UNLOCKING THE AODA: OBLIGATIONS OF HOUSING PROVIDERS UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT

A Guide for Housing Providers in 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 on behalf of clients and occasional test-case litigation, CERA works to address barriers that prevent individuals from accessing and maintaining housing. Our Housing Access, Stabilization and Eviction Prevention Hotline provides individuals with information, referrals and assistance with regard to housing matters.

In addition to our casework and public education initiatives, CERA engages in community-responsive projects to support vulnerable groups in maintaining housing and realizing their human rights in housing. This includes research into housing and human rights issues and support of the enforcement of human rights by provincial, national and international commissions, agencies and organizations. CERA recognizes and advocates for the right to housing and the realization of human rights in all aspects of housing.

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

This guide is designed to provide housing providers in Ontario with information about their obligations under the Accessibility for Ontarians with Disabilities Act, 2005 ("AODA"). The AODA was amended in 2016, with specific changes to the Integrated Accessibility Standards Regulation (IASR). For example, the Customer Service Standard is now part of the Integrated Accessibility Standards Regulation. Please ensure you have an updated version of this guide, the Act and the Regulations.

In the following pages, you will find useful legal information 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. This resource should be read with the official laws. If there is any conflict between these documents, the AODA and its standards are the final authorities.

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This guide is designed to assist public sector, private sector and non-profit housing providers in meeting the requirements of the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). The term “housing provider” includes landlords defined under the Residential Tenancies Act, 2006, cooperative housing providers defined under Ontario’s Cooperative Corporations Act and the Canada Cooperatives Act and housing providers defined under Ontario’s Housing Services Act, 2011.

The guide includes information on amendments to the AODA and IASR made in 2016 and is current to the date of publication. Please make sure you have the most recent version of this guide, the AODA and the Integrated Accessibility Standards Regulation (IASR) to refer to. The regulations and legislation can be found on the Government of Ontario website: https://www.ontario.ca/laws/statute/05a11.

Today, an estimated 1 in 5 Canadians report having a disability, and the number of Ontarians living with disabilities is expected to rise in years to come. As Ontario’s population ages, accessibility will become even more important. Housing providers are faced with the complex challenge of adhering to municipal and provincial laws and responding to the diverse needs of their renters. The purpose of this guide is to help clarify their requirements under the AODA. It also covers how the AODA works with other legislation and offers useful tips to housing providers on how to ensure that their business practices promote accessibility.

FEEDBACK FROM HOUSING PROVIDERS HAS SHAPED THIS GUIDE

This guide is intended to provide practical solutions to the accessibility challenges faced by housing providers. To help accomplish this, CERA developed an online Housing Providers Needs Assessment Survey. The response from this survey has allowed CERA to better gauge the ways that housing providers need to increase their knowledge and awareness about how the AODA applies to them. The guide has also been informed by consultations with accessibility advocates and organizations that serve housing providers.
HOW TO USE THIS GUIDE

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

• Answer general questions about how and when the AODA applies;

• Read about tips for dealing with common scenarios that housing providers may face; and

• Learn about additional resources related to implementing the requirements found in the AODA and its standards.
Accessibility for Ontarians with Disabilities Act, 2005 (AODA)

The AODA became law in 2005. The AODA helps obligated businesses and organizations to identify, remove, and prevent barriers for people with disabilities.

The Government of Ontario has developed accessibility standards under the AODA. These are found in the Integrated Accessibility Standards Regulation (IASR). The standards are legal rules that will help Ontario businesses become more accessible, and help Ontario reach its accessibility goal. The IASR was changed in 2016, and this guide reflects those changes as of the date of publication.

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

Housing providers will find that being compliant with these standards will help foster stronger relationships with their renters, which is key to being a successful housing provider.
WHAT IS A DISABILITY?

The AODA uses the same definition of disability as Ontario’s Human Rights Code. The AODA defines “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 coordination, 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 invisible (non-evident) and disabilities of varying severity. The definition includes physical, sensory, developmental, learning, mental health disabilities, environmental sensitivities and addictions.

It is important to keep in mind that the definition of disability is not static. It is constantly evolving, and the responsibilities of housing providers will evolve with it.
WHAT IS AN INVISIBLE DISABILITY?
Invisible disabilities may not be immediately noticeable. They can include mental health disabilities, brain injury, chronic pain, visual or auditory disabilities, intellectual disabilities and learning disabilities.

Some common barriers that may impact renters with invisible disabilities include:

• The use of scented products (including paint, cleaning agents, and air fresheners) in common areas of residential complexes. Renters who live with certain types of disabilities (including environmental sensitivities) may experience symptoms when exposed to air contaminants, including scented products. They may require the use of unscented products and scent-free laundry facilities, for example.

• Noise from adjoining and nearby apartments. Renters who live with certain types of invisible disabilities (including post-traumatic stress disorder and schizophrenia) may experience symptoms triggered by noises that originate in other units in the building. They may require soundproofing, for example.

