



St. Giles' Senior Citizens Residence Duty to Accommodate Policy

Policy Statement

St. Giles' Senior Citizens Residence acknowledges its responsibility under Ontario's Human Rights Code (the "Code") and other legislation to accommodate the needs of tenants, and to actively remove barriers, physical or otherwise, which may prevent those individuals from participating fully in the activities of St. Giles' Senior Citizens Residence and from having a successful tenancy.

Accommodation will be provided in accordance with the principles of dignity, individualization, integration and full participation inclusion. St. Giles' Senior Citizens Residence will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

Equal treatment is treatment that brings about an equality of results. If applying a general rule has an adverse effect on an individual because he or she belongs to a group that is identifiable by a prohibited ground, St. Giles' Senior Citizens Residence has a duty to accommodate the individual, and St. Giles' Senior Citizens Residence must re-examine the general rule to minimize or eliminate the adverse impact. Individualized approaches or accommodations may be required.

Accommodation could be an adjustment of St. Giles' Senior Citizens Residence rules to eliminate unequal effects, short of causing undue hardship to the St. Giles' Senior Citizens Residence. The accommodation must reduce barriers that impede access to goods, services and opportunities within St. Giles' Senior Citizens Residence. For example, to provide a safe, functional environment for tenants with disabilities related to mobility, it may be necessary to install grab bars or modify sinks.

Accommodation is a shared responsibility. All parties must present their information and seek a solution to the best of their abilities, and in good faith.

All accommodations must be "reasonable", and St. Giles' Senior Citizens Residence must accommodate to the point of undue hardship. i.e. a solution that would bankrupt St. Giles' Senior Citizens Residence is not a reasonable solution. However, this does not mean that the tenant requesting the accommodation is entitled to "perfect" or "preferred" accommodation.

Intent

To provide guidance on the accommodation processes to all St. Giles' Senior Citizens Residence Board. The Board of St. Giles' Senior Citizens Residence will support, as much as possible, the full and equitable participation of tenants who require an accommodation based on a Code-protected ground, and to support successful tenancies.

Scope

This policy applies to all who represent St. Giles' Senior Citizens Residence, Board Members, volunteers, tenants and guests, who all have a role to play in accommodating the needs of other tenants.

This policy also applies to all St. Giles' Senior Citizens Residence 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 Administrator, and other stakeholders as required to identify solutions to ensure that St. Giles' Senior Citizens Residence is in compliance with its Code-related obligations.

Principles

The accommodation process will:

- be done with dignity and with tenant involvement.
- provide an individualized solution based on the unique needs of the individual, not a "one size fits all" solution; and,
- be a collaborative and co-operative effort, bringing together all stakeholders. All stakeholders, including representatives of St. Giles' Senior Citizens Residence and the tenant making the request are expected to participate to the best of their abilities, and in good faith, in the process.

Definitions

Activities of Daily Living

Activities of daily living are everyday functions and activities individuals normally perform, including: bathing, eating, dressing, ambulation and toileting.

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.

Human Rights Code-Protected Grounds

Grounds upon which the discrimination against individuals or groups is prohibited under the Code. 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. However, it should be noted that citizenship, permanent resident or refugee claimant status is one of the requirements for receiving a "Rent Geared to Income" subsidy.

Discrimination

Discrimination in housing may be described as any distinction, conduct or action, whether intentional or not, based on a prohibited ground under the Code, 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. In order to constitute discrimination, the distinction must be based on a protected Code ground. The Code does not apply to personality conflicts and is not intended to alleviate all instances of differential treatment.

Licensed Health Care Professional

A Licensed Health Care Professional who completes a request for accommodation because of a medical condition or impairment includes the following:

- Physician or Nurse Practitioner,
- Psychiatrist,
- Physiotherapist,
- Optometrist,
- Audiologist,
- Psychologist or psychological associate,
- Chiropractor,
- Occupational Therapist,
- Speech Language Pathologist, or
Registered nurse licensed to practice in Canada.

A Licensed Health Care Professional will provide supporting documentation as well as any additional information that may be required to assess and fulfil the request.

Tenant

A tenant is a person who is included in a signed lease with St. Giles' Senior Citizens Residence and who enjoys all of the rights and responsibilities of a tenancy with St. Giles' Senior Citizens Residence.

Undue Hardship

Undue hardship is the legal limit of the duty to accommodate. 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 those three criteria can be considered in determining whether a requested accommodation would constitute undue hardship.

Requests for Accommodation

It is the responsibility of the tenant requiring accommodation to identify their need for accommodation based on a Code-related ground to St. Giles' Senior Citizens Residence. Where the request for accommodation is because of a medical condition or impairment, a request for accommodation must be accompanied by documentation from a Licensed Health Care Professional.

