**Know Your Rights Podcast Series**

**Episode 5: Housing**

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**Jacob:** Hello, and welcome back to another episode of the Know Your Rights podcast, where we focus on yes you guessed it knowing your rights. And this is really, I think an important topic for us to really cover today's episode, and I'm joined by some amazing experts in the field of housing. Now, when we think of housing, we think of our comfortable environment

that's suited to our needs but oftentimes it can be challenging to, you know, adapt and find the accommodations to make our home comfortable and easy to navigate and even to find a home. So, I think I wanna start there and I'll leave this open-ended to our guests here today. And I'll introduce you guys as you kind of come along but you know, what seems

to be the biggest problem with regards to accessible housing?

**Nicole:** Well, from our perspective, the work we did focuses on rental housing specifically. And the reason we did that is because for homeowners they often have more socio-economic money resources available to them, and

they can make the change without getting additional approvals. And if they need some financial supports there are grants available, but for rental, sorry for renters, they face a lot of additional challenges and barriers, red tape if you wanna think about it that way, because they have to, you have to go to the rental housing provider and get permission to make the changes that might be needed for their safety, for their independence,

for their self-esteem and many rental housing providers do not understand their obligations under the AODA-

**Jacob:** I'm just gonna jump in here quickly. Nicole, you're a Professor at Laurentian University, you know, so I mean, the information we're getting here is a very kind of credible source and, you know can you share a little bit about the work that you're doing as a professor in environmental studies and how that relates to housing?

**Nicole:** We have undergraduate students in environmental studies and I have a class or a course in environment and human health. And there we do talk about the social determinants of health. One being housing, is a very

important social determinant of health, but I also teach a course on inclusive built environments. And we have a lot of architecture students that take that course. And in there we really get right into all the legislation. We talk about things like universal design and how they can apply that. We spend a lot of time on what some of the impacts are on people with various disabilities in terms of housing.

**Jacob:** That's really, really amazing to know that's being taught at such an academic level about inclusion and things like that. Margaret, you've done some work with Nicole in that space. Can you share a little bit of your kind of insight and what that experience was and maybe why you started working in that direction?

**Margaret:** Let me take it, I'd be happy to do, I'm Margaret here, and I started this work actually from a personal perspective. I live in a mental housing unit and I have a young child and I found out at a young age that she had, she's considered deaf line. So, and by that she has a very limited peripheral, lower peripheral vision. She is, has no night vision which means you can't see in the dark. And she has moderate to severe hearing loss in both ears. So, she does require a variety of different accommodation. And in our home at the time, she was learning on how to ascend in descend the stairs that we have in our unit. And she's doing fine, something smaller little section and we realized that A, she couldn't reach the veiling that was currently there and B, it was the same color as the wall so she couldn't see it. So, I sent a request to my landlord, my housing provider and I said, I'd like toinstall a temporary hand rail at the cost of $36 and 35 cents. And I thought it was a very easy request and it took me eight months before our housing provider agreed to reimburse us for this. And I couldn't understand why it would take me so long to me at made perfect sense this request. I was aware of my rights. I knew that my landlord had an obligation and duty to accommodate this request and I couldn't understand why it took so long. And so, I approached Nicole at the University and I said, hey, there is this issue that I had, what can I do to make it easier for other parents and guardians Ontario and the project sort of snowballed from there. And we sat down, we put together this grant for the law foundation of Ontario, small responsive grant. I'm looking at wanting to talk to specific native staff at CNIB and vision loss rehabilitation as well as parents or clients and their process or journey of getting an accommodation in their rental home with the end goal being to get this toolkit, creeks and tool kits for staff and clients to use. So that's how I got involved in housing rights, I guess you could say.

**Jacob:** Yeah, now, I'm really glad that, you know you finally got the accommodation that you were requesting and reimbursed for it. And I mean, I guess my question here is, you know with somebody who has a

family member who requires you know, accessible housing, how did you go about determining that the type handrail you wanted to install was the appropriate accommodation?