• Inflexible customer service and communication policies in the building. Renters living with certain types of invisible disabilities (including visual impairment and mental illness) may experience challenges receiving building notices, remembering to pay their rent on time, or reporting issues to building management in line with standard building policy or practice. They may require alternative ways of completing these tasks.

• Unit entry by the housing provider (or an employee) for routine inspections. Renters living with certain types of invisible disabilities (including mental illness) may require that special conditions be put in place before the housing provider may enter their unit. For example, a renter may require more than the standard notice period for entry.
WHO HAS TO COMPLY WITH THE AODA?

All organizations with at least one employee in Ontario have obligations under the AODA.

The AODA has different compliance obligations, depending on the size of the organization. Small organizations are defined as having from 1 - 49 employees. Large organizations have 50 or more employees.

When counting the number of employees in your organization, you should include full-time, part-time, and seasonal employees. You do not have to include volunteers and independent contractors.

A housing provider who is self-employed, either as a sole proprietor or in a partnership, is not considered an employee. Please note: a housing provider who runs his or her own incorporated business may be considered an employee of the corporation. Please get legal advice if you are not sure whether you are an employee or whether you have employees.

It is important for housing providers to fully understand the standards and their requirements. These requirements impact how housing providers should interact with, communicate with, and provide services to their renters. In addition, while some requirements only apply to large organizations, if small organizations also follow these rules, they will provide greater accessible services to their tenants.
WHAT ARE ACCESSIBILITY BARRIERS?

Accessibility barriers 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 AODA standards work to help housing providers identify, remove, and prevent barriers for renters 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.

It doesn’t matter if the barrier was created intentionally or by mistake – if something is an obstacle to someone on account of a disability, it will be considered a barrier and must be addressed.

Barriers can be physical, architectural, informational, communication related, attitudinal or technological in nature. They include both policies and practices. In the second half of this guide, some examples will be provided of different types of barriers and how they may be removed and prevented.
RESPECTING DIGNITY, INDEPENDENCE, INTEGRATION & EQUALITY

The best way to achieve accessible customer service is to have open communication. Housing providers and renters that have an honest and inclusive dialogue are the most likely to find the accessibility solutions that work for both sides.

Keep these principles in mind when communicating with renters:

Dignity

It is important to provide service in a way that allows renters with disabilities to maintain their self-respect and dignity. This can best be achieved by:
1) communicating with renters individually to understand their needs
2) understanding and contemplating the many ways that people need to access services
3) providing services in a way that ensures that the renter feels valued and deserving of full service

Independence

People living with disabilities most often wish to access services independently. This allows them to do things in their own way. Open communication will help housing providers discover how renters with disabilities wish to receive and access services.

Integration

Renters 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 renters. The goal should be to create an environment where a housing provider’s customer service policies and practices promote integration and full participation.

Equal/Equitable Opportunity

Renters with disabilities should have the same opportunity to access services, and at the same quality, as others. They should not have to make significantly more effort or have to deal with more inconvenience than other renters.
IMPORTANT!

This guide focuses on the obligations that housing providers have toward their renters. Please note that under the AODA, housing providers may also have additional obligations, such as those to their employees, that are not discussed in this guide.

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. Housing providers can get a complete list of their requirements under the AODA based on their size and circumstances at www.ontario.ca/accessibility.

INTEGRATED ACCESSIBILITY STANDARDS REGULATION (IASR)

The Government of Ontario has developed accessibility standards under the AODA. These standards are meant to improve accessibility and remove barriers for people with disabilities. As of July 2016, there are 5 accessibility standards grouped into one regulation, called the Integrated Accessibility Standards Regulation (IASR).

The IASR’s 5 standards include:

- Customer Service
- Information and Communication
- Employment (not covered in this guide)
- Transportation (not covered in this guide)
- Design of Public Spaces
GENERAL REQUIREMENTS

There are a number of general requirements under the IASR, which do not relate to a specific standard. These general requirements include:

1) Developing, implementing and maintaining accessibility policies
2) Establishing, implementing and maintaining accessibility plans
3) Training staff, volunteers, contract workers and others
4) Considering accessibility features when designing, procuring or acquiring self-service kiosks
5) Reporting on compliance online

1) DEVELOPING, IMPLEMENTING AND MAINTAINING ACCESSIBILITY POLICIES

All private sector, non-profit and public housing providers with one or more employees, are required to develop, implement and maintain policies governing how the organization achieves or will achieve accessibility through meeting their obligations under the 5 IASR standards.

All private sector, non-profit and public housing providers with 50 or more employees, must include in their policies a statement of commitment to meeting the accessibility needs of persons with disabilities in a timely manner. They must also document their policies, make the documents publicly available and provide them in an accessible format when requested.
While private sector, non-profit and public housing providers with fewer than 50 employees are not required under the IASR to document their policies and make them publicly available, CERA encourages organizations of all sizes to do so as a best practice.

