

SHUT OUT –

Discrimination in the Rental Housing Market

*Barriers to Tenancy Access
and Maintenance, Its
Impacts, and Possible
Interventions.*

This study was conducted for Canada Mortgage and Housing Corporation (CMHC) under Part IX of the *National Housing Act*. The analysis, interpretations and recommendations are those of the author(s) and do not necessarily reflect the views of CMHC.

CMHC will have the document translated upon request.

To get a translation of this document, please email Housing_Knowledge_Centre@cmhc.ca or complete the portion below and return it to the following address:

Housing Knowledge Centre
Canada Mortgage and Housing Corporation
700 Montreal Road
Ottawa, Ontario K1A 0P7

La présente étude a été réalisée pour la Société canadienne d'hypothèques et de logement (SCHL) en vertu de la partie IX de la *Loi nationale sur l'habitation*. Les analyses, interprétations et recommandations présentées sont celles du ou des auteurs et ne reflètent pas nécessairement le point de vue de la SCHL.

La SCHL fera traduire le document sur demande.

Pour recevoir une copie traduite de ce document, veuillez envoyer un courriel au centre_du_savoir_logement@schl.ca ou remplir la partie ci-dessous et la retourner à l'adresse suivante :

Centre du savoir sur le logement
Société canadienne d'hypothèques et de logement
700, chemin Montréal
Ottawa (Ontario) K1A 0P7

REPORT TITLE • TITRE DU RAPPORT

NAME • NOM

*TELEPHONE NUMBER • NO DE TÉLÉPHONE

*EMAIL ADDRESS • COURRIEL

**Mandatory/Obligatoire*

ADDRESS • ADRESSE

Street • rue

Apt. • app.

City • ville

Province • province

Postal code • code postal

OPIMS

For internal use only/Section réservée à l'usage interne

Canada Mortgage and Housing Corporation (CMHC) provides accessible forms and publications in alternate formats for persons with disabilities. If you wish to obtain this publication in alternative formats, call 1-800-668-2642

La Société canadienne d'hypothèques et de logement (SCHL) offre des formulaires et des publications en format adapté pour les personnes handicapées. Si vous désirez obtenir cette publication en format adapté, composez le 1-800-668-2642.



SHUT OUT – Discrimination in the Rental Housing Market

Barriers to Tenancy Access and Maintenance,
It's Impacts, and Possible Interventions

Prepared for: Canada Mortgage and Housing Corporation

Prepared by: The Institute of Urban Studies, The University of Winnipeg

March 2023



THE UNIVERSITY OF
WINNIPEG

Institute of
Urban Studies



Institute of Urban Studies

The University of Winnipeg

515 Portage Ave, Winnipeg, MB, R3B 2E9

P 204-982-1140

E ius@uwinnipeg.ca

© 2023, Institute of Urban Studies, The University of Winnipeg

Authors: Scott McCullough, Gina Sylvestre, Michael Dudley, Marc Vachon

Québec Interviewer: Dani Tardif

Suggested Citation:

McCullough, S., Sylvestre, G., Dudley, M., Vachon, M. (2023). *SHUT OUT – Discrimination in the Rental Housing Market: Barriers to Tenancy Access and Maintenance, Its Impacts, and Possible Interventions*. Winnipeg, MB: Institute of Urban Studies, The University of Winnipeg.

This publication is available for download at: <https://www.uwinnipeg.ca/ius/>

The authors would like to thank everyone who participated in this research and whose contributions informed its development. We are especially grateful to those with lived experience of rental discrimination who were willing to share their stories and reflections with us to enhance our understanding of the challenges they face with housing.

The Institute of Urban Studies acts as an innovative, independent research and educational unit of the University of Winnipeg, with an action-research orientation. Since 1969, the IUS has been both an academic and an applied research centre, committed to examining urban development issues in a broad, non-partisan manner. Originally dedicated to addressing the problems and concerns of the inner city, the Institute's research mandate has evolved to encompass the social, demographic, physical, economic, and environmental well-being of Canadian cities and communities.

This project was funded by Canada Mortgage and Housing Corporation (CMHC), but views expressed are the views of the author(s) and do not necessarily reflect the views of CMHC. CMHC's financial contribution to this report does not constitute an endorsement of its contents.

Executive Summary

Discrimination in rental housing is an ongoing challenge in Canada, and across OECD countries; with discrimination having significant impacts on the health and wellbeing of populations, and creating inequality and exclusion within society. This study, conducted in late 2021 through 2022, examines discrimination in the rental housing markets of Ontario and Québec, Canada. A concise literature review on rental discrimination facilitated in the development of an explanatory framework outlining the processes of rental discrimination. The literature review was followed by interviews with professionals working in housing services and legal housing services (n=30), as well as with individuals having lived experience of rental discrimination (n=8). Thirty-eight interviews (each approximately one-hour in length) were conducted by phone with participants between June and November 2022. Nineteen interviews were conducted in each province primarily in Montreal and the Greater Toronto Area.

Our purpose is to review the state of knowledge related to rental housing discrimination in Canada, and to examine how it affects different marginalized individuals and groups, as well as better understand the lived experience of rental discrimination. The study includes a gender-based plus approach seeking to understand these experiences as they vary by gender. With the findings, our goal is to affect change in the rental sector by advancing discussions about discrimination and the development of strategies to prevent inequitable treatment and better meet the housing needs of vulnerable populations.

Literature Review

The extant literature focuses on ethnic and racial discrimination for which there is a wide body of audit-testing research and evidence. The literature reveals the existence of rental discrimination at the initial search stage of tenancy for populations experiencing vulnerabilities defined by race, gender, ethnic background, sexual orientation, and increasing age. Recent research from across Europe and America has found statistically significant and persistent discrimination in all countries. Discrimination against ethnic minorities vary by country. While one study did find that rental discrimination in Toronto is greatest for Muslims, Blacks, and Asian tenants and applicants, overall, there is a lack of Canadian research on rental discrimination, particularly investigation of the experiences of Indigenous peoples. Discrimination can be understood as structural in which advantage is reproduced by racially stratified societies that allocate differential economic, political, and social benefits across a hierarchy of racial categories. There is evidence that landlords may use race, ethnicity or other personal characteristics as a proxy – rationalizing that people with these identities have lower incomes. This is referred to as *statistical discrimination* and stands in contrast to *animus discrimination* involving personal prejudice. Increased positive information about the socio-economic circumstances of a prospective tenant can counter statistical discrimination. Studies show that landlords often prefer households with two income earners and no children – again illustrating statistical discrimination when personal characteristics are used as a proxy for earning potential. There is limited and conflicting evidence in the literature concerning sexual minorities and rental discrimination, though it appears that landlords may again prefer households with multiple earners. Older adults also face rental discrimination – often driven by a perception of low or

fixed incomes, and a fear that they will age into disability.

Stable housing is a critical foundation for wellbeing across the life-course, with rental discrimination having impacts on social and economic circumstances, with particularly detrimental consequences for a tenant's mental and physical health. Discrimination can result in a tenant's only alternative to accept poorer-quality or higher-cost housing, with inevitable impacts on access to education and employment opportunities. At an urban scale, discrimination also creates spatial segregation that results in social inequality.

Existing mechanisms to counter housing discrimination are primarily legislative and legal protections accessed through international instruments as well as Canadian and Provincial legal rights legislation. Relief under legal measures through Residential Tenancy Tribunals or Human Rights Tribunals/Commissions are typically complaint-based and extremely resource and time intensive. These processes require high levels of evidence with few tenants accessing these instruments. But there is research to suggest that legal interventions are effective at reducing discrimination and providing improved information to landlords about the economic situations of prospective tenants can reduce statistical discrimination. It is possible institutional discrimination may be responsive to policy and legal actions. Animus on the other hand is difficult to change as it is based on the prejudice of individuals.

Explanatory Framework

We propose a framework wherein private rental housing landlords are motivated to discriminate either because of personal bias (*individual discrimination*) or as a result of organizational practices (*institutional discrimination*). In the current competitive market, landlords use economic indicators to exclude and marginalize tenants that are perceived as undesirable. Therefore, the framework stipulates the primary importance of rental exclusion against the economically disadvantaged members of society (*economic discrimination*). This disadvantage is reinforced with other overlapping disadvantages experienced by vulnerable individuals and groups. Identifying characteristics of a tenant (*identifiers*) such as gender, race, age, disability, and sexual identify compound economic disadvantage further supporting the landlord's pretext to discriminate. The framework establishes that economic status intersects with these other marginal socio-demographic characteristics to create increasing vulnerability in the rental discrimination process (*accumulated disadvantage*).

Rental discrimination can manifest at any stage of tenancy, including the search stage (*pre-tenancy*), while residing in the rental unit (*tenancy*), and after moving (*post-tenancy*). In the framework, a range of discriminatory behaviours and practices (*acts of discrimination*) are identified that can potentially occur at each tenancy stage. Incidents of discrimination can also be more *overt* – obvious acts of discrimination, or *covert* – more concealed from legal repercussions. Covert discrimination is often still obvious to those experiencing it – especially when experienced repeatedly. These manifestations of discrimination highlight the outcome of the inequitable relationship whereby private rental landlords are empowered to discriminate against vulnerable individuals and groups disadvantaged economically and by their marginal identity.

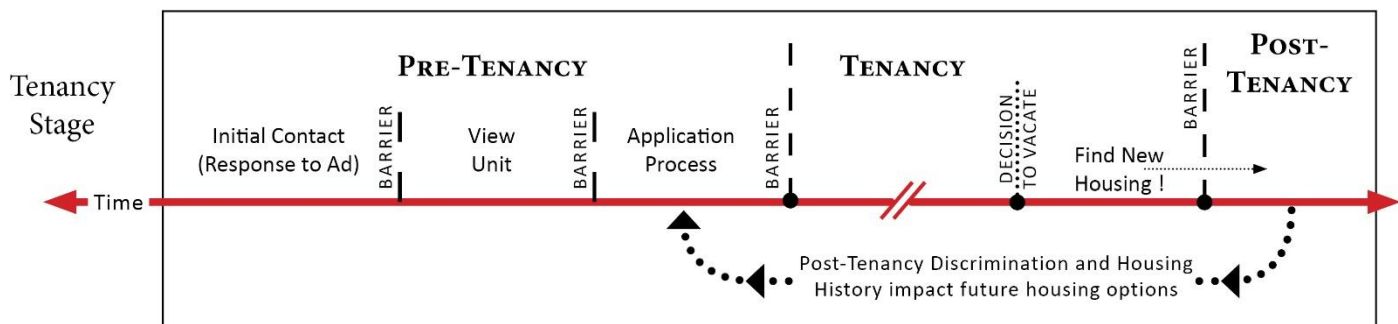


Figure 1: Framework of Discrimination in Rental Housing (Simplified)
(For full version see Section 2.4))

Interview Findings

This research advances knowledge concerning rental discrimination in a few key areas of investigation. Differences amongst landlords are an important factor as the type of landlord leads to distinct acts of discrimination thereby requiring different potential counter measures. Large-scale landlords tend to commit institutional discrimination embedded in their application processes, but they have more legal awareness and may be responsive to policy and legal measures. Small-scale landlords typically have fewer resources and often less knowledge of their legal responsibilities. Though often demonstrating personal bias, they can be more flexible in their choice of tenant. The best measures to change small-landlord behaviour is likely education and licencing.

