



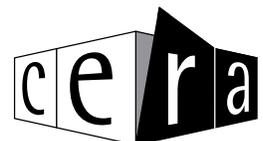
UNLOCKING THE AODA:

**Landlords' Obligations
Under The *Accessibility
For Ontarians With
Disabilities Act***

**A Guide For
Landlords In Ontario**



An EnAbling Change Partnership
project with the Government
of Ontario



ABOUT CERA

The Centre for Equality Rights in Accommodation (CERA) was founded in 1987 as a province wide, not-for-profit charity dedicated to promoting human rights and ending discrimination in housing. Our public education and outreach initiatives work to intervene in cycles of discrimination that disproportionately affect low-income and marginalized individuals in the housing market. Through public education, advocacy and litigation (offered free of charge to clients) CERA works to address barriers that prevent individuals from accessing and maintaining housing. Our Eviction Prevention and Human Rights Hotlines provide individuals with information, referrals and assistance with regard to housing matters.

In addition to our casework and public education initiatives, CERA performs research into housing and human rights issues and supports the enforcement of human rights by provincial, national and international commissions, agencies and organizations.

For more information about CERA, visit us online at www.equalityrights.org/cera.

PLEASE NOTE:

This guide is designed to provide landlords in Ontario with information about their obligations under the *Accessibility for Ontarians with Disabilities Act, 2005* ("AODA"). In the following pages you will find useful legal information, templates, checklists and resources to assist you in meeting these obligations. However, this guide is not a substitute for legal advice. If you need legal advice, please contact a lawyer. CERA and its funders will not be held liable for any loss or damage caused by reliance on any statement contained in this guide or toolkit. This resource should be read with the official language of the AODA. If there is any conflict between these documents, the AODA and its standards are the final authorities.

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Landlord Connect
Landlord's Self-Help Centre
Ottawa Region Landlord Association

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INTRODUCTION & PROJECT PURPOSE

This guide is designed to assist small-to-medium-sized landlords in implementing the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA).

Ontario has a goal of being accessible by 2025. Today, 1 in 7 Ontarians have a disability, and the proportion of Ontarians living with disabilities is expected to rise in years to come. As Ontario's population ages, accessibility will become more important. Providing accessible service to Ontario's residents – including in rental housing – is important.

Landlords are faced with the complex challenge of adhering to local and provincial laws and responding to the diverse needs of their tenants. We hope that this guide will help small-to-medium-sized landlords understand the requirements of the AODA. It also covers how the AODA works with other legislation, and offers useful tips for how to ensure

landlords' business practices promote accessibility. This guide will also assist landlords in complying with their legal obligations under the AODA.

FEEDBACK FROM LANDLORDS HAS SHAPED THIS GUIDE

This guide is designed to provide practical solutions to the accessibility challenges small-to-medium-sized landlords face. It was developed to increase knowledge and awareness among landlords about how the AODA applies to them. It is informed by consultations with landlords across the province, accessibility advocates, and landlord-serving organizations.

This guide and attached toolkit are designed to give landlords helpful tools to comply with the AODA and to encourage accessible business practices that remove barriers for tenants with disabilities.

HOW TO USE THIS GUIDE

This resource consists of two separate and complementary pieces – the guide itself and the tear-out toolkit.

The guide is a reference to the AODA. Landlords can use it to:

- 1 answer background questions about how and when the AODA applies;
 - 2 read about tips for dealing with common scenarios that landlords may face; and
 - 3 learn about additional resources related to implementing the requirements found in the AODA and its standards.
-

The toolkit provides landlords with tools for implementing the AODA within their organization or business. Landlords can tear out and photocopy compliance checklists and refer to policy templates that can be modified to meet landlords' needs.

THE LEGAL FRAMEWORK

THE AODA: *Accessibility for Ontarians with Disabilities Act*

The AODA became law in 2005. The goal of the legislation is to ensure an accessible Ontario by 2025. The AODA will help obligated businesses and organizations to identify, remove, and prevent barriers for people with disabilities.

Ontario has standards for accessibility under the AODA. The standards have requirements that will help Ontario businesses become more accessible, and help Ontario reach its accessibility goal. The requirements are legal rules that obligated organizations must follow in order to create an accessible environment.

Ontario's accessibility standards require landlords to think about barriers that may be created by the way they interact with, communicate with, and provide services to their tenants. The accessibility standards encourage landlords to proactively take steps to overcome these barriers and increase accessibility for tenants with disabilities.

Who has to comply with the AODA?

All organizations with one or more employees in Ontario have obligations under the accessibility standards. It is important for landlords to fully understand

the standards and their requirements. These requirements impact how landlords should interact with, communicate with, and provide services to their tenants.

The number of employees an organization has determines which accessibility requirements they must meet.

In order to determine how many employees a landlord has on staff, employees who work full time, part time, or seasonally should be counted. Landlords should not count volunteers or independent contractors as employees for the purpose of the standards.

If a landlord is self-employed, either as a sole proprietor or in a partnership, she should not count herself as an employee. In this situation the landlord and any business partner that she may have are not employees. However, any other individuals who work for the landlord may be considered employees depending on the nature of the relationship. On the other hand, if a landlord runs her own business and it is incorporated, she may be an employee of the corporation along with other employees she may have.



What areas of concern do the accessibility standards address?

Ontario's accessibility standards require businesses to take steps toward compliance in a number of areas that are important to people with disabilities. These include:

- how organizations provide customer service to people with disabilities;
- how organizations provide information and communicate with people with disabilities;
- how organizations can incorporate accessibility into their employment practices;
- how public transit organizations can become more accessible to people with disabilities; and
- how new public spaces can be designed to be more accessible for people with disabilities.

The standards that deal with how landlords provide service and information to people with disabilities, and with how landlords communicate with people with disabilities are the most relevant to the relationship between tenants and landlords.

