

Housing

Know Your Rights – Legal Information Handbook

January 2022



Disclaimer

This content is provided as general information and is not legal advice. If you need advice about a specific legal issue, contact a lawyer.

Acknowledgements

Thank you to the [Law Foundation of Saskatchewan](#) for making the Know Your Rights project possible. While financially supported by The Law Foundation of Saskatchewan, CNIB is solely responsible for all content.



Thank you to the [Public Legal Education Association of Saskatchewan](#) for partnering with the Know Your Rights project and providing the legal research necessary to complete this legal information handbook.



Thank you to the many volunteers and institutional collaborators who contributed to developing this legal information handbook, specifically the Focus Group and Working Group participants.

To learn more about the Know Your Rights project, please visit cnib.ca/KnowYourRights

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My Legal Rights

Q: What legal rights do I have when it comes to housing in Saskatchewan?

A: Under Saskatchewan laws, people with disabilities have important legal rights when it comes to housing. The [Saskatchewan Human Rights Code](#) prohibits discrimination in housing. This means that housing providers cannot discriminate against you, or refuse to rent to you, because of your disability. For example, a no-pets policy will not apply to a service animal, such as a guide dog, and you cannot be denied accommodation because you have a service animal.

For almost all types of housing in Saskatchewan:

- You have the right to **equal treatment** in housing **without discrimination** because of your disability. Your right to equal treatment applies to:
 - the process of looking for housing,
 - the rules and procedures related to your housing,
 - the general enjoyment and use of your unit and premises,
 - the maintenance and repairs of your unit and premises, and
 - the services and facilities related to your housing.
- You have the right to receive **accommodations** for your disability from housing providers up to the point of **undue hardship**.
 - This right applies to your private living space and to communal areas shared by all residents, such as laundry rooms, foyers, elevators, pools, and outdoor spaces.

Residents of long-term care and special-care homes in Saskatchewan can find additional information about their rights and responsibilities in the resident handbook developed for their facility. Resident handbooks, such as those developed for long-term care homes in [Saskatoon](#), are generally available upon admission or by requesting a copy from staff. For general information about the issues that [resident handbooks](#) address, see [Program Guidelines for Special Care Homes](#).

Duty to Accommodate & Undue Hardship

A housing provider's "**duty to accommodate**" means that they are legally required to make the premises, facilities, or services accessible to you, or to provide proper amenities.

The duty to accommodate, however, has a limit. This limit is known as **undue hardship**.

Undue hardship is a legal term. It means that if a housing provider can show that it would be very difficult to provide a certain accommodation, they are not obligated to provide it.

It is important to note that it is not enough for a housing provider to **simply claim** undue hardship. A housing provider **must show clear evidence** of undue hardship. Such evidence can relate to the following factors:

1. The cost of the accommodation is so high that it will significantly interfere with the housing provider's ability to operate.
2. The accommodation would create health or safety risks for others.
3. Unsuccessful attempts to provide accommodations in the past.
4. The type and size of the premises, facility, or service.

Even if a housing provider shows that a certain type of accommodation will result in undue hardship, they still have a legal duty to provide you with the **next best** accommodation.

Q: Are there any housing arrangements where I don't have these legal rights?

A: Yes. The [Saskatchewan Human Rights Code](#) does not apply to housing where you share a bathroom or kitchen facility with the owner or the owner's family.

In this type of housing arrangement, an owner is legally permitted to discriminate.

Q: Where do my legal rights come from?

A: Your legal rights come from a variety of different laws. Generally, your legal rights come from:

- [The Saskatchewan Human Rights Code](#), which prohibits discrimination based on disability in most areas of public life, including housing.

- The [Canadian Charter of Rights and Freedoms](#), which guarantees equality of the law including equal benefit of the law without discrimination.

The [United Nations Convention on the Rights of Disabled People](#) (“UNCRDP”) is also an important resource. The UNCRDP is an international human rights treaty aimed at protecting the rights and dignity of persons with disabilities without discrimination and on an equal basis with others.

Canada ratified the UNCRDP on March 11, 2010, and is therefore a party to the UNCRDP. Parties to the treaty are required to promote and ensure the full enjoyment of human rights of persons with disabilities, which includes full equality under the law.

Housing-specific laws that may be relevant to your situation include:

- [The Residential Tenancies Act](#), which governs most residential tenancies and provides processes to resolve landlord/tenant disputes.
- [The Uniform Building and Accessibility Standards Act](#), which sets out building standards for public buildings built after June 16, 1988, as well as older public buildings that have undergone major renovations and additions.
- While Saskatchewan does not currently have standards to ensure accessibility in other areas of public life, the province is in the process of developing a set of laws that will cover accessibility in outdoor spaces (such as parks, crosswalks, and parkades) and other key areas. Information about Saskatchewan’s progress in developing this legislation is available at the [Accessibility Legislation for Saskatchewan website](#).