**Margaret:** That is a great question. We had connected with the CNIB locally and one of the services that we found out that through like the sister side of vision loss rehabilitation, is they do these environmental assessments in the home. So, she came to our house, she examined my daughter in her natural environments at a different time. And that's when she realized

and she pointed out. So, she says, hey, like she can't, hey, she can't see the handrail, 'cause it's, you know, the same color as the wall and B, she's still tiny she can't reach it. Right, so she said a bit the fix is to just install a handrail there. And I'm like, okay, that's great. And she wrote up a very nice report. She had a nice letter and I wrote a nice email to them very polite and forwarded on to the board. And I thought, you know, for sure, we're gonna get this. And when we met with them and my advocate from CNIB came with me, this meeting, it sounded they sounded very gung-ho

about sure, not a problem. And then a couple of days later in the parking lot, I and, my husband had left I was approached and said, hey do you want to move into an accessible unit and staff? And the rationale was, look,

there's no stairs there. It's all on one level, you know, and they did. They just painted it and they would love to move into your place instead. And I didn't even have to think about this. I said, well, no, this is completely inappropriate. I just need a handrail. And you know, like there are stairs everywhere, this is not gonna help my daughter learn how to, you know, use stairs swiftly and appropriately. So, I told them no immediately, and yet they still gave me, you know official requests in my mailbox asking you about this you know, thing, can you, are you sure you don't want this? And I had to write them a letter in response to saying, no, I just want the handrail. And throughout this eight-month process I eventually had to contact my local MPP and asked them to get involved and see if they could

advocate on my behalf. And the whole time I'm thinking, this is ridiculous, it shouldn't take this long. And my husband was still afraid we'd be evicted for, you know causing a stink and making a sting and now the rest of it. And I was just like, no I want them to reimburse us for this handrail. How difficult is that to do? I think I answered your question.

**Jacob:** Yeah, now, absolutely. And thank you for sharing. I mean, it's always really important to kind of get some real kind of world experience as to, you know, the challenges that people face with getting the accommodations and knowing their rights with regards to the subject. So, I mean, I guess I have another question before we kind of transition to maybe kind of what the obligations are from a legal standpoint would be but did you offer to install the handrail on your own? Or were you, was the eight-month period you waiting for your landlord to install it for you? Maybe you can just provide a little clarity there.

**Margaret:** Yeah, certainly. So, we originally wanted the co-op to do it themselves to install it, and because they were taking so long and whatnot, we just said, you know what, we'll just do it ourselves. So, we, and we submitted our receipts and we waited to be reimbursed. And that's why they would say things like, well we need to do a poll test on this. And this poll test costs$1,500 and we don't have it in the budget to pay for this poll test. Meanwhile, that same week I get a letter in my mailbox saying here's our annual budget and we've set aside $65,000 for maintenance. And they want me as a member to vote to agree to this annual budget. And yet they're denying me a $1,500 poll test. So, I ended up having to like be the building code in my spare time to determine what this poll test was. And it just seemed like every instance I thought I was getting a couple steps closer to getting this reimbursement. They would throw something at me and I would be left having to then, you know go back to the legislation and read it, and then, you know, my poor husband is like are you sure this is, you know the Hill you want to die on here? And I was like, yes, because I know they have a legal obligation to reimburse this and to provide this accommodation. So, it was a lot of back and forth, this constant having to like look up stuff in my spare time. Well, you know, raising a child and working full time as well. And I think they were maybe trying to wear us down, maybe or hoping we would go away.

**Nicole:** And that's kind of in our research where we interviewed staff from CNIB and vision loss rehab, we found a number of reasons that parents and guardians either give up for in terms of advocating for their right, in terms of a home accommodation or they don't even start the process. And so, we found things like a lack of knowledge, refusal for the help from the CNIB, because, you know they're happy with just having a home and they don't wanna rock the boat, those types of things. That they have a lack of time and energy and this idea of advocacy fatigue, because often the parents and guardians aren't just advocating for a home accommodation, they're also advocating for educational supports in the school system. They might also be advocating for transportation rights and all that. So, this idea of advocacy fatigue can set in and the idea of the fear of reprisal and eviction, and that goes to this precariousness of their tenancy arrangements

that they often have.

**Jacob:** Yeah, now, I think that's a really good point. And, you know, for any typeof, I guess, advocacy, I mean it has to come from, it has to start with yourself and that's really where self-advocacy comes from. You have to be your biggest proponent. There's certainly some amazing resources in the institutes that are available to lend helping hands but you have to have the internal motivation to push forward. And the sad reality is a lot of times as you mentioned, Nicole, people just wear down. It's a long, arduous process that is exhausting and as you've said, Margaret, there's always, you know, another kind of loopholes to, you know hop through or wall to break down. But first of all, I do wanna just say, you know, I'm really, really happy to know that you did get the accommodation that you were looking for. And I hope that it really made a difference to your daughter and she was able to, you know, kind of navigate the home at a much more accommodated fashion.