Do I have to make my building wheelchair accessible?

Some landlords think that the AODA requires them to make their buildings fully wheelchair accessible. This is not the case. The Design of Public Spaces standard may apply to some landlords (for example, those who provide off-street parking), however the AODA does not require landlords to retrofit their buildings to be fully wheelchair accessible. Furthermore, if a tenant makes a specific accommodation request under Ontario's *Human Rights Code* (the Code) that requires physical alterations to the building, a landlord is required to accommodate the tenant up to the point of undue hardship.

Accessibility requirements for buildings, including residential complexes, are found in Ontario's *Building Code*. New accessibility requirements were introduced to the *Building Code* to increase accessibility for Ontarians. These amendments came into effect January 1, 2015 and cover a range of areas including updated requirements for barrier-free washrooms, power door operators,

elevators, visual fire alarms and accessible or adaptable seating in public assembly buildings such as theatres, lectures halls and places of worship. However, the amendments apply to most **new construction** and **extensive renovations** only. The amendments do not apply to existing residential housing, (with the exception of smoke alarm requirements) where no renovation work is planned.

What is a disability?

The AODA uses the same definition of disability as Ontario's *Human Rights Code*. The AODA and its standards define "disability" as:

(a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,

(b) a condition of mental impairment or a developmental disability,
(c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
(d) a mental disorder, or
(e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997 ("handicap").

This broad definition includes disabilities that are visible and non-visible and disabilities of varying severity. The definition includes physical, sensory, developmental, learning, and mental health disabilities. The Ontario Human Rights Commission has also recognized environmental sensitivities and addictions as disabilities under the *Code*.

Landlords should be aware of barriers that may exist for tenants with physical disabilities, such as the use of a wheelchair or prosthesis, vision loss, or hearing loss. But landlords must be equally aware of barriers that may exist for tenants with developmental disabilities or mental health disabilities such as depression, schizophrenia, and hoarding behaviours. Recognizing potential barriers is the first step in complying with the accessibility standards.



Other Relevant Legislation

Ontario's Human Rights Code

Ontario's *Human Rights Code* (the *Code*) is a provincial law that protects individuals and groups from discrimination and harassment in specific social areas, including accommodation (that is, housing). The *Code* aims to acknowledge the dignity and worth of all Ontarians and to prevent discrimination and harassment on the basis of sixteen prohibited grounds. One of these prohibited grounds is disability.

The *Code* protects people from being treated unfairly by landlords and other tenants and covers most kinds of rental housing, including: private market units, public subsidized units, condominiums, and co-ops.

Under the *Code*, tenants with disabilities can request accommodation from the landlord. The landlord is required to accommodate the tenant up to the point of undue hardship.

For more information about the *Code*, please refer to Appendix A.

The Residential Tenancies Act

The Residential Tenancies Act, 2006 (RTA) sets out the rights and responsibilities of the landlord and the tenant with respect to most residential tenancies in Ontario. The Landlord and Tenant Board was established to resolve landlord and tenant disputes under the RTA's jurisdiction. Disputes over rent payments and maintenance are a few of the items that fall under the RTA.

The Landlord and Tenant Board is obligated to consider all *Code* related human rights issues in all of its proceedings and decisions.

How These Laws Work Together

All of these laws work together to protect persons with disabilities and promote equality and accessibility. The AODA builds on the *Code* by requiring organizations to formalize processes for workplace

accommodation, and provide training to their employees on how the *Code* relates to people with disabilities. However, the AODA states that if there is a conflict between the AODA and any other law, the law that provides the greatest level of accessibility must be followed.

Are the AODA and the *Code* the same?

No. Although both work towards similar goals – such as improving accessibility for Ontarians - they are very different laws. The *Code* applies equally to all landlords in Ontario, unless the tenant is required to share a kitchen or bathroom with the owner. The AODA applies to all landlords who have one or more employees.

The AODA does not require a landlord to pre-emptively develop policies that respond to every possible accommodation request by a tenant that might arise in the future. In fact, attempting to do this would not be particularly useful because different people have different needs and a one-size fits all approach won't work. Unlike the *Code*, the AODA is not complaints based, but has enforcement mechanisms to ensure compliance. While the *Code* is focused on making changes on a case-by-case basis, the AODA requires all organizations to establish a minimum level of accessibility that people with disabilities can expect.

Do landlords still have to accommodate tenants under the *Code* if they implement the AODA's requirements?

Yes. The duty to accommodate tenants with disabilities is found in the *Code*. The AODA does not change a landlord's responsibilities under the *Code*. Landlords must still respond to individual requests for accommodation made by tenants. If there is a conflict between the AODA and the *Code*, the law that provides the higher level of accessibility must be followed.

If landlords comply with the AODA, can a tenant still file a human rights application against them?

Yes. Complying with the AODA and its standards does not guarantee that a landlord will not face a human rights complaint by a tenant, but it may lower the risk of complaints. Complying with the AODA's accessibility requirements may help landlords prevent potential accessibility-related issues. This may better prepare landlords to respond to individual accommodation requests, and possibly reduce the likelihood of an application to the Human Rights Tribunal.

THE ACCESSIBILITY STANDARDS UNDER THE AODA

The Government of Ontario has developed accessibility standards under the AODA. These standards provide the rules that obligated organizations must follow to become more accessible.

The requirements of the standards are being phased in over time and compliance deadlines depend on the number of employees at your organization.

Customer Service Standard

The Customer Service Standard is meant to help organizations provide service in a way that takes into account the needs of people with disabilities. The requirements assist businesses and other organizations to provide accessible customer service to the growing number of consumers with disabilities.

Integrated Accessibility Standards

The remaining four standards under the AODA are:

- the information and communication standard;
- the employment standard;
- the transportation standard; and
- the design of public places standard.

