

Accommodation	
VICTORIA PARK COMMUNITY HOMES - CORPORATE POLICIES	
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1. Policy Statement

- 1.1 Victoria Park Community Homes (VPCH) recognizes its shared responsibility to actively prevent and take steps to remove barriers by accommodating the needs of applicants and tenants up to the point of undue hardship.
- 1.2 VPCH acknowledges the three core principles of accommodation; respect for dignity, individualization, integration and full participation, as defined by the *Ontario Human Rights Code*, 1990.
- 1.3 Information related to accommodation may be highly sensitive and must be regarded as confidential. VPCH will implement steps to acquire the applicant or tenants' consent when communicating with people or organizations who might provide assistance or clarify the nature and extent of the accommodation.

2. Purpose

- 2.1 This policy is in recognition of the dignity and worth of every person. It describes how VPCH will meet their duty when considering an applicant seeking housing, and in the management of all tenancies, with fairness and equitably without discrimination in the provision of accommodations up to the point of undue hardship as required by the *Ontario Human Rights Code*.

3. Definitions

Duty to Accommodate

The duty to accommodate may include changing policies, procedures, practices or structures to ensure that individuals with an *Ontario Human Rights Code* related need, have equal rights and access to housing or services.

Applicant An individual or household who is applying for tenancy in a VPCH housing unit.

Tenant A tenant is a person or entity who occupies a rental unit owned and administered by VPCH. The tenant is a signatory to a lease agreement and observes all the rights and responsibilities of the tenancy.

4. Scope

- 4.1 This policy applies to all VPCH employees, volunteers, board and committee members who may have knowledge related to a request for accommodation. In addition, information held by applicants seeking residence with VPCH, tenant guests or visitors as well as current and past tenants, where applicable, are included in the scope of this policy.
- 4.2 In the event of any conflict between existing policies, procedures, regulations and/or legislation, decisions made in compliance with the *Ontario Human Rights Code, 1990*, always take precedence.

5. Policy

5.1 The *Ontario Human Rights Code* prohibits discrimination and ensures protection based on 17 grounds. These grounds are applicable to the provision of VPCH housing services. This policy prohibits discrimination or harassment based on the following grounds and any combination of these grounds:

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|---------------------------------------|--|
| Age | Marital status (including single status) |
| Ancestry | Place of origin |
| Colour | Race |
| Citizenship, including refugee status | Receipt of public assistance (in housing only) |
| Creed | Record of offences (in employment only) |
| Disability | Sex (including pregnancy and breastfeeding) |
| Ethic origin or background | Sexual orientation |
| Family Status | |
| Gender Identity | |
| Gender expression | |

The code also prohibits actions that discriminate against people based on the following social areas:

Accommodation (housing
Contracts
Employment
Goods, services and facilities
Membership in unions, trade or professional associations

Note: There are added provisions within the *Ontario Human Rights Code* where there is a perception that one of the above grounds applies¹

6. The Accommodation Request

- 6.1 VPCH recognizes that each person's accommodation needs are unique, and further acknowledge the importance of removing barriers to full participation in determining an appropriate accommodation that promotes inclusion.
- 6.2 VPCH will accept an accommodation request in good faith and may require that a household provide additional supporting documentation to facilitate the request.
- 6.2 It is preferred that all accommodation requests be submitted in writing. It is also a requirement that the applicant or tenant making the accommodation request, or a person acting in a legal capacity on the behalf of the applicant or tenant, agree to sign a *Consent to Disclosure of Information* form.

7. Investigating the Accommodation Need

- 7.1 When an applicant/tenant/member identifies that they have a Code-related need, they must provide proof of the required accommodation. They are not necessarily required to disclose the actual disability or diagnosis, but they are required to provide information related to the need for accommodation.
- 7.2 In some cases, VPCH may require that a household provide additional supporting documentation to explain the request in more detail. In addition, VPCH may engage other professionals in an effort to gain an expert opinion or advice where needed.
- 7.3 The investigation of the accommodation request must be a collaborative process between VPCH staff and the tenant or household making the request. VPCH accepts its responsibility to demonstrate a willingness to explore solutions in treating people respectfully and with dignity.

¹ Ontario Human Rights Commission (2013). A policy primer: Guide to developing human rights policies and procedures.

- 7.4 An alternative accommodation may be considered, which may achieve the same or similar accommodation. It may be necessary to phase in the accommodation in consideration of design, and/or financial requirements. The primary goal is determining the most appropriate accommodation, which supports full participation, meets the individual's needs and promotes inclusionary integration, short of undue hardship.

8. Evident and Non-evident Disabilities

- 8.1 There are a number of disabilities that may require accommodation, that are hidden, non-evident or apparent to others. Examples of non-evident disabilities might include environmental sensitivities, chronic fatigue syndrome and chronic back pain.
- 8.2 When an evident or non-evident disability has prevented a household from maintaining or complying with their tenancy obligations, including cases where there is a loss of subsidy, there may exist an obligation for VPCH to consider its duty to accommodate under the *Ontario Human Rights Code*.

9. Duty to Accommodate

- 9.1 It is a requirement of the *Ontario Human Rights Code* that VPCH and other landlords in Ontario consider all areas of accommodation sought by a household member. An accommodation will vary depending upon the unique needs of every individual; however, the goal of every accommodation considered is to ensure opportunities for meaningful inclusion in a dignified and equitable manner.
- 9.2 In the event that VPCH staff has a reasonable belief that a prospective tenant or a household member may require assistance or an accommodation of some type, they have a responsibility to make appropriate inquiries while giving consideration and being aware of an individual's right to dignity, respect and personal privacy.
- 9.3 VPCH will provide accessible formats and communication supports upon request at no charge. Staff will consult with the person making the request to determine the support required and maintain documentation outlining the process. Accommodations may include in-person meetings, by phone or virtual meetings.

10. Community Supports

- 10.1 In many cases, accommodations can be provided by family members or household friends. Where this is not possible, there may be community-based organisations

that may be helpful during various stages of tenant life. These organisations may be involved during the assessment stage, with the provision of support or sourcing financial assistance, and assisting the individual following the installation of any equipment related to an accommodation request.

11. Undue Hardship

- 11.1 The *Ontario Human Rights Code* describes three criteria that must be considered in the determination of undue hardship. These include the cost of the accommodation, whether outside sources of funding are available and consideration of health and safety requirements for staff, applicants and tenants.
- 11.2 Should the cost of a proposed accommodation alter the VPCH core business services or significantly affect its sustainability, this would be deemed an undue hardship. VPCH must research all available options with the understanding that a negative outcome is not sufficient to warrant undue hardship. If the accommodation was granted, it must affect the viability of the entire VPCH Corporation. In these cases, it is a requirement that objective, concrete evidence is documented and available to support the determination of undue hardship.

12. Legislative Requirement

- 12.1 The *Ontario Human Rights Code* takes precedence over all other pieces of legislation. Potential housing applicants and tenants are protected by the *Ontario Human Rights Code*.

13. Reference Materials (Resources used in the development of this policy)

- *Housing Services Act, 2011 (HSA)*
- Housing Sector Published Policies & Resources
- *Ontario Human Rights Code, RSO 1990*
- The Human Right Tribunal of Ontario
- <http://www.ohrc.on.ca/en/policy-human-rights-and-rental-housing>.
- *Ontario Human Rights Commission* <https://www.ohrc.on.ca>