**Margaret:** Yeah, it was, I managed to get a little video clip of her using it for the first time. And when I go to Nicole's class to meet with the students you know, especially the architecture students, and I share that thing this is what an accommodation looks like and this is how happy a child is having it. I think it really hits home for the students as to why it's so important to have these accessible types of environments.

**Jacob:** So, I guess that kind of segues into kind of introducing Alyssa here, who's legal counsel and I'm sort of listening to, I guess introducing exactly what your role is with your institution.

**Alyssa:** Absolutely, so I am the Executive Director and General Counsel at CERA, the Center for Equality Rights and Accommodation. And we're a non-profit organization that works to advance human rights and housing and the right to housing and we've been around for 30 years doing that. And part of our work that connects most directly with the conversation that we're having here today is first the work that we do is serving clients who are facing human rights violations in the context of their housing and looking for resolution of those issues so that they can remain in their homes. And we do also quite a bit of public education to develop materials for hope for individuals who are looking to do some self-advocacy or understand their rights. And also, for housing providers who are looking to better understand their obligations.

**Jacob:** Amazing work that you guys are doing and extremely relevant to the conversation today. So, I guess Alyssa, from your perspective and expertise you know, once again, I think we're all really happy that Margaret got the accommodations she was looking for but it seems like it was an unreasonable amount of time to be reimbursed and initially an unreasonable amount of time to have the unit installed in their home. What's the duty of the landlords to accommodate their tenants on that front?

**Alyssa:** Great question. And maybe I'll just sort of take it back a little bit and sort of contextualize that question a little more. So, I mean the starting point of all of this and I think the foundational principle where all of this conversation starts from is that everyone has the right to equal treatment in where they choose to live. They have the right to be free from discrimination in housing, and that includes obtaining housing, staying in their housing once they find a place to live. And these, all of these rights are rights that come to us from the Ontario Human Rights Code which is a very comprehensive piece of legislation that protects individuals from discrimination in a number of areas, including housing but also employment and services. And it protects people on the basis of a number of protected grounds or characteristics, including but certainly not limited to race and gender and disability, sexual orientation, et cetera. And so, the right to receive accommodations comes to us through the Ontario Human Rights Code which is this very important piece of legislation. And it is a piece of legislation, unlike most other pieces of legislation that has primacy over

other laws in Ontario. And I think that's really important to keep in mind. It has a very special status as a piece of legislation. And it also, because of that cannot be waived or changed through for example a contract, nobody can contract out of the rights and in their human rights. And so, landlords can't opt out of that and I think that's just a really important piece of context for folks to understand. And so, when we talk about accommodations what we're talking about is changes to existing policies, rules, barriers, et cetera that might need to be adjusted to make sure that going back to sort of where we started or where I started, that no one is disadvantaged and everyone has full and equal access to the areas that are protected by the code in this case housing. So, the way that that process

is supposed to work is that if somebody requests an accommodation from their landlord, the landlord needs to engage with that person, that individual or group of individuals to have a conversation about the accommodation. They need to have that conversation taking account the individual's specific circumstances. So, there is no sort of one size fits all approach to accommodation, and the process of figuring out what is required in each person's individual circumstances intended to be or should be a collaborative process between the individual requesting the accommodation and their housing provider. And any accommodation should take into account the individual's dignity, their needs, concepts of integration and full participation. And in the context of housing should center the individual's rights to privacy, comfort, autonomy, and individuality. So, all of that is included in the accommodation process and expected part of the process. Once the plan for accommodation has been decided on the housing provider is required to pay for the or make arrangements for that accommodation to happen to implement it and to pay for it up to the point of what's considered undue hardship. And I think we, that might be a point to come back to a little bit later, but I do wanna come back to your question about Margaret's situation. We at CERA regularly help individuals and advocate on their behalf to obtain accommodation in the context of their housing, in my experience and I've been doing this workout for just coming up to two years. I have been surprised at how long these processes take, surprised and disappointed in how long these processes take. And I think just going back to Nicole's comments at the beginning of our conversation I think a lot of it has to do with misunderstanding, not understanding rights and obligations, rights of individuals in housing and obligations of housing providers. I think there is a tendency for housing providers to view their housing that they provide purely as a private commodity and to not understand that it is to be provided subject to certain very important qualifications which is doing so in an equitable manner and in this case accommodating people's needs. And so, there's a huge gap from what we see in terms of what people ought to do. So, I think Margaret's experience is certainly not, I think how this process is supposed to work but it is in my experience, not atypical unfortunately.