The stage of tenancy when incidents of discrimination occur is also important, and intersects with the groups who are most affected, and also depends on the type of landlord with whom the interaction occurs. Discrimination during the search stage is *exclusionary* in nature. Discrimination *during tenancy* affects a different group of people and manifests as failure to accommodate disabilities, as well as harassment, failure to maintain rental units, and sometimes even eviction. Discrimination can also occur *post-occupancy*, where it continues in the form of harassment towards previous tenants.

Economic discrimination emerges as the most prevalent manifestation of discrimination affecting those with lower-income, on social assistance, or who have poor credit histories. The use of income checks, credit checks, rental histories, and rental references are a powerful selection tool used by landlords. This type of discrimination is so widespread and pervasive that it obscures all other intersecting social forms of discrimination. Economic discrimination also interacts with the current housing market, with the current shortage and ongoing losses of affordable housing creating greater competition for units, thus *enabling* discrimination – allowing the landlord to be selective, as well as *driving* discriminatory practices such as raising rents. Moreover, economic discrimination occurs disproportionately to those tenants with identifying characteristics that already create greater risk of unequal treatment.

Housing Professionals¹ identified the personal characteristics observed in their work to be particularly significant in instances of housing discrimination. Those with disabilities were more likely to experience, *individual* and *overt* forms of discrimination occurring *during tenancy*. Discrimination based on race was also frequently discussed with *individual* and *covert* discriminatory practices identified by Professionals who related the subtle ways it is enacted. Notably, the strategically covert nature of some forms of racial discrimination makes it difficult to pursue legal recourse. Newcomers to Canada face significant risk of discrimination because of their racial identity, limited income, and lack of knowledge of the Canadian housing and legal systems. Interviews demonstrate that gender plays a significant role in rental discrimination. A key finding of this study is the strong association between female identify, family status, and low income highlighting the intersectionality of rental discrimination processes when considering gender. Single mothers were identified as *experiencing profound barriers*, especially if they also relied on social assistance for income, were racialized, and/or newcomers to Canada. The primary challenge for older adults² is economic discrimination as limited income can make it difficult to compete in the competitive private rental market. Older adults can also experience overt discrimination in the form of ageism with many small-scale landlords expressing fear of having to accommodate an older tenant's disability now or potentially in the future. While Professionals acknowledged the widespread existence of discrimination against indigenous peoples and the LGBTQ+ community, the current study generated only limited information.

The impacts on those experiencing rental housing discrimination are complex and cumulative, with lasting effects on psychological, social, and financial well-being while also influencing protracted housing insecurity. At the search stage multiple denials and experiences of discrimination have mental health impacts including stress, exhaustion, and frustration. Despite the hopelessness experienced, most must simply ignore it and prioritize their search for housing. There are also longer-term impacts related to health, finances and supports with tenants being forced to choose poorer quality housing, housing that is more expensive, and housing outside of their chosen communities. Discrimination in rental housing also leads to longer-term housing instability and even homelessness – especially for refugees and new immigrants.

There is little recourse for tenants and applicants experiencing rental discrimination. Housing Advocates and Lawyers have limited tools – the primary timely tool appears to be assisting tenants to write letters to landlords explaining that an action was discriminatory. Advocates can assist tenants to take a landlord to a Human Rights Tribunal/Commission, but this action takes years, it does not help immediate housing challenges, nor does it reportedly result in any appropriate sanction against landlords. Housing Professionals spoke at length about failures in the justice and housing systems, and how their inaccessibility to the limited resources and tools, and the shift to online platforms, has made it impossible for them to provide timely, accessible, justice for those bringing forward complaints. An underlying challenge identified is the lack of

¹ Housing Professionals: a collective term for all the professionals interviewed for this research, including lawyers, housing service workers, housing coordinators, advocates, case-workers, etc.

² Typically older than 65 years. See glossary.

proactive enforcement of the law with Tribunals/Commissions being complaint based.

Housing Professionals provided many recommendations to respond to the discrimination they see everyday, to improve the existing services, and to address the problems in existing systems. At the system level, there is evidence that providing sufficient affordable housing will reduce incentives for landlords to discriminate. “First come, first served” laws can also deter economic discrimination. Developing a proactive preventative legal measure (such as an investigative body), and allowing ‘public interest’ prosecutions, as well as increasing fines could reduce discrimination at the system level. Legal and policy measures are likely to be most effective with large-scale corporate landlords who are aware of the legal environment. While for small-scale landlords, targeted education and licensing would be preferred responses to address discriminatory practices – though licensing would need to be universal. Sufficient resources for direct-service housing organizations, advocacy groups, and legal clinics to respond to incidents of housing discrimination is also needed.

Overall, there are measures that could be taken to reduce the levels of discrimination seen in the rental housing market. It is important to note that these measures will be effective at reducing economic discrimination, informing landlords about their legal responsibilities, and educating landlords about the situations of some applicants – such as the ability of many new immigrants to pay rent. However, none of the recommendations brought forward by Housing Professionals suggest measures that could reduce animus discrimination, and Professionals were clear that landlords exhibiting prejudice were unlikely to change or be influenced through education or policy. That said, rental discrimination is widespread and pervasive, with detrimental impacts for tenants and applicants as well as the broader society. Current efforts to combat discrimination appear to be fragmented, underfunded, and stymied by judicial delays and burdens. The recommendations suggested above begin to provide direction for system-level change as well as measures to address individual acts of discrimination. Together, these policies and programs have the potential to reduce the pernicious process of discrimination in our society, and promote housing stability for all.

Résumé

La discrimination dans le domaine des logements locatifs est un défi constant au Canada et dans les pays de l'OCDE. En effet, elle entraîne des répercussions importantes sur la santé et le bien-être des populations et crée des inégalités et de l'exclusion au sein de la société. Dans cette étude, menée dans les derniers mois de 2021 et tout au long de 2022, on s'est penché sur la discrimination au sein des marchés locatifs de l'Ontario et du Québec, au Canada. Une analyse documentaire concise de la discrimination sur le marché locatif a facilité l'élaboration d'un cadre explicatif décrivant les processus de discrimination qui la caractérisent. L'analyse documentaire a été suivie d'entrevues avec des professionnels des services de logement et des services juridiques liés au logement (n=30). Des entrevues ont également été menées avec des personnes ayant vécu de la discrimination sur le marché locatif (n=8). Au total, 38 entrevues (d'une durée d'environ une heure chacune) ont été menées par téléphone avec les participants entre juin et novembre 2022. On a mené 19 entrevues dans chaque province, principalement à Montréal et dans la région du Grand Toronto.

Notre objectif est d'examiner l'état des connaissances en matière de discrimination sur le marché locatif au Canada. Nous cherchons également à examiner les manières dont cette discrimination touche les différentes personnes et différents groupes marginalisés, ainsi que l'expérience vécue de cette discrimination. L'étude adopte une approche d'analyse comparative entre les sexes plus dans le but de comprendre les différences dans ces expériences vécues selon le sexe. Notre objectif est d'utiliser ces constatations pour mettre en œuvre des changements dans le secteur locatif en faisant progresser les discussions sur la discrimination. Nous cherchons également à soutenir l'élaboration de stratégies pour prévenir le traitement inéquitable sur le marché locatif et mieux répondre aux besoins en matière de logement des populations vulnérables.

Analyse documentaire

La documentation existante met l'accent sur la discrimination ethnique et raciale, pour laquelle il existe un large éventail de recherches et de preuves ayant fait l'objet de vérifications. La documentation révèle l'existence d'une discrimination sur le marché locatif à l'étape initiale de la recherche de logements. Celle-ci est observée chez les populations vulnérables, définies selon leur race, leur sexe, leur origine ethnique, leur orientation sexuelle et leur âge avancé. Des recherches récentes menées en Europe et aux États-Unis ont révélé une discrimination statistiquement importante et persistante dans tous les pays. La discrimination contre les minorités ethniques varie d'un pays à l'autre. Une étude a révélé que la discrimination sur le marché locatif à Toronto est plus importante chez les musulmans, les Noirs et les Asiatiques. Par contre, dans l'ensemble, il y a un manque de recherches canadiennes au sujet de la discrimination sur le marché locatif, en particulier sur l'expérience des Autochtones. La discrimination peut être comprise comme étant structurelle. Elle reproduit un avantage des sociétés stratifiées selon la race, qui répartissent inégalement les avantages économiques, politiques et sociaux selon une hiérarchie de catégories raciales. Il est prouvé que les propriétaires-bailleurs ont parfois recours à des pratiques discriminatoires selon la race, l'origine ethnique ou d'autres caractéristiques personnelles. Ils justifient ces pratiques en recourant à l'identité de ces personnes comme valeur d'approximation de leurs plus faibles revenus. On

parle ici de *discrimination statistique*, ce qui contraste avec la *discrimination fondée sur l'intention malveillante*, qui implique des préjugés personnels. Le fait de fournir davantage d'informations positives au sujet des circonstances socioéconomiques d'un locataire éventuel peut permettre d'atténuer la discrimination statistique. Des études montrent que les propriétaires-bailleurs préfèrent souvent les ménages à deux revenus et sans enfants. Cette préférence est un autre exemple de discrimination statistique, puisque des caractéristiques personnelles sont utilisées comme valeur d'approximation du potentiel de revenus. Dans la documentation, on retrouve certaines données, contradictoires et peu nombreuses, concernant les minorités sexuelles et la discrimination sur le marché locatif. Il semblerait toutefois que, dans ce cas également, les propriétaires-bailleurs préféreraient les ménages dont plus d'un membre gagne un revenu. Les personnes âgées sont également victimes de discrimination sur le marché locatif. Celle-ci est souvent alimentée par la perception que ces personnes gagnent un revenu faible ou fixe, et la crainte qu'elles perdent leurs pleines capacités en vieillissant.

Avoir un logement stable est essentiel au bien-être tout au long de la vie d'une personne. La discrimination sur le marché locatif a une incidence sur les circonstances sociales et économiques. Les conséquences sont particulièrement néfastes pour la santé mentale et physique d'un locataire. Les personnes victimes de discrimination sur le marché locatif n'ont parfois pas d'autres choix que d'accepter un logement de basse qualité ou à loyer élevé. Inévitablement, ces conditions entraînent des répercussions sur l'accès à l'éducation et les possibilités d'emploi. À l'échelle urbaine, la discrimination crée également une ségrégation spatiale qui entraîne des inégalités sociales.

Les mécanismes existants de lutte contre la discrimination en matière de logement découlent principalement de protections législatives et juridiques. Celles-ci sont ancrées dans des instruments internationaux ainsi que des lois canadiennes et provinciales sur les droits juridiques. Généralement, l'adoption de mesures réparatoires d'ordre juridique obtenues par le biais des tribunaux de location résidentielle, des tribunaux des droits de la personne et des commissions des droits de la personne est fondée sur les plaintes. Il s'agit d'un processus extrêmement accaparant, en ressources et en temps. Ces processus exigent des preuves solides, et peu de locataires ont accès à de tels instruments. Cependant, des recherches indiquent que les interventions juridiques sont efficaces pour réduire la discrimination. Elles citent également que fournir aux propriétaires-bailleurs de meilleurs renseignements sur la situation économique des locataires potentiels pourrait réduire la discrimination statistique. Il est possible que la discrimination institutionnelle soit réactive à l'adoption de politiques et aux poursuites. En revanche, la discrimination fondée sur l'intention malveillante est difficile à changer, car elle repose sur des préjugés personnels.

