

## Schedule "A"

### **DISABILITY ACCOMMODATION - POLICY AND PROCEDURE**

*Process for assessing requests for accommodation by tenants with disabilities*

#### **Introduction**

The Ontario *Human Rights Code* guarantees everyone the right to equal treatment with respect to the occupancy of rental housing without discrimination based on disability. Where a tenant requires accommodations as a result of his or her disability, a landlord has the duty to take reasonable steps to accommodate the person's disability up to the point of undue hardship — in other words, the landlord must take reasonable steps up to the point that the accommodation would alter the nature of the enterprise or affect its viability, having regard to cost, possible outside sources of funding, and possible health and safety issues. The landlord is committed to the goal of providing tenants with accessible and inclusive housing and to making reasonable, necessary, requested accommodations to the extent possible without experiencing undue hardship.

The definition of "disability" in the *Human Rights Code* is broad and covers many types of disabilities, injuries and illnesses, however this policy is intended to deal specifically with the topic of requests for accommodation by tenants with a disability who need assistance in overcoming a condition or barriers they encounter because of their disability.

Although every person's disability is unique and therefore there can be no set formula for accommodating disabilities, this policy attempts to describe a general process the landlord will follow in assessing requests for accommodation by persons with disabilities.

#### **Purpose**

The purpose of this Accommodation Policy and Procedure is to:

- Ensure that all members of the organization are aware of their rights and responsibilities under the Ontario *Human Rights Code* with respect to accommodation;
- Set out in writing the organization's procedures for accommodation and the responsibilities of each of the parties to the accommodation process.

#### **Application**

This Policy and Procedure applies to all tenants, including individuals who are applying for tenancy. It applies at all stages and to all aspects of the tenancy.

A copy of this Accommodation Policy and Procedure will be made available to all new and existing tenants.

### **Accommodating tenant needs**

Under the Ontario *Human Rights Code*, housing providers have a duty to accommodate *Code*-related needs of tenants, to make sure that the housing they supply is designed to include people identified by *Code* grounds, and to take steps to remove any barriers that may exist, unless to do so would cause undue hardship.

Under the *Code*, a housing provider has a duty to accommodate *Code*-related needs that are known. Both the housing provider and the tenant have a shared responsibility to cooperate in the process of accommodation, each to the best of their ability. Tenants should inform the landlord of any *Code*-related accommodation needs as soon as such needs arise. Tenants may be asked to cooperate or help facilitate solutions to the best of their ability, including aiding in the provision of accommodation. Tenants may also be asked to provide personal or medical documentation relating to their accommodation needs. A housing provider has a duty to keep this information private.

The landlord will endeavour to offer assistance and accommodation, where appropriate, to a person who is clearly unwell or perceived to have a disability. However, as indicated, in order to assist with the accommodation process, the tenant should inform the landlord of any known accommodation needs as soon as such needs become known to the tenant.

Sometimes, one tenant's needs or conduct may conflict with or have a negative impact on others. Landlords must balance and manage the legitimate concerns of all tenants, while not tolerating any discriminatory views and preferences. It may be necessary for a landlord to tolerate a certain amount of disruptive behaviour while more ideal accommodation or solutions are worked out. However, an accommodation that would call for permanent tolerance of significantly disruptive behaviour may be neither appropriate nor required.

Even when appropriate accommodation is identified, it may not be possible to provide without resulting in undue hardship in terms of cost or the health and safety of the tenants' living environment. It is important to recognize that accommodation will not always be "perfect". When the best possible accommodation would cause undue hardship, there is still a duty to put in interim or next-best solutions. Whatever steps are decided on, landlords need to put the accommodation in place as quickly as possible.

Once the landlord has provided appropriate accommodation to the tenant, the tenant is expected to live in the housing environment without causing unreasonable disruption to the greater harmony of the housing community.