Q: Who must comply with Saskatchewan’s housing laws?

A: Saskatchewan’s housing laws apply to anyone who supplies or receives housing services, including tenants, landlords and their agents, condominium corporations and government agencies.

Q: What can I do to enforce my legal rights?

A: If you feel you have been unfairly discriminated against by a housing provider, there are steps you can take to challenge the discrimination.

In general, you should try to resolve your concerns by speaking with the people who are directly involved in an informal and collaborative way.

For more resources on self-advocacy, please visit the [Self-Advocacy section of the Know Your Rights website](#).

If your concerns cannot be addressed through collaborative discussions, you should consider consulting with a lawyer who specializes in human rights or housing issues to see if any of the following options are appropriate:

- A complaint to the [Office of Residential Tenancies](#)
- A complaint to the municipality departments and their by-law enforcement rules
- A complaint to the [Saskatchewan Human Rights Commission](#). The Commission can take the following steps:
 1. Try to resolve your concerns informally through discussions with the other party.
 2. Investigate your complaint.
 3. Hold a hearing if appropriate.

Common Scenarios

Even though there are laws to protect you from discrimination, people with disabilities still face barriers to being treated equally when it comes to housing.

This section describes barriers that are commonly experienced and suggests practical next steps. Keep in mind that, in most situations, you should try to resolve your concerns by speaking directly with the people who are involved in an informal and collaborative way.

Looking for Rental Housing

Q: I'm trying to complete a housing application form, but it is not in an accessible format. What can I do?

A: You have the right to request the form in an accessible format from the housing provider, as an accommodation for your disability.

By disclosing your disability and making a request for accommodation, you trigger the housing provider's legal duty to accommodate you up to the point of undue hardship.

If you do not want to disclose your disability to the housing provider before you apply for the unit, you can ask a friend, support person or intervenor to request the form for you. CNIB is available to assist you with this.

Q: Am I required to disclose my sight loss to a potential landlord?

A: You are not legally required to share any information with your prospective landlord about your sight loss. However, if you require some accommodations for your disability, you will need to provide them with enough information so that they can understand the nature of the accommodations you require. This is discussed more fully [below](#).

If your prospective landlord asks you questions about your sight loss and then denies your housing application because of your answers, this could be discrimination.

Q: I believe that my housing application was denied because of my sight loss. What can I do?

A: Sometimes there are clear signs that you are being discriminated against when looking for housing. For example:

- When a housing provider asks intrusive and inappropriate questions,
- When a housing provider makes statements that are offensive or based on false stereotypes, or
- When a housing provider says that they cannot rent a unit to you because of your sight loss.

When the signs of discrimination are not as clear, it can be harder to prove that you were discriminated against.

Before deciding what to do, it's important to understand how the law applies to your specific situation, even if the signs of discrimination are not overt. You should consider consulting with a lawyer who specializes in human rights or housing issues to see if a complaint to the [Saskatchewan Human Rights Commission](#) is appropriate. A complaint may lead to a settlement of the matter or may lead to a formal investigation.

Q: What if I was denied housing because I have a guide dog?

A: The [Saskatchewan Human Rights Code](#) requires housing providers to accommodate your disability up to the point of undue hardship. This includes landlords and condominium associations.

A “No Pets” Policy in rental or condominium housing does not apply to service animals. Housing providers are also prohibited from charging you higher fees, deposits or surcharges because of your service animal. If you have been denied housing because of your guide dog, contact the [Saskatchewan Human Rights Commission](#).

Accommodating a tenant with a support animal may result in some additional expense or inconvenience to the landlord. Unless the expense or disruption impacts the landlord's operation in a fundamental way, to the point of undue hardship, the expense or inconvenience must be accepted. However, if a service animal causes significant damage to a rental unit, the tenant may be held financially responsible for the damage.

Source: [Saskatchewan Human Rights Policy on Service Animals](#)

Getting Accommodations

Q: I'd like to make changes to my residence to accommodate my sight loss. Is my housing provider required to make these accommodations?

A: Housing providers have a legal duty to provide you with reasonable accommodations for your disability, to the point of undue hardship.

Your housing provider has the right to obtain information from you about your disability so they can provide an appropriate accommodation. If the housing provider asks for medical documentation about your disability, you should provide only the information that is necessary to explain your need for accommodations. You are not required to tell your housing provider your exact diagnosis. You are not required to give your housing provider medical, or any information that is not related to your need for accommodations.

It's important to remember that selecting an appropriate accommodation is a collaborative process. As a tenant requesting an accommodation, you have a legal duty to collaborate with your housing provider to help them select an appropriate accommodation.

