that they are legally required to provide you with the supports you need to access and enjoy your living space and common areas, like anyone else. The term "reasonable accommodation" is not easily defined and will vary from case-to-case, however, the development and implementation of accommodations is an individualized process that takes into account the specific needs and circumstances of the person requiring the accommodation.

The duty to reasonably accommodate, however, does have 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, 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, direct evidence of undue hardship that is not based upon assumptions or stereotypes. The determination of what constitutes undue hardship is case-specific, however, some of the commonly considered factors include:

1. Whether the cost of the accommodation is so high that it will significantly interfere with the housing provider's ability to operate. When calculating cost, consideration should also be given to outside sources of funding, e.g. grants or subsidies from government programs;
2. Whether the accommodation will create serious health and safety risks; and
3. The impact of the accommodation on other people and programs.

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

### **Some Important Points about Accommodations:**

The development and implementation of accommodations is a collaborative process that involves the housing provider, the individual seeking accommodations, and in some cases, third-party professionals. While accommodations are expected to be reasonable, they are not expected to be perfect. What this means is that if reasonable accommodations are offered, but declined, then it's possible that the housing provider will be found to have met its "duty to reasonably accommodate".

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

**A:** Generally speaking, and with very few exceptions, the New Brunswick [Human Rights Code](#) applies to all forms of tenancy arrangements in New Brunswick, including situations where a landlord and tenant share a living space.

That said, [The Residential Tenancies Act](#) does not apply to situations where the landlord and tenant share a bathroom or kitchen, nor does it apply to transition houses or shelters. Therefore, [rights afforded to tenants under the Residential Tenancies Act](#) do not apply to these situations.

If you have concerns relating to this type of living arrangement, you should consider consulting with a lawyer who practices human rights or housing law to see what options are available to you.

### **Q: Where do my legal rights come from?**

**A:** In New Brunswick, your legal rights with respect to housing come from a variety of laws, including:

- The New Brunswick [Human Rights Code](#)
  - Prohibits discrimination based on disability in most areas of public life, including government and consumer services.
- Common Law – Laws that are made by the decisions of Courts and Tribunals.
- New Brunswick's [Residential Tenancies Act](#)
  - Sets out the rules for rental properties in New Brunswick.
  - Sets out the [rights](#) and obligations of landlords and tenants.
  - Does not apply to living arrangements where the landlord and tenant share a kitchen or bathroom, nor does it apply to transition houses or shelters.
- New Brunswick's [Cooperatives Act](#)
  - Sets out the obligations of housing and other cooperatives in New Brunswick.
- New Brunswick's [Condominium Property Act](#)
  - Sets out the rules for operating and managing condominiums in New Brunswick.
- The [Family Services Act](#)
  - Governs [Special Care Homes](#) and other community placement resources in New Brunswick

### **Q: Who must comply with New Brunswick's housing laws?**

**A:** New Brunswick'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 New Brunswick 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 and Essential Legal Information Handbook on CNIB's [Know Your Rights – New Brunswick](#) webpage.

If your concerns cannot be addressed through collaborative discussions, you should consider consulting with a lawyer who practices human rights or housing law to see if any of the following options are appropriate:

- Serving the landlord with a [Notice of Complaint Form](#) or [applying for assistance](#) from the Residential Tenancies Tribunal.
- A complaint to the applicable municipality and their by-law enforcement units.
- For concerns regarding discrimination, you may wish to file a [complaint](#) with the [New Brunswick Human Rights Commission](#)
- A claim before a New Brunswick Court.

You can also contact the [New Brunswick Human Rights Commission](#) by phone at 1-888-471-2233 (toll-free) or by email at [hrc.cdp@gnb.ca](mailto:hrc.cdp@gnb.ca) to speak with staff about how the New Brunswick [Human Rights Code](#) may or may not apply to your situation.

## Common Scenarios

Even though there are laws to protect you from being discriminated against, 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 try to resolve your concerns by speaking directly with the people involved in an informal and collaborative way.