2) ESTABLISHING, IMPLEMENTING AND MAINTAINING ACCESSIBILITY PLANS

All private sector, non-profit and public housing providers with 50 or more employees must establish, implement, maintain and document a multi-year accessibility plan, outlining the organization’s strategy to prevent and remove barriers and meet its obligations under the IASR. This plan must be updated every five years, be made available on the website of the housing provider and be provided in an accessible format when requested.

While private, non-profit and public housing providers with fewer than 50 employees are not required under the IASR to establish multi-year accessibility plans, CERA encourages organizations of all sizes to do so as a best practice.

3) TRAINING STAFF, VOLUNTEERS, CONTRACT WORKERS AND OTHERS

All private sector, non-profit and public housing providers with one or more employees are required to provide training on the requirements of the accessibility standards in the IASR and on the Human Rights Code as it relates to people with disabilities. This training must be provided to all employees and volunteers (including paid and unpaid positions, full-time, part-time and contract positions), as well as anyone who is involved in developing the organization’s policies, and anyone who provides goods, services or facilities on the organization’s behalf (for example, facilities management companies).

All new employees and volunteers need to receive training as soon as possible once they begin working with a housing provider. This training must be provided whenever organizational policies change, or when an employee’s or volunteer’s duties change.
All private sector, non-profit and public housing providers with 50 or more employees must maintain training records with information on when the training was delivered and how many people participated in the training.

4) CONSIDERING ACCESSIBILITY FEATURES WHEN DESIGNING, PROCURING OR ACQUIRING SELF-SERVICE KIOSKS

In the event that a private sector, non-profit or public housing provider offers service through a self-serve kiosk, they must consider accessibility when designing, procuring or acquiring self-serve kiosks.

5) REPORTING ON COMPLIANCE ONLINE

All private sector, non-profit and public housing providers with 20 or more employees must file compliance reports with the Government of Ontario every 3 years. Reports need to be available to the public. More information and how to submit your compliance report can be found at: https://www.ontario.ca/page/completing-your-accessibility-compliance-report
CUSTOMER SERVICE STANDARD

The Customer Service Standard helps housing providers deliver service in a way that takes into account the needs of people with disabilities. Accessible customer service will only become more important as the population ages and the number of people with disabilities grows. Organizations are required to:

a) Develop and Document Customer Service Policies
b) Allow Service Animals
c) Welcome Support Persons
d) Provide Notice of Temporary Disruptions of Services or Facilities
e) Train Staff, Contract Workers and Others
f) Establish a Process for Receiving and Responding to Feedback
g) Consider a Person’s Disability when Communicating with Them

A) DEVELOP AND DOCUMENT CUSTOMER SERVICE POLICIES

All private sector, non-profit and public housing providers with one or more employees must develop, implement and maintain policies for providing goods, services and facilities to persons with disabilities. Please note that these policies must address the use of assistive devices (e.g. oxygen tanks and walkers). The policies should be consistent with the principles of dignity, independence, integration and equality of opportunity, and must address potential barriers that renters with disabilities might face in accessing service. These policies must also clearly state that the housing provider will communicate with a person with a disability in a way that takes their disability into account.

All private sector, non-profit and public housing providers with 50 or more employees must put their customer services policies in writing and make them available to the public when requested. If requested, they are required to provide this document in an accessible format.

B) ALLOW SERVICE ANIMALS

All private sector, non-profit and public housing providers with one or more employees must allow service animals onto all areas of the residential complex that are open to the public.
If a renter’s service animal is excluded by law from an area of the residential complex, then housing providers must ensure there are alternate measures to provide service to the renter. One way to do this is to provide service to the renter in an area of the residential complex where the service animal is allowed.

Examples of laws that might exclude service animals include the **Health Protection and Promotion Act** and the **Food Safety and Quality Act**, which exclude animals from areas where food is prepared. Also, some municipalities have by-laws restricting certain breeds of dogs or other animals.

### C) WELCOME SUPPORT PERSONS

All private sector, non-profit and public housing providers with one or more employees must allow renters’ support persons onto all areas of the residential complex that are open to the public. A support person is someone who assists a person with a disability with daily tasks. Housing providers need to identify how they will deal with special situations and identify any possible situations when a support person might be required to accompany a person with a disability for health or safety reasons. This can only be in very limited situations and where there are no other alternatives. Housing providers are also required to consult with people with disabilities to understand their needs. This means they have to examine all health and safety considerations and determine if there are further ways to protect people with disabilities while on the residential premises.
D) PROVIDE NOTICE OF TEMPORARY DISRUPTIONS OF SERVICES OR FACILITIES

All private sector, non-profit and public housing providers with one or more employees must inform people with disabilities when services or facilities they usually use will be temporarily unavailable. This could include hot water being shut off for a period of time or elevators being taken out of service. Examples of an unavailable facility may include the loss of access to common areas of the building such as the shared laundry room or parking garage.