Cadre explicatif

Nous proposons un cadre illustrant les motivations sous-jacentes aux pratiques discriminatoires utilisées par les propriétaires-bailleurs de logements locatifs privés. Il pourrait s'agir de préjugés personnels (*discrimination individuelle*) ou de pratiques organisationnelles (*discrimination institutionnelle*). Dans le marché concurrentiel actuel, les propriétaires-bailleurs utilisent des indicateurs économiques pour exclure et marginaliser les locataires qui sont perçus comme indésirables. Par conséquent, le cadre stipule l'importance primordiale de l'exclusion des

membres de la société économiquement défavorisés sur le marché locatif (*discrimination économique*). Ce désavantage est renforcé par d'autres facteurs aggravants auxquels sont confrontés les personnes et les groupes vulnérables. Les caractéristiques d'identification d'un locataire (*identificateurs*), comme le sexe, la race, l'âge, l'incapacité et l'identité sexuelle, ajoutent au désavantage économique. Il s'agit là d'un autre prétexte pour le propriétaire-bailleur d'employer des pratiques discriminatoires. Le cadre établit que la situation économique se trouve à l'intersection de ces autres caractéristiques sociodémographiques marginales. Ainsi, la vulnérabilité est accrue dans le processus de discrimination sur le marché locatif (*accumulation de désavantages*).

La discrimination sur le marché locatif peut se manifester à n'importe quelle étape de la location, y compris à l'étape de la recherche (*avant la location*), lorsqu'on réside dans le logement locatif (*pendant la location*) et après le départ (*après la location*). Le cadre illustre une étendue de comportements et de pratiques discriminatoires (*actes de discrimination*) qui peuvent survenir à chaque étape de la location. Les actes de discrimination peuvent aussi être plus *manifestes*, soit des actes de discrimination évidents, ou *dissimulés*, c'est-à-dire à l'abri des répercussions juridiques. La discrimination dissimulée demeure souvent évidente pour les personnes qui en sont victimes, surtout lorsqu'elle est répétée. Dans ces manifestations de discrimination, le résultat de la relation inéquitable est mis en évidence. Les propriétaires-bailleurs de logements locatifs privés ont le pouvoir, dans ces relations, de recourir à des pratiques discriminatoires contre les personnes et les groupes vulnérables. Ceux-ci sont désavantagés sur le plan économique et sur le plan de leur identité marginale.

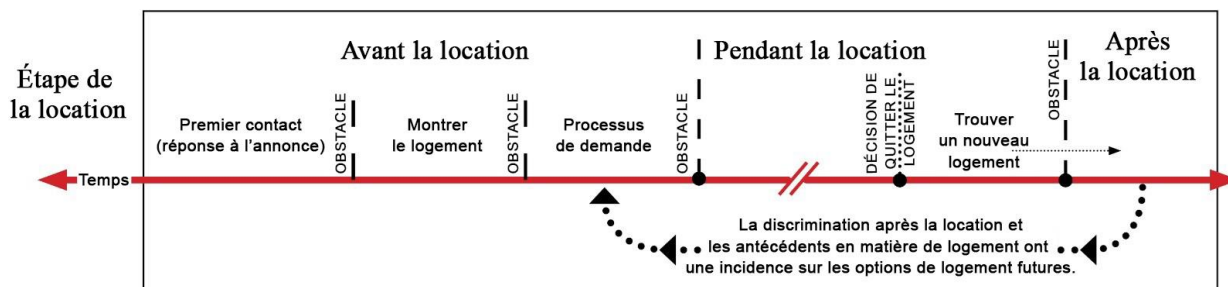


Figure 2 : Cadre de discrimination sur le marché locatif (simplifié)
(Pour la version complète, voir la section 2.4)

Constatations des entrevues

Cette recherche fait progresser les connaissances en matière de discrimination sur le marché locatif dans quelques domaines d'enquête clés. Les différences entre les propriétaires-bailleurs constituent un facteur important. En effet, le type de propriétaire-bailleur entraîne des actes de discrimination distincts, nécessitant différentes contre-mesures potentielles. Les grands propriétaires-bailleurs ont tendance à employer des pratiques de discrimination institutionnelle intégrées à leurs processus de demande. Toutefois, ils ont de meilleures connaissances juridiques et sont parfois réactifs aux politiques et aux mesures juridiques. Les petits propriétaires-bailleurs ont généralement moins de ressources. Dans bien des cas, ils connaissent moins bien leurs responsabilités juridiques. Ils démontrent souvent des préjugés personnels, mais ils ont tendance à faire preuve de plus de souplesse dans leur choix de

locataires. Les meilleures mesures pour changer le comportement des petits propriétaires-bailleurs sont probablement l'éducation et l'octroi de permis.

L'étape de la location où des incidents de discrimination se produisent est également importante. Elle dépend aussi du type de propriétaire-bailleur avec lequel l'interaction se produit. Il y a également une intersection avec les groupes les plus touchés. La discrimination à l'étape de la recherche est une mesure *d'exclusion*. La discrimination *pendant la location* touche un groupe différent de personnes. Elle se manifeste par le défaut de prendre des mesures d'adaptation pour les personnes handicapées, le harcèlement, le défaut d'entretenir les logements locatifs et, parfois, l'expulsion. La discrimination peut aussi se produire *après la location*, lorsqu'elle se poursuit sous forme de harcèlement envers les anciens locataires.

La *discrimination économique* apparaît comme la manifestation la plus courante de discrimination. Elle touche les personnes à faible revenu, vivant de l'aide sociale ou ayant de mauvais antécédents de crédit. Le recours aux vérifications du revenu, de la solvabilité, des antécédents de location et des références en matière de location constitue un puissant outil de sélection utilisé par les propriétaires-bailleurs. Ce type de discrimination est tellement répandu et omniprésent qu'il occulte toutes les autres formes de discrimination sociales à son intersection. La discrimination économique interagit également avec le marché de l'habitation actuel. La pénurie actuelle et les pertes continues de logements abordables engendrent une plus grande concurrence pour les logements. Ce contexte *encourage* la discrimination : il permet au propriétaire-bailleur d'être sélectif et *d'accélérer* les pratiques discriminatoires, comme l'augmentation des loyers. De plus, la discrimination économique touche de façon disproportionnée les locataires ayant des caractéristiques d'identification qui augmentent déjà le risque d'un traitement inégal.

Les professionnels du logement³ ont indiqué que les caractéristiques personnelles observées dans leurs travaux étaient particulièrement importantes dans les cas de discrimination en matière de logement. Les personnes handicapées étaient plus susceptibles d'être victimes de formes de discrimination *individuelles* et *manifestes* se produisant *pendant la location*. De plus, la discrimination fondée sur la race a souvent fait l'objet de discussions. Les professionnels ont relevé des pratiques de discrimination *individuelles* et *dissimulées* fondées sur la race et ont mentionné les façons subtiles dont elles sont mises en œuvre. Fait à noter, la nature dissimulée de la discrimination raciale complique les recours juridiques. Les personnes nouvellement arrivées au Canada sont exposées à un risque important de discrimination. Elles sont vulnérables en raison de leur identité raciale, de leur revenu limité et de leur manque de connaissance du système de logement et du système juridique canadien. Les entrevues démontrent que le sexe joue un rôle important dans la discrimination sur le marché locatif. L'une des principales constatations de cette étude est la forte association entre l'identité féminine, la situation familiale et le faible revenu. Cet état de fait met en évidence l'incidence de

³ Professionnels du logement : terme collectif désignant tous les professionnels interrogés dans le cadre de cette recherche. Cette catégorie comprend les avocats, les travailleurs des services de logement, les coordonnateurs du logement, les défenseurs des droits, les agents de gestion de cas, etc.

l'intersectionnalité dans les processus de discrimination sur le marché locatif lorsqu'on tient compte du sexe. Nos résultats indiquent que les mères monoparentales étaient *confrontées à de graves obstacles*. C'est particulièrement vrai des mères racisées, nouvellement arrivées au Canada ou qui comptaient sur l'aide sociale pour leurs revenus. Le principal défi pour les personnes âgées⁴ est la discrimination économique, car les revenus limités peuvent représenter un obstacle sur le marché locatif privé concurrentiel. Les personnes âgées peuvent aussi être victimes de discrimination manifeste sous forme d'âgisme. En effet, de nombreux petits propriétaires-bailleurs craignent d'avoir à prendre des mesures d'adaptation lorsque les locataires perdront leurs pleines capacités, maintenant ou dans l'avenir. Les professionnels ont reconnu l'existence généralisée de la discrimination contre les Autochtones et la communauté LGBTQ+. Par contre, l'étude actuelle n'a généré qu'une quantité limitée de renseignements.

Les répercussions sur les personnes victimes de discrimination en matière de logement locatif sont complexes et cumulatives. Les effets sur le bien-être psychologique, social et financier sont durables. De plus, la discrimination mène à une insécurité prolongée en matière de logement. À l'étape de la recherche, les rejets fréquents et les expériences de discrimination entraînent des répercussions sur la santé mentale, notamment le stress, l'épuisement et la frustration. Malgré le désespoir ressenti, la plupart des victimes doivent simplement ignorer la discrimination et accorder la priorité à leur recherche de logement. Il y a aussi des répercussions à long terme liées à la santé, aux finances et à l'accès au soutien. En effet, certains locataires sont forcés de choisir des logements de moins bonne qualité, aux loyers plus chers et à l'extérieur des collectivités qu'ils préfèrent. La discrimination sur le marché locatif entraîne également une instabilité à long terme en matière de logement. Elle peut même mener à l'itinérance, surtout pour les personnes réfugiées et nouvellement immigrantes.

Il y a peu de recours pour les locataires et les demandeurs victimes de discrimination sur le marché locatif. Les défenseurs du logement et les avocats ont accès à peu d'outils. Il semblerait que le principal recours applicable en temps opportun est d'aider les locataires à écrire aux propriétaires-bailleurs. Les locataires peuvent ainsi expliquer à leurs propriétaires-bailleurs qu'ils ont été victimes de pratiques discriminatoires. Les défenseurs du logement peuvent aider les locataires à amener un propriétaire-bailleur devant un tribunal ou une commission des droits de la personne. Par contre, ce genre de mesure peut prendre des années. Ces audiences ne permettent pas de régler les problèmes de logement immédiats et, apparemment, n'entraînent pas de sanctions appropriées contre les propriétaires-bailleurs. Les professionnels du logement ont longuement discuté des défaillances du système de justice et du système de logement. Ils ont souligné qu'ils n'avaient pas accès aux ressources et aux outils déjà limités. Ils ont également mentionné le passage aux plateformes en ligne. Tout cela les a empêchés d'offrir une justice en temps opportun et de manière accessible aux personnes qui déposent des plaintes. L'un des défis sous-jacents relevés est le manque d'application proactive de la loi, les tribunaux et les commissions étant fondés sur les plaintes.

