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## Landlords beware: crackdown on discrimination in rental ads

Here are some general guidelines for landlords across Canada on how to stay on the right side of the human rights code.

By **Romana-King-Blog** | Online only, 27/06/11

Tags: [discrimination](#), [landlord](#), [Real Estate](#), [Real estate investing](#), [rental ads](#), [Romana King](#), [tenant](#)

Current issue:



In mid-June, the Ontario Human Rights Commission issued a warning that it will be cracking down on discriminatory housing advertisements. Rather than just focus on blatant discrimination, the Commission will actively investigate websites or ads that contain statements that are either directly or indirectly discriminatory.

Accidental discrimination occurs when phrases are used that describe the ideal tenant rather than a particular selling point regarding the unit for rent. These phrases inadvertently suggest that the landlord prefers certain types of people — an act of discrimination. Examples include:

- Ideal for quite couple
- Suitable for single professional
- Perfect for female student
- Suits mature individual or couple
- Great for working folks or students
- Not soundproof (may indicate a bias against families or children)
- No pets (exceptions apply, but you need to know when and where)

Overt discrimination is still prohibited and includes a rejection of a potential tenant based upon:

- receipt of public assistance, like welfare or employment insurance

- race, colour or ethnic origin
- age, including 16- or 17-year-olds who are independent of their parents
- family status
- marital status, including people with common-law or same-sex partners
- ancestry, including people of Aboriginal descent
- sex, including pregnancy and gender identity
- religious beliefs or practices
- place of origin
- sexual orientation
- disability
- citizenship, including refugee status.

(However, these rules do not apply if a tenant shares a bathroom or kitchen with the landlord or the landlord's family.)

Examples of phrases that are discriminatory include:

- Adult building or Not suitable for children
- Phrases, such as: "Must have working income" or "Must provide proof of employment"
- No ODSP, or
- Seeking mature couple.

While Ontario landlords will need to pay particular attention to their rental ads, landlords in the rest of the country are not off the hook.

### ***British Columbia***

In [B.C.](#) landlords are able to restrict pets on the premises, but all other forms of discrimination are not permitted.

### ***Alberta & Manitoba***

In [Alberta](#) age is not a protected ground and can be used to identify ideal tenants. However, landlords are prohibited from discriminating against tenants based on: race, colour, ancestry, place of origin, religious beliefs, gender (including pregnancy, sexual harassment, and gender identity), physical disability, mental disability, marital status, family status, source of income, sexual orientation.

In [Manitoba](#) characteristics are protected, and include: ancestry, nationality, ethnic origin, religion, age, sex, gender-determined characteristics, sexual orientation, marital or family status, source of income, political beliefs, and physical or mental disability.

### ***Quebec***

The Quebec HR Commission provides a [step-by-step guide](#) for would-be renters to determine if they are being discriminated against and what steps to take in the event of discrimination. Tenants from discrimination based on: ethnicity, ancestry, marital or family status, income source, sex, sexual orientation, disability or handicap, religion, age or language.

### ***PEI, Nova Scotia, New Brunswick, Newfoundland & Labrador***

In [PEI](#) and [Newfoundland & Labrador](#) all persons are considered equal and cannot be denied tenancy based on: age, colour, creed, ethnic/national origin, family status, marital status, physical or intellectual disability, political belief, race, religion, sex, sexual orientation or source of income.

[New Brunswick](#) adds ancestry to the list.

In [Nova Scotia](#) discrimination also extends to a landlord's rejection of a tenant based upon an "irrational fear of contracting an illness or disease," as well as an association with protected groups or individuals.

### ***Yukon & NWT***

In the [Yukon](#), landlords cannot reject tenants based on: Ancestry, including colour or race, national origin, ethnic or linguistic background/origin, religion or creed, age, sex (including pregnancy), sexual orientation, physical or mental disability, criminal charges or criminal record, political belief, association, or activity, marital or family status, source of income, actual or presumed association with any of the grounds that are listed.

The grounds for discrimination are the same in the [North West Territories](#) and also include: gender identity, family affiliation, and social inclusion.

### **What you can do to get the good tenants you need**

The Commission suggests that, in order to attract the right tenants for your property, you should:

- Describe the unit, not the tenant
- List the rent, size of the apartment, amenities, and other appealing features of the property (not the "ideal" person or people)

For example, when renting a basement unit do not place an ad with the following:

- Perfect apartment for a student, or
- Ideal for a single professional."

Instead, you can advertise your basement apartment by stating:

- Bright, cozy bachelor basement apartment, new kitchen cabinets, full bath, access to storage locker, shared laundry in friendly 5-unit building. \$750 per month including hydro and heat. On 2 bus routes, close to university, park, shops, community centre.

Finally, when verifying whether or not a tenant will reliably pay rent, you can ask for a variety of information, such as:

- Rental history
- Credit references and/or credit checks (but do not view a lack of rental or credit history as meaning that a person cannot pay their rent. Young people, newcomers, women returning to the workforce after long periods of care-giving or the end of a marriage, and other people may have little or no rental or credit history, which is not the same as a bad credit rating.
- References
- Income verification

- Credit checks (such as through Equifax)

However, you cannot apply rent-to-income ratios, such as a 30% cut-off rule.

For more information on the recent crackdown in Ontario, go to the [Ontario Human Rights Commission](#) website.