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 and on the housing provider’s website as well as additional communication platforms employed by the housing provider such as a social media page.

All private sector, non-profit and public housing providers with 50 or more employees must also prepare a document that details the steps that they will take if there is a temporary disruption of services or facilities. This document must be provided in an accessible format to anyone who requests it.

E) TRAIN STAFF, VOLUNTEERS, CONTRACT WORKERS AND OTHERS

All private sector, non-profit and public housing providers with one or more employees are required to provide training on accessible customer service to persons with disabilities. This training must be provided to all employees and volunteers (including paid and unpaid positions, full-time, part-time and contract positions), as well as anyone who is involved in developing the organization’s policies, and anyone who provides goods, services or facilities on the organization’s behalf (for example, facilities management companies).
All new employees and volunteers need to receive training as soon as possible once they begin working with a housing provider. This training must be provided whenever customer service policies change, or when an employee’s or volunteer’s duties change. Free training modules can be found at: https://accessforward.ca/.

**Maintaining training records**

All private sector, non-profit and public housing providers with 50 or more employees must maintain training records including when the training was delivered and how many people participated in the training.

**Notes on training on accessible customer service:**

Under the Integrated Accessibility Standards Regulation, anyone who interacts with renters or creates the housing provider’s customer service policies must also receive training about:

- the purposes of the AODA, and the requirements of the customer service standard;
- the housing provider’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 renter with a disability is having difficulty accessing services or facing an accessibility barrier.
F) ESTABLISH A PROCESS FOR RECEIVING AND RESPONDING TO FEEDBACK

All private sector, non-profit and public housing providers with one or more employees must establish and make available a method for renters who have disabilities to provide feedback on their experience receiving accessible customer service. There also has to be an established process for responding to the feedback, including complaints.

If there are additional feedback processes in place, housing providers must make them accessible to people with disabilities upon request. Additional processes must be in an accessible format, including providing communication supports if asked.

Example:

If a renter with a speech impairment cannot provide feedback by speaking directly with the housing provider, then there must be another method for the person to give their feedback. An alternative may be providing a written feedback form.

G) CONSIDER A PERSON’S DISABILITY WHEN COMMUNICATING WITH THEM

All private sector, non-profit and public housing providers with one or more employees must, if requested, provide a copy of a document to a person with a disability in an accessible format or with communication support.

The housing provider must consult with the person making the request to determine what format or communication support would be appropriate and must also provide the accommodation in a timely manner and at a cost no greater than what is charged to other persons.
INFORMATION AND COMMUNICATION STANDARD

The Information and Communication Standard is particularly relevant to housing providers as it helps to build strong relationships with their renters. This standard will help make their information and communications accessible for people with disabilities. There are 4 requirements under the Information and Communication Standard that apply to housing providers.

A) Accessible Formats and Communication Supports
B) Feedback Processes For Employees and the Public
C) Emergency and Public Safety Information
D) Accessible Websites and Web Content

A) ACCESSIBLE INFORMATION AND COMMUNICATION SUPPORTS

If asked by a renter with a disability, all private sector, non-profit and public housing providers with one or more employees must provide information in accessible formats or with communication supports. Examples include writing documents in plain language, providing sign language interpreters, reading information out loud or providing written notes. The accessible formats and communication supports must be provided as soon as possible and at no additional cost.

Housing providers must consult with the renter who is requesting an accessible format or communication support to determine their accessibility needs. Both parties should work together to determine the most suitable format or communication support.
Example:

If a renter with vision loss requests that written correspondence from the housing provider be presented in an accessible format, they could decide together that the information will best be provided in an electronic file that is compatible with renter’s text-to-speech computer program. See https://adod.idrc.ocadu.ca/ for more information.

B) FEEDBACK PROCESSES FOR EMPLOYEES AND THE PUBLIC

All private sector, non-profit and public housing providers with one or more employees must be prepared to receive feedback from renters in different ways. This can include in-person, by telephone, by email or through questionnaires or comment cards.

C) EMERGENCY AND PUBLIC SAFETY INFORMATION

Emergency and public safety information from all private sector, non-profit and public housing providers with one or more employees must be provided in accessible formats or with communication supports if requested by a person with a disability. Examples of information include:

- Emergency plans and procedures
- Maps/evacuation routes
- Information about alarms or other emergency alerts

There is no requirement to create new emergency or public safety information.

D) ACCESSIBLE WEB CONTENT

All private sector, non-profit and public housing providers with 50 or more employees must make all new and significantly refreshed websites and web content posted after January 1, 2012 accessible in accordance with international guidelines for website accessibility. These guidelines are called Web Content Accessibility Guidelines (WCAG). Housing providers need to be familiar with 2 levels of success criteria for website accessibility: Level A and Level AA.
Level A: This is the most basic level of accessibility for websites and web content. Achieving this level of accessibility includes, for example, providing prerecorded captions for all prerecorded audio content for synchronized media including video and audio, and presenting the information on a different format or with time-based interactive components. Alternatively, text alternatives that explain content and describe images to viewers can be used. All private sector, non-profit and public housing providers with 50 or more employees must currently meet Level A success criteria.