**Jacob:** Yeah, I think that that's very true with a lot of facets of, you know, what human rights stand for. I think, you know, from my experience personally and also, I'm having many conversations like this I think the biggest issue is the lack of knowledge and understanding from both parties involved. And I think that creates this kind of impasse as to what the next step should be, you know, is putting a railing to use Margaret's example, reasonable, is there, you know, maybe there could be another type of accommodation that would be mind you, you know, the expense seems relatively reasonable for what it was, but, you know, there might be, you know less invasive to the property or, you know at a reduced cost, things like that. So, I'm just wondering Alyssa, you know, how does one determine what the appropriate accommodation is you know, from a legal perspective? You know, I think maybe the railing I think is very reasonable but just as a kind of an idea here, what if there was a ramp that needed to be replaced and all of the stairs in the home. How would that be assessed from a legal perspective if that is a reasonable accommodation?

**Alyssa:** It's a great question. And so, I think generally the law is very open in terms, it's not directive in terms of what an appropriate accommodation is in a particular circumstance. It really differs to the individual making the accommodation to determine what is best in their circumstances. The limit to accommodation is what the law provides. And that limit is that language of undue hardship which I mentioned just a few moments ago. So, the obligation of the housing provider is to accommodate the individual with a disability and their request up to the point of undue hardship. And there's a couple of really important, it's a really important term and there's a couple of really important elements of it.

**Jacob:** Maybe I'm interrupting you before you were gonna define it. Just, I know we speak a lot about this on this series but if this is anybody's first episode, I think it's a really keystone term for people to understand with especially regards to this topic.

**Alyssa:** Absolutely, so I was just about to sort of flag sort of the most important elements of it that I think answer your question. So undue hardship is thesort of the threshold where, the legal threshold where housing providers obligations end in terms of making an accommodation. So, it is always a factually sort of specific question and so, you can imagine if a case were sort of proceeding before the Ontario Human Rights Tribunal, the question that would be asked before the tribunal was did, we hit the undue hardship threshold? Has this housing provider accommodated to the point of undue hardship? And the way that the law looks at the question or the threshold of undue hardship is that, it's an extremely high threshold. And it effectively means that either the cost of making the accommodation would be so high that the viability of the business would be in jeopardy or that making the accommodation would result in health and safety issues that could not be ameliorated in a way that would, again not threaten the viability of the business. So, if those two, if one of those two things has not happened you have not hit the unused hardship thresholds. So, it is an extremely high threshold. And the fact that an accommodation might cost money more than you would like to spend as a housing provider is not enough to say no to the accommodation. That could put you off side of the duty to accommodate.

**Jacob:** Right, and I mean, another thing as you're talking and I think I just wanna reinforce quickly before I move on is, that's really important to know that, you know, that duty to accommodate and undue hardship kind

of threshold is really set to protect us, to make sure that we are able to kind of have reasonable accommodations. And it's really from what I've heard from many stories very challenging to hit that threshold. So, guys, if you are kind of in a situation like this, obviously reach out to, you know different institutions to find out more but don't be shy and make sure to advocate for yourself. So, I'm kind of segwaying into the next point, you know Margaret's landlord wanting to, you know I can't remember exactly the name of it but there was some type of assessment, the poll test what is the poll test?

**Alyssa:** It's a test to see if the handrail is installed so that you can take a certain amount of weight, but there's a little caveat in that particular section of building code that says, if it's in a sail dwelling unit then a poll test is not required. And so, and I, yeah, and so and I made sure I read that multiple times. I had other people read it 'cause at this point I wouldn't even be getting to question if I understood it correctly. And they all kind of agreed that, yeah this is a single dwelling unit. Well, why do they need this whole test done?

**Jacob:** Yeah, thank you for clarifying. And I think, I mean, it's a good question. Like, is it reasonable for a landlord or a building court to say we need, okay, we agree with the accommodation but we need to, you know, I guess evaluate whether or not there's going to be repercussions down the road. It seems reasonable, but at what point is it, you know, just a process of the way and adding expenditure to the accommodation?

**Alyssa:** It's tough to say, because these are, like I mentioned, it's always really at the sort of discretion of sort of a court or a tribunal hearing a case like this to determine whether it was reasonable or not in the circumstances. So, it's really hard to know whether in this particular case it would be. I think it's important if a housing provider is, if the process is takinga long time, I would think that a housing provider would want to demonstrate that delays were caused by good faith attempts to work on the accommodation. They wanna sort of be able to demonstrate that they were in sort of a fairly constant dialogue with the individual requesting the accommodation and that the requests and additional information were reasonable and really related to the ability to do the accommodation. I would think that things like, you know, long delays in responding and sort of a real kind of incessant amount of questions that don't really seem relevant to getting to the solution would demonstrate that they're not putting in a good faith effort to resolve the issue. And of course, if there was any sort of history of past behavior that would, you know, with other tenants that would demonstrate that this is not just sort of an individual case, but this is sort of a thing that they or a pattern of behavior would not be helpful in that regard.

