

BE CODE SMART

The best way to protect yourself from discrimination and from complaints is to know and respect **The Saskatchewan Human Rights Code**.



SASKATCHEWAN
HUMAN RIGHTS
COMMISSION

Landlords, Tenants and Housing Discrimination

The Saskatchewan Human Rights Code protects your right to equality without discrimination based on the protected grounds of disability, age (18 or more), religion or religious creed, family status, marital status, sex, sexual orientation, race or perceived race, nationality, place of origin, ancestry, colour, receipt of public assistance, and gender identity. Discrimination based on any of these protected areas is against the law when a person is applying for rental accommodation or housing.

Who needs this information?

Anyone renting, leasing, subletting, or purchasing property in Saskatchewan should be aware of *The Saskatchewan Human Rights Code* (the *Code*) and how it applies to housing issues.

Landlords and Tenants

A landlord has the right to obtain information about an applicant that is relevant to their qualifications as a tenant, as long as that information is not used for discriminatory purposes. Under the *Code*, all applicants must be given equal consideration. Prospective tenants have the right to have their application considered without discrimination. A landlord, or anyone acting on their behalf, cannot exclude applicants on the basis of any of the protected areas listed above.

For example, a rental advertisement cannot state “no immigrants”, “no Aboriginal people.” It also cannot say “no children” or “adults only”, or that the landlord will only rent to people who are working, as this would eliminate the possibility of renting to many people on public assistance.

Some people, such as newcomers to Canada, young people, or those on public assistance, may not have a rental history or an established credit rating. A landlord should consider other information in these cases or risk violating the

Code. A lack of rental or credit history should not be viewed the same as a negative report.

A landlord can indicate certain preferences, as long as that preference doesn’t exclude people on the basis of protected grounds. A landlord must still be prepared to rent to people outside of the preference, and fairly consider their applications.

Some Exceptions

People renting out a room or a suite in their own house may indicate a preference for one sex over the other. For example, a single woman who is renting out a room in her home may indicate that she will only rent to another woman. As well, an entire building may be designated exclusively for people over the age of 55 years. A building can also be designated pet-free or smoke-free.

The Duty to Accommodate

Even in pet-free buildings, landlords are required to permit service animals, as a service animal is not considered a pet. A service animal is an essential support for a person with a disability. If a tenant requires the use of a service dog in order to assist with a disability, the tenant cannot be evicted from a pet-free building.

As well, a newer category of animals – emotional support animals – have been recognized as protected in some human rights decisions for



SASKATCHEWAN HUMAN RIGHTS COMMISSION

housing. See our policies on Service Animals and on Support Animals for more information.

An applicant who has a disability must be considered the same as any other applicant. If an applicant or tenant requests accommodation, the landlord has a duty to accommodate such a request to the point of undue hardship. For example, a landlord must consider making a rental property accessible for prospective or existing tenants who require renovations to improve accessibility, due to a disability.

Frequently asked questions by Landlords

1. Why can't I rent to whomever I choose?

A landlord can make their property commercially viable, but cannot violate the Code in pursuit of viability: it is against the law to refuse to rent or sell to someone based on any of the prohibited grounds listed in the Code (see "Some Exceptions" on page one).

2. Can I state in my ad exactly the type of person I'm looking for?

It is better to concentrate on advertising the rental property, rather than trying to determine what type of person would be best suited to the dwelling. Listing preferences can sometimes, unintentionally, exclude people from accessing accommodation. Even if unintended, this may be a violation of the Code.

3. What happens if I decide not to rent to someone? Can that person file a complaint against me?

First, ensure your decision not to rent to someone is not on the basis of one of the protected grounds of discrimination.

The SHRC will consider complaints that are based on protected grounds. For example, if someone believes they were refused access to housing based on their race, age, family status, or because of being on public assistance, they can pursue a complaint through the Commission.

The Commission is a neutral party and does not advocate for one side or the other. If there has been a violation of the Code, the Commission will work with the parties to resolve the situation.

4. I've decided to ask for a credit check, but this applicant has no credit history. Can I ignore the application?

No. Young people just starting out, or newcomers to Canada, may not have a credit history. You should consider what other information you have for the candidate and what all the information means when taken together. For example, is the person otherwise a good candidate when you exclude the lack of credit history?

5. I own property, but I employ an agent to handle applications for rent – am I responsible for their mistakes?

Yes. Landlords who employ or contract someone else to handle property on their behalf will also be held responsible for violations of the Code.

Frequently asked questions by Tenants

1. The person was happy to rent to me until she saw I have children. Now she says the suite is no longer available, but the ad is still online. What do I do?

The landlord might be in violation of the Code on the basis of family status. Document all relevant information and contact the SHRC for assistance.

2. The landlord doesn't like me. He never says hello to me and doesn't smile. He fixes things around the apartment, but he complains while doing it. Do I have any options?

The SHRC cannot get involved in "personality conflicts" or disputes between individuals if a landlord is fulfilling their responsibilities.

However, if the landlord is not fulfilling their responsibilities, you may wish to contact the Office of Residential Tenancies for assistance.

Saskatchewan Human Rights Commission

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3. I'm afraid that filing a complaint against my landlord will result in worse treatment or eviction.

What protection can you offer?

The Code prohibits retaliation against anyone bringing a complaint forward, or anyone who is providing information, related to a human rights complaint.

If you have any questions about discrimination as it relates to housing or accommodation, or you feel you have been the victim of discrimination, please contact the [Saskatchewan Human Rights Commission](http://www.saskatchewanhumanrights.ca) at 1-800-667-9249 or shrc@gov.sk.ca.

More information is available on our website at www.saskatchewanhumanrights.ca.

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