

Duty to Accommodate Seniors in Housing

Duty to Accommodate

Senior tenants may have special needs which require accommodation in housing. When a senior tenant has needs based on a protected ground, they should let the landlord or housing provider know of their needs. The landlord or housing provider must accommodate to the point of undue hardship by making changes to meet the individual's request. This may mean making adjustments or providing alternative arrangements to make sure that there is no negative effect on the person making the request.

Tenants must also help the accommodation process. Tenants and landlords or housing providers must work together when making accommodation work. For example, by sharing information and trying to solve problems together.

Undue hardship occurs if accommodation would create onerous conditions for a landlord or housing provider. It may be based on financial cost, safety, disruption of a service or substantial interference with the rights of others.

FOR EXAMPLE

A senior tenant relies on a wheelchair for mobility. He is having trouble getting into and out of his rental unit on a higher floor because of frequent elevator outages. The building does not have a ramp and no electronic door opener. The tenant cannot enter or leave the building without help, as he cannot work the doors from his wheelchair. The tenant makes the landlord or housing provider aware of his needs to enter/exit his unit and the building.

To accommodate the tenant, the landlord or housing provider could:

- Allow transfer to another unit on the ground floor.
- Provide better elevator maintenance.
- Make physical modifications to the building such as providing a wheelchair ramp and installing electronic door openers.

Seniors living in condominiums are also protected from discrimination. Under the *Alberta Human Rights Act*, providers of condominium units cannot discriminate against people based on any of the protected grounds. Condominium services, facilities and bylaws also cannot discriminate against condominium residents based on any of the protected grounds.

What happens if my landlord or housing provider cannot accommodate me?

In very limited circumstances, accommodation of a tenant's needs may not work out because of undue hardship to the landlord or housing provider. Undue hardship is a very high standard to meet and in most circumstances, landlords or housing providers must provide some accommodation. If you are concerned about whether your landlord or housing provider is fulfilling their duty to accommodate, contact the Alberta Human Rights Commission for more information.

Where to find more information

The Alberta Human Rights Commission can give you free and confidential information about the *Alberta Human Rights Act* and how it helps protect you from discrimination.



Alberta
Human Rights Commission

www.albertahumanrights.ab.ca

To learn more, refer to the Commission's Information Sheet on *Human Rights in Tenancy*
<http://bit.ly/2x3FpSy>

You should not rely on this publication for legal advice.
It provides general information on Alberta law only.

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