### Looking for Housing

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

**A:** Housing providers should develop an application process that does not unreasonably exclude individuals or groups based on disability.

You have the right to request the 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 reasonably accommodate you up to the point of undue hardship.

If you do not want to disclose your disability to the housing provider before you apply for the unit, you can ask a friend, support person, or intervenor to request the form for you. You may reach out to CNIB for assistance with this as well.

**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.

However, if you require accommodations for your disability, you will need to provide them with enough information to understand the accommodations you require.

Your housing provider has the right to obtain information from you about your disability so they can provide an appropriate accommodation. If the housing provider asks for medical documentation

about your disability, you should only provide the information that is necessary to explain your need for accommodation. You are not required to tell your housing provider your exact diagnosis; and you are not required to give information to your housing provider that is not related to your need for accommodations.

If your prospective landlord asks you questions about your sight loss and then denies your housing application because of your answers; or, if after reviewing the information you provide them, they refuse to rent to you, this could be discrimination.

You should consider consulting with a lawyer who practices human rights or housing law to see what [options](#) are available to you.

**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 are being 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, or
- When a housing provider says they cannot rent a unit to you because of your sight loss.

When the signs of discrimination are not as clear, it can be harder to prove that you were discriminated against.

Before deciding what to do, it's important to understand how the law applies to your specific situation, even if the signs of discrimination are not obvious. You should consider consulting with a lawyer who practices human rights or housing law to see what [options](#) are available to you.

## **Q: What if I was denied housing because I have a guide dog?**

**A:** Under New Brunswick human rights laws, housing providers are legally required to reasonably accommodate people who rely upon service animals, such as guide dogs, up to the point of undue hardship. What this means, is that:

- Housing providers cannot refuse to rent to you because you rely upon a service animal, such as a guide dog.
- Housing providers cannot refuse to show you a unit because you rely upon a service animal, such as a guide dog.
- Housing providers cannot apply a 'no pets' policy to service animals, such as guide dogs.
- Housing providers cannot prevent you from accessing common areas that are available to other tenants because you rely upon a guide dog.

Furthermore, housing providers are legally required to ensure that all staff are aware of these rights and their legal obligations to reasonably accommodate you.

If you are denied housing because you rely upon a guide dog, you should consider consulting with a lawyer who practices human rights or housing law to see what [options](#) are available to you.

## **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?**

**A:** Under New Brunswick human rights laws, housing providers have a legal duty to provide you with reasonable accommodations for your disability up to the point of undue hardship. Housing providers are also obligated to pay for the accommodation and to provide it in a timely manner.

Your housing provider has the right to obtain information from you about your disability so they can provide an appropriate accommodation. If your housing provider asks for medical documentation about your disability, it is only necessary for you to provide medical documentation that is relevant 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. You also have an obligation to cooperate with any experts who may be involved for the purpose of assessing the accommodation request.

If your request for accommodations is denied, you should consider consulting with a lawyer who practices human rights or housing law to see what [options](#) are available to you.

**Q: The amenities/facilities in the building that I live in (e.g., laundry, etc.) are not accessible to people with sight loss. What can I do?**

**A:** When it comes to common areas in buildings, such as laundry rooms, pools, etc., you are entitled to have an equal level of access to those areas as any other resident in the building.

If this is a concern, you might begin by bringing your concern to the attention of your landlord or building manager. Housing providers have a legal duty to provide you with reasonable accommodations for your disability up to the point of undue hardship. Advising your housing provider of your disability and your need for accommodations triggers their legal obligation to provide you with accommodations.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – New Brunswick](#) webpage.

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.

If your request for accommodations is denied, you should consider consulting with a lawyer who practices human rights or housing law to see what [options](#) are available to you.