**Jacob:** So, at this point we've been talking about, you know, homes that are already built and require accommodation to fit the needs of the individual who's living there. But I'm wondering what kind of, I guess responsibilities are on the point of a developer in building an accessible home. And maybe Nicole, you might have some, perhaps some insight on this, especially with kind of what you're teaching to your students.I'd be very interested in hearing on that.

**Nicole:** It's a very good question. And I am gonna let Alyssa talk about the legal aspect but there is a key thing that we need to remember especially in terms of rental housing and accommodation is that we need to remember that rental housing providers are, it's diverse, right? It can be private landlords, it can be housing corporations, it can be co-op housing as in Margaret's case, and it can also be social housing provided by a city, for example. So, and that means that there's many different levels of knowledge, if you wanna think about it that way in terms of what is required. And for private homeowners the challenge is, I think Alyssa put up beautifully that, you know, they think of their, they don't think of the housing in terms of, they think about it as a commodity kind of aspect, but not like as a social good. And we need to think about housing as a social good, and the requirements. The other thing though I think we need to remember is, some of these accommodations in terms of rental housing, there's a different situation if let's say a student is renting one bedroom from a family let's say, or a couple and they're all sharing the kitchen and the common, those common areas. So, I just, I'm gonna let Alyssa talk about that legal aspect. I think it's really important that we realize that, that there is when we're talking about caveats that there is this kind of caveat as well.

**Alyssa:** Thank you, Nicole. That's a really important caveat that I didn't mention in my earlier comments about sort of the legal obligations and you're absolutely right. There is a real gap in the law in terms of its protections or lack thereof for people living in shared accommodation situations. So, it is the case that the protections of the human rights code, including the duty to accommodate but also the protections against sort of discrimination in accessing housing as well. Don't apply in the context of shared accommodation. So again, that's when an individual is looking to rent a room and share a bathroom and, or a kitchen with the landlord. So that's a big gap in the law. And I think just going back to Jacob, to your question just a few moments ago I think there's also a gap in the law as it relates to or the law or the laws generally, when it comes to sort of development of housing and ensuring that we have an adequate supply of accessible housing because a lot of these issues could be solved with some building code requirements, but there is a significant gap in the building code in requiring accessibility standards, and certainly the accessibility for Ontarians with disabilities act does speak to, it does speak to standards of accessibility as it relates to housing providers of a certain size. And that size is defined by the number of employees that they have. So, it's a little bit of a roundabout way to get there, but even not withstanding the protections in the accessibility for Ontarians with disabilities act there is a real question about how those standards get enforced because it is not a piece of legislation that has an enforceability provision. And so, it really does leave a gap in the law in so far as being in kind of a tool to achieve some of these accessibility requirements.

**Jacob:** Yeah, I mean, I think that there's so many kinds of factors that kind of plans are to housing. And one thing I do wanna kind of bring up as we've talked about, you know, living in a space but what about before getting to this space? I can recall, and as some of you may know listening to these episodes or watching these episodes, I have a visual impairment myself, and even, you know with my functionality, there are certain aspects of, you know, just day-to-day life that I still find challenging and have to accommodate and self-advocate for. When I was renting my first apartment, I couldn't see the rental application. I'm just wondering how this falls into this topic, you know, I have my own accommodations and luckily people who could help me complete it but if we don't have those types of resources and I guess relationships to help with that, once the the process and from also what I recall it was a very time sensitive issue to get the condo you know, especially in Toronto it's a crazy kind of, almost like, you know, stock market. I, you know, buy, trade, sell of condos, I was told that I had less than 24 hours to get back to the application before they were gonna give it to the next applicant. Once the responsibility on a landlord to make accommodations both to be able to wait, I guess from a visual perspective and also to extend any timeframes for people who require that. Alyssa, what are your thoughts on that?

