



## **Implementing an Accommodation Policy**

By Rhonda Shirreff on June 29, 2011

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The *Ontario Human Rights Code* (the “Code”) requires condominium corporations to provide an equal opportunity to access housing and its intended benefits without discrimination on any of the grounds protected by the Code, including disability. The obligation extends to condominium boards, management, staff, owners and residents.



Time after time, human rights commissions and tribunals across Canada have affirmed that condominiums have a general duty to accommodate disabled owners and residents to the point of undue hardship. Depending on the circumstances, appropriate measures to accommodate persons with disabilities may include providing wheelchair ramps and accessible parking on the property, installing wide lobby doors that open automatically, or adding Braille to elevator buttons.

The general duty to accommodate a disability to the point of undue hardship also includes a procedural obligation to make appropriate inquiries into the nature of the applicant’s disability-related needs and give thought and consideration to the issue of accommodation, including what, if any, steps could be taken to provide an accommodation. The person seeking the accommodation has a right to participate fully in the process.

If a person is not satisfied with a condominium’s response to an accommodation request, he or she may file a complaint with the Human Rights Tribunal of Ontario. Faced with such a complaint, one of the first questions the Tribunal will ask is whether the condominium has a written accommodation policy and an internal procedure for addressing requests.

In light of this, it is prudent for condominium corporations to adopt an accommodation policy. The policy should affirm the condominium’s commitment to providing accommodation to the point of hardship for needs related to the Code grounds, in accordance with the principles of dignity, individualization and inclusion. It should also explain the process for reporting and addressing accommodation requests.

Condominium boards and management should roll out the accommodation policy in a thoughtful way that makes it available to anyone affected by it. It is important that policy’s implementation be clearly documented. There are a number of practical ways to do this.

Directors should review a copy of the policy at a regular Board meeting and record that this has been done in their minutes.



It is also important to ensure that management and staff have read the policy, understand it and know who to go to when questions about accommodation issues arise. One way to do this is to have a training meeting to review and distribute copies of the policy. Maintain a record of attendees by getting them to sign an attendance list. At the end of the meeting, ask each attendee to sign an acknowledgement that they have been given a copy of the policy, have read it and understand it. The person responsible for ensuring that the management and staff are trained should then report back to the Directors, who can record the completion of training in their minutes. Whenever new staff members are engaged, a copy of the policy should be given to them along with other orientation materials. And don't forget to get new staff members to sign the acknowledgement that they have read and understand the policy.

Finally, it is critical that homeowners are aware that the condominium has an accommodation policy and know how to access it.

One way of creating awareness is to include the policy as an item on the agenda at AGM, and distribute copies to owners at the meeting. Another way is roll out the policy is to make an announcement in a newsletter to owners and residents stating that the Board has adopted a written accommodation policy that reiterates a commitment to provide accommodation as required under the Code in accordance with the principles of dignity, individualization and inclusion and that sets out the process for reporting and addressing accommodation requests.

For new owners, a copy of the accommodation policy could be included in their welcome package along with copies of the condominium by-laws and other relevant information.

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