

Know Your Rights

Housing



A project of the Legal Information Society of Nova Scotia (LISNS) in partnership with the Canadian National Institute for the Blind (CNIB) Foundation

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Housing

Having appropriate housing is fundamental to success in many other areas of life. It is extremely difficult to move forward with plans for employment, education, or with social connection when a person does not have stable housing.

What legal rights do I have when it comes to housing in Nova Scotia?

- You have the right to **equal treatment** in housing where you live or want to live **without discrimination** because of your disability. Your right to equal treatment applies to:
 - the process of looking for housing;
 - the rules and procedures related to your housing;
 - the general enjoyment and use of your unit and premises;
 - the maintenance and repairs of your unit and premises; and,
 - the services and facilities related to your housing.
- You have the right to receive **accommodations** for your disability from housing providers up to the point of **undue hardship**.
- You cannot be denied occupancy of a self-contained dwelling unit (e.g. apartment rental, condominium, basement apartment, etc.) because you are accompanied by a guide dog, nor can you be discriminated against with respect to the terms/ conditions of the occupancy (e.g. charging additional fees).

Duty to Accommodate & Undue Hardship

A housing provider's "**duty to accommodate**" means that they are legally required to provide you with the support you need to equally access and enjoy your living space and common areas, like anyone else. Accommodations are changes or extra services that allow a person to participate more fully in housing. For example, large print for a description of an apartment, braille numbering on the elevator buttons, or other types of assistive technology. However, the duty to accommodate has a limit and this limit is called "undue hardship".

"**Undue hardship**" is a legal term. It means that if a housing provider can show that it is very difficult for them to provide you with a certain type of accommodation, then they don't have to provide it. The determination of whether an accommodation will cause undue hardship depends on many factors, such as the cost of the accommodation, the impact on other residents, health and safety considerations and other relevant factors.

Where do my legal rights come from?

Your legal rights come from a variety of different laws, including:

- The Nova Scotia **Human Rights Act** prohibits discrimination based on disability in most areas of public life, including housing.
- The **Residential Tenancies Act** governs the relationship between tenants and landlords and addresses issues including:
 - Terms and conditions of leases
 - Providing notice to end or renew a lease;
 - Circumstances when a landlord can keep the damage deposit;
 - Subletting and transferring a lease; and,
 - The framework for how to resolve tenancy disputes.
- The **Blind Persons' Rights Act** establishes rights related to the use of a guide dog and enables the police to charge service providers (including landlords) who violate those rights. The **Service Dog Act** also protects against discrimination based on the use of a service dog.

What can I do to enforce my legal rights?

If you feel you have been unfairly discriminated against by a housing provider, there are things you can do to stand up for yourself. In general, you should first try to resolve your concerns by speaking with the people who are directly involved.

Sometimes, however, self-advocacy is not enough. In these cases, you may wish to consult a lawyer who practices human rights or housing law to see what options are available to you, including:

- A complaint to the **Nova Scotia Human Rights Commission**. You can **contact** the Nova Scotia Human Rights Commission or visits its **Complaint Self-Assessment** page to get a sense of whether or not your experience falls within the purview of the **Human Rights Act**. If your issue falls within the purview of the Human Rights Act, commission staff can help you file a complaint. Generally, you must make a complaint within twelve months of the incident. See the Human Rights Guide for more information.
- Apply to the Director of the Residential Tenancies Program for mediation or a hearing. You may apply **online** or call 1-800-670-4357. To learn more, visit the

Government of Nova Scotia's website, titled [Residential Tenancies: a guide to resolving disputes between Tenants and Landlords](#).

- Make a [complaint](#) to the [Nova Scotia Office of the Ombudsman](#) or contact the Department of Health and Wellness (specific to long-term care homes).

Are there any housing arrangements where I don't have important legal rights?

Yes. The Nova Scotia [Human Rights Act](#) does not apply to situations where:

- You are renting a room in a house that is occupied by the landlord or the landlord's family; and
- The landlord does not advertise the rental.

In this type of housing arrangement, a landlord is legally permitted to discriminate against you and deny you accommodations for your disability.

Common scenarios

Although each set of circumstances is unique, some common issues that arise in the area of housing.