These standards are detailed in one regulation called the Integrated Accessibility Standards Regulation.

The Information and Communication Standard is particularly relevant to landlords as it relates to their relationship with tenants. The purpose of this standard is to help organizations make their information and communications accessible for people with disabilities.

What is the difference between a large organization and a small organization?

The standards differentiate between small organizations and large organizations.

	Small Organizations	Large Organizations
Customer Service Standard	1-19 employees	20 or more employees
Integrated Accessibility Standards	1-49 employees	50 or more employees

Respecting Dignity, Independence, Integration & Equality

As landlords work towards providing accessible customer service to their tenants, it is important to have open communication between the landlord and the tenant. Having an inclusive dialogue with tenants is the best way to find accessibility solutions.

Landlords should be sure to keep the following core principles in mind as they work towards increasing accessibility and complying with the AODA's standards:

1. Dignity

It is important that landlords provide service in a way that allows tenants with disabilities to maintain their self-respect and dignity. This can best be achieved when landlords 1) communicate with tenants individually to understand what their needs are, 2) understand and contemplate the many ways that people need to access services, and 3) provide their services in a way that ensures that the tenant feels valued and deserving of full service.

2. Independence

Tenants living with disabilities most often wish to access services in a way that preserves their independence and allows them to do things in their own way. Landlords should talk to tenants with disabilities about how they wish to receive and access services.

3. Integration

Tenants with disabilities should be able to access services in a way that allows them to benefit from the same services, in the same place and in a similar way as other tenants. The goal should be to create an environment where a landlord's customer service policies and practices promote integration and full participation.

4. Equal/Equitable Opportunity

People with disabilities should have the same opportunity to access services, and at the same quality, as others, without having to make significantly more effort or having to deal with more inconvenience than others.

COMPLIANCE WITH THE ACCESSIBILITY STANDARDS

The accessibility standards require landlords to take the following steps in order to comply with the law.

1. Develop Accessibility Policies & Plans

Landlords must establish policies on providing accessible customer service, and these policies must address the use of assistive devices. The policies should be consistent with the principles of dignity, independence, integration and equality of opportunity. These policies should address potential barriers that tenants with disabilities might face in accessing service. They must also state that the landlord will communicate with a person with a disability in a way that takes their disability into account.

If a landlord has 20 or more employees:

Landlords with 20 or more employees must prepare a document that describes their accessible customer service policies and let people know that the document is available. Landlords must also provide this document, in an accessible format, to anyone who requests it.

Landlords are also required to develop policies governing how they will meet

their obligations under the other standards. Organizations with 50 or more employees are required to write these policies down and make them available to the public, but it may be helpful for all organizations to do so. These policies also need to be updated as changes occur at your organization.

If a landlord has 50 or more employees:

Landlords with 50 or more employees must include a statement of organizational commitment to meet the accessibility needs of persons with disabilities in a timely manner in their policy. They must also prepare a written document detailing their policies and make the document available to tenants in an accessible format, upon request.

Landlords with 50 or more employees must also develop an accessibility plan that sets out the steps they will take to comply with accessibility laws and prevent and remove accessibility barriers. Large landlords must post the accessibility plan on their website and review and update the plan once every five years.

2. Allow Access to Service Animals

Landlords must allow service animals onto all areas of the residential complex that are open to the public.

If a service animal is excluded from an area of the residential complex by law (for example, the Health Protection and Promotion Act and the Food Safety and Quality Act exclude animals where food is prepared, stored or sold and some municipalities have by-laws restricting certain breeds of animals or dogs from the municipality), then landlords must ensure that there are measures available to provide services to the tenant with a disability in the absence of the service animal or to provide service in an area of the premises where the service animal is allowed.

3. Allow Access To Support Persons

Landlords must allow support persons onto all areas of the residential complex that are open to the public.

If there are fees for admission to specific services or events, landlords must give advance notice about what (if any) admission will be charged for a support person.



Example: A landlord of a residential complex hosts a holiday party each year exclusively for tenants. In order to attend the party, tenants are asked to pay a \$5.00 admission charge. The landlord must allow a service person accompanying a tenant to attend the party and if an admission fee for the service person will be charged, the landlord must give advance notice about the amount of the fee.



4. Provide Notice Of Temporary Disruptions of Services or Facilities

Landlords must let tenants know when services or facilities that people with disabilities usually use will be temporarily unavailable.

The notice should include information about the reason for the disruption, how long the disruption is expected to last, and a description of alternative facilities or services, if any are available.

Notice can be given by posting the information in an obvious location in the residential complex or on the landlord's website.

If a landlord has 20 or more employees:

Landlords with 20 or more employees must set out in a document the steps that they will take if there is a temporary disruption of services or facilities. The landlord must provide this document to anyone who requests it.

5. Provide Accessible Formats and Communication Supports

Landlords must provide accessible formats or communication supports as soon as possible and at no additional cost when a tenant with a disability asks for them.

Landlords must consult with the tenant who is requesting an accessible format or communication support to determine their accessibility needs. The landlord and tenant should work together to determine an accessible format or communication support that works for the tenant and that the landlord can provide.

Example: *If a tenant with vision loss requests that written correspondence from the landlord be provided in an accessible format, the landlord and tenant may decide that the information will be provided to the tenant in an electronic file that is compatible with tenant's text to speech computer program.*

6. Make Public Emergency Information Accessible

Landlords who have emergency and public safety plans in place that are available to the public, must make this information available in accessible formats or with communication supports, upon request.

Once again, it is important for landlords to consult with the person who is requesting an accessible format or communication support to determine their accessibility needs.

7. Establish A Process For Receiving and Responding To Feedback

Under the Customer Service Standard, landlords must establish and make available a method for tenants to provide feedback if they are facing accessibility barriers in the way they are served, and have a process in place for responding to the feedback, including complaints.