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

**A:** No. Your housing provider cannot make you pay for reasonable accommodations for your disability. It is your housing provider's legal obligation to provide you with reasonable

accommodations up to the point of undue hardship. It's also your housing provider's responsibility to pay for the 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 may wish to speak with your housing provider about receiving these communications in an accessible format. You can provide the housing provider with examples of how they may do so, including email, accessible .pdf, or Microsoft Word documents.

If the housing provider resists your request, consider advising them that you are asking for the information to be provided to you in accessible format, as an accommodation. Your housing provider has a legal duty to provide you with reasonable accommodations for your disability up to the point of undue hardship.

If your concern remains unaddressed, you should consider consulting with a lawyer who practices human rights or housing law to see what [options](#) are available to you.

**Q: My housing provider says that my requested accommodations conflict with another law or policy. For example, a policy in a Condominium's by-laws. Does this mean that the accommodations can't be made?**

**A:** Unless expressly stated, human rights law prevail over other conflicting laws. Furthermore, housing providers are expected to be flexible when applying rules and procedures. For example, housing providers cannot apply a 'no pets' policy to service animals, such as guide dogs. They are also required to provide you with reasonable accommodations for your disability up to the point of undue hardship.

If you are told that your requested accommodation conflicts with another law or policy and therefore, cannot be accommodated, you should consider consulting with a lawyer who practices human rights or housing law to see what [options](#) are available to you.

**Q: Due to my sight loss, I have been barred from joining my building's Board of Directors and/or other committees within the building. What can I do?**

**A:** In general, it is discrimination to prevent a tenant from joining the Board of Directors/committees because of their disability.

If you believe that you have been barred from joining your building's Board of Directors/committees because of your sight loss, either directly or due to a discriminatory policy, you should first try to resolve your concerns by speaking with the people involved in an informal and collaborative way.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – New Brunswick](#) webpage.

If your concerns can't be addressed through collaborative discussions, you should consider consulting with a lawyer who practices human rights or housing law to see what [options](#) are available to you.

**Q: My landlord has expressed concerns about my sight loss (e.g. safety issues, liability, insurance, etc.) and has requested that I vacate the premises. What can I do?**

**A:** It is a violation of New Brunswick's human rights laws to evict a tenant because of their disability, such as sight loss. Housing providers are legally required to provide you with reasonable accommodations for your disability up to the point of undue hardship.

If you are told to vacate the premises and/or receive a Notice to Vacate, you should consider contacting a lawyer immediately to discuss next steps and the options available to you.

For more information about evictions, visit the Government of New Brunswick's webpage, titled [Evictions – How and when a landlord can evict a tenant, and what to do when you are facing an eviction.](#)

# Getting Help

## Legal Services and Information

### [Fredericton Legal Advice Clinic, Inc. \(FLAC\)](#)

FLAC is a non-profit organization that works with volunteer legal professionals to provide legal information and advice to low-income earners in New Brunswick.

The lawyers who volunteer with FLAC practice in a variety of areas of law and can provide 30-minute free-of-charge consults to self-represented individuals.

For information about upcoming [clinic dates](#) and to [request an appointment](#), visit [FLAC's website](#) or contact FLAC at (506) 476-0024.

### [The New Brunswick Legal Aid Services Commission](#)

The New Brunswick Legal Aid Services Commission provides legal services to low-income earners in New Brunswick. In order to receive services from Legal Aid New Brunswick:

- You must meet their financial eligibility criteria - Financial eligibility will be based upon a number of things, including gross family income, allowable deductions, and household size;
- Your legal matter must relate to family law, criminal law, or public trustee services; and
- Your matter must have merit. In other words, there should be a reasonable likelihood of attaining the desired result.

For more information about the services offered by [The New Brunswick Legal Aid Services Commission](#) or to apply for Legal Aid, visit their website or contact [your local Legal Aid office](#).



## University of New Brunswick (UNB) Legal Clinic

The UNB Legal Clinic provides free legal services to individuals who do not qualify for Legal Aid and cannot afford to pay for legal representation. The UNB Legal Clinic provides legal services in the areas of employment law, tenant law and social benefits.