⁴ Généralement, les personnes de plus de 65 ans. Voir le glossaire.

Les professionnels du logement ont formulé de nombreuses recommandations. Celles-ci pourraient remédier à la discrimination qu'ils constatent tous les jours, améliorer les services existants et régler les problèmes des systèmes existants. Du point de vue systémique, il est prouvé qu'une offre suffisante de logements abordables réduira les incitatifs pour les propriétaires-bailleurs à employer des pratiques discriminatoires. Les lois qui fonctionnent selon le principe du « premier arrivé, premier servi » peuvent aussi dissuader la discrimination économique. L'élaboration de mesures juridiques préventives et proactives (comme un organisme d'enquête) et l'autorisation de poursuites selon l'intérêt public, ainsi que l'augmentation des amendes, pourraient réduire la discrimination systémique. Les mesures juridiques et stratégiques sont probablement les plus efficaces auprès des grands propriétaires-bailleurs qui connaissent le contexte juridique. Pour les petits propriétaires-bailleurs, des mesures fondées sur des activités éducatives ciblées et l'octroi de permis seraient préférables pour lutter contre les pratiques discriminatoires. Cependant, l'octroi de permis devra être appliqué sur une base universelle. Des ressources suffisantes sont également nécessaires pour que les organismes de logement offrant des services directs, les groupes de défense des droits et les cliniques juridiques puissent intervenir en cas de discrimination en matière de logement.

Dans l'ensemble, des mesures pourraient être prises pour réduire les niveaux de discrimination observés sur le marché locatif. Il est important de noter que ces mesures seront efficaces pour réduire la discrimination économique et informer les propriétaires-bailleurs de leurs responsabilités juridiques. De plus, elles pourraient permettre de les informer de la situation de certains demandeurs, comme la capacité de nombreuses personnes nouvellement immigrantes à payer leur loyer. Cependant, aucune des recommandations formulées par les professionnels du logement ne traite de mesures qui pourraient réduire la discrimination fondée sur l'intention malveillante. Les professionnels ont clairement indiqué que les propriétaires-bailleurs ayant des préjugés étaient peu susceptibles de changer ou d'être influencés par l'éducation ou les politiques. Cela dit, la discrimination sur le marché locatif est répandue et généralisée. Elle entraîne des répercussions négatives sur les locataires et les demandeurs, ainsi que sur l'ensemble de la société. Les efforts actuels de lutte contre la discrimination semblent fragmentés, sous-financés et entravés par les retards et les fardeaux judiciaires. Les recommandations ci-dessus fournissent un début d'orientation pour le changement systémique, ainsi que des mesures pour lutter contre les actes individuels de discrimination. Ensemble, ces politiques et programmes ont le potentiel de réduire le processus pernicieux de discrimination dans notre société et de promouvoir la stabilité du logement pour tout le monde.

CONTENTS

Executive Summary	i
1.0 Introduction	1
2.0 Discrimination and the Private Rental Housing Market	5
3.0 Challenges with Research on Rental Discrimination	21
4.0 Identity and Private Rental Housing Discrimination	26
5.0 The Impacts of Rental Housing Discrimination	35
6.0 Mechanisms to Counter Housing Discrimination.....	38
7.0 Transition to the Interviews.....	42
8.0 Rental Discrimination: Analysis of Interview Findings	43
9.0 Discussion and Comparisons	113
10.0 Recommendations	118
11.0 Conclusions / Final Thoughts	132
Sources.....	138
Appendix A: Acronyms and Glossary:	149
Appendix B: Literature Review Search Strategy	152
Appendix C: Interview Research Methodology	153
Appendix D: Recruitment Challenges and Successes	158
Appendix E: Information on Participants	163
Appendix F: Interview Guides – Housing Professionals	165
Appendix G: Interview Guides – Lived Experience of Discrimination	175
Appendix H: Framework of Discrimination in Rental Housing (Large)	189

TABLE OF FIGURES

Figure 1: Framework of Discrimination in Rental Housing (Simplified)	iii
Figure 2: Stages of Tenancy	7
Figure 3: Stages of Tenancy & Research History	8
Figure 4: System Level Drivers of the Rental Landscape	16
Figure 5: Theory and Types of Discrimination by Stage	17
Figure 6: Stages of Tenancy & Corresponding Acts of Discrimination	18
Figure 7: Framework of Discrimination in Rental Housing	19
Figure 8: Stages of Tenancy & Corresponding Acts of Discrimination	55
Figure 9: Framework of Discrimination in Rental Housing (Large Size)	189

LIST OF TABLES

Table 1: Location of Interviews	44
Table 2: Comparison of Landlord Types	50
Table 3: Policy Recommendations Summary	129
Table 4: Information on Participants with Lived Experience of Discrimination	163

SHUT OUT – Discrimination in the Rental Housing Market: Barriers to Tenancy Access and Maintenance, Its Impacts, and Possible Interventions

The Experience of Housing Discrimination:

“I don’t even have a chance to be a good tenant.” (Alini, 2020)

1.0 Introduction

The right to housing is considered a universal Human Right recognized in 1948 in the *Universal Declaration of Human Rights* by the United Nations. Having a home is a fundamental human need with the health and wellbeing of a population being directly affected by inadequate accommodation. Barriers to access and maintenance of tenancy threaten social cohesion with rental discrimination creating inequality and exclusion within society. To counter this trend, more knowledge is necessary regarding the extent of rental discrimination, the varying ways in which it is manifests, along with mechanisms to counter discriminatory actions and behaviours.

The principle of non-discrimination based on ethnicity, disability, sexual orientation, age, or gender is guaranteed by many countries with comparative housing settings to Canada. Yet field experiments have provided consistent evidence of discrimination in housing markets for many decades, and across all Organization for Economic Co-operation and Development (OECD) countries (Flage, 2018).

The purpose of this report is to review the state of knowledge related to rental housing discrimination in Canada, and in particular how it affects different marginalized individuals and groups. This project is significant as it was in 2002 that the last literature review was undertaken by the CMHC (Novac et al., 2002), and in the intervening decades Canadian society -- especially in its leading metropolitan centres -- has only grown more diverse. Yet the policy environment concerning housing during this timeframe remains mostly unchanged. The laws and regulations concerning rental housing are within the domain of the Provinces and Territories and have seen little substantial change; while the *National Housing Strategy Act* came into force only in July 2019, it is primarily relevant to federal government operations.

1.1 Study Research Methods

This research examines the experiences of tenants and applicants who have been discriminated against in their search for rental housing, as well as other points in tenancy – during an active tenancy, during decisions to end a tenancy, and post-occupancy. The project updates and builds upon previous work by the CMHC – most notably, Novac et.al's 2002 study "Housing Discrimination in Canada: The State of Knowledge." The objectives are to examine and better understand lived experience of rental discrimination through a review of literature and qualitative interviews with Housing Professionals and tenants. It includes a gender-based plus approach to this issue, and seeks to better understand these experiences as they vary by gender. The project has a view towards affecting change in the rental sector by advancing discussions about discrimination and the development of strategies to prevent it and better meet the housing needs of vulnerable populations.

Research Questions

Employing a GBA+ approach, the overarching research questions of the project are:

- How are vulnerable populations experiencing rental discrimination in Canada? What are the ways in which discriminatory practices are enacted on tenants (pre-, during and post-tenancy)?
- How do tenants come to know that they are being discriminated against, either in their search for housing, or other aspects of their tenancy?
- What mechanisms (if any) are tenants using in response to being discriminated against and/or defend their right to non-discrimination?
- What are the (shorter and longer-term) effects of rental discrimination on tenants? How does this practice affect tenants' housing outcomes? How does it affect their health, economic, and other prospects?
- What more can be done to prevent discrimination in rental housing?

Methods

The research consisted of two phases:

- 1) A concise and targeted literature review on rental discrimination helped to develop an explanatory framework to understand the individual, institutional, and structural causes of rental discrimination, the stages in the rental process when unequal treatment occurs, the acts of discrimination at these stages, those who are discriminated against and it's

impacts on them, along with mechanisms to address rental discrimination. The literature review is expansive in considering international literature on the topic as there is limited research in Canada and the findings offer important insight to pursue further understanding about the processes of rental discrimination. Findings from the review informed the development of the entire report as well as the interview guide. The literature review search strategy is included as Appendix B.

- 2) The literature review was followed by interviews with professionals working in housing support services and legal housing services, as well as with people with lived experience of discrimination. Thirty-eight interviews (of approximately one-hour) were conducted by phone with participants in Ontario and Québec between June and November 2022. Nineteen interviews were completed in each province.

Interviews were with professionals supporting tenants experiencing discrimination related to rental housing (n=30); and with people who have experienced discrimination in the search for rental housing, during an active tenancy, or following a termination (n=8). **(NOTE:** the term ***Housing Professionals*** will be used as a collective term to include all the professionals we interviewed for the research, including lawyers, housing service workers, housing coordinators, advocates, etc.).

Interviews were semi-structured and contained a broad set of questions about discrimination based on the professionals' observations and the lived experience of renters. The interview questions collected information about the discrimination seen in the rental market, patterns and trends including who is discriminated against, and by what types of landlords, reasons for discrimination, the impacts on tenant applicants, and what services/measures are available to counter discrimination. People with lived experience were also asked a short set of demographic questions. All participants were invited to offer recommendations for measures that would counter discrimination in the rental market. Interview Guides are included as Appendix F and G. More information about on the challenges, successes of recruitment for this project appear as Appendix D.

1.2 Overview of Report

This report is presented with the goal of advancing knowledge on the processes of rental discrimination in the private rental housing sector. The contents include a presentation of the

literature review findings on rental discrimination that serves as a foundation for the remainder of the report on the interpretation of findings garnered from the interview phase of the project. The following is a description of the report's structure and the contents of the sections.

Sections 2 through 6 include the literature review findings. Section 2 presents an examination of the rental discrimination process and offers an explanatory framework to facilitate an understanding of this process, as well as to guide both the structure of the report and the analysis of findings. The third section considers research on rental discrimination and the preponderance of audit testing at the search stage of tenancy limiting the conclusions that can be drawn from the research. In Section 4, this research is examined according to specific groups at greater risk of rental discrimination including identity based on ethnicity and gender, sexuality, and age. This is followed in Section 5 with a review of both the short- and longer-term impacts of rental discrimination. Current mechanisms to address rental discrimination are reviewed in the sixth section.

Based on the findings from the literature review and the gaps identified in this study, future research objectives are located with the Recommendations in Section 10. Section 7 is a segue between discussion on the state of current knowledge and introduction of the research findings. Section 8 is substantive and contains all relevant findings interpreted using the explanatory framework to identify the process, its outcomes, and the mechanisms used currently to address rental discrimination. This section includes detailed findings from the interviews about landlords, types of discrimination, when discrimination occurs, who it affects, and the impacts of discrimination on those with lived experience. The report concludes first by discussing the relevance of the findings in Section 9, and then in Section 10 a comprehensive series of recommendations to address the pervasiveness of discrimination in the private rental housing market.