Level AA: This is a more extensive level of accessibility for websites and web content. Examples include resizing (text size that can be increased up to 200% without losing content or function) and properly named headings and labels (which allows screen reader technology to easily scan and find appropriate sections of text). All private sector, non-profit and public housing providers with 50 or more employees must meet Level AA success criteria by January 1, 2021. Please note, there are two exemptions from the Level AA compliance deadline: live captions and pre-recorded audio descriptions.

For full details on Web Content Accessibility Guidelines, please see: https://www.w3.org/TR/WCAG20/
DESIGN OF PUBLIC SPACES STANDARD

The Design of Public Spaces Standard requires organizations to make public spaces accessible to people with disabilities. This applies when building new public spaces or making significant alterations to existing ones. While organizations are not obligated to retrofit existing public areas, CERA strongly encourages housing providers to do so if they have the capacity. There are 5 requirements of the Design of Public Spaces Standard that apply to housing providers and pertain to:

A) Outdoor Public Eating Areas
B) Outdoor Play Spaces
C) Accessible Parking
D) Obtaining Service
E) Maintenance Planning

(Please note that there are additional subsections for Recreational Trails and Beach and Trail Access, which may apply to some housing providers but are not included in this guide. Please see IASR, sections 80.6 - 80.15 for further information about the requirements that relate to beach and trail access.)

A) OUTDOOR PUBLIC EATING AREAS

All private sector, non-profit and public housing providers with 50 or more employees must adhere to accessibility requirements for outdoor public eating areas. The most likely example of an outdoor public eating area would be picnic tables on the housing provider’s property.

When building new outdoor public eating areas or planning to make significant alterations to an existing one, housing providers must ensure a minimum number of tables are accessible to people with mobility aids, such as wheelchairs or walkers. When more than 10 tables are purchased, a minimum of 20% of the tables must meet these accessibility requirements. When fewer than 10 tables are purchased, at least one of them must be accessible. An accessible table will have enough knee and toe clearance so people with mobility aids can comfortably sit at them. This requires ensuring that table legs and ‘aprons’ not obstruct a close approach. Additionally, the ground surface leading to and underneath these tables must be level, firm,
stable, and have enough space to easily approach and turn. At all times, avoid any surface that can be moved or that will shift under pressure. Firm rubber surfaces may be accessible but must be checked for resistance to heavy pressure from motorized devices. For full details, please see IASR, section 80.16 https://www.ontario.ca/laws/regulation/110191#BK114.

B) OUTDOOR PLAY SPACES

All private sector, non-profit and public housing providers with 50 or more employees must adhere to accessibility requirements for outdoor play spaces.

Outdoor play areas are spaces that encourage creative, challenging experiences for children of all ages and abilities. Caregivers for persons with disabilities must also have the same access to these spaces. Outdoor play areas may have swings, or features such as logs, rocks, sand boxes or water-play.

Housing providers must get input from the public and persons with disabilities about the outdoor play spaces and incorporate features that allow children and their caregivers of different abilities to access them. These areas must incorporate accessibility features such as sensory and active play components and must ensure that the outdoor ground surface is firm, stable, and prevents injuries. There must also be sufficient clearance for people using mobility devices to access the various features and move around them safely. Ground surface and equipment accessibility features that apply to Outdoor Public Eating Areas also apply in the case of the Outdoor Play Spaces.

C) ACCESSIBLE PARKING

All private sector, non-profit and public housing providers with one or more employees must meet requirements for new off-street accessible parking. Off-street parking refers to lots used for short-term public use, such as visitors’ parking.

If a housing provider is building new parking spaces and plans to maintain them or is redeveloping parking spaces which it will maintain, they must provide 2 types of accessible off-street parking:
• standard spaces for people who use mobility assistive devices (e.g. canes, walkers)
• wider spaces for people who use mobility aids (e.g. wheelchairs). All accessible spaces must have extra spaces called access aisles, which allow enough room for people with disabilities and mobility devices such as wheelchairs, to safely get in and out of their vehicles.

The IASR requires a minimum number of accessible parking spaces depending on the total number of spaces available. For full details, please see IASR, sections 80.32 – 80.39: https://www.ontario.ca/laws/regulation/110191#BK132.

Please note the IASR does not include requirements for private parking for tenants, but housing providers who do not provide accessible private parking may have obligations under the Ontario Human Rights Code to provide accommodation for renters with disabilities.

D) OBTAINING SERVICES

All private sector, non-profit and public housing providers with one or more employees are required to make new service counters, fixed queuing guides, and waiting areas accessible to people with disabilities.