If landlords have additional feedback processes in place, they must make them accessible to people with disabilities on request. Landlords can do this by providing feedback processes in an accessible format or by providing communication supports when asked to do so.

Example: *If a tenant with a speech impairment cannot provide feedback by speaking with the landlord, the feedback process must allow him to provide feedback in another way, such as in writing.*

8. Train Staff, Contract Workers and Others

Under the Integrated Accessibility Standards, landlords are required to train their staff on the requirements of the standards that pertain to their duties, and on the Code as it relates to people with disabilities. This training

must be provided to all employees and volunteers, including paid and unpaid positions, anyone who is involved in developing the organization's policies, and anyone who provides goods, services or facilities on the organization's behalf.

All new employees and volunteers should receive training as soon as is practicable when they begin working with a landlord. The training on the requirements of the accessibility standards should be appropriate to the duties of the employees or volunteers. Not every person will need to train on all aspects of the standards.



If a landlord has 50 or more employees:

Landlords with 50 or more employees must keep a record of the number of people who have been trained and when training occurred.

Training on accessible customer service

Under the Customer Service Standard, anyone who interacts with tenants or creates the landlord's customer service policies must also receive training about:

- the purposes of the AODA, and the requirements of the customer service standard;
- the landlord's accessible customer service policies;
- how to interact with people with different types of disabilities;
- how to interact with people with disabilities who use an assistive device or require the assistance of a guide dog or other service animal, or the assistance of a support person;
- how to use the accessibility devices, if any, that are offered in the residential complex; and
- what to do if a tenant with a disability is having difficulty accessing services or facing an accessibility barrier.

Customer Service training must also be updated when the landlord's policies or the law change.

If a landlord has 20 or more employees:

Landlords with 20 or more employees must keep a log of the customer service training that has been completed for staff and others who interact with tenants. This documentation must include when the training was provided and the number of individuals who were trained.

9. Create Accessible Web Content

If a landlord has 50 or more employees:

Landlords with 50 or more employees must also take steps to make their new and significantly refreshed websites and web content accessible to the level outlined in the standard. The standard refers to international guidelines for website accessibility called Web Content Accessibility Guidelines.

This requirement is not applicable to landlords with less than 50 employees.

10. On Line Compliance Reporting

If a landlord has 20 or more employees:

Private sector landlords with 20 or more employees must file an online report with the Government of Ontario certifying compliance with their accessibility requirements.

Reports must be filed with the Government of Ontario every three years on an ongoing basis.

The reporting requirement is not applicable to landlords with less than 20 employees.

Public sector organizations must file every 2 years on an ongoing basis.

What will happen if a landlord does not comply with the accessibility standards?

The AODA allows the Government of Ontario to enforce the accessibility standards. The Government can conduct audits, issue compliance orders and order monetary penalties for non-compliance with the standards. The AODA allows for significant penalties if an organization is found guilty of offence under the Act. This includes financial penalties for each day on which an offence occurs, depending

on the size and type of organization, the organization's compliance history, and the impact of the violation.

While the Government has this enforcement authority, to date they have focused on providing assistance through training, education and resources in order to bring organizations into compliance.

IMPORTANT

Landlords may have additional obligations under the AODA and its standards that are not discussed in this guide. This guide is focused on landlords' obligations to their tenants. Landlords may also have other obligations to others, such as their employees.

The Government of Ontario has a helpful website to assist businesses in determining what they must do to fully comply with Ontario's accessibility standards. Landlords can get a complete list of their requirements under the AODA based on their size and circumstances at www.ontario.ca/accessibility

ACCESSIBILITY RULES AND DEADLINES

The Government of Ontario has created an easy to follow list of accessibility rules and deadlines under the AODA and its standards. You can access this information at: <https://www.ontario.ca/government/accessibility-rules-businesses-and-non-profits>

For your reference, this information is reproduced, in part, below.

IF A LANDLORD HAS 1 - 19 EMPLOYEES

BY JANUARY 1, 2012, YOU NEED TO:

Provide Accessible Customer Service

- Train your staff to serve customers of all abilities.
- Welcome service animals and support persons.
- Put an accessibility policy in place so tenants, employees, volunteers and others can know what to expect.

Provide Accessible Emergency & Public Safety Information

- When asked, provide accessible information such as evacuation plans or brochures.

Provide Staff With Disabilities Emergency Information

- When asked, provide accessible and customized emergency information.

BY JANUARY 1, 2015, YOU NEED TO:

Create Accessibility Policies.

- This will help you achieve your accessibility goals.

- Tell your employees and tenants about your policies.

Consider Accessibility When Purchasing or Designing Self-Service Kiosks.

- This includes interactive electronic terminals that people use to pay parking fees, validate tickets, buy groceries and renew licences.

BY JANUARY 1, 2016, YOU NEED TO:

Train Your Staff On Ontario's Accessibility Laws.

- Train all your employees and volunteers on the accessibility requirements that apply to their job duties and your organization.

Make It Easy For People With Disabilities To Provide Feedback When Asked.

- This includes surveys or comment cards.

BY JANUARY 1, 2017, YOU NEED TO:

Make Your Public Information Accessible When Asked

- Work with the person to figure out how to meet their needs as soon as possible.
- Make your employment practices accessible. This includes how you hire, retain and provide career development opportunities to all your employees.

BY JANUARY 1, 2018, YOU NEED TO:

Make New or Redeveloped Public Spaces Accessible

- recreational trails and beach access routes
- parking lots
- service counters
- fixed queuing guides
- waiting areas with fixed seating

**IF A LANDLORD HAS
20 - 49 EMPLOYEES**

BY JANUARY 1, 2012, YOU NEED TO:

Provide Accessible Customer Service

- Train your staff to serve customers of all abilities.
- Welcome service animals and support persons.
- Put an accessibility policy in place so tenants, employees, volunteers and others can know what to expect.