Q: Do I have to pay for my housing-related accommodations?

A: Your housing provider cannot make you pay for your accommodations for your disability. It is your housing provider's duty to accommodate you up to the point of undue hardship and your housing provider is responsible for paying the costs of these disability-related accommodations.

Q: My housing provider communicates important information about the building (such as fire alarm testing, repairs, or temporary water shut-off) in an inaccessible format. For example, using posters in common areas or by distributing printed flyers. What can I do?

A: You can make a request to your housing provider to communicate with you using an accessible format, such as email, accessible .pdf, or Microsoft Word documents. Your housing provider has a legal duty to provide you with a reasonable accommodation for your disability, to the point of undue hardship.

Q: My housing provider says that my requested accommodations conflict with another law or policy. For example, a requirement under a Building Code or a policy in a Condominium's by-laws. Does this mean that the accommodations can't be made?

A: If you are told that your requested accommodation conflicts with another law or policy, it's important to keep in mind that, in almost all cases, the [Saskatchewan Human Rights Code](#) takes priority over other laws and policies. When such a conflict arises, you should consider consulting with a lawyer who specializes in human rights or housing issues to confirm that the housing provider still has a legal duty to provide a reasonable accommodation for your disability, to the point of undue hardship.

Q: I've been told by my building management that guests with guide dogs are not permitted to bring their dogs into my building when visiting me. What can I do?

A: Under [The Residential Tenancies Act](#), a landlord cannot restrict access to someone you have invited to your premises. A landlord is entitled to make reasonable rules about the use and occupancy of the rental unit, but these rules must be both reasonable and non-discriminatory, as required by our human rights laws.

Specifically, a rental housing provider is required to accommodate for the attendance of service animals in facilities where the public is admitted, or are customarily admitted, to the point of undue hardship.

If you are unable to resolve the issue through discussions with your landlord, you may wish to contact the [Office of Residential Tenancies](#) or the [Saskatchewan Human Rights Commission](#) for assistance.

Resources

Legal Services

[Public Legal Education Association of Saskatchewan \(PLEA\)](#)

PLEA is a non-profit, non-government, charitable organization which exists to educate, inform, and empower individuals through law-related education.

PLEA can help members of the public by providing general legal information, suggesting resources, and telling people about different options for obtaining legal advice.

PLEA also provides free legal information on a variety of topics on its website, including [Housing and Communities](#) and [Human Rights](#).

[Pro Bono Law Saskatchewan \(PBLs\)](#)

PBLs is a non-profit, non-government organization that provides free legal advice to low-income individuals in Saskatchewan. PBLs operates and partners with 14 free legal clinics across Saskatchewan. PBLs tries to fill the gap of legal services between government-funded legal aid and hiring a private lawyer.

[Community Legal Assistance Services for Saskatoon Inner City \(CLASSIC\)](#)

With a commitment to social justice, decolonization, and the dignity of all peoples, CLASSIC provides free legal services, programming and supports to people who experience poverty and injustice.

Specifically, CLASSIC provides services in relation to landlord and tenant issues and offers free legal representation in hearings before the [Office of Residential Tenancies](#).

[Saskatchewan Legal Coaching and Unbundling Pilot Project](#)

This resource provides individuals with a lower cost alternative to full legal representation. Through this service, individuals receive limited legal services where you hire a lawyer to handle only part of your case or to do a specific task.

Saskatchewan Human Rights Commission (SHRC)

The SHRC promotes human rights through public legal education and policy development. The SHRC has created [Policies and Guidelines](#) and [Information Sheets](#) on human rights topics. Specifically, the SHRC has developed a [Policy on Service Animals](#) and a [Policy on Support Animals](#); and, an information sheet entitled [Landlord, Tenants, and Housing Discrimination](#).

For information on filing a complaint with the SHRC, refer to the “[Filing a Complaint](#)” section of the SHRC website.

Accessibility Legislation for Saskatchewan

Saskatchewan is in the process of developing a set of laws that will cover accessibility in outside built spaces (such as parks, crosswalks, and parkades) and other key areas. Information about Saskatchewan’s progress in developing this legislation is available at the [Accessibility Legislation for Saskatchewan website](#).

Housing-Specific Resources

The Office of Residential Tenancies (ORT)

The ORT is an agency independent of government that provides information about the rights and responsibilities of landlords and tenants in Saskatchewan. When landlords and tenants cannot resolve disputes on their own, both have the right to ask the ORT to make rulings and settle the dispute.

The ORT has also developed [informational videos](#) on topics relevant to both landlords and tenants, and provides [a link to decisions](#) made by Hearing Officers.