## **Landlord's commitment**

The landlord is committed to providing an environment that is inclusive and that is free of barriers based on age, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy and gender identity), sexual orientation, record of offences, marital status, family status, and disability. The landlord commits to provide accommodation for needs related to the grounds of the Ontario *Human Rights Code*, unless to do so would cause undue hardship, as defined by the Ontario Human Rights Commission's Policy on Disability and the Duty to Accommodate.

## **Requests for Accommodation**

### ***Your request for accommodation***

Accommodation requests should, whenever possible, be made in writing. If you require accommodation, please provide a written request to the Property Manager, which should include your name, your apartment number and the date of your request. Your accommodation request should:

- explain what your impairments or restrictions are and its effect on you
- explain what type of disability you have
- explain the problem you are experiencing with respect to a condition or barriers in the building
- explain how this problem is related to your disability.

We also encourage you to make a suggestion or suggestions as to how the landlord could accommodate your disability. In addition, we encourage you to attach reports, letters and documents from your doctor(s) and/or health care professional(s) relating to your disability, the impairments or restrictions it places on you, your need for accommodation, and your need for the specific accommodation(s) that you are requesting. Making suggestions as to how we can accommodate your disability and providing information from your doctors and health care professionals will help us act expeditiously on your request.

### ***Process to be followed in assessing your request for accommodation***

When the Property Manager receives your request, he or she will send you a letter letting you know that your request has been received. Your request will be considered in as expeditious a manner as possible. We will deal with your request and provide you with accommodation in a way that respects your dignity. Among the things we will consider in assessing the request are:

- your disability and the impairment or restrictions it places on you

- the medical evidence you have submitted, and depending on the circumstances we may seek your permission to obtain further evidence from your doctors and health care professionals to assist us in considering your request
- your need for accommodation
- the accommodations you have requested
- any other possible accommodations that might assist you in overcoming the condition(s) you have identified
- whether the accommodations you have specifically requested and other possible accommodations would cause undue hardship to the landlord, taking into account cost, possible outside sources of funding, and possible health and safety issues.

Once we have assessed your request, we will contact you in writing and advise you of the landlord's decision. Depending on the circumstances, the decision may be to:

- accommodate you in the way you have requested
- accommodate you in a different way that will meet your disability needs
- phase-in the accommodation
- accommodate you at some later point in time, if immediate accommodation would result in undue hardship
- deny your request for accommodation

If the decision is other than to accommodate you in the way you have requested, we will also provide written reasons for our decision.

### ***Joint responsibility of the landlord and the tenant***

Accommodation is a two-way street. In other words, it is a process that requires mutual cooperation. We will need your help to accommodate your disability. Among other things, this may include:

- meeting with us and discussing your disability, the impairments or restrictions it places on you, your need for accommodation, the condition(s) you have identified, possible accommodations, and other relevant matters
- taking part in discussions on possible accommodation solutions
- cooperating with us in obtaining any information we may need from your doctors and health care professionals
- cooperating with any outside professionals the landlord may obtain help from to assess your request for accommodation and to accommodate your disability, such as building contractors, design persons, and consultants specializing in the relevant issues raised
- taking advantage of any outside resources, services, programs, or sources of funding which may only be available to individuals such as yourself and which may not be available to the landlord directly

Likewise, we will participate in the accommodation process in accordance with the principles of dignity, individualization, and inclusion. We will work cooperatively, and in a spirit of respect, with all partners in the accommodation process. Among other things, this may include:

- accepting the accommodation request in good faith, unless there are legitimate reasons for doing otherwise
- taking an active role in making sure that alternative approaches and possible solutions are investigated
- getting expert opinion or advice where needed
- maximizing the tenant's right to privacy and confidentiality, including only sharing information with the people directly involved with the accommodation process
- limiting requests for information to those reasonably related to the nature or the need or limitation
- dealing with accommodation requests in a timely way

Throughout the process that the landlord follows in assessing your request for accommodation, the Vice-President, Operations or the Property Manager will maintain carriage of the process on behalf of the landlord and will generally be the person who contacts you and who you should contact if you have any information to provide or if you have any questions, concerns, or input into the process.