

## **LETTER TO THE EDITOR**

**November 1, 2011**

### ***Questions about rental ads***

Some people have contacted the Yukon Human Rights Commission about the newspaper ads and media coverage related to rental ads and preventing discrimination.

We're glad that people are asking questions and discussing this information. Under the Yukon *Human Rights Act* the Commission shall promote education "to discourage and eliminate discrimination". So as part of its mandate the Commission has provided information about rental housing ads in the newspapers and the media to increase awareness and prevent discrimination in housing and to outline the protections offered under the *Human Rights Act*.

The Commission operates within the boundaries of the *Human Rights Act*. In the Yukon, rental or purchase of property is an area protected under human rights law. When a landlord or housing provider decides to offer rental housing to the public he or she must do so in a non-discriminatory way.

Although we encourage landlords to avoid ads that say "adults only" or "professional only", the *Human Rights Act* does not specifically prohibit the publication or public display of any notice that indicates an intent to discriminate. A landlord in the Yukon could be vulnerable to a complaint if he or she refuses to rent to someone based on one of the protected characteristics or "grounds" mentioned in the *Act*, such as whether a prospective tenant is a family with children or someone on social assistance.

For example, if a parent with a young child is looking for housing, goes to the landlord or housing provider who has an ad with the wording "adults only", and if they are told directly by the landlord that they will not rent to the family because of the child, there might be grounds for a human rights complaint. The landlord or housing provider may be able to show a non-discriminatory reason why the family was not selected due to such reasons as:

- The rental premises are part of a private living space and the tenant shares some common space like the kitchen, living room, bathroom or laundry area with the landlord.
- The housing is earmarked for a specific group that qualifies as a special program or affirmative action under the *Act*.
- There are safety or health concerns or other reasons that could be considered "undue hardship" giving the landlord valid reason for not allowing children.
- The tenant's references showed he or she was not credit worthy (did not pay rent on time in a previous rental) or damaged the premises in a previous rental.

Some people have asked the Commission about the wording “no pets”. Landlords are allowed to specify no pets in rentals. However, in the case of someone with a “service animal”, the animal is not considered a pet. A “service animal” is one used by a person with a disability and specifically trained to assist him or her to deal with his or her disability. An animal could be assisting someone who is visually impaired or blind, or someone who is hearing impaired or has mobility impairments. Landlords do not need to abandon their "no pets" policy altogether, but simply they must make an exception to their general rule for service animals, unless it is an undue hardship to do so.

Call the Yukon Human Rights Commission at 667-6226 or 1-800-661-0535 or email us at [humanrights@yhrc.yk.ca](mailto:humanrights@yhrc.yk.ca) for further information.

Yukon Human Rights Commission