



## Corporate Policy and Procedure

POLICY: Accommodation Policy

DATE: March 2013

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### REFERENCES:

*Human Rights Code, 1990*

*Accessibility for Ontarians with Disabilities Act, 2005*

*Guidelines on Developing Human Rights Policies and Procedures (OHRC)*

### FORMS:

*Request for Accommodation*

*Consent to Disclosure of Personal Information*

### POLICY STATEMENT:

The Greater Sudbury Housing Corporation (GSHC) acknowledges its responsibility under the Ontario Human Rights Code and other legislation to accommodate the needs of applicants and tenants and to actively remove barriers, physical or otherwise, which may prevent those individuals from participating fully in the activities of the GSHC and from having a successful tenancy.

Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion. GSHC will work co-operatively, and in a spirit of respect, with all partners in the accommodation process.

### PURPOSE:

The purpose of this policy is to provide guidance on the accommodation processes that all staff may take to support, as much as possible, the full and equitable participation of applicants and tenants who are Code-protected in the activities of the GSHC and to support successful tenancies.

## **SCOPE:**

This policy applies to all staff, board members, volunteers, tenants, and guests, who all have a role to play in accommodating the needs of other tenants and applicants.

This policy also applies to GSHC policies and procedures. Where there is a conflict between existing policies, procedures, regulations, and/or legislation, the person identifying the conflict will consult with the General Manager, the service manager, and other stakeholders as required to identify solutions and opportunities to accommodate the needs of staff, board members, volunteers, tenants and applicants.

## **DEFINITIONS AND CLARIFICATION:**

### **TERMS:**

**Applicants:** An individual or household who is applying for tenancy with the GSHC.

**Barriers:** A barrier may be a part of the physical or built environment which limits or prevents the accessibility of a space. A barrier may also be a policy, procedure, or requirement that excludes individuals or groups from fairly and equally accessing a good, service, or resource. Finally, methods of communication may create barriers; for example, sending a notice written in English to an individual with limited ability to read English would create a barrier for that individual.

**Code-Protected Grounds:** Grounds upon which the discrimination of individuals or groups is prohibited under the Human Rights Code, 1990. Prohibited grounds for discrimination include an individual or group's race, skin colour, ancestry, creed (religion), place of origin, ethnic origin, citizenship, sex (including pregnancy and gender identity), sexual orientation, age, marital status (including same-sex partnerships), family status, disability, and receipt of public assistance.

**Designated Staff:** The staff person(s) or department who has been designated to complete a particular action or requirement.

**Discrimination:** Discrimination in housing based on a protected Code ground may be described as any distinction, conduct or action, whether intentional or not, but based on a Code ground, that has the effect of either imposing burdens on an individual or group that are not imposed upon others, or withholding or limiting access to opportunity, benefits, and advantages available to other members of society.<sup>1</sup>

**Greater Sudbury Housing Corporation (GSHC):** Refers to the organization whose board of directors has approved this policy.

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<sup>1</sup> Taken from Ontario Human Rights Commission (2009) *Policy on Human Rights and Rental Housing*. Downloaded: July 31, 2010 from <http://www.ohrc.on.ca/en/resources/Policies/housing/pdf>

**Undue Hardship:** The point at which an organization reaches “undue hardship” is dependent on the unique circumstances of the accommodations being explored. Sections 11 and 17 of the Code outline the three criteria that must be considered in order to determine whether the necessary accommodation(s) would pose an undue hardship to an organization.

Those criteria are:

- the cost;
- the presence of outside sources of funding, if any; and,
- health and safety requirements for other tenants and staff, if any.

Only when those three criteria are met can an individual or group decline the accommodation of another individual or group.

## **PROCEDURE:**

### **1.0 Communication**

- All parties within the organization, including applicants, tenants, volunteers, board members, and staff will be made aware of their rights and responsibilities under this policy through on-going, active communication on the part of the GSHC.
- Materials will be developed and distributed to all applicants and incoming and existing tenants, which identify the intent and contents of this policy and the protected grounds upon which accommodation may be sought. A statement about GSHC’s commitment to following the Code will be included in the tenant handbook.

### **2.0 Documentation**

- Staff will keep detailed notes regarding their interactions with the individual requesting accommodation, including:
  - the accommodation(s) requested;
  - notes on the discussions that staff have with all stakeholders in the request;
  - copies of all supporting documentation from experts, as well as research undertaken by staff.

### **3.0 Identification of Required Accommodation**

- All representatives of the GSHC have a responsibility to help reduce barriers to participation and to promote inclusion. Therefore, where a GSHC representative believes that an accommodation may be of benefit to a tenant or applicant, they will confer with Senior Management to determine the most effective and appropriate method to address the need and provide assistance to the individual (refer to *Request for Accommodation* form).

- Clear and detailed documentation must be compiled, including how the need for accommodation was discovered, actions of the GSHC, interactions with the Code-protected individual and any other supporting documentation and discussions with stakeholders. All supporting documentation (e.g. letters, conversation notes) will also be dated and filed.