The hours of operation are Monday to Friday, 8:00 a.m. to 4:00 p.m. The UNB Legal Clinic can be contacted by email at [lawclinic@unb.ca](mailto:lawclinic@unb.ca).

## Public Legal Education and Information Service of New Brunswick (PLEIS-NB)

PLEIS-NB is a non-profit, non-government, charitable organization which exists to educate, inform, and empower individuals through law-related education.

PLEIS-NB provides free legal information on a variety of topics on its website, including, [You and Your Rights](#), [Housing and Property](#) and [Going to Court](#).

PLEIS-NB does not provide legal advice, however, it does provide the public with the following services:

- **[Family Law Information Line](#) - 1-888-236-2444:** This is a toll-free family law information line that provides answers to general questions related to accessing the family law system. It is important to keep in mind that staff cannot provide legal advice or comment on your specific situation.
- **Family Law Workshops for Self-represented litigants:** These workshops are held in various locations and cover different topics, such as changing child support, etc. They also provide the public with information about practical steps, such as starting a family law action, completing forms, etc.
- **Speakers' Bureau:** PLEIS-NB collaborates with the Canadian Bar Association – NB Branch to connect the public with lawyers who are willing to speak with groups free of charge about

particular legal topics.

## **The New Brunswick Human Rights Commission**

The New Brunswick Human Rights Commission is a provincial government agency that was created to help enforce the rights people have under the New Brunswick [Human Rights Code](#).

The New Brunswick Human Rights Commission promotes human rights and the principles of equality through public legal education. It has created various public education resources (including a [Guideline on Accommodating People with Service Animals](#) and a [Guideline on Housing Discrimination](#)) to assist people in New Brunswick with better understanding their rights.

The New Brunswick Human Rights Commission is also responsible for administering the mechanism for complaint intake and resolution.

For information about the [complaint process](#), visit the [New Brunswick Human Rights Commission's](#) website or contact the Commission by phone at 1-888-471-2233 (toll-free) or by email at [hrc.cdp@gnb.ca](mailto:hrc.cdp@gnb.ca). Commission staff can provide you with information about the human rights complaint process. They can also discuss how the New Brunswick [Human Rights Code](#) may or may not apply to your situation.

## **Residential Tenancies Tribunal**

The **Residential Tenancies Tribunal** is an arms-length government body that assists with the [resolution of conflict](#) between landlords and tenants by:

- Responding to Applications for Assistance from landlords and tenants and conducting investigations.
- Facilitating mediations between landlords and tenants.
- In circumstances where the matter cannot be resolved through mediation, issuing orders and actions that the landlord/tenant are required to comply with.
- Upholding and enforcing the [Residential Tenancies Act](#)

You can contact the **Residential Tenancies Tribunal** by phone at 1-888-762-8600 or by email at [irent@snb.ca](mailto:irent@snb.ca).

To learn more about the functions of the **Residential Tenancies Tribunal** and renting in New Brunswick, visit the Government of New Brunswick's webpage, titled [Renting in New Brunswick, Information and Services for Tenants and Landlords](#).

## [The Government of New Brunswick's Webpage](#)

The Government of New Brunswick's webpage, titled [Renting in New Brunswick, Information and Services for Tenants and Landlords](#) provides landlords and tenants in New Brunswick with various resources and information related to rental topic areas, such as:

- [Landlord rights and responsibilities](#)
- [Tenant rights and responsibilities](#)
- [Evictions](#)
- [Discrimination](#)

## **Essential Non-Legal Services**

### [Ombud N.B.](#)

**Ombud N.B.** is an independent officer that is responsible for investigating complaints from the public about New Brunswick government services. The Ombud N.B. investigates complaints against provincial government departments and other agencies that are overseen by the provincial government.

You may [contact](#) **Ombud N.B.** to discuss a concern, or [make a complaint](#) regarding government services.