1) Service Counters: when building new service counters or replacing existing ones (e.g. the property management office or leasing office where rent is paid), housing providers are required to provide at least 1 counter that accommodates a mobility aid, such as a wheelchair or motorized scooter. Accessible counters must be clearly identified with signage in large print, pictographs and Braille. When multiple counters are available, the accessible one must always be the first one opened and the last one closed, to ensure accessibility for all customers. Please consult the IASR, section 80.41, for technical details at https://www.ontario.ca/laws/regulation/110191#BK141.

2) Fixed Queuing Guides: these are features that allow people to line up before approaching a service counter. A fixed queuing guide is fixed to the floor and not moveable. All fixed queuing guides must be detectable by a person with a vision
impairment who uses a cane, which requires a barrier of some form that is mounted at or below 680 mm above the floor. This will also ensure that these fixed guides will not permit anyone who is an adult of short stature, a person using a wheelchair, or a child to hit the guide ropes with their head or neck. When installing new fixed guides, housing providers must make sure there is enough width and turning space for people with mobility aids. Please consult the IASR, section 80.42, for technical details at https://www.ontario.ca/laws/regulation/110191#BK141.

3) **Waiting Areas:** When building a new waiting area or renovating an existing one, housing providers are required to make at least 3% of seating spaces accessible by ensuring that there is dedicated space in the seating area where someone using a mobility aid can wait. Please consult the IASR, section 80.43, for technical details at https://www.ontario.ca/laws/regulation/110191#BK141.

**F) MAINTENANCE PLANNING**

All private sector, non-profit and public housing providers with 50 or more employees are required to have multi-year accessibility plans in place. These plans should cover procedures for preventative and emergency maintenance of outdoor public eating areas, exterior paths of travel, off-street parking, service counters, fixed queuing guides, and waiting areas.

The plans must also outline procedures for dealing with a temporary disruption of the above when they are not in working order and for responding to customer complaints on these features. A good practice is to list who should be contacted to file a complaint, and the names, titles, phone numbers and email addresses of these contacts.
In this section, we will discuss different kinds of barriers that people with disabilities may face 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. These are often the most obvious kind of barriers.

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 renters who use scooters or wheelchairs from entering the building safely.
- Heavy doors to enter and exit the building: Renters 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: Renters 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 vision-impaired renters and make moving through the space difficult.
- Unreliable elevators: Elevators that are unreliable or are often out of service create significant barriers for renters with disabilities. For example, taking an elevator out of service may create challenges for renters who have breathing difficulties who may not be able to use the stairs easily.
ADDRESSING PHYSICAL BARRIERS

John is a renter who uses a wheelchair. He notified his housing provider 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. John cannot move the furniture back himself and does not 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 housing provider do to address this situation?

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 his employer about the problem. The housing provider drafted a policy requiring that all maintenance staff and contract workers 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 housing provider
contacted the pest control company and provided feedback about how their actions impacted John. The housing provider then provided training about this issue to maintenance staff and contract workers.

ATTITUDINAL BARRIERS

What are attitudinal barriers?

Attitudinal barriers are created when people make assumptions or there are misunderstandings about the needs or abilities of people with disabilities.

Housing providers should always ask what a renter might need to be able to fully enjoy the residential complex and their unit. Everyone who interacts with renters with disabilities in the rental complex must treat them with dignity and respect.

The customer service standard requires housing providers to provide training to all staff and individuals who come into contact with renters. 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 between a housing provider and a renter are:

- The assumption that a renter with a mental health disability will not want to participate in community activities.
- The assumption that a renter with a speech impairment cannot participate in rental information meetings in a meaningful way.
- The assumption that a renter who uses a wheelchair will not want to attend a holiday dance party, hosted by the housing provider.
- The assumption that a deaf renter cannot communicate with maintenance staff and contract workers.
- The assumption that a renter with a learning disability cannot read or write.
ADDRESSING ATTITUDINAL BARRIERS

Bill is a person with a mental health disability. 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 housing provider about the problem.

What barriers exist in this situation?

The superintendent has created an attitudinal barrier by making the assumption that a renter with a mental health disability is dangerous and a safety risk, despite the fact that there have been no behavioural issues with Bill in the past.

What did the housing provider do to address this situation?

The housing provider immediately spoke with John about the issue. He explained to John that it is unacceptable to treat Bill differently because of his disability. Further, the housing provider offered training to John (and to all staff who have contact with renters) about the helpful ways to interact with people who have mental health disabilities. This training 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 prevent people from being understood and from being able to understand information or communicate with others.

The accessibility standards specifically require housing providers to develop policies that address these possible barriers. Information must be made available in accessible formats when requested. Accessible, easy-to-use feedback systems must also be developed.

What are some examples of information and communication barriers?