Provide Accessible Emergency & Public Safety Information

- When asked, provide accessible information such as evacuation plans or brochures.

Provide Staff With Disabilities Emergency Information

- When asked, provide accessible and customized emergency information.

BY DECEMBER 31, 2014, YOU NEED TO:

File an Accessibility Compliance Report

BY JANUARY 1, 2015, YOU NEED TO:

Create Accessibility Policies

- Create policies to help you achieve your accessibility goals.
- Tell your employees and tenants about your policies.

Consider Accessibility When Purchasing or Designing Self-Service Kiosks

- This includes interactive electronic terminals that people use to pay parking fees, validate tickets, buy groceries and renew licences.

BY JANUARY 1, 2016, YOU NEED TO:

Train Your Staff On Ontario's Accessibility Laws

- Train all your employees and volunteers on the accessibility requirements that apply to their job duties and organization.
- Make it easy for people with disabilities to provide feedback when asked.
- This includes surveys or comment cards.

BY JANUARY 1, 2017, YOU NEED TO:

Make Your Public Information Accessible When Asked

- Work with the person to figure out how to meet their needs as soon as possible.

Make Your Employment Practices Accessible

- This includes how you hire, retain and provide career development opportunities to all your employees.

BY DECEMBER 31, 2017, YOU NEED TO:

File an Accessibility Compliance Report

BY JANUARY 1, 2018, YOU NEED TO:

Make New Or Redeveloped Public Spaces Accessible

- recreational trails and beach access routes
- parking lots
- service counters
- fixed queuing guides
- waiting areas with fixed seating

BY DECEMBER 31, 2020, YOU NEED TO:

File an Accessibility Compliance Report

BY DECEMBER 31, 2023, YOU NEED TO:

File an Accessibility Compliance Report

IF A LANDLORD HAS 50 + EMPLOYEES

BY JANUARY 1, 2012, YOU NEED TO:

Provide Accessible Customer Service

- Train your staff to serve customers of all abilities.
- Welcome service animals and support persons.
- Put an accessibility policy in place so tenants, employees, volunteers and others can know what to expect.

Provide Accessible Emergency & Public Safety Information

- This includes evacuation plans or brochures.

Provide Staff With Disabilities Emergency Information

- When asked, provide accessible and customized emergency information.

BY JANUARY 1, 2014, YOU NEED TO:

Create Accessibility Policies and a Multi-Year Plan

- Create policies to help you achieve your accessibility goals.
- Tell your employees and tenants about your policies.

Consider Accessibility When Purchasing or Designing Self-Service Kiosks

- This includes interactive electronic terminals that people use to pay parking fees, validate tickets, buy groceries and renew licences.

Make Websites Accessible

- This includes new websites, old websites you significantly update and new web content you create.

BY DECEMBER 31, 2014, YOU NEED TO:

File an Accessibility Compliance Report

BY JANUARY 1, 2015, YOU NEED TO:

Train Your Staff On Ontario's Accessibility Laws

- Train all your employees and volunteers on the accessibility requirements that apply to their job duties and your organization.

Make It Easy For People With Disabilities To Provide Feedback

- This includes surveys and comment cards.

BY JANUARY 1, 2016, YOU NEED TO:

Make Your Public Information Accessible When Asked

- Work with the person to figure out how to meet their needs as soon as possible.

Make Your Employment Practices Accessible

- Make how you hire, retain and provide career development opportunities accessible.
- Document your processes for developing individual accommodation plan and return-to-work plans.

BY JANUARY 1, 2017, YOU NEED TO:

Make New Or Redeveloped Public Spaces Accessible

- recreational trails and beach access routes
- outdoor public use eating areas
- outdoor play spaces
- public outdoor paths of travel
- parking lots
- service counters
- fixed queuing guides
- waiting areas with fixed seating

BY DECEMBER 31, 2017, YOU NEED TO:

File an Accessibility Compliance Report

BY DECEMBER 31, 2020, YOU NEED TO:

File an Accessibility Compliance Report

BY JANUARY 1, 2021, YOU NEED TO:

Make All Websites And Web Content Accessible

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File an Accessibility Compliance Report

ACCESSIBILITY BARRIERS

Barriers to accessibility are obstacles that make it difficult for people with disabilities to do the things most of us take for granted, like grocery shop, work, or take public transit. The standards developed under the AODA will help landlords to identify, remove and prevent barriers for tenants with disabilities.

Often, barriers are thought of as only physical obstacles, but barriers can be both seen and unseen. A barrier is anything that prevents a person with a disability from fully participating in society because of their disability.

In this section, we will discuss different kinds of barriers and provide examples of how some of these barriers may be removed and prevented.



PHYSICAL BARRIERS

What are physical barriers?

Physical barriers are any physical features of a building or space that may prevent people with disabilities from fully using and enjoying the space. Physical barriers are the kinds of barriers that landlords often think about when considering obstacles for tenants with disabilities.

What are some examples of physical barriers?

Some common physical barriers that may arise in a residential complex are:

- **a curb outside the entrance of a building:** This curb may prevent tenants who use scooters or wheelchairs from entering the building safely.
- **heavy doors to enter and exit the building:** Tenants who use mobility devices or have disabilities affecting their muscle strength may require an automatic door opener to safely enter and exit the building.
- **stairs in the residential complex or in the rental unit:** Tenants who have disabilities that prevent them from using stairs would be unable to access upper floors of the building or rental unit.

- **common spaces that have a large amount of furniture and other items:** Cluttered spaces may create barriers for tenants with vision loss and make moving through the space difficult.
- **unreliable elevators:** Elevators that are unreliable or are often out of service create significant barriers for tenants who use mobility devices.