2.0 Discrimination and the Private Rental Housing Market

2.1 Background Theory

Most research on discrimination is based on ideological theories of racial inequality that lack insight into how race shapes social systems and access to opportunities. Addressing this gap, Bonilla-Silva (1997) proposes a structural understanding of racism based on the concept of racialized social systems in which advantage is reproduced by racially stratified societies. These social systems are structured by a hierarchy that places people in racial categories producing unequal social relations between races. This hierarchical structure allocates differential economic, political, and social benefits with those in subordinate positions constrained by less life chances. Bonilla-Silva (1997) advances that racialized social relations are rooted in the power struggles between races. This hierarchical structure is particularly relevant in the current context of private rental housing as increased competition for limited units creates a greater imbalance in power between landlords and tenants.

In economic theory, the private rental housing sector is generally understood as a market based on supply and demand where it is assumed that market dynamics enable all potential renters equal opportunity in accessing rental units. Currently in OECD countries, policy shifts have resulted in declining home ownership and retrenchment in social housing creating a growing demand for private rental housing. Additionally, in many countries, the market is only lightly regulated with limited policy interventions on the part of government to address issues such as lack of housing stock and an overheated market. In the present study, we propose that the current competitive market for private rental housing is the foremost impetus for the occurrence of discrimination. Specifically, a high-cost and high-demand rental market limits availability and creates risk particularly for marginalized groups with limited financial resources (Bates et al., 2019; Rich, 2014; Spencer, 2009).

The tight housing market enables landlords to be more selective, and with a large tenancy pool, discriminatory behaviour and practices are *intensified* by the selection process. The discussion below identifies the application process as one of the tools used by landlords. . Without formal regulations within the sector, landlords and rental agents create barriers for prospective tenants representing a myriad of identities, disqualifying them from obtaining housing, as well as enacting discrimination during and after the tenancy. Novac and colleagues (2002) confirm when competition exists because of low vacancies, landlords have a greater ability to engage in discriminatory behaviour. The lower the rate of vacancy, the higher the probability of

discrimination, as Hanson and Hawley also found, African Americans face far greater rental housing discrimination in neighbourhoods with low vacancy rates (Hanson & Hawley, 2011).

The high demand for current private rental housing in Canada is substantially raising rental rates, and most significantly, creating a power imbalance in landlord-tenant relationships. As one Toronto real estate agent commented about the heated rental market, “It’s been great for landlords, horrible for renters ... landlords are being super, super picky on who they accept because it’s a landlord’s market” (Paglinawan, 2022). Before considering the literature on discrimination in the private rental sector, it is important first to examine the process of discrimination and how this power imbalance bolsters landlords to treat marginalized tenants unequally creating greater disadvantage.

This report advances that hierarchical relations in racialized social systems as proposed by Bonilla-Silva (1997), are the basis for the power imbalances in the landlord-tenant relationship now amplified by the competitive private rental market and the structural discrimination that ultimately occurs. In this section, the main components of the landlord-tenant interaction are identified to explain the process of rental discrimination. The discussion begins with a short review of the tenancy stages, followed by an overview of the individual and institutional motives for both small-scale landlords and corporate rental agents to discriminate in private rental housing. This is followed by an examination of the social groups at risk of rental discrimination and an assessment of how the intersectionality of marginalized identity creates multiple disadvantages and results in structural discrimination. We then briefly examine some of the system level drivers of the housing market that also impact the experiences of tenants. In addition, the forms of discrimination are examined in the context of the power imbalance between landlords and tenants at different tenancy stages. And, finally, we differentiate various acts of discrimination as observed in the literature. The section concludes with the presentation of an exploratory framework highlighting the main components and dynamics of the private rental housing discrimination process.

2.2 Stages of Tenancy

Foremost in our exploration of discrimination in rental housing, it is important to adopt the convention for the delineation of stages before, during, and after tenancy. The *pre-tenancy* stage is comprised of a prospective tenant searching for rental housing. This stage is usually divided into sub-phases reflecting the different types of interactions between the prospective tenant and landlord and the distinct acts of discrimination that occur. The first, Initial Contact

phase, encapsulates the usually ‘blind’ initial interactions between an applicant and a landlord through communication channels of email, or phone. The View Unit phase refers to when prospective tenants meet with landlords in person, and it the phase when tenant identity may be observed by landlords. The Application Process involves the procedures an applicant must navigate before securing tenancy. Each of these phases involves different kinds of interactions between landlords and prospective tenants, resulting in range of discriminatory acts; and these acts can create barriers to moving through the stages of tenancy.

Once an applicant secures a *Tenancy*, and occupies their rental unit, a new stage has been reached as the landlord and tenant are now known to each other and an established legal relationship has been formed. When discrimination is seen during this stage, it tends to be markedly different from the *Pre-Tenancy* stage. Lastly, in *Post-Tenancy* – once a tenancy has ended – the relationship between Landlord and Tenant is again changed, with a closure of administrative matters and legal responsibilities, and the eventual ending of formal communication, yet acts of discrimination can still occur beyond the end of a tenancy.

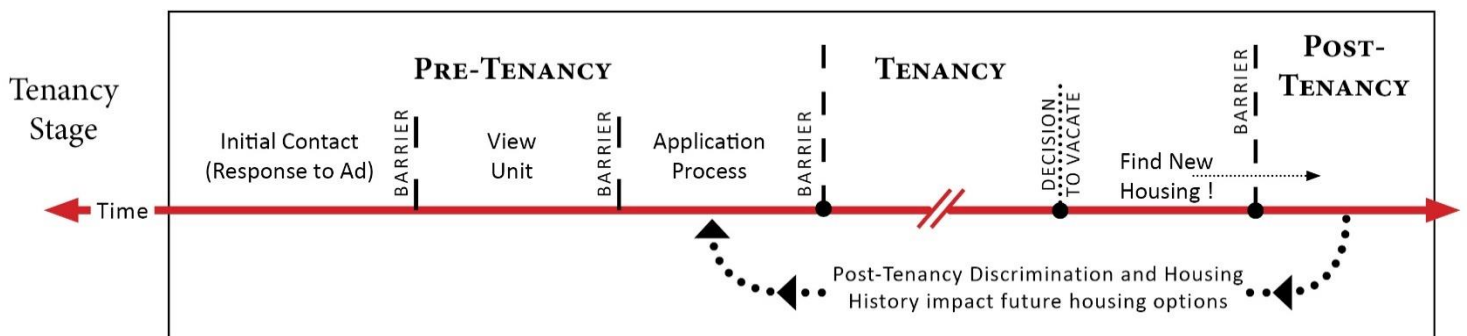


Figure 3: Stages of Tenancy

Most research on housing discrimination focuses on the initial search for housing, where audits have provided the standard research method.⁵ Yet discrimination can occur at other points other than the initial search for rental housing, such as during the application process, during actual

⁵ “Paired-testing audits” use two people (testers) to apply *in person* for rental housing. The people are similar in all key aspects including demographics and qualifications; but differ only on a single identifier such as race. Each applies for housing, documents the interactions and results. Paired testing can identify discrimination, its presence, forms, acts, and the extent.

“Correspondence Audits” rely on email, phone, fax, mail, using many fictitious identities applying for housing, each with one identifier. These tests can examine ethnicity, gender, sexual orientation, disability, and immigration status discrimination; but usually not age-based discrimination. Correspondence test can only measure the presence of discrimination. (Gaddis & DiRago, 2021).

tenure, or when a tenant has left a housing unit – especially if evicted – and many researchers have called for increased attention to these other points in time when rental discrimination occurs (Ages et al., 2021; Flage, 2018; Hogan & Berry, 2011; Novac et al., 2002; Ontario Human Rights Commission, 2008)

This reality indicates there may be a gap in our knowledge: where discrimination experienced at other points has not been well-researched (Freiberg & Squires, 2015; Friedman, 2015). For example, research conducted by Freiberg and Squires (2015) indicates that landlords often provide equal treatment to audit-testers in the initial contact phase but, in subsequent connections with landlords, discrimination is more likely to occur. One outcome of this gap in the research is that there is a lack of national-level data on discrimination, and little understanding of the prevalence or magnitude of rental discrimination across Canada (Ages et al., 2021). In her 2015 Commentary on Housing Discrimination Research, Freidman addresses these gaps in calling for research that considers combinations of protected classes, but also notes that the full range of time points in which housing discrimination is experienced needs to be incorporated into research designs, otherwise “the true level of racial and ethnic discrimination that exists” will remain unknown.

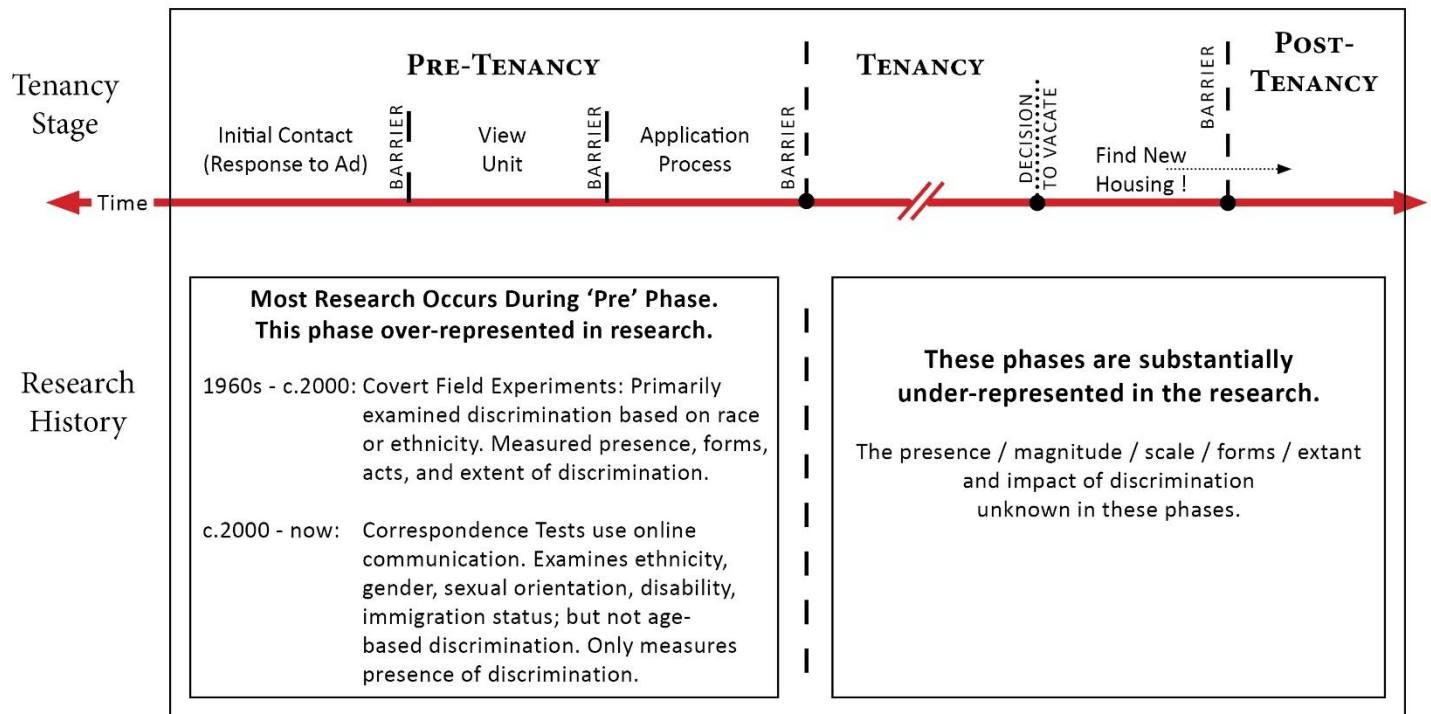


Figure 4: Stages of Tenancy & Research History

2.3 Landlords and Rental Agents:

Individual and Institutional Motives for Rental Discrimination

Discrimination refers to the belief in domination when presumed superiority is used to justify or prescribe inferior treatment or social position; it includes behaviours, processes and structures that contribute to the reproduction of inequality amongst persons or groups. While most theoretical and methodological inquiry is centred on racial prejudice and inequality, the process can be extended to other forms of discrimination including sexism and ageism (Pager & Shepherd, 2008). For decades, research has documented a some shifts from overt racial discrimination to more strategically covert forms of discrimination in rental housing (Novac et al., 2002; Pager & Shepherd, 2008; Rich, 2014). Covert discrimination occurs in more diffuse and subtle ways that are difficult to document or prove – making it “extremely difficult for an individual to gain *prima-facie* evidence to instigate legal action under current legislation where it is complaint-based” (Rich, 2014). Rich surmises that in an era where many countries have passed anti-discrimination legislation, “no sensible employer would behave in a clear and overt fashion if engaging in discriminatory practices.” These shifts to covert discrimination then, reflects a strategic decisions by economic actors to avoid legal consequences for discriminatory acts.