Some examples of information and communication barriers that may arise between a housing provider and a renter are:

- Providing written notice to a renter with vision loss: The renter may not be able to read the written notice and know its contents. Notices should be made available in large print and be made available for renters with vision loss in accessible formats, for example, in an accessible Microsoft Word or PDF document.
- Speaking at a pace that does not allow a renter with hearing loss to follow: The renter may need to communicate with the housing provider by reading lips or writing notes.
- Posting notices for all renters in a common area of the building: A renter with a mental health disability that prevents him or her from leaving their rental unit may not see the notice. A housing provider could send all notices out by email, as well as posting them in common areas.
- Communicating in person with renters about routine matters: A tenant with social anxiety may need to communicate with the housing provider through writing or on the telephone.
ADDRESSING INFORMATION AND COMMUNICATION BARRIERS

Linda applied to rent an apartment at 123 Homes Inc. Her application was successful, and she had an appointment with the property manager, Susan. 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 signing. 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 to the property manager before signing the lease.

What did the housing provider do to address this situation?

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 housing provider also developed a policy to ensure that not only will the lease be made available in accessible formats, it will also be provided in advance of meeting with the property manager. This would allow enough time for prospective renters to review and understand the document.
**BARRIERS CREATED BY POLICIES OR PRACTICES**

**What policies or practices may create barriers?**

Policies and practices can create obstacles or unequal access for some people with disabilities. Housing providers may create these barriers unintentionally when they create policies, procedures and practices to organize the operation of their business.

**What are some examples of barriers created by policies or practices?**

Some examples of barriers created by policies or practices that may arise between renters and housing providers are:

- A practice of posting notices to all renters 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 someone using a wheelchair.
- A practice of placing notices of entry outside a renter’s unit door: A renter who does not often leave their apartment because of a disability may not see the notice.
- A practice of performing maintenance work that involves the use of harsh chemicals such as floor stripper and oven cleaner: These products can trigger dangerous symptoms for renters 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 identify when the use of chemicals creates a barrier for renters with MCS.
- A policy that provides renters with 7-day notice to clean their rental unit. Once it has come to the housing provider’s attention that there is a cleanliness problem, 7 days would not likely give a renter with hoarding behaviours enough time to properly clean their unit.

**ADDRESSING BARRIERS CREATED BY POLICIES AND PRACTICES**

Maria rents out three apartments in a triplex. The first floor apartment has recently become vacant and Maria had advertised to find a new renter. 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 left Joan for a few minutes to explore the unit on her own.

**What barriers exist in this situation?**

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 housing provider do to address this situation?**

In order to help Joan determine if the unit was suitable, 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 if there was anything else she could do to help facilitate the decision. Maria also developed a policy that incorporated these steps whenever she showed a unit to any prospective renter with vision loss.
TIPS FOR INCREASING ACCESSIBILITY

- Think carefully and creatively about what barriers may exist.
- Make a written list of all the known barriers and share it with your staff.
- Seek out solutions with your staff for removing these barriers.
- Implement policies that will ensure new barriers are not created.
- Always favour inclusion and integration when interacting with renters and addressing their issues and concerns.
- Involve renters in the process. They have a lot of knowledge to share!
- Focus on ensuring equality.
The Government of Ontario has created an easy-to-follow list of accessibility rules and deadlines under the AODA and its standards. This information can be found at: https://www.ontario.ca/government/accessibility-rules-businesses-and-non-profits.

For all private sector, non-profit and public housing providers with 20-49 employees, there are relevant deadlines regarding:

- Filing an Accessibility Compliance report for meeting current AODA obligations once every 3 years. The next deadline to submit an accessibility compliance report is December 31, 2020.

For all private sector, non-profit and public housing providers with 50 or more employees, there are relevant deadlines regarding:


- Online Compliance Reporting: Filing an Accessibility Compliance report for meeting current AODA obligations once every 3 years. The next deadline to submit an accessibility compliance report is December 31, 2020.
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 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, including disability and receipt of social assistance.

The Code protects people from being discriminated against by housing providers and other renters. The Code covers most kinds of rental housing, including: private market units, public subsidized units, condominiums, and co-ops.

Under the Code, renters with disabilities can request accommodation from their housing providers. The housing provider is required to accommodate the renter 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 housing provider and the renter 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 accommodation and preventing barriers, and to provide training to their employees on how to provide accessible services 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 Ontario Human Rights 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 housing providers in Ontario, unless the renter is required to share a kitchen or bathroom with the landlord. The AODA applies to all housing providers who have one or more employees.

The AODA does not require a housing provider to preemptively develop policies that respond to every possible future accommodation request. In fact, attempting to do this would not be particularly useful because different people have different needs and a one-size-fits-all approach would not 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 housing providers to establish a minimum level of accessibility that people with disabilities can expect.

**Do housing providers still have to accommodate renters under the Code if they implement the AODA’s requirements?**

Yes. The duty to accommodate renters with disabilities is found in the Code. The AODA does not change a housing provider’s responsibilities under the Code. Housing providers must still respond to individual requests for accommodation. If there is a conflict between the AODA and the Code, the law that provides the higher level of accessibility must be followed.