ADDRESSING PHYSICAL BARRIERS

John is a tenant with cerebral palsy and uses a wheelchair. He notified his landlord that he had seen some pests crawling out from under the baseboard of his living room. Philip, the superintendent, called a pest control company right away to have John's unit treated. John left his unit for a few hours during the treatment. When John returned to his unit, most of the furniture in his living room had been moved to the centre of the room and had not been returned to its usual arrangement before the pest control technicians left. John cannot move the furniture back himself and doesn't have any family or friends close by that he can call for help.

What barriers exist in this situation?

The pest control technicians have created a physical barrier for John. Because of his disability, he is unable to move the furniture back from the centre of his living room to its usual arrangement.

What did the landlord do to address this situation and prevent this barrier?

John contacted the superintendent, Philip, to tell him about the problem. Philip immediately came to John's unit and moved all of his furniture back to its usual arrangement. Philip also notified the landlord about the problem. The landlord made a policy that all maintenance staff and contract workers must ensure that rental units are returned to their normal state and left clean and tidy before completing their work and leaving the rental unit. The landlord contacted the pest control company and provided feedback about the lack of service provided to John. The landlord then provided training about this issue to his maintenance staff and contract workers.



SYSTEMIC BARRIERS

What are systemic barriers?

Systemic barriers are policies and practices that create obstacles for people with disabilities. Landlords may create these barriers unintentionally when they create policies, procedures and practices to organize the operation their business. Despite the landlord's good intentions, their practices can be discriminatory and create barriers for people with disabilities.

What are some examples of systemic barriers?

Some examples of systemic barriers that may arise in a landlord and tenant relationship are:

- **a practice of posting notices to all tenants on a bulletin board at standing eye level in a common area of the building:** The board may be too high to be easily seen by tenants using a wheelchair.
- **a practice of placing notices of entry outside a tenant's rental unit door:** A tenant who does not often leave their apartment because of a disability may not see the notice.

- **a practice of performing maintenance work on recently vacated apartments which involves the use of harsh chemicals such as floor stripper and oven cleaner:** These products can trigger dangerous symptoms for tenants with multiple chemical sensitivities (MCS). A policy requiring the use of the least toxic product possible can help to reduce this barrier. Additionally, a good feedback process will help landlords identify when the use of chemicals creates a barrier for tenants with MCS.
- **a policy that provides tenants with seven (7) days to clean their rental unit once it has come to the landlord's attention that there is a cleanliness problem:** This amount of time would not be sufficient to allow a tenant with hoarding behaviours to properly clean their unit.

ADDRESSING SYSTEMIC BARRIERS

Maria rents out three apartments in a triplex. The first floor apartment has recently become vacant and Maria had advertised to find a new tenant. Joan is a person with vision loss and is legally blind. She learned about Maria's apartment and thought it would be a great fit for her needs. When Joan came to the apartment, Maria brought Joan inside and, as is her normal practice, left Joan for a few minutes to explore the unit on her own.

What are some examples of systemic barriers?

As Joan is a person with vision loss, she cannot view the apartment by looking around the space to determine if it meets her needs.

What did the landlord do to address this situation and prevent this barrier?

In order to help Joan determine if the rental unit was right for her, Maria brought Joan through the apartment and described each of the rooms in great detail, including information about the dimensions of the space. She asked Joan what she could do to help her determine if the rental unit was suitable. Maria also developed a policy that incorporated these steps whenever she showed a rental unit to any prospective tenant with vision loss.



ATTITUDINAL BARRIERS

What are attitudinal barriers?

Attitudinal barriers are created when people discriminate against people with disabilities based on assumptions and misunderstandings. Everyone who interacts with tenants with disabilities in the rental complex must treat the tenants with dignity and respect.

Landlords should not make assumptions about a tenant's needs and abilities. Instead, landlords should always ask tenants what they need to be able to fully enjoy the residential complex and their rental unit. The customer service standard requires landlords to provide training to all staff and individuals who come into contact with tenants. This training must include information about how to interact with people with different types of disabilities.

What are some examples of attitudinal barriers?

Some examples of attitudinal barriers that may arise in a landlord and tenant relationship are:

- the assumption that a tenant with a mental health disability will not want to participate in community activities.

- the assumption that a tenant with a speech impairment cannot participate in tenant information meetings in a meaningful way.
- the assumption that a tenant who uses a wheelchair will not want to attend a holiday party and dance for tenants held by the landlord's staff.
- the assumption that a deaf tenant cannot communicate with maintenance staff and contract workers.
- the assumption that a tenant with a learning disability cannot read or write.

ADDRESSING ATTITUDINAL BARRIERS

Bill is a person with schizophrenia. Sometimes Bill talks to himself but he has never had any behavioural issues since moving into the residential complex. Bill noticed that whenever John, the superintendent, comes to his rental unit he brings the property manager with him. Bill also noticed that John does not do this when he attends to other rental units in the residential complex. One day, when Bill saw John in the lobby, he asked him why he always brings the property manager with him when he comes to his unit. John responded, "For my safety. I think it's better to be safe than sorry." Bill was very upset by John's comment and notified the landlord about the problem.

What barriers exist in this situation?

The superintendent has created an attitudinal boundary by making the assumption that a tenant with schizophrenia is dangerous and a safety risk, despite the fact that there have been no behavioural issues with Bill in the past.

What did the landlord do to address this situation and prevent this barrier?

The landlord immediately spoke with John about the issue. He explained to John that it's unacceptable to treat Bill differently because of his disability. Further, the landlord offered training to John, and all staff who have contact with tenants, about interacting with tenants with mental health disabilities and which included information about the harmful myths and stigma that surround mental illness.



INFORMATION AND COMMUNICATION BARRIERS

What are information and communication barriers?