**Alyssa:** Again, sort of just going back to first principles the right to equal treatment and a duty to accommodate to the point of undue hardship applies to housing. But if we unpack that a little bit it applies to the process of looking for housing. It applies to the rules and procedures related to obtaining housing. It applies to certainly the enjoyment and use of the unit and maintenance and repairs, and also, the services and the facilities that are provided. So, if that's your starting point, which it is that's where the law starts off, that would be requesting an accommodation for an alternative way to apply for the unit on account of a vision impairment and being unable to sort of work with the forms or formats that are provided would be a very, I think reasonable accommodation to request and very much within the landlord scope of a duty to accommodate, and as would requesting additional time to fill out or to provide whatever, whether it's paperwork or perhaps the deposit et cetera, et cetera, to the landlord. So those, both of those I would think would be very reasonable accommodations to make, and that a landlord would have to demonstrate again that not providing those would cause undue hardship. And it is difficult to think of how that would cause an undue hardship if we go back again to the threshold of either costing so much as to affect the financial viability of the business or causing a health and safety issue that can't be remedied.

**Jacob:** Yeah absolutely, I mean a lot fellow set way the conversation, I guess the research that Nicole and Margaret are doing. I'd love to know a little bit more about kind of, I guess the findings that you guys are finding and the work that you're, what are you kind of looking to get out of this research. I'm really interested guys are doing up there?

**Nicole:** So, this is a community-based research project, and it's that because we worked with the CNIB and their family of institutions, if you wanna think of it that way, right from the start, in terms of this research. And so, the result is so after we did a lot of analysis and came up with themesand verified the themes and that type of thing, the result is we have a 24-page toolkit to actually help staff assist parents and guardians through the home accommodation process. So, the toolkit is called the EYE-AHA. And the it's E-Y-E dash A-H-A, speaking of funny acronyms. And it's stands for individualized accessible home accommodations. And although Margaret and I were the main researchers we really benefited, project benefited from the skills of some practicum students from Laurentian University. So, Matthew Duak and Evie Velikova did some fantastic work. So, once we came up with the kit, we sent the toolkit and it's been legally vetted by our Disability Law Center. And it's been sent to key people within the CNIB family of organizations, they've read it and provided enthusiastic feedback, because of the, some of the grants we got, the toolkit is gonna be available in both official languages. It's in variety of modalities. So, there'll be electronic copies hosted online, hard copies and braille copies in all Ontario branch offices and digital audio copies as well. The toolkit contains tear off pages and checklists for staff. So, one of the things you were talking about was when you're told, well we don't have the budget for that. So, we have this section called what to do when, so it's if the rental housing provider says, this is an appropriate response and is grounded in the legislation. So, for example, if they say changes can't be made because there's no money in the budget, well we go into the duty to accommodate and what's needed. And that housing providers are expected to investigate and access outside sources of funding, where they exist to help defray the cost associated with the accommodation. So, there's these types of kind of tearaways that they can use. And we also want it to provide some things that they could give to parents. So, the list of themes I gave you about why parents give up, the process, Margaret talked about, you know, her partner had some real concerns, right. So, we have that in a diagram that the staff can justtake off, you know, rip off or make copies and give to their clients. We have pages to help parents and guardians know what the process is, what to expect. And so, we're at the point where it's almost ready to release to public. We just have to make some final fine tunings from some CNIB key people. And we want to ensure the toolkit gets to the broader community. And so, anyone can email me and ask for a copy of the toolkit or give feedback on the toolkit. And yeah, so we're really excited. As Margaret said, we started three some years ago, we've had a number of challenges in the project and having it at this point. And, you know, we wanna do sometraining as well with staff about the toolkit and how to use it. So, we're on the cusp of being able to share really widely.

**Jacob:** This sounds like an absolutely amazing resource that I wish was available in so many other scopes. And hopefully this will inspire other researchers and advocates to do so. I mean, you guys have been working on this for three years and put together and kind of summarize that in 24 pages, Margaret how did you guys go about kind of consolidating all of this information into 24 pages and having it I guess we believe read it.

**Margaret:** Well, as Nicole mentioned we had an amazing practicum student this past summer with Evie, Five Communication Major from Laurentian University. And she did a fantastic job of taking all of our notes and Nicole and I had like, you know written notes and diagrams that just like in a, variety of different modalities and whatnot, and she made it into this very beautifully aesthetically pleasing package that is also accessible, you know so that it will be, you know, available to use like as a digital audio material or whatnot. And yeah, it's just a lot of hard work, a lot of conversations