In this context, and despite numerous legal interventions, audit studies have revealed racial inequality continues to be persistent and pervasive in the spheres of hiring, credit markets, and housing. Discrimination in rental housing occurs when landlords treat tenants differently and unequally based on their identity or membership groups. While there is no recognized definition of rental housing discrimination, in previous work for the CMHC, Novac et al. laid out a definition of housing discrimination, which has been followed by other researchers & policy analysts (see for instance Ages et al., 2021):

“Housing discrimination consists of any behaviour, practice, or policy in the public or private sectors that directly, indirectly, or systematically causes harm through inequitable access to or use and enjoyment of housing by members of historically disadvantaged social groups.”

(Novac et al., 2002)

The power imbalance driven by the private rental housing market enables both small-scale landlords and corporate rental agents to treat tenants (or potential tenants) unequally based on

their identity with both overt and more subtle forms of discrimination occurring before, during, and after tenancy. This persistent inequality is the result of complex and multifaceted influences, and we use Pager and Shepard's (2008) framework to delineate the main motives of landlords that operate at the individual and institutional levels underling contemporary forms of discrimination. The discussion below will distinguish between discrimination based on individual or personal bias against a person or group of another identity, and that which occurs as a result of institutional or organizational practices. Of particular significance to this study, both forms of discrimination are further influenced by economic discrimination that is pervasive in the current competitive rental housing market where landlords use economic indicators to exclude and marginalize undesirable tenants. This interpretation stipulates the primary importance of rental exclusion against the economically disadvantaged members of society.

Individual discrimination centres on the causes and motivations of discrimination by individual actors. The key underpinning role in this form of discrimination is prejudice or animus, that is, feelings or beliefs of the inferiority of one person or group that is associated with subsequent unfair behaviour. This implicit prejudice operates at an unconscious level and can influence cognition, affect, and behaviours (Pager & Shepherd, 2008). The power imbalance between landlord and renter is profound and is a key driver of this form of discrimination (Maalsen et. Al., 2021).

Flage (2018) reviews two foundational economic theories of discrimination relevant to housing discrimination. In Becker's (1957) theory of discrimination in the workplace, it is the personal prejudices of employers that are used as markers of race or ethnicity to gauge workers' reliability. This theory was later expanded by others to include housing (Guryan & Charles, 2013).⁶ We use the term *animus* to refer to Becker's theory, reflecting the term's extensive use in economics and law, and as suggested for use in housing discrimination research by Hellyer (2021). We follow the definition as provided by Flage: animus discrimination as "the fear of difference" and "personal hostile attitudes towards a foreign ethnic group" by the landlord or agent (Flage, 2018). Phelps (1972) proposed an alternative model at the individual level referred to as statistical discrimination. According to this theory of discrimination, the absence of sufficient information results in utility-seeking behaviour by employers who use the race or gender of the applicant as a proxy for other characteristics pertaining to reliability or

⁶ Becker originally used the phrase 'taste for discrimination'. Other authors refer to Becker's theory as 'taste-based discrimination'. Neither term is currently in circulation.

employability.⁷ Applying this model in the context of the housing market, landlords can be seen as attempting to gauge a prospective tenant's ability to pay based on limited information and resorting to classifications of tenants according to membership in an identifiable group. Statistical discrimination differs from animus-based discrimination because it "consists of judging people, not on their individual characteristics, but according to their membership in a certain group" (Novac et al., 2002).

As discrimination at the individual level relates to personal beliefs, it can occur in any type of private rental accommodation and is enacted by both small-scale landlords and corporate rental agents. In contrast, institutional discrimination relates to the actions of corporate landlords as it considers organizational contexts in which individual actors use an organization's dynamics to maintain boundaries between insiders and outsiders. This form of discrimination relates to the norms and practices of organizations enabling disparate impact, that is, when processes and decisions are not independently discriminatory, but produce or reinforce disadvantage towards one group over another without an overtly discriminatory intent (Clair & Denis, 2015; Öblom & Antfolk, 2017).

This additional layer of discrimination occurs particularly at the search stage of tenancy when corporations renting private units ascribe rules and procedures that seemingly treat tenant applicants equally, but these same formalities have been constructed in ways that favour the majority group over others (Pager & Shepherd, 2008). A particularly pervasive form of institutional discrimination is the economic requirements placed on applicants for such things as credit checks and proof of employment. The decisions and procedures of a corporate landlord may not be independently discriminatory, but their consequences produce or reinforce disadvantage towards one group over another (Öblom & Antfolk, 2017).

The more strident financial screening criteria used in competitive rental housing markets is an indicator of the prevalence of economic discrimination at both the individual and institutional levels. In the current economic climate of tight housing markets and rising inflation, an increasing proportion of Canadians are experiencing resource disadvantage that puts them at greater risk to encounter barriers in the search for private rental housing. The issue of economic discrimination is examined in this study as a factor that supersedes, while also contributing to,

⁷ Phelps uses the terms "rational" and "utility-seeking behavior" -- in that economic actors are maximizing utility in decision-making, rather than employing prejudice.

the other forms of discrimination based on identity. Iding (2003) argues economic discrimination occurs in two broad forms: structural barriers that systematically exclude lower socio-economic tenants from access to housing or services; and stereotypes about the “financial abilities of a prospective tenant based on what they perceive to be markers of that individual’s socio-economic class” (Iding, 2003). Indeed, many researchers have argued that as blatant racism has become less acceptable in society (if not less common), some landlords have shifted to using economic indicators to exclude some tenants -- especially racialized tenants, and this practice is made easier by the shift to online rental markets which allow landlords to ignore inquiries, or reply to inquiries selectively (Flage, 2018; Freiberg & Squires, 2015; Hogan & Berry, 2011; Novac et al., 2002; Rich, 2014).

It is important to point out in the current rental housing climate, economic discrimination denying access to rental housing based on any socio-economic indicator, is almost universally used by landlords across Canada to select desirable tenants (CERA-NRHN-SRAC, 2021; Novac et al., 2002). We note that Residential Tenancy Acts across Canada explicitly allow landlords the right to use financial checks to screen applicants, at least to some extent. It is also important to take into account the perspective of the landlord when seeking to understand the motivations behind these discriminatory practices: landlord informants in Novac’s study suggest that between 5% and 10% of all tenants tend to be “financially irresponsible or exploitative”, and that it is extremely difficult, time-consuming, and costly for landlords to seek to prosecute tenants who refused to pay their rent (Distasio & McCullough, 2016). Given these known risks which landlords rationally seek to avoid, they may use stereotypes as a shortcut to screen out tenants who potentially can incur such costs. This provides an underlying reason why statistical discrimination is prominent among small-scale landlords. According to Verstraete & Moris (2019), landlords and rental agents use mechanisms to exclude financially-vulnerable renters. For example, landlords increasingly collect and use tenant information on income, rental history, credit history, and ‘watch lists’ to screen tenants – actions that disproportionately affect some people with lower-income or poor credit, and operationalizes the economic discrimination noted above. Given the ramifications of rental discrimination, it is essential that further research explore the complexities of why and how landlords and rental agents discriminate against renters in the private housing market.

In concluding this discussion on landlords’ motivations to discriminate, it is important to note there is limited information about the landlords and rental agents who commit rental discrimination, but the research does demonstrate evidence of differences in their responses

towards rental applicants and renters. The Novac study found distinct treatment of applicants on the part of resident landlords versus absentee landlords, as well as between commercial and informal (small-scale or amateur) landlords. Novac's research showed that private informal landlords tend to exhibit more statistical discriminatory practices than animus-based discrimination (Novac et al., 2002). These findings are supported by Flage's 2018 review of studies on rental discrimination across all OECD countries that found consistent discrimination, though it was "significantly more prevalent" in private landlords compared to real-estate agents. In contrast, the 2000 US national housing discrimination audit study found that rental agents were more discriminatory in the rental housing search process than landlords (Choi et al., 2005). The limited number of studies and contrasting findings highlight the need for more research to broaden understanding of the causes of rental discrimination.

2.4 Rental Discrimination Risk: Identity and Structural Disadvantage

Rental discrimination is directed towards individuals based on characteristics such as race, gender, age and sexuality. However, the discrimination process is complex, and it is important to understand how minority identifiers are related to the broader issues of societal inequality. Structural inequalities have been increasing in Canada with significant implications for access to opportunities and ultimately a good quality of life for disadvantaged groups. Such inequality is multi-faceted, and identifiers such as age, gender, race, ethnicity, immigrant status, sexuality, and social class intersect contributing to continuing discrimination in Canadian society. In a 2013 Statistics Canada survey, 23% of the sample self-reported discrimination mainly due to race, gender, and age discrimination, with discrimination related to income, physical disability, mental health, and sexual orientation being less common (Godley, 2018).

Most research on housing discrimination focuses on race, gender, and ethnicity. Novac's definition of housing discrimination acknowledges the shifting quality of the meaning of 'discrimination', noting it has expanded over time as, "certain types of behaviour that were once taken for granted are [now] recognized as discriminatory. New forms of discrimination are coming to light." This includes increasing numbers of 'Protected Groups' and a previously unrecognized form based on social condition – a phenomenon that continues to be advocated against as recently as the May 2021 Canadian submission to The UN Special Rapporteur on Adequate Housing (CERA-NRHN-SRAC, 2021).