Information and communication barriers result in people not being able to understand information or communicate with others.

The accessibility standards specifically require landlords to develop policies that address these possible barriers. Information must be made available in accessible formats when requested by tenants with disabilities and feedback systems must be developed for tenants that are accessible and easy to use.

What are some examples of information and communication barriers?

Some examples of information and communication barriers that may arise in a landlord and tenant relationship are:

- **providing notice to tenants with vision loss in writing:** The tenant may not be able to read the notice and know its contents. Notices should also be available in accessible formats for tenants with vision loss, for example electronically.
- **speaking too fast with tenants with hearing loss:** The tenant may need

to communicate with the landlord by reading lips or writing notes.

- **posting notices for all tenants in a common area of the building:** A tenant with a mental health disability that prevents them from leaving their rental unit often may not see the notice. A landlord might send notices out by email as well as posting them in common areas.
- **providing written correspondence to seniors in small print:** The senior may not be able to easily read the correspondence and understand its contents. A landlord might send such correspondence in large print so it is easier to read.
- **communicating with tenants about routine matters in the building through in person conversations:** A tenant with severe social anxiety may need to communicate with the landlord and staff through writing or on the telephone.

ADDRESSING INFORMATION & COMMUNICATION BARRIERS

Linda applied to rent an apartment. Her application was successful and she had an appointment with the property manager, Susan, today. When Linda got to the office, Susan handed Linda a booklet of information about the rental unit including a copy of the lease. She asked Linda to review the lease and

offered to answer any questions she may have before Linda signed. Susan implied that the lease needed to be signed that same day. Linda is a person with a learning disability and it is difficult for her to read new materials quickly and to understand their contents.

What barriers exist in this situation?

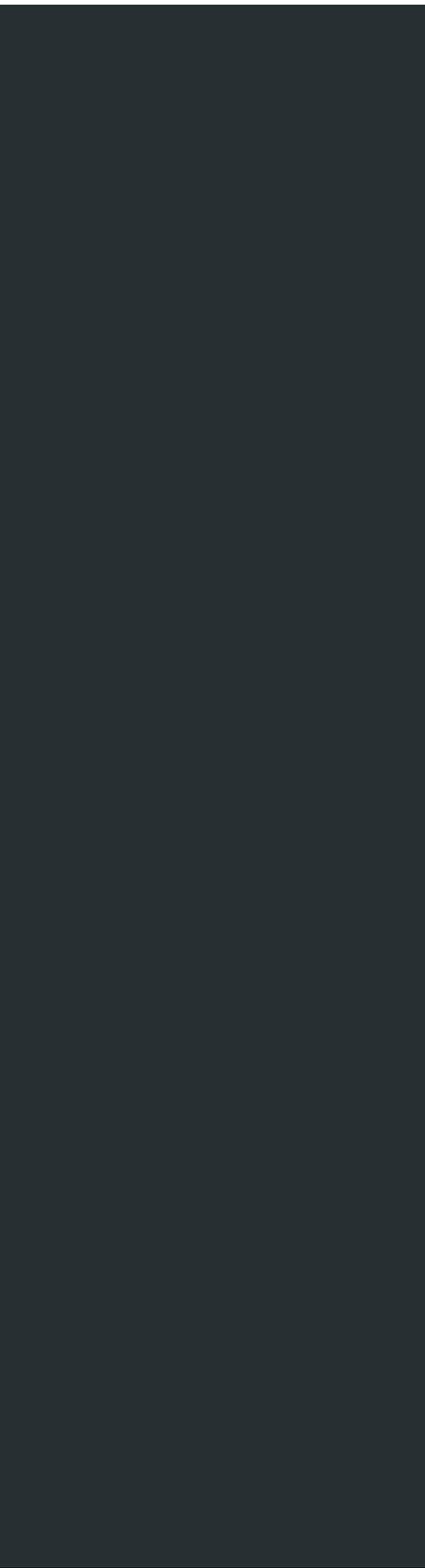
Linda was asked to sign the lease, a complex legal document, very quickly and with little time to review the document. Because of her learning disability, Linda needed more time to review the document and formulate all her questions for the property manager before signing the lease.

What did the landlord do to address this situation and prevent this barrier?

Susan offered to let Linda take the lease home to review it, giving her the time she needed to adequately read and understand the document prior to signing it. The landlord also developed a policy that ensured that they will make the lease available in accessible formats and provide it to tenants in advance of the meeting with the property manager in order to allow prospective tenants enough time to review and understand the document.

TIPS FOR INCREASING ACCESSIBILITY

- ① THINK CAREFULLY AND CREATIVELY ABOUT WHAT BARRIERS MAY EXIST.
 - ② MAKE A WRITTEN LIST OF ALL THE KNOWN BARRIERS AND SHARE IT WITH YOUR STAFF.
 - ③ SEEK OUT SOLUTIONS WITH YOUR STAFF FOR REMOVING THESE BARRIERS.
 - ④ IMPLEMENT POLICIES THAT WILL ENSURE NEW BARRIERS ARE NOT CREATED.
 - ⑤ ALWAYS FAVOUR INCLUSION AND INTEGRATION WHEN INTERACTING WITH TENANTS AND ADDRESSING THEIR ISSUES AND CONCERNS.
 - ⑥ INVOLVE TENANTS IN THE PROCESS. THEY HAVE A LOT OF KNOWLEDGE TO SHARE!
 - ⑦ FOCUS ON ENSURING EQUALITY.
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ADDITIONAL RESOURCES

LEGISLATION

The AODA

Read the entire Act online

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_05a11_e.htm

Customer Service Standard

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_070429_e.htm

Integrated Accessibility Standard Regulation

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_110191_e.htm

Human Rights Code

Read and explore the Code online

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h19_e.htm

The Residential Tenancies Act, 2006

Read the entire Act online:

<https://www.ontario.ca/laws/statute/06r17>

TRAINING RESOURCES

Get more information and access the Government of Ontario's free resources for the AODA requirements

www.ontario.ca/accessibility

AODA Help Desk

Toll Free: 1-866-515-2025

In Toronto: 416-849-8276

TTY: 1-800-268-7095 or 416-325-3408

Online videos

Explore disability and accessibility through Access Ontario's Youtube channel <https://www.youtube.com/user/accessontario>

Training resources

Serve-Ability, Accessible Customer Service Training

<http://curriculum.org/sae-en/>

Training on Integrated Accessibility Standards Regulation

<http://Accessforward.ca>

Ontario Non Profit Housing Providers Resources for Customer Service Standard

http://www.onpha.on.ca/onpha/ItemDetail?iProductCode=ED_AODACKIT_11P&Category=Legislation%20&WebsiteKey=49cb1e54-80a5-4daf-85fb-a49e833ec60b

The AODA and the Code

Training video on the Code and how the AODA and the Code work together

<http://www.ohrc.on.ca/en/learning/working-together-code-and-aoda>

Ontario Human Rights Commission

Learn about how the Code applies to housing

www.ohrc.on.ca/

Landlord and Tenant Board

<http://www.ltb.gov.on.ca/>

Toll Free: 1-888-332-3234

In Toronto: 416-645-8080

SERVICES FOR LANDLORDS

Province-wide

Landlord's Self-Help Centre

A non-profit community legal clinic that serves small landlords across Ontario

www.landlordselfhelp.com

Toll Free: 1-800-730-3218

Email: info@landlordselfhelp.com

Federation Of Rental - Ontario Housing Providers Of Ontario

Association representing landlords across Ontario

www.frpo.org

Central Ontario

Landlord Connect

Connects landlords with the housing help sector, and offers education and support to members.

www.landlordconnect.ca

Eastern Ontario

Ottawa Region

A non-profit association serving member landlords in Landlords Association the

Ottawa area

www.orla.ca

APPENDIX A: ONTARIO'S HUMAN RIGHTS CODE

Ontario's *Human Rights Code* ("Code") protects individuals and groups from discrimination and harassment on the basis of sixteen prohibited grounds, including disability.

The *Code* is one of the most important pieces of legislation in Ontario. Human rights law has paramountcy or primacy in Ontario, which means that it takes precedence over most other laws in the province. This means that if there is conflict between another law and the *Code*, the *Code* will most often prevail.

What is discrimination?

Discrimination occurs when a person is treated unfairly or denied a benefit based on a characteristic or perceived characteristic protected under the *Code* (such as disability). Discrimination does not have to be intentional and can occur when someone is acting in good faith.

Direct discrimination is what most people think of when they think of discrimination. Direct discrimination occurs when behaviours, actions, policies or practices preclude a person with a disability from fully participating in society or fully enjoying a benefit.

Indirect or adverse-effect discrimination is often harder to identify. This type of discrimination occurs when a

seemingly neutral policy, rule or practice disadvantages a member of a Code-protected group. Even if unintentional, indirect discrimination is still discrimination under the *Code*.

What does the "duty to accommodate" mean?

When a tenant requests accommodation for a disability, their landlord has the legal duty to accommodate. This means that the landlord is legally obliged to respond to the tenant's request in good faith, and work with the tenant to achieve a satisfactory accommodation. An example of a request to accommodate is a tenant in a wheelchair requesting that a ramp and an automatic door opener be installed outside the main entrance of a residential complex.

The landlord has an obligation to accommodate the tenant up to the point of undue hardship.

The duty to accommodate is guided by three main principles:

- respect for dignity;
- individualization; and
- integration and full participation.

These principles underwrite the *Code's* guiding philosophy that all Ontarians should benefit from equal access to opportunities and services.

What is “undue hardship”?

It is the landlord’s responsibility to accommodate the tenant up to the point of undue hardship. In determining whether the point of undue hardship has been met, the Ontario Human Rights Tribunal will consider the cost of accommodation (including access to outside sources of funding) and any health and safety concerns that exist.

To reach the point of undue hardship, a landlord must show that making an accommodation would be so costly as to affect the survival of their business, or pose a health and safety risk that outweighs the benefit of accommodation. If cost is the issue, they must also show that outside sources of funding are not available to assist with the accommodation.

How does a landlord provide accommodation to a tenant?

Landlords are obliged to ensure that accommodations meet the unique needs of the individual requesting them. The *Code* stipulates that a “one-size-fits-all” approach to accommodations is not sufficient. Individuals have unique needs, and the accommodation process should reflect this, promoting the integration and full participation of all tenants.

Accommodation is a shared responsibility. Tenants and landlords need to work together to determine and implement appropriate accommodations. Landlords should talk to tenants about their specific needs and work towards creative solutions.

What are the responsibilities of the landlord and tenant in the accommodation process?

Once a tenant has made a request for accommodation, the landlord and tenant must work together to find solutions. Both the landlord and tenant have responsibilities in the accommodation process.

The landlord must:

- accept the tenant’s request for accommodation in good faith, unless there is a legitimate reason to do otherwise;
- take an active role searching for accommodation solutions;
- maintain confidentiality;
- grant accommodation requests in a timely manner;
- bear the cost of any required medical documentation or information; and
- bear the cost of accommodation up to the point of undue hardship.

The tenant must:

- advise the landlord of the disability and make the landlord aware of their accommodation needs;
 - provide information regarding relevant restrictions and limitations, including providing medical documentation when appropriate;
 - co-operate with experts whose assistance is needed when information is required that the tenant cannot provide; and
 - participate in discussions regarding possible accommodation solutions and work with the landlord on an ongoing basis to manage the process.
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