and meetings and whatnot. And there was one little finding that I did wanna touch on 'cause I don't think you can really have a conversation about housing without talking about guide dogs. If you'll give me a few moments on this, and this was a conversation that we didn't set out to have with any of our participants but just sort of wrote organically in our interviews. And, you know, and with the participants the experiences that they've had with housing providers either as an advocate or a personally, how did you not with the fact that housing providers did not want to rent to owners with guide dogs. It took issue with the fact that it had to provide the safe relief area for the dog. And so, by that, I mean that they were actually unaware that a part of their duty to accommodate is they have to have this relief area available for guide dogs on the property. And this area needs to be safe in all matters of weather. So, for example, you may have a nice grassy patch at the end of the driveway, and that's a great spot, you know in the summer months to come winter if that's where the snow pack is gonna be because you get a lot of snow, and the snow packs, by the

next no longer a safe area for either the owner or the dog. And they also suggested the came up with, like you shouldn't have your relief area in like a very you know, across the parking lots, it needs to be easily accessible

to get you shouldn't be near the garbage cans if in order to get their needs having to walk through garbage or potentially broken glass. So, these were all things that we hadn't really thought of, which, you know, when you think about it, makes a lot of sense it's quite necessary. And the other really, to me anyways, that I found really interesting had to do with local city bylaws and came up a couple of times in conversations that some communities actually had bylaws on the books that excused guide dog owners from complying with any local put and scope bylaws, interesting that 'cause I could not know. So yes, and you do mentioned that we do touch a little bit about the rights of guide dogs with, in the toolkit as well. I wanted to ensure that that was included because that is an important component when it comes to housing as well.

**Jacob:** Yeah, absolutely. I did not know that so I think that's the point that there's so many of these backers that just, I guess most people don't think about, even to require the comedies, you know, don't necessarily know where to get the information even start to think about that. So, I mean, typically at this point in the episode I would start asking where people can find information about the topic, but it seems like you guys have been preparing for this for about three years now. And it's, I mean, this seems like the Bible of accessible posting, almost that you guys have curated here. So, when it is kind of released, is it something that people can access directly for CNIB or is it best to contact right to one of you?

**Margaret:** It will be available through the CNIB website as we commented earlier and we will, part of our funding through the Laurentian University knowledge dissemination grant is paying for the hard copy in the different languages. So English as well as brail, and those will be physically available in the CNIB Ontario offices.

**Jacob:** Excellent, but both of you were on part of with this, is it seems to be such a difficult topic to cover and its entirety because there doesn't seem to be a right or wrong answer to anything. And I mean, I talk a lot about, you know, filing formal complaints in terms of discrimination as an absolute last resort to an issue you know, specifically, I strongly believe this is in order for us to make change. We need to educate not only ourselves but other people as well. And that's where this whole concept of advocacy and self-advocacy comes into play. And, you know, I mean, Alyssa, in what circumstances might somebody file a formal complaint with regards to housing?

**Alyssa:** It's a great question, and, you know, just to respond to your earlier comment, I completely agree and, you know, as a lawyer, I would say that the law can be a bit of a blunt instrument at times. And I have in a variety of circumstances seen discussions that possibly could have resulted in a positive outcome for both sides, kind of halted by the initiation of litigation proceedings. So, I think it's just something to kind of keep in mind that it can be a bit of a blunt instrument, but, you know, the law is there to protect people. It's there for a reason, and people can access the legal tools and remedies that are available to them at first instance or at any step along the way. And so typically when you work with individuals who are looking for accommodations, we reach out on their behalf to housing providers as informal sorry, non-legal advocates. We don't provide legal representation but we work as zealous advocates for their human rights issues, nonetheless. And we work with them and the housing provider to try to negotiate an outcome because we know that like I just said, the law can be a bit of a nuclear option for the housing provider, if they're on the receiving end of a demand letter, for example. And also, those processes

take a lot of time, you know Margaret talked about taking, you know, eight months for an accommodation to be processed. I mean, imagine what

that would have been like if the courts had gotten involved, it would be eight months before you even had a scheduled date and then, you know making its way through the process. So, we're talking, you know, years in many cases. So, you know, people can use the law and there's, you know, when things aren't proceeding in a way that appears to be appropriate or whether it's in terms of timing or whether the responses is not an appropriate response. But our approach is, you know, at CERA is to try to work to negotiate a resolution to get people what they need as soon as they can.

**Jacob:** Yeah, I think that's always, you know a collaborative resolution is always usually the best resolution and I'm sure you can speak to this better than I can in, you know, where circumstances things tend to progress, you know, with all of these topics that we cover on this series. You know, as I was mentioning before knowing what law entitle to knowing what the responsibility of the other party is so important but approaching things in a very calm and collected manner is going to get you so much bother than slapping somebody with a demand letter initially. I really do want to reinforce the fact that it's important to know what your rights are, but it's also important to help others understand what your rights are. And typically, you can get a positive outcome through a collaborative approach. So, Alyssa, if people wanna know more about CERA where can find you guys online?

