

Anya Kater
Senior Policy Analyst
Ontario Human Rights Commission
consultations@ohrc.on.ca

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Dear Anya Kater,

Re: Updates to Ontario Human Rights Commission Policy on Family Status

We write in response to your request for submissions on the Ontario Human Rights Commission's *Family Status Policy*.

Canadian Centre for Housing Rights

The Canadian Centre for Housing Rights (CCHR) is Canada's leading registered charitable organization working to advance the right to adequate housing. For over 35 years, CCHR has worked tirelessly at the intersection of human rights and housing, providing free services to renters facing evictions and human rights violations to remain housed, providing education and training about housing rights across Canada, and advancing rights-based housing policy through research, policy development, advocacy, and law reform. Our very active legal services department provides free legal help to tenants facing above guideline rent increases, as well as issues related to maintenance and 'no fault' evictions.

The Housing Crisis

In the midst of deep social and economic turmoil, Canada continues to face an escalating housing and homelessness crisis. While the crisis is affecting people and communities from all walks of life, it disproportionately impacts those already facing systemic barriers to socioeconomic justice and equity – including those who experience marginalization because of their family status.

Across the country, renters are facing increasingly precarious conditions, including excessive rents, arbitrary and unfair evictions, renovictions, demovictions, disrepair, discrimination, and many other issues. While rental housing supply and vacancy rates are increasing across the country, this has not translated into greater affordability, as new units are too expensive for low- and moderate-income renters and are not leading to meaningful reductions in asking rents. Instead, rents continue to rise year-over-year. Moreover, we are losing affordable housing faster than we can build it, due to excessive rent increases, demolitions, or conversions. In the absence of strong renter protections and investments to build and protect deeply affordable, non-market housing, renters continue to face high rates of core housing need, meaning that their housing is unaffordable, in need of major repairs, and/or overcrowded. The number of households in core housing need continues to grow at a staggering rate. As a result of poor renter protections, diminishing affordable housing options, and other inadequate social and economic supports, homelessness is increasing at an alarming rate.

With job and income loss already making its way through the Canadian economy, many renters fear losing their homes and potentially facing homelessness. This fear is magnified for renters who have responsibilities to care for (and house) their children, parents, or other people with whom they have a close relationship and who they see as family.

Submissions

In these submissions, CCHR will address:

1. Legislative changes that CCHR suggests the Commission advocate for; and
2. Scenarios that CCHR recommends the Commission consider for inclusion and comment in its *Policy*.

1. Legislative changes that CCHR suggests the Commission advocate for.

- a. *Broadening “family status” language in the Code.*

The Commission acknowledged in its last version of the *Policy* that the ground of family status captures a broad range of familial type relationships. To ensure that people are broadly aware of this, we suggest that the Commission advocate to have broader language added to the *Code*, including perhaps “family and caregiver status”.

- b. *Clarifying that accommodating a tenant with children means avoiding evictions inside of a school year.*

The Manitoba *Residential Tenancies Act* at subsection 98(2) states:

3. In the case of a notice to terminate a tenancy during a school year — the period from September 1 of one year until June 30 of the following year — if it is given to a tenant who resides with a child who is attending a school reasonably accessible to the unit, the landlord may not require the tenant to vacate the unit until the end of the school year. While the tenant remains in the rental unit, the terms of the tenancy agreement continue to apply, except for any rent increase that complies with Part 9 and any tenant services charge increase that complies with Part 9.1.

This is a sound human rights accommodation based on family status. Ontario's *Residential Tenancies Act* does not have equivalent language. CCHR suggests that the Commission recommend inclusion of language similar to the above (although with added protections built in for families with younger children in childcare, and adult children with disabilities who are in care programs) in Ontario's *Residential Tenancies Act*, and/or a new regulation to the Ontario *Human Rights Code*, to ensure that the need for this family status accommodation is made explicit.

- c. *Clarifying that landlords must evict only as a last resort*

Ontario's *Residential Tenancies Act* and/or Ontario *Human Rights Code* should make it clear that eviction should occur only as a last resort, and that in order to complete an appropriate accommodation analysis, landlords should thoroughly assess a tenant's vulnerability to homelessness, which is heightened in family status situations — especially where caregiver responsibilities exist with respect to small children, older adults, especially families/single parents, and people with disabilities.