I'm trying to complete a housing application form, but it is not in an accessible format. What can I do?

If you find a housing application form that's not in an accessible format, you have the right to request that form in an accessible format from the housing provider as an accommodation for your disability.

By disclosing your disability and making an accommodation request, you trigger the housing provider's legal duty to accommodate you up to the point of undue hardship.

If you don't want to disclose your disability to the housing provider before you apply for the unit, you can ask a friend to make the request for you. You can also get help from a local community organization or CNIB.

Am I required to disclose my sight loss to a potential landlord?

You are not legally required to share any information with your prospective landlord about your sight loss. If your prospective landlord asks you questions about your sight loss and then denies your housing application based on your answers, this could be discrimination.

I believe that my housing application was denied because of my sight loss. What can I do?

Sometimes there are clear signs that you have been discriminated against when looking for housing. For example:

- When a housing provider asks intrusive and inappropriate questions;
- When a housing provider makes statements that are offensive or based on false stereotypes; or,
- When a housing provider says that they cannot rent a unit to you because of your sight loss.

In such circumstances, consider consulting a lawyer who practices human rights or housing law about the options that may be available to you. To learn more about some of the options that might be available to you, review the section of this handbook, titled [What can I do to enforce my legal rights?](#)

What if I was denied housing because I have a guide dog?

A housing provider cannot refuse to rent you a self-contained unit just because you have a guide dog. If this happens to you, your legal rights under the Blind Persons' Rights Act may have been violated.

In response, you may want to file a complaint with the police who have the authority to investigate and lay charges in this type of situation. Some police officers may not be aware of their authority to enforce the Blind Person's Rights Act, so you may need to inform them.

I'd like to make changes to my residence to accommodate my sight loss. Is my housing provider required to make these accommodations?

Housing providers have a legal duty to provide you with reasonable accommodations for your disability up to the point of undue hardship.

Your housing provider has the right to get enough information from you about your disability to select an appropriate accommodation. If the housing provider asks for medical documentation about your disability, you should provide only the necessary information to explain your need for accommodations. You are not required to tell your housing provider your exact diagnosis. You are not required to give your housing provider health information that is not related to your need for accommodations.

It's important to remember that selecting an appropriate accommodation is a collaborative process. As the tenant requesting accommodation, you have a legal duty to collaborate with your housing provider to help them select an appropriate accommodation.

Do I have to pay for my housing-related accommodations?

Your housing provider cannot make you pay for your accommodations. Your housing provider has to accommodate you up to the point of undue hardship and your housing provider is responsible for paying the costs of your accommodations.

My housing provider communicates important information about the building (such as fire alarm testing, repairs, or temporary water shut-off) in an inaccessible format – for example, by using posters in common areas or by distributing printed flyers. What can I do?

You can make a request to your housing provider to communicate with you using an accessible format, e.g. email, accessible pdf, or Microsoft Word documents.

Your housing provider has a legal duty to provide you with reasonable accommodation for your disability under Nova Scotia's [Human Rights Act](#).

My housing provider says that my requested accommodations conflict with another law or policy (e.g. condominium’s by-laws). Does this mean that the accommodations can’t be made?

If you are told that your requested accommodation conflicts with another law or policy, it’s important to keep in mind that, in many cases, the Nova Scotia **Human Rights Act** takes priority over other laws and policies. This means that even if another law or policy conflicts with your requested accommodation, your housing provider still has a legal duty to provide a reasonable accommodation for your disability up to the point of undue hardship.

In such circumstances, consider consulting a lawyer who practices human rights or housing law about the options that may be available to you. To learn more about some of the options that might be available to you, review the section of this handbook, titled **What can I do to enforce my legal rights?**

I am a resident of a long-term care home and I feel that my rights have been violated. What can I do?

If you live in a long-term care home and you believe that your rights have been violated, some options may be available to you, including:

- A complaint to the Nova Scotia government’s Department of Health and Wellness
- A complaint to the **Nova Scotia Human Rights Commission**
- A **complaint** to the **Nova Scotia Office of the Ombudsman**

In such circumstances, consider consulting with a lawyer about your rights and the options available to you.