**If housing providers comply with the AODA, can renters still file human rights applications against them?**

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

**If housing providers meet all AODA standards, does that mean they have also met all of their obligations under the Code?**

No. Compliance with all AODA standards does not necessarily mean that housing providers have met their Code obligations. While the two pieces of legislation share similar objectives, their requirements are different. The AODA sets out specific requirements with which housing providers must comply, providing a common level of accessibility for all renters. The Code requires housing providers to provide accommodations on an individualized basis to persons with disabilities when they
are requested of the housing provider. If the renter requests an accommodation, the
housing provider must provide that accommodation unless doing so would constitute
undue hardship. Undue hardship, is defined as either a situation in which the cost
of making the accommodation is so substantial that it affects the survival of the
business, or doing so would pose a health and safety risk that outweighs the benefit
of accommodation.

Housing providers may be in a situation in which they have complied with the AODA
but barriers still exist for one of their renters. The following example outlines a
situation in which the housing provider may be in compliance with the AODA but still
have obligations under the Code:

Lindy is a 55-year-old woman living in an apartment in a multi-residential complex
in Ontario. After years of experiencing health issues caused by environmental
factors, she was recently diagnosed with Multiple Chemical Sensitivities (MCS).
Since receiving the diagnosis, Lindy has been able to identify various conditions
within her building that trigger the symptoms of her disability. When this happens,
Lindy experiences difficulty breathing, headaches, physical pain, severe fatigue and
poor concentration. Lindy’s symptoms are irritated by the cleaning supplies used in
common areas of the building. Additionally, she is unable to use the shared laundry
facilities because the residue left in machines by other renters' scented detergents
have caused her to experience negative health effects. Lindy has a right to live in
a home where she can feel safe and healthy, and her housing provider has a legal
duty to accommodate Lindy’s disability.

What accommodations might Lindy ask for?
• Scent-free cleaning products to be used in all common areas.
• One washer and one dryer in the laundry room that are designated for use only
  by renters using scent-free laundry products.

The AODA does not require housing providers to provide either of the above
accommodations. Under the duty to accommodate found in the Code, if a renter
asks for the above accommodations, the housing provider would be required to
provide them to the renter unless doing so would constitute undue hardship.
LEGISLATION

The AODA
Read the entire Act online
https://www.ontario.ca/laws/statute/05a11

Ontario Human Rights Code
Read and explore the Code online
https://www.ontario.ca/laws/statute/90h19

The Residential Tenancies Act, 2006
Read the entire Act online:
https://www.ontario.ca/laws/statute/06r17
RESOURCES

ontario.ca/accessibility
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
Training on Integrated Accessibility Standards Regulation
http://Accessforward.ca

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

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-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
http://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 primacy in Ontario, which means that it takes precedence over most other laws in the province. In other words, 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 renter requests accommodation for a disability, the housing provider has the legal duty to accommodate. This means that the housing provider is legally obliged to respond to this request in good faith, and to work with the renter to achieve a satisfactory accommodation. An example of a request to accommodate is a renter in a wheelchair, who requests that a ramp and an automatic door opener be installed outside the main entrance of a residential complex.
The housing provider has an obligation to accommodate the renter up to the point of undue hardship. This may require additional accommodation measures that go beyond or are different from the standards established by the regulations of the AODA.

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 responsibility of the housing provider to accommodate the renter 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 housing provider 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. In the event that the undue hardship threshold is met, the housing provider still has a duty to find an interim or next-best solution.

How is accommodation provided to a renter?

Housing providers 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 renters.
Accommodation is a shared responsibility. Housing providers and renters need to work together to determine and implement appropriate accommodations. Housing providers should talk to renters about their specific needs and work towards creative solutions.

What are the responsibilities of the housing provider in the accommodation process? What are the responsibilities of the renter?

Once a renter has made a request for accommodation to the housing provider, both parties must work together to find solutions. Both the housing provider and the renter have responsibilities in the accommodation process.

Responsibilities of the housing provider include:
• Accept the renter’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.

Responsibilities of the renter include:
• advise the housing provider of the disability and be clear about 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 renter cannot provide; and,
• participate in discussions regarding possible accommodation solutions.
Do I have to make my building wheelchair accessible?

Some housing providers think that the AODA requires them to make their buildings wheelchair accessible. This is not the case. The Design of Public Spaces standard may apply to some housing providers (for example, those who provide off-street parking), however the AODA does not require buildings to be retrofitted to be wheelchair accessible. However, if a renter makes a specific accommodation request under the Code that requires physical alterations to the building, a housing provider is required to accommodate the renter up to the point of undue hardship.

Accessibility requirements for buildings, including residential complexes, are found in Ontario’s Building Code. Accessibility requirements in the Building Code 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, lecture halls and places of worship. However, these requirements 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.