

Housing

Know Your Rights Alberta – Legal Information Handbook

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CNIB

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.

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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 Alberta?

A: Under Alberta laws, people with disabilities have important legal rights when it comes to housing. The [Alberta Human Rights Act](#) prohibits discrimination in housing. This means that housing providers cannot discriminate against you, or refuse to rent to you, because of your disability, which includes relying on a guide dog.

The [Blind Persons' Rights Act](#) further ensures a no-pets policy will not apply to a guide dog, and you cannot be denied housing because you have a guide dog.

For almost all types of housing in Alberta:

- 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 continuing care homes in Alberta can find additional information about their rights and responsibilities in the resident handbook developed for their facility. Resident handbooks are generally available upon admission or by requesting a copy from staff. For general information about the issues that resident handbooks address, see [Alberta Health Services information pages on continuing care homes](#).

Duty to Accommodate & Undue Hardship

A housing provider's "**duty to accommodate**" means that they are required to make the premises, facilities, or services accessible to you, and 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 [Alberta Human Rights Act](#) does not apply to housing that is not a self-contained dwelling unit. For example, it does not apply where you share a bathroom or kitchen with the owner or are renting only a room.

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 [Alberta Human Rights Act](#), which prohibits discrimination based on disability in various areas of public life, including housing.
- Alberta's [Blind Persons' Rights Act](#), which prohibits a landlord from refusing to rent to an individual with a guide dog.
- 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 expected to promote and ensure the full enjoyment of human rights of persons with disabilities, which includes full equality under the law.

Depending on the type of housing you live in, there are other laws where you also have legal rights and responsibilities. **Housing-specific laws** that may be relevant to your situation include:

- Alberta’s [Residential Tenancies Act](#), which governs most residential tenancies and provides processes to resolve landlord-tenant disputes.
- Alberta’s [Mobile Home Sites Tenancies Act](#), which governs mobile home site tenancies.
- Alberta’s [Condominium Property Act](#), which governs condominiums, including condominium boards, owners, and renters.
- Alberta’s [Subsidized Public Housing Regulation](#), which governs subsidized public housing.
- Alberta’s [Social Housing Accommodation Regulation](#), which governs social housing.
- The [National Building Code – Alberta Edition](#), which sets out required standards for constructing new buildings and renovating existing buildings, to promote objectives such as safety, health, and accessibility.

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

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

Q: What can I do if I experience discrimination in housing?

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

If you feel safe to do so, you can speak with the housing provider about your discrimination concern. To learn more about responding to discrimination, refer to the [Alberta Human Rights Commission’s website](#).

If you need help addressing an accessibility barrier or need individual advocacy support, CNIB may be able to help. CNIB advocacy support services are available to give you the tools and resources you need to take action and confidently advocate for yourself. Submit a request for one-to-one advocacy support [here](#).

For additional resources on self-advocacy, review the [Self-Advocacy & Essential Legal Information Handbook](#) on the Know Your Rights website.

If you cannot address your discrimination concerns through discussions, you should consider making a complaint to the [Alberta Human Rights Commission](#).

If you have other potential legal concerns about your housing situation, consult with a lawyer about:

- Making a complaint to the [Residential Tenancy Dispute Resolution Service \(RTDRS\)](#)
- Making a complaint to the condominium corporation where you live
- Making a complaint to your municipality to enforce a bylaw
- Making a complaint to the [Alberta Human Rights Commission](#).

Common Scenarios

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

This section describes common barriers 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.

Obtaining Housing

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 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.

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'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 or support person or intervenor to request the form for you.

If you need help addressing an accessibility barrier or need individual advocacy support, CNIB may be able to help. CNIB advocacy support services are available to give you the tools and resources you need to take action and confidently advocate for yourself. Submit a request for one-to-one advocacy support [here](#).

For additional resources on self-advocacy, review the [Self-Advocacy & Essential Legal Information Handbook](#) on the Know Your Rights website.

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 about your sight loss,
- When a housing provider makes statements that are offensive or based on false stereotypes of sight loss, or
- When a housing provider says 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 situation, even if the signs of discrimination are not overt. You can read more about [your rights as a renter](#) on the Alberta Human Rights Commission's website. You should also consider consulting with a lawyer who specializes in human rights or housing issues to see if a complaint to the [Alberta Human Rights Commission](#) is appropriate.

Accommodations and Housing

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

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 get 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, but you may have to provide additional information that supports your accommodation request.

It's important to remember that selecting an appropriate accommodation is a collaborative process. As a tenant requesting an accommodation, you have a duty to collaborate with your housing provider throughout the accommodation process. Learn more about the [duty to accommodate in housing](#) on the Alberta Human Rights Commission's website.

Q: My housing provider communicates important information about the building (such as fire alarm testing, repairs, or temporary water shut-offs) 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 by telephone, email, accessible PDF documents, or Microsoft Word documents. Your housing provider has a legal duty to provide you with accommodation for your disability, to the point of undue hardship. Learn more about the [duty to accommodate in housing](#) on the Alberta Human Rights Commission's website.

Q: My housing provider says that my requested accommodations conflict with another law or policy (e.g. condominium's bylaws, etc.). 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 [Alberta Human Rights Act](#) has

“primacy”, or takes priority, over other laws and policies. However, there may be reasonable and justifiable reasons why the housing provider cannot accommodate you.

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. Learn more about the [duty to accommodate in housing](#) on the Alberta Human Rights Commission’s website.

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. Learn more about the [duty to accommodate in housing](#) on the Alberta Human Rights Commission’s website.

Guide Dogs

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

A: The [Alberta Human Rights Act](#) requires housing providers to accommodate your disability up to the point of undue hardship. This includes landlords and condominium corporations. Guide dogs are not considered pets and are **exempt from “no pet” policies**.

If you have been denied housing because of your guide dog, contact the [Alberta Human Rights Commission](#).

Accommodating a tenant with a guide dog 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 guide dog causes significant damage to a rental unit, the tenant may be held financially responsible for the damage.

Source: [Duty to accommodate in housing \(Alberta Human Rights Commission\)](#)

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