Most research on discrimination focuses on the dynamics between individuals or small groups, however, the process also occurs in a broader societal context. In addition to willful acts of

discrimination, the prevailing system of opportunities and constraints creates unequal outcomes with some groups favoured over others. Structural discrimination refers to the prevailing system that contributes to inequality based solely on the society's cultural, economic, and political functioning (Pager & Shepherd, 2008).⁸ This form of discrimination relates to the systematic features within policies and practices that are largely invisible and can contribute to group-based inequalities. It illustrates how in the absence of direct prejudice, opportunities may be allocated on the basis of group identity resulting in ongoing and cumulative forms of discrimination (Pager & Shepherd, 2008).

Socio-economic status shapes choice in housing intersecting with other marginalizing factors of identity such as age, gender, and ethnicity. An intersectional experience of discrimination occurs with differing effects for those facing one or more areas of structural disadvantage (Maalsen et al., 2021). Accumulation disadvantage is a structural category of particular relevance as it considers the spillover effects of discrimination that are cumulative and have consequences for a broader range of outcomes across the life course. Discrimination in housing markets has cumulative effects over time that can trigger disadvantage in many other domains including poor health outcomes and limited educational and employment opportunities (Pager & Shepherd, 2008).

Discrimination – be it based on race, ethnicity, colour, religion, gender, sexuality, age, or disability – never exists in isolation. Rather, types of discrimination reinforce each other resulting in “worse conditions and experiences of discrimination” (Ages et al., 2021). Early work on discrimination in markets showed that individual types of discrimination “exist in a system of mutual support” (D. Hulchanski, 1993); and that discrimination in housing must consider the influences of broader discrimination across society (Galster, 1990; D. Hulchanski, 1993). As recently as 2015, in *Cityscape* (the journal of the US Department of Housing and Urban Development), Friedman advocates for increased efforts for research that considers “how combinations of protected classes like race, sex, and family status may detrimentally affect the treatment of groups in their quest for better housing.”

⁸ The Government of Canada defines systemic discrimination as: Discrimination created and maintained by the seemingly neutral practices, policies, procedures and cultures of organizations and government structures. (Government of Canada, 2022)

Many studies have found that economically disadvantaged and racialized tenants face increased discrimination in the housing market. In their 2002 review of housing discrimination research, Novac et al. outlined some of the overlapping disadvantages experienced by racialized and low-income renters finding that Blacks and South Asians face the highest level of racial discrimination; while single mothers face the highest amount of social discrimination (also see (Murchie & Pang, 2018)). The result is that racialized, lone-parent women experience the worst discrimination “because of their race, sex, family situation, and low income all at the same time” (Novac et al., 2002).

More recent work is recognizing the intersecting forms of discrimination. One meta-analysis finds interactions between ethnic and gender discrimination, with “minority women receiving preferential treatment with respect to minority men” and “majority women favored compared to majority men”. The result is “female majority-sounding names are most favored” by landlords (Flage, 2018).

The Ontario Human Rights Commission has also recognized that the “forms of disadvantage experienced by people are based on the combination of their identities” and “applies an intersectional approach to complaints of discrimination” (Ages et al., 2021; Ontario Human Rights Commission, 2008). Most recently, the Canadian submission to the UN Special Rapporteur on Adequate Housing focuses on the importance of identifying and challenging the “intersection of socio-economic status and situation with other grounds of discrimination” (CERA-NRHN-SRAC, 2021).

2.5 System Level Discrimination

Discrimination also occurs at the system level where policy decisions impact housing provision and allocation. Kazis argues that housing policies and land-use laws may reflect policies of earlier eras which can create a segregated home/work city structure that generally affect men and women differently: men are disproportionately disadvantaged by the elimination of single-room occupancy (SRO) units, while women are more significantly impacted by zoning restrictions on in-home childcare. These housing policies and practices, he argues, “could be readily recognizable as sex discrimination under current [U.S.] law.” (Kazis, 2021).

A similar argument can be made more broadly about system-wide housing provision. Flage argues that any practice placing racialized persons at a disadvantage in finding housing is indirect discrimination, and “Therefore, public authorities must ensure the development of

housing adapted to all categories of population” (Flage, 2018). Ages et al. argue that federal and provincial policies do not protect prospective tenants, make evictions easier, and “directly perpetuate discriminatory outcomes” through actions enabling landlords to request ID or conduct credit checks, and through the failure to ensure sufficient availability of affordable and social housing (Ages et al., 2021). The financialization of housing also reinforces power imbalances between tenants and landlords, with landlords in high-demand markets experiencing limited recrimination for their discriminating practices because of the high numbers of applicants for vacant units (Ages et al., 2021; Hellyer, 2021).

Though not the focus of the current research, we acknowledge the profound impacts that system level drivers have on the rental environment in which prospective tenants must operate. The broader housing system – especially the provision of affordable housing – in many ways determines the experiences of tenants in the market, including experiences of discrimination.

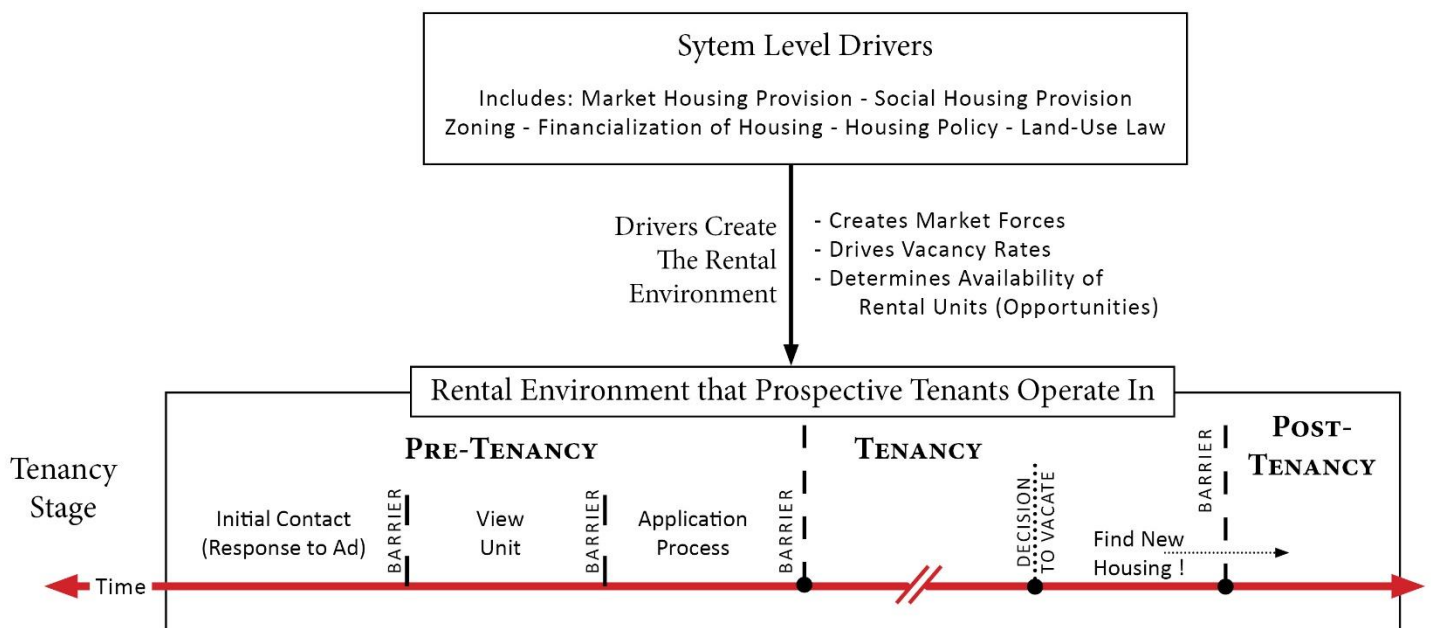


Figure 5: System Level Drivers of the Rental Landscape

2.6 Types of Rental Discrimination

Manifestations of rental discrimination represent the discriminatory behaviours and practices of landlords and rental agents that are enacted against persons and groups with minority identifiers; resulting in unequal treatment that is pervasive in the current private rental housing

market. While there are a range of potential barriers that prompt rental discrimination at all stages of tenancy, a key distinction in the literature is between opportunity denying and opportunity diminishing discrimination (*see Figure 5 below*). Opportunity-denying discrimination results when landlords simply fail outright to respond to tenant inquiries – usually at the search stage. In contrast, opportunity-diminishing discrimination is more subtle: the landlord may project discomfort in dealing with the prospective tenant, exhibit reluctance to respond to their questions, or appear to express a lack of interest in the applicant. They may also make additional requests or conditions of certain applicants that they do not demand from others. Opportunity-denying or diminishing discrimination primarily occurs at the pre-tenancy stage and it is significant that such discrimination is ten times more common than opportunity diminishing discrimination (Hogan & Berry, 2011).

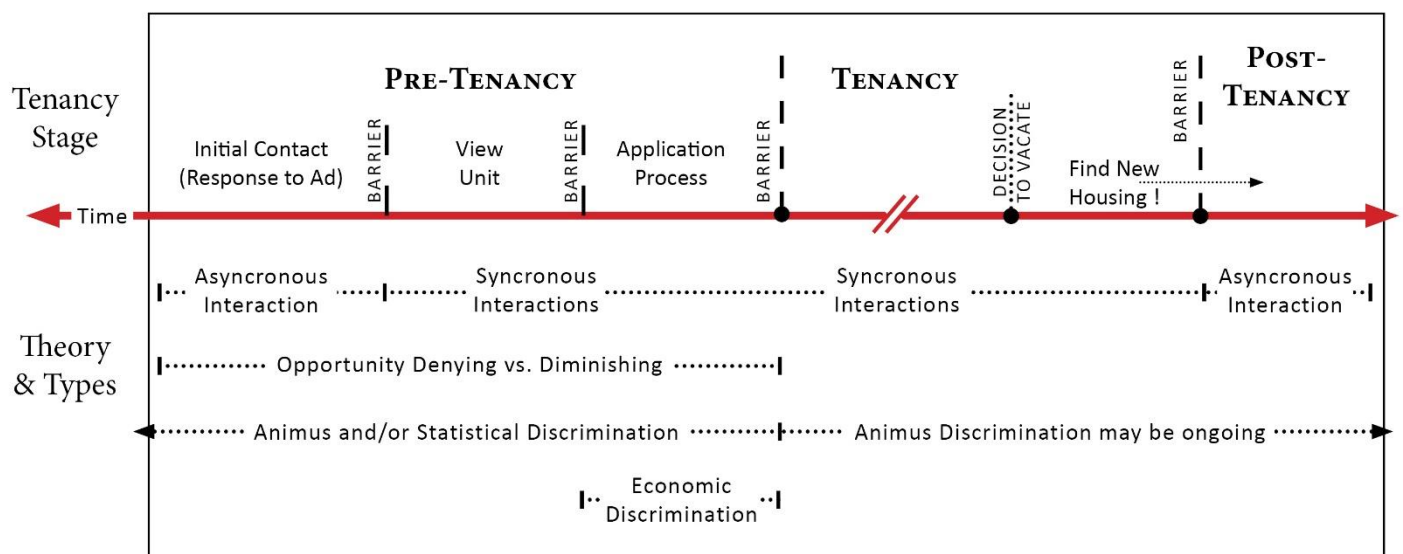


Figure 6: Theory and Types of Discrimination by Stage

Online tools at the search stage also make it easier and less obvious for landlords to engage in discriminatory practices such as ignoring inquiries or responding only selectively to those they believe would make more desirable tenants (Hogan & Berry, 2011). This is because online forms of communication enable asynchronous interactions (as in texts or email) as opposed to synchronous in-person interactions or over the phone. Interactions become synchronous once a tenant-applicant views a housing unit in person, applies, and enters tenancy. Asynchronous interactions can also occur post-tenancy, when a tenant may be trying to obtain a reference or deposit return but having to do so by email.