- d. *Extending tenancy rights to spouses of tenants*

Ontario Regulation 516/06 to the *Residential Tenancies Act* indicates at section 3 that in certain limited conditions tenancy rights can pass from a tenant who is named on a lease agreement to their spouse who is not named on the lease agreement.

There are many exemptions to this protection, including situations where the spouse named on the lease signs an agreement to end the tenancy. This creates situations where a spouse (who is not named on a lease), and who has lived in a rental unit for

decades, can lose access to their home through a process entirely in their spouse's hands and entirely beyond their own control. The court grappled with a situation like this in *Browne v. Henley Crescent*, 2026 ONSC 455 (CanLII). The court found that, while the spouse named on the lease had indeed signed an agreement to end the tenancy, the unnamed spouse was entitled to stay in the unit as a tenant. The court explained at paragraph 45 that "the purpose of the Regulation is to offer the remaining spouse the ability to remain in their home if that home was their principal residence and they are prepared to honour the rental obligations associated with that unit."

CCHR encourages the Commission to advocate for clarified language in Ontario Regulation 516/06 to the *Residential Tenancies Act* and/or a new regulation to the Ontario *Human Rights Code*, to ensure that the need for this family status accommodation is made explicit.

e. Extending tenancy rights to children, parents, and other people in close, family-type relationships, with tenants

Further, these protections should be broadened to capture situations where the adult child of a tenant, or the parent of a tenant, or another person in a close, family-type relationship with a tenant, forms a reliance on a rental unit, and risks losing that rental unit upon the death or departure of the tenant.

f. Broadening protections for people facing gender based violence.

The Ontario *Residential Tenancies Act* at subsection 47(3) currently has protections for tenants or their children who have experienced gender based violence – mainly that they can more easily break their lease if need be.

There are no provisions to specifically protect the ability of a person facing gender based violence to *stay on* in their unit when the tenancy is jeopardized in some way related to the gender based violence. For example, if the perpetrator is signatory to the tenancy agreement, and faces eviction for violent acts – what happens to their partner (who may not themselves be named on the tenancy agreement) in the face of that eviction? Do they too have to leave the unit? CCHR suggests that, in keeping with the submissions at (c) above, the Commission advocate for specific protections in the *Residential Tenancies Act* and/or in regulations to the Ontario *Human Rights Code* for people facing gender based violence to stay on in their units and not face challenges based on the fact that they are not named on the tenancy agreement.

2. Scenarios that CCHR recommends the Commission consider for inclusion and comment in its *Policy*.

If the Commission does not advocate for the legislative changes laid out at section 1 above, CCHR suggests that the Commission speak to the situations laid out at section 1 above and explain how existing human rights and accommodation principles dictate that protections to avoid family status discrimination and provisions for family status accommodation should apply in any case.

In addition to the situations raised at section 1 above, CCHR presents the Commission with the following scenarios that raise issues of family status discrimination and accommodation. These are inspired by situations that CCHR has encountered in its work. CCHR encourages the Commission to consider using scenarios like these in its updated *Policy*, to illustrate how human rights protections apply.

Scenario 1: A person living in an encampment with their partner and dog is working with a support worker at the municipality to find a shelter spot. The support worker says that the only option is for them to find a spot apart from their partner and to abandon their dog.

CCHR submits that an appropriate accommodation would make all possible attempts to find a shelter spot that accommodates the individual's family and caregiving responsibilities.

Scenario 2: A landlord provides an eviction notice to a tenant who has a newborn baby. It is winter. The tenant expresses grave concern that they will not be able to find an alternate housing option for another four months.

CCHR submits that an appropriate accommodation would be one which allows the tenant sufficient time to find alternate housing – in particular because the safety risks are so high in this scenario.

Scenario 3: A landlord posts that a unit is available and is particularly desirable for young working professionals.

CCHR submits that it would be helpful for the Commission to highlight that coding like this that implicitly dissuades families with children can lead to discrimination based on family status.

Thank you for considering our submissions. We would be very happy to take part in a meeting to discuss these with you in more detail.

Sincerely,



Margaret Flynn
Director of Policy, Research and Law Reform
Canadian Centre for Housing Rights