Home Repair Program – Adaptation for Independence

This program provides financial assistance to homeowners or rental property owners with low incomes to make a home more accessible for a person with a housing-related disability.

Saskatchewan Housing Corporation (SHC)

SHC provides a range of programs and services to help Saskatchewan people in greatest housing need. SHC also manages the financial contributions from the provincial, federal, and municipal levels of government and plays a lead role in the development of housing policies on behalf of the Government of Saskatchewan.

Through local housing authorities, non-profit organizations and third-party service providers, SHC operates and provides rental housing to individuals, families and seniors with low-to-moderate incomes throughout the province.

Other Resources

Government of Saskatchewan: Family and Financial Support – People with Disabilities

This resource provides information about available government services for people with disabilities, with a focus on issues related to housing, income assistance and more.

Ombudsman Saskatchewan

Ombudsman Saskatchewan receives and responds to [complaints](#) about provincial Crown Corporations, government ministries and agencies.

Ombudsman Saskatchewan has jurisdiction over the [Office of the Residential Tenancies](#) and the [Saskatchewan Housing Authority](#). Complaints about these organizations should be directed to them first. If you think their response is unfair, [contact Ombudsman Saskatchewan](#).

Long-Term Care and Special-Care Homes

In Saskatchewan, long-term care / special-care includes nursing and personal care services for people who are unable to fully care for themselves at home, and whose needs cannot be met by home-based or community-based services.

Ombudsman Saskatchewan has jurisdiction over long-term care and special-care homes. Complaints about these organizations should be directed to the individual home first. If you think their response is unfair, [contact Ombudsman Saskatchewan](#).

CNIB Programs

We're here to help – contact CNIB for more programs, support, and resources. Some ways we can assist include:

- **CNIB Virtual Programs**
 - CNIB offers a range of free virtual programs for children, youth, adults and families.
 - You can access a list of CNIB's virtual program offerings on [CNIB's website](#).
 - You can access a list and schedule of CNIB Saskatchewan's program offerings on [CNIB Saskatchewan's website](#).
- **Technology Training**
 - Join CNIB tech leads from across the country for programming that highlights the suite of programs, apps, products and services that will help empower you to achieve your personal and professional goals.
- **Virtual Vision Mate**
 - The Virtual Vision Mate program exists to address the feelings of isolation that many people with sight loss experience. Through the Virtual Vision Mate program, people who are blind or partially sighted are connected with sighted volunteers to engage in virtual, weekly conversation.
- **CNIB SmartLife**
 - CNIB SmartLife is an interactive retail experience that gives people with disabilities hands-on access to the latest breakthroughs in assistive technologies, as well as tried-and-true favourites.
 - SmartLife's goal is not necessarily to sell products but is to give customers the skills and confidence they need to make the most out of assistive tools that can help them lead better lives.

- [**CNIB Advocacy Team**](#)
 - The CNIB Advocacy Team can assist participants with advocating for themselves and understanding their rights.
- [**CNIB Guide Dogs**](#)
 - CNIB Guide Dogs can assist guide dog handlers with advocating for themselves and understanding their rights. This program also provides public education to organizations to provide knowledge about the rights of guide dog users.

[**Vision Loss Rehabilitation Canada**](#)

Vision Loss Rehabilitation Canada (“VLRC”) is a not-for-profit national healthcare organization and the leading provider of rehabilitation therapy and healthcare services for individuals with vision loss. VLRC’s services are tailored to the unique needs and goals of each person they assist. Specifically, VLRC certified specialists provide a range of services that help individuals with vision loss lead more independent, active lives.

Contact information for VLRC’s Saskatchewan offices is available in the [**“Locations” section of the VLRC website.**](#)

Other Services

[**SaskAbilities**](#)

SaskAbilities is a registered charity that is dedicated to providing programs and services to people experiencing disability in Saskatchewan. SaskAbilities has branches located in Regina, Saskatoon, Swift Current and Yorkton.

Wayfinding

Wayfinding refers to technological tools that assist partially sighted, blind and Deafblind persons with navigation and orientation. Such tools include:

- [**BlindSquare**](#): a GPS-app developed for people with sight loss that describes the environment and announces points of interest and street intersections.

- [Key 2 Access](#): a pedestrian mobility app that allows users to wirelessly request crossing at intersections without having to locate the button on the pole. It also allows users to wirelessly open doors and obtain information about indoor spaces.
- [Access Now](#): a map application that shares accessibility information for locations based on users' feedback.
- [Be My Eyes](#): a volunteer-based app that connects people with sight loss to sighted volunteers, who can assist with tasks such as checking expiry dates, distinguishing colors, reading instructions or navigating new surroundings.
- The [American Foundation for the Blind](#), which provides an overview of some of the apps that are available to assist consumers with reading items such as product labels and menus.

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