#### **4.0 Receipt of Request for Accommodation**

- Written requests for accommodation are preferred. However, where this requirement may prevent an individual from securing an accommodation, assistance will be provided by staff or a referral will be made to a community-based resource.
- Once a request has been documented, within twenty (20) working days of receiving the request, staff will meet with the tenant/applicant to review the requested modifications and to review the roles of both parties in the accommodation process.
- When necessary, staff will request supporting documentation for the requested accommodation(s) and any alternative accommodations which would meet the same, or similar, objectives from the individual's medical doctor or other professional(s). Staff will also require the individual to sign a *Consent to Disclosure of Information* form.

#### **5.0 Investigation of Proposed Accommodation(s)**

- Staff will investigate the requested accommodation(s) to determine the most cost-effective accommodation that also meets the requirements of the individual. Staff will secure appropriate expert opinion in addition to contacting the individual's professional supports. Where necessary and appropriate, staff will also conduct independent research.
- The accommodation process is a collaborative and co-operative process between the individual and the GSHC. As such, it is expected that both parties will be in regular and respectful contact to discuss possible accommodations and to answer outstanding or arising questions.
- Staff will document all interactions with all stakeholders in a clear concise manner and will file these notes, in addition to any supporting documentation, in the individual's file.

#### **6.0 Accommodation(s) Without Cost**

- Depending on the nature of the accommodation(s) required, staff may or may not be permitted to exercise individual discretion:
  - In cases where the accommodation requires only flexibility in the GSHC's internal policies and procedures, Senior Management will be permitted to exercise their discretion.
  - In cases where the accommodation required is contrary to legislation and/or service manager directives, staff will consult with the General Manager.

- Staff and the individual will co-operatively and collaboratively identify mutually satisfactory accommodations.
  - Once an appropriate accommodation has been identified, the GSHC Management Staff will send a letter to the individual outlining the accommodation that have been agreed to and will also file a copy of that letter in the tenant file.
- If staff and the tenant are unable to co-operatively identify appropriate accommodations, the matter will be referred to Senior Management for follow-up.

### **7.0 Accommodation(s) With Cost**

- Depending on the cost of the accommodation(s) required, staff are required to consult with the Department Manager and/or the General Manager:
  - In cases where the required accommodation cost will be minimal, the Manager will be permitted to exercise their discretion, and make a recommendation to their Department Manager.
  - In cases where the required accommodation cost is anticipated to be substantial, Managers are required to consult with, and gain approval from their Department Manager.
- Staff will research and, if possible, identify and apply for, potential external sources of funding which may reduce the financial burden placed on the GSHC.

### **8.0 Undue Hardship**

- If the Management and the individual are unable to identify an accommodation(s) that meets the needs of the individual without affecting the on-going financial viability of the GSHC, the GSHC board of directors will seek legal counsel.
- The GSHC may also elect to seek assistance and resources from the service manager or program funder(s) to meet the accommodation requirement(s) of the individual.



## Request for Accommodation

**Notice with Respect to the Collection of Personal Information – Municipal Freedom of Information and Protection of Privacy Act:** This information is collected under the legal authority of the Housing Services Act for the purpose of administering the social housing programs prescribed in this Act and its associated Regulations.

Name \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ PC: \_\_\_\_\_

Phone/TTY: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Please describe in detail the barriers you are experiencing.**

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**What do you need to accommodate your requirements?**

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**Mail or Deliver Completed Form To:**

Greater Sudbury Housing Corporation  
401 – 10 Elm Street  
Sudbury, ON P3E 4P6  
705.674.8323



## Consent to Disclose Personal Information

Greater Sudbury Housing Corporation staff must receive your consent to share information about you with outside agencies or professionals. This is a time-limited consent form and will expire on **(insert reasonable time it will take to make the referral)**.

I, \_\_\_\_\_  
Print your name

authorize \_\_\_\_\_  
Print name of staff person

to contact \_\_\_\_\_  
Print name of agency or agencies

and disclose

**My personal information consisting of:**

\_\_\_\_\_  
Describe the personal information to be disclosed

or

**The personal information of:**

\_\_\_\_\_  
Name of person for whom you are the substitute decision maker \*

consisting of

\_\_\_\_\_  
Describe the personal information to be disclosed

to

Name \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ PC: \_\_\_\_\_

I understand the purpose for disclosing this personal information to the person or organization noted above. I understand that I can refuse to sign this consent form or later withdraw my consent and I understand that refusal to sign or the withdrawal of consent could affect the ability of the requesting agency to provide services to me. Collection of this information complies with Ontario's *Municipal Freedom of Information and Protection of Privacy Act* (R.S.O. 1990, cM5) and the *Federal Personal Information Protection and Electronic Documents Acts* (R.S.O. 1990 cF31), and is used for the sole purpose of administering your tenancy. The privacy officer for GSHC is the General Manager.

Complaints or questions about the use of your personal information may be directed in writing to our office:

Greater Sudbury Housing Corporation  
401 – 10 Elm Street  
Sudbury, ON P3E 4P6  
705.674.8323

Tenant: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Prov: \_\_\_\_\_ PC: \_\_\_\_\_

Phone: \_\_\_\_\_ Work: \_\_\_\_\_

Tenant Signature: \_\_\_\_\_

Witness: \_\_\_\_\_

GSHC Signature: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

**\*Please note:** A substitute decision-maker is a person authorized on behalf of an individual, to disclose personal information about the individual.

**This form must be signed in the presence of all parties.**