**Alyssa:** Thanks for asking. You can find us, our website is [www.equalityrights.org](http://www.equalityrights.org). We have a telephone hotline that you can reach us at 416-944-0087 and that's open nine to five to serve clients. And you can also find us on Twitter at CERAOntario.

**Jacob:** Wonderful, I'll be sure to put the links and information that you've described in. So just before we wrap this up, I always like to open it up to all of our participants today for any last remarks or any topics that are particularly important that we may have skipped over in the discussion. Margaret, do you have anything that you'd like to add?

**Margaret:** Thanks for asking. The one thing I would add is one of the sort of terabytes we have in our toolkit is a sample letter and how to write that initial letter to your landlord or housing provider. And we do talk about, you know, making sure it's polite and having a friendly reviewing and things like that. So, I think that will kind of help with it starting that process when you're talking with your landlord or housing provider.

**Jacob:** Yeah, absolutely. How about yourself Nicole?

**Nicole:** I think it's important to realize that you can actually, you know, bring in your CNIB staff, worker, person who did the environmental assessment as people who can help you through the process. And they won't be as emotionally attached and therefore, they may help you, you know it can be a very emotional process so, they can help you with tone and that type of thing. The other thing I wanna mention, you know we've been talking in terms of rental housing about just like your unit, but I think it's important like for the big apartment complexes there are common areas, right? Like the laundry room, an exercise room perhaps, a lot of places might have a, you know a place where you can all gap layer, tenants can gather. And those spaces also need to be thought about. And I know Margaret, maybe you can talk a bit that when this person did your environmental assessment, they looked at both the interior and exterior if I'm not mistaken.

**Margaret:** Yes, they did look at the interior and exterior and we did have concerns with our external stairs. And three years later, they were still waiting to have them axed interesting enough. But yes, they look at the whole package, so like from, you know, for not case it was like where we would park our car to how we get into our unit and all throughout our unit as well. So, they do a great job of making it as all-encompassing and thorough as possible. Yeah, that's great and guys try to reach that CNIB we have excellent, handful information and resources. And last way, Alyssa, what any closing thoughts on on the topic you'd like to share?

**Alyssa:** Just to maybe take it up to a little bit more of a policy level. The federal government in Canada in 2019 passed the National Housing Strategy Act, and in that act recognized and committed to progressively implementing the right to housing. This is a really exciting thing and I think it's really good news. It's good news on a lot of friends, but I think it's really good news on an accessibility front, because the right to housing as it's at international law, which is where we get the definition from nationally includes things like affordability, habitability, security of tenure and accessibility. And so, the federal government has, as of just about a year

ago, committed to a policy of ensuring that the housing that is developed in Canada adheres to these principles. Now there's the mechanisms through which individuals can bring forward concerns about whether or not this is happening, or still in the process of being built out. But I think it's really important that everybody know and understand that our federal government has made this commitment. And I think that people ought to get very serious about holding the government to account, and to account for these commitments that it's made. And we already have in Canada at the city of Toronto the first municipal government that has done the same. And I am very hopeful that there are more to come. So, I just wanted to sort of highlight that really important development. And I think we're sort of at the beginning stages of really building out and creating a culture of the right to housing in Canada, that includes accessibility, and I hope that some of the folks who are listening to this or who will listen to this, look into that and sort of take up that cause because I, you know rights as, you know, many of us know, you know in order for them to mean anything, we have to proclaim them.

**Nicole:** Yeah, can I just add something? At that level. So, we also, you know, in terms of the, at the federal level of a National Accessibility Act and it kind of really dovetails quite nicely what you said, Alyssa because there currently some of the committees and the standards committees are formed, but in, you know, subsequent months more are going to be formed and they're looking for consultation and representation from people with a variety of disabilities. And so, you know, with that's one way you could get involved with some of these issues is getting on one of those standards committees and or when the call come out, provide your input.

**Jacob:** Yeah, I think really great points. I mean, I've learned so much

in this episode from everybody. So, thank you guys for participating in this and I guess the last thoughts that I typically leave on this is, you know, at the end of the day it's so important to advocate not only for yourself, but for others. And that's where the sign via notion policy change comes in because when we only experience adversity there's also an opportunity and if can turn adversity over opportunity then we create the real change. So, guys, thank you so much for listening to this episode and until next time, don't forget to know your rights.

**Narrator:** For more CNIB foundation podcasts visit CNIB.ca/podcasts.