TIPS FOR TENANTS WITH MENTAL HEALTH DISABILITIES & ADDICTIONS

Centre for Equality Rights in Accommodation

Working with you to realize your housing rights.
ABOUT THIS RESOURCE

This resource was designed to answer questions that tenants living with mental health disabilities and addictions might have in relation to their rights in rental housing.

- It contains information about your housing and human rights.
- It offers practical tips about how you can advocate for yourself and others to realize your rights.

As part of the Facilitating Local Responses to Housing Discrimination project, the Centre for Equality Rights in Accommodation (CERA) and the Canadian Mental Health Association asked residents of Sudbury about their housing needs. This resource is informed by consultations with residents and tenant serving organizations of Sudbury.

What we heard from tenants:
We heard that tenants with mental health disabilities and addictions often face challenges in accessing and maintaining safe and affordable housing. These challenges are worsened by the stereotypes and stigma that surround mental illness.

Landlords may deny housing to tenants when they learn of their mental health disability or may require that tenants meet additional requirements before they will sign a lease. Landlords, including superintendents, may harass tenants or refuse to address harassment by neighbours in the building. Some tenants with mental health disabilities are reluctant to claim their rights because they fear that they will be evicted and worry that they will not be able to find other accommodations.

COMMON CHALLENGES IN RENTAL HOUSING

A landlord has told me that he does not rent to people on Ontario Disability Support Program (ODSP). Can he do this? You cannot be denied housing because you receive social assistance, including ODSP. Receipt of social assistance is a protected ground under the Code.

My previous residence was a mental health facility. How will this affect my rental prospects? For people living with a mental health disability, moving from a care facility should not be a barrier to finding a rental unit. A landlord should not refuse to rent to you because you have no previous landlord references.

I have been told my landlord has to accommodate my mental health disability. What does the Duty to Accommodate look like? If you are a person protected by the Code, the landlord’s structures, rules, and policies may have to be changed to ensure you can fully enjoy equality and dignity with respect to your housing. For example, if you rarely leave your unit because of a social anxiety condition, your landlord may have to provide you with notice of building wide notifications in a different way because posters in the lobby may not work for you.

What are the steps of the accommodation process? Landlords and tenants have an obligation to work together to find accommodation solutions. If you have made an accommodation request, you should talk to your landlord about what solutions are right for you. Landlords must bear the cost of the accommodation and the cost of any medical documentation or information.
COMMON CHALLENGES IN RENTAL HOUSING

I have an addiction. What are my rights?
People with mental health issues and/or addictions have the right to be free from discrimination and harassment. Disability in the Code is interpreted in broad terms and includes addictions. When an organization does not accommodate a person’s addiction disability to the point of undue hardship, this also violates the Code.

The landlord has accused me of being a hoarder, and is trying to evict me. What do I do?
The Duty to Accommodate obligates landlords to accommodate mental health issues or addictions, including hoarding behaviours. Accommodation can involve modifying processes, procedures, requirements or facilities to allow equal access. Note that the accommodation process may take time, especially when there are other concerns at play. For example excessive hoarding may create potential health and safety concerns with making accommodations more complex to address.

Can the landlord evict me just because I have a mental health disability or addiction?
No. Mental health issues and addictions are defined as disabilities under the Code. This means that the Code protects people who have anxiety disorders, panic attacks, post-traumatic stress disorder, depression, schizophrenia, bipolar disorder, or addictions to alcohol or drugs, among other mental health issues. A landlord who evicts a tenant on the basis of a disability is in violation of the Code.

Landlords have a “Duty to Accommodate”

Harold is a person with schizophrenia. Sometimes he talks to himself and spends a lot of time alone in his unit but he has never had any behavioural issues since moving into his apartment building.

Robert, the superintendent, sometimes says things under his breath when Harold walks by; Harold has heard Robert call him “crazy” and a “wacko”. Recently, Harold noticed that whenever Robert comes to his rental unit he brings the property manager with him. He knows that Robert does not do this when he attends other rental units in the building. One day, when Harold saw Robert in the lobby, he asked him why he always brings the property manager with him when he comes to his unit. Robert responded, “For my safety. Better to be safe than sorry.”

What is the human rights issue in this scenario?

Harold is protected by the Human Rights Code (the Code) on the basis of disability. The Code explains that the landlord cannot harass a tenant based on disability.
What can Harold do in this situation?

**Step 1:** Harold should record the dates and times of the harassment. He should write down what was said, who said it, and if anyone overheard the harassment.

**Step 2:** Harold should write his landlord a clear letter explaining that he is being harassed because of his mental health disability. Harold should be sure to include details about the incidents and keep a copy of the letter.

**Step 3:** If the landlord doesn’t do anything to stop the harassment, Harold may wish to file an application at the Human Rights Tribunal (HRT). He should begin to organize his evidence (correspondence with the landlord, identify witnesses, organize his notes etc.).

**Step 4:** Harold should complete an application form and file it with the HRT. The application must be filed within 12 months of the last incident of harassment.

**Step 5:** If Harold and the landlord agree, the HRT will hold a mediation session about 6 months after the application is filed. At the mediation, Harold and the landlord can try to settle the application without a hearing.

**Step 6:** If a settlement is not reached, a hearing will be held about 12 months after the application is filed. Both sides will have an opportunity to present evidence and an adjudicator will make a decision and issue an order.

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WHERE CAN I FIND ASSISTANCE & MORE INFO IN SUDBURY?

**Legal Services, Housing Help & Community Centres**

Sudbury Community Legal Clinic  
P: (705) 674-3200  

Housing Help Centres  
Website: https://findhousinghelp.ca/hhao/find_housing_help/index.php?region=Northeastern&sub=Sudbury

Canadian Red Cross - Sudbury  
P: 705.674.0737 x7211  
http://www.redcross.ca/in-your-community/ontario

Sudbury Action Centre for Youth  
P: 705.673.4396  
http://www.sacy.ca/

**Information & Services for Tenants with Mental Health Disabilities**

Canadian Mental Health Association: Sudbury – Manitoulin Branch  
P: 705-675-7252  
W: info@cmha-sm.on.ca

The Corner Clinic  
P: 705-673-3721
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http://www.redcross.ca/in-your-community/ontario

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