Written requests for accommodation are preferred. However, where this requirement may prevent an individual from securing an accommodation, assistance will be provided by a St. Giles' Senior Citizens Residence representative or a referral will be made to a community-based resource.

The request shall include the following information:

- The Code ground with respect to which accommodation is being requested;
- The nature of the underlying condition or issue which creates the need for accommodation. In cases of disability-related requests for accommodation, the tenant need not disclose the underlying diagnosis, but should provide enough information to confirm the existence of a need for accommodation; and
- The specific limitations, restrictions or needs that are related to the Code ground which may require accommodation.

All accommodation requests will be taken seriously.

No person will be penalized or reprimed against for making an accommodation request.

Review of Requests for Accommodation

A committee comprised of one or more board members, the St. Giles' Senior Citizens Residence Administrator, the tenant's Licensed Health Care Professional, a home medical equipment supplier and other expert advisors, as necessary, will investigate the requested accommodation(s) to determine the most appropriate reasonable accommodation that will overcome the barrier(s) faced by the tenant, without creating undue hardship for St. Giles' Senior Citizens Residence or impacting on the health and safety of other tenants or staff, if any.

In addition to contacting the individual's professional supports, where necessary and appropriate, St. Giles' Senior Citizens Residence will secure appropriate expert opinion. In addition, where necessary and appropriate, St. Giles' Senior Citizens Residence will conduct independent research into appropriate accommodations.

Where expert assistance is necessary in order to identify accommodation needs or potential solutions, the tenant is required to cooperate in obtaining that expert advice. Any costs associated with obtaining such expert advice will be borne by St. Giles' Senior Citizens Residence. Failure to respond to such requests for information may delay the provision of the accommodation.

Consents and Documentation

During the accommodation process the St. Giles' Senior Citizens Residence representative will require consent from an individual in order to share personal information with medical professionals or support agencies. The tenant requesting the accommodation and signing the consent must be aware that they can refuse to sign or withdraw the consent at any time.

St. Giles' Senior Citizens Residence will maintain information related to the request and process in a secure location and it will only be shared with those persons who need that information, in accordance with their confidentiality practices.

St. Giles' Senior Citizens Residence will also require the individual to sign a consent to disclosure of information and will only disclose this information with the consent of the tenant.

Plan for Accommodation

Accommodation requests will be dealt with promptly and where necessary, an interim accommodation will be provided while long-term solutions are developed.

Representatives of St. Giles' Senior Citizens Residence and the individual will co-operatively and collaboratively identify mutually satisfactory accommodations.

Once an appropriate accommodation has been identified, the Administrator will outline in writing the accommodation plan that has been agreed to

- This accommodation plan will be signed by the individual requesting the accommodation and the Administrator
- A copy of the accommodation plan will be placed in the tenant's accommodation file.

The Accommodation Plan should include the following:

- A statement of the tenant's relevant limitations and needs, including any necessary assessments and information from experts bearing in mind the need to maintain confidentiality of medical information.
- Arrangements for necessary assessments by experts or professionals.
- Identification of the most appropriate accommodation short of undue hardship.
- Specific steps to be taken to meet the accommodation needs.
- Clear timelines for the provisions of the identified accommodations.
- Criteria for determining the success of the accommodation plan including review and re-assessment as necessary.
- Formatting the plan in a way that takes into account the tenant's needs due to their disability.
- A schedule for periodic review of the accommodation plan, if necessary.

If the Administrator and the tenant are unable to co-operatively identify appropriate accommodations, the matter will be referred to the City of Peterborough Manager of Housing for follow-up.

Undue Hardship

Accommodation will be provided to the point of undue hardship, as defined by the Ontario Human Rights Commission's Policy and Guidelines on Disability and the Duty to Accommodate.

A determination regarding undue hardship will be based on an assessment of costs, outside sources of funding and health and safety. It will be based on objective evidence.

A determination that an accommodation will create undue hardship may only be made by the St. Giles' Senior Citizens Residence Board of Directors after reviewing such recommendation by the Administrator.



Where a determination is made that an accommodation would create undue hardship, the person requesting the accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon. The individual will also be informed of his or her recourse under St. Giles' Senior Citizens Residence policies and under the Code.



Monitoring Accommodations

The Administrator and the person receiving the accommodation shall monitor the success of the Accommodation Plan and shall promptly address any deficiencies or any relevant changes in needs.

Annual Reporting

St. Giles' Senior Citizens Residence will include with the Annual Information Return a report to the City of Peterborough Manager of Housing as to of the number of requests received, how many were accommodated at no cost, how many were accommodated with cost, and the total annual cost associated with accommodation requests and plans. St. Giles' Senior Citizens Residence will present these findings together with a report with any recommendations with respect to matters contained in this policy document.

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