## **Premier's Council on Disabilities**

The Premier's Council on Disabilities was established to improve the lives of people with disabilities. It is responsible for (among other things) advising the government on the status of persons with disabilities. Its [website](#) contains a range of resources, services and directories for people with disabilities.

## **CNIB Services (Non-Legal)**

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

- **CNIB Virtual Programs**
  - CNIB offers a range of free virtual programs for children, youth, adults and families.
  - You can access a list of CNIB's national virtual program offerings on [CNIB's website](#).
  - You can access a list and schedule of CNIB New Brunswick's virtual program offerings on [CNIB – New Brunswick's Website](#).
- **Technology Training**
  - Join CNIB tech leads from across the country for programming that highlights the suite of programs, apps, products and services that will help empower you to achieve your personal and professional goals.
- **Virtual Vision Mate**
  - The Virtual Vision Mate program exists to address the feelings of isolation that many people with sight loss experience. Through the Virtual Vision Mate program,

Canadians who are blind or partially sighted are connected with sighted volunteers to engage in virtual, weekly conversations.

- **CNIB Online SmartLife Store**

- CNIB SmartLife is an interactive retail experience that gives people with disabilities hands-on access to the latest breakthroughs in assistive technologies, as well as tried-and-true favourites.
- SmartLife's goal is not necessarily to sell products but to give customers the skills and confidence they need to make the most out of assistive tools that can help them lead better lives.

- **CNIB's Advocacy Staff**

- CNIB's Advocacy staff can assist clients with advocating for themselves and understanding their human rights in New Brunswick

- **CNIB's Guide Dog Program**

- CNIB's Guide Dog Program can assist guide dog handlers with advocating for themselves and understanding their rights. This program also provides public education to organizations about the rights of guide dog users.

## **Vision Loss Rehabilitation**

Vision Loss Rehabilitation Canada (VLRC) is a not-for-profit national healthcare organization and the leading provider of rehabilitation therapy and healthcare services for individuals with sight loss. VLRC provides people with the practical skills they need to live safely and independently. VLRC's services are tailored to the unique needs and goals of each person. VLRC's services include, but are not limited to:

- Assistance with navigating new environments and using mobility tools;
- Assistance with maximizing remaining vision with optical and non-optical devices;

- Assistance with developing or restoring key daily living skills, such as learning new ways to cook, shop and manage your home;
- Assistance with accessing information and using technology;
- Assistance with post-secondary education and employment planning, and ongoing support;

VLRC has offices located in Moncton, Fredericton and Beresford. You can contact VLRC's New Brunswick branch by email at [infonb@vlrehab.ca](mailto:infonb@vlrehab.ca) or by phone at:

- VLRC's Beresford Office – (506) 546-9922
- VLRC's Fredericton Office – (506) 458-0060
- VLRC's Moncton Office – (506) 857-4240

## Wayfinding

Wayfinding refers to technological tools that assist partially sighted, blind and Deafblind persons with navigation and orientation. Such tools include:

- [BlindSquare](#): a GPS-app developed for people with sight loss that describes the environment and announces points of interest and street intersections.
- [Key 2 Access](#): a pedestrian mobility app that allows users to wirelessly request crossing at intersections without having to locate the button on the pole. It also allows users to wirelessly open doors and obtain information about indoor spaces.
- [Access Now](#): a map application that shares accessibility information for locations based on users' feedback.
- [Be My Eyes](#): a volunteer-based app that connects people with sight loss to sighted volunteers, who can assist with tasks such as checking expiry dates, distinguishing colors, reading instructions or navigating new surroundings.
- The [American Foundation for the Blind](#), which provides an overview of some of the apps that are available to assist consumers with reading items such as product labels and menus.

**Web / Site Web : [cnib.ca](http://cnib.ca) / [inca.ca](http://inca.ca)**

**Email / Courriel : [info@cnib.ca](mailto:info@cnib.ca) / [info@inca.ca](mailto:info@inca.ca)**

**Toll Free / Sans frais : 1-800-563-2624**