At the pre-tenancy stage, an applicant can experience discrimination due to animus (prejudice) or statistical discrimination. Because statistical discrimination refers to the lack of knowledge about a tenant-applicant, it tends not to occur once a tenancy has been secured. In comparison, the tenant may continue to experience animus discrimination throughout their tenancy – which often manifests as harassment.

2.7 Acts of Discrimination

Landlords' varied acts of discrimination also differ by the stage of tenancy. In the pre-tenancy stage, acts of discrimination are exclusionary, resulting in applicants being denied access to a tenancy. There are a multitude of these exclusionary acts of discrimination, but common acts include failures to respond to inquiries about available units, discriminatory statements or questions when meeting applicants in person, and application processes that exclude many people based on their rental or credit histories.

Discrimination during- and post- tenancy are distinct from the exclusionary behaviour of landlords in the application phase and can be conceived of as harassment. During tenancy, discrimination appears most commonly as failures to accommodate disabilities (such as failure to make a rental unit accessible for a wheelchair), dereliction of required repairs to a unit, and outright harassment of a tenant. Evictions based on discrimination are also possible, most often seen in some sub-populations including Indigenous people and newcomers (Zell & McCullough, 2020). Post tenancy, fewer acts of discrimination are seen, but withholding of deposits, and refusals to provide references are reported.

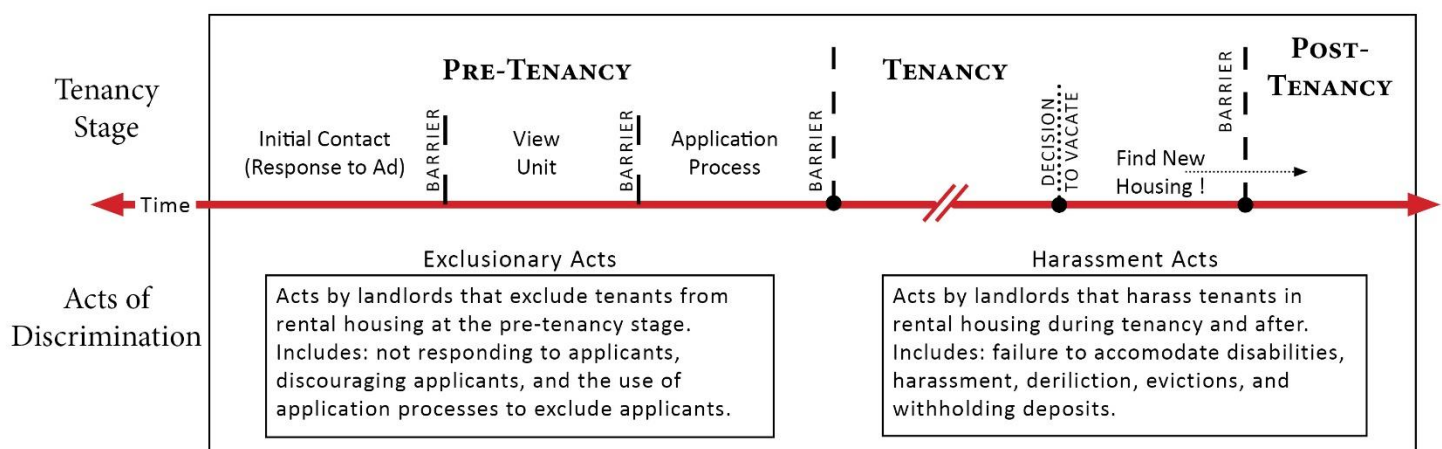


Figure 7: Stages of Tenancy & Corresponding Acts of Discrimination

2.8 An Explanatory Framework: Discrimination in Private Rental Housing

Based on the preceding discussion, we offer a framework to explain the causes and outline the processes of discrimination in the private rental housing market (depicted in Figure 1 below, and full-sized in Appendix H). With decreases in social housing provision, severe market forces, and the financialization of housing; the power imbalance in landlord-tenant relationships has intensified markedly leading to greater potential for rental discrimination. The framework is proposed to explain the processes, structures, and behaviours that cause rental discrimination, identify those individuals and groups who are impacted while gaining perspective of their experiences at all stages of tenancy, in addition to identifying measures to mitigate and reduce risk, and, most importantly, eliminate this pervasive societal process.

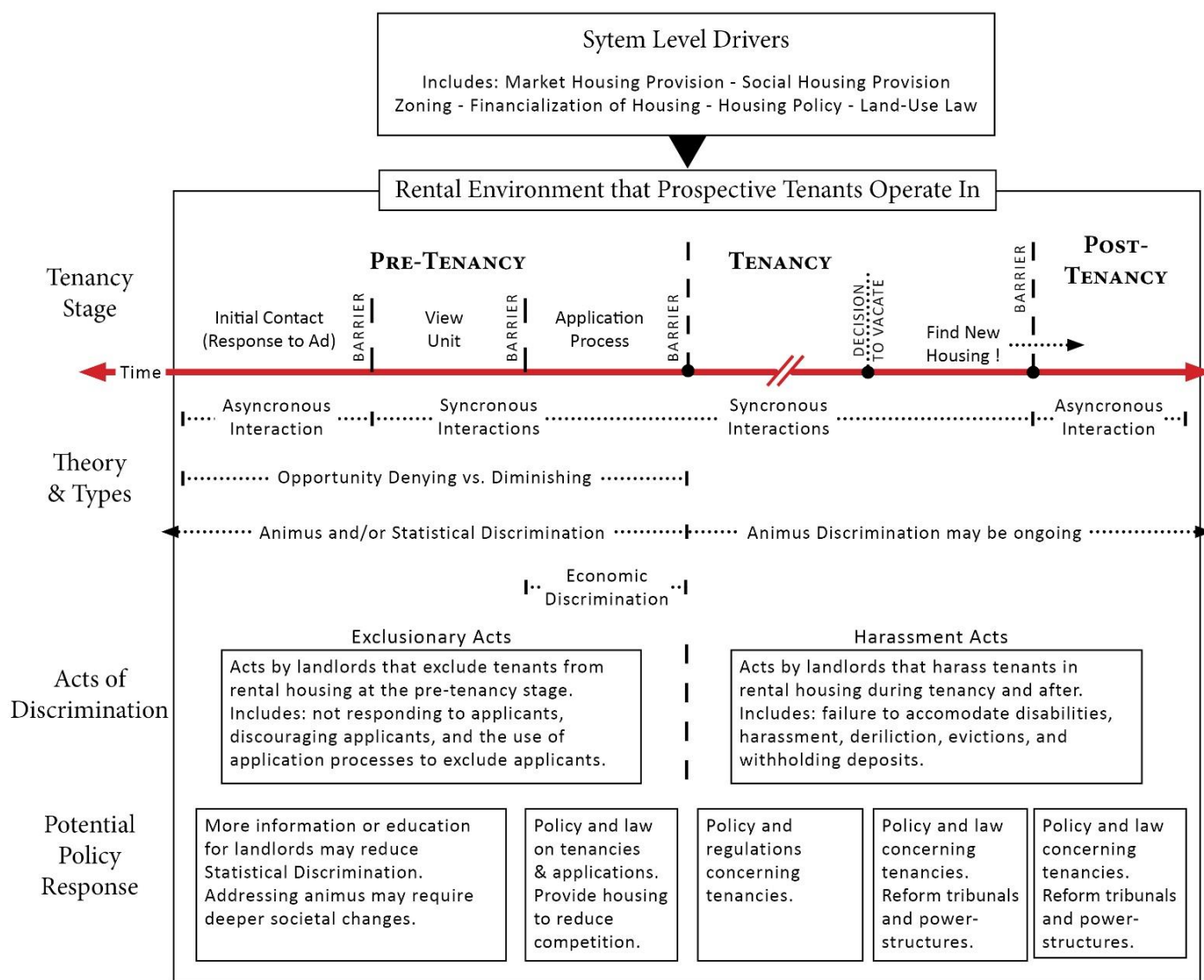


Figure 8: Framework of Discrimination in Rental Housing

The framework proposes private rental housing landlords are motivated to discriminate either because of personal bias (*individual discrimination*) or as a result of organizational practices (*institutional discrimination*). In the current competitive market, landlords use economic indicators to exclude and marginalize undesirable tenants. Therefore, the framework stipulates the primary importance of rental exclusion against the economically disadvantaged members of society (*economic discrimination*). This disadvantage is reinforced with other overlapping disadvantages experienced by vulnerable individuals and groups. Identifying characteristics of a tenant (*identifiers*) such as gender, race, age, disability, and sexual identify compound economic disadvantage further supporting the landlord's pretext to discriminate. The framework establishes that economic status intersects with these other marginal socio-demographic characteristics to create increasing vulnerability in the rental discrimination process (*accumulated disadvantage*).

The imbalance in the landlord-tenant relationship is revealed in the specific discriminatory acts occurring in the private rental market. According to the framework, rental discrimination can be manifest at any stage of tenancy, including the search stage (*pre-tenancy*), while residing in the rental unit (*tenancy*), and after moving (*post-tenancy*). In the framework, a range of discriminatory behaviours and practices (*acts of discrimination*) are identified that can potentially occur at each tenancy stage. These manifestations of discrimination highlight the outcome of the inequitable relationship whereby private rental landlords are empowered to discriminate against vulnerable individuals and groups disadvantaged economically and by their marginal identity.

Overall, the degree of cumulative disadvantage will shape an individual's ability to access and maintain stable tenancy. Greater disadvantage will result in poorer housing outcomes creating increased instability with significant implications for an individual's long-term psychological, social, financial, and physical wellbeing. There are a broad range of impacts occurring as a result of rental discrimination at both the individual and societal levels. This research draws on these impacts to identify services and mechanisms that not only address acts of discrimination, but also create profound societal change to take aim at the broader issue of accumulated disadvantage (*potential policy responses*).

3.0 Challenges with Research on Rental Discrimination

Some forms of rental discrimination manifest in a subtle manner, presenting challenges to researchers in its detection and documentation. Quantitative approaches have predominated in the field of research with housing audit field experiments generally regarded to provide the strongest evidence of rental discrimination at the search stage of tenancy (Gaddis & DiRago, 2021).⁹ Accordingly, the findings discussed in this literature review will be largely based on studies using this paired testing methodology, but these audits only account for the extent of rental discrimination for certain groups at the search stage and do not capture the complexity of the discrimination process at all stages of tenancy (Verstraete & Moris, 2019). Such complexity must be interrogated using qualitative research practices and the discussion on findings also considers the small body of literature that uses survey methodology as well as participatory methods to examine perceptions and experiences of rental discrimination.

As most rental discrimination research is based on housing audits, a critique of this method is presented to emphasize that the analysis of literature has been constrained by the narrow sphere of knowledge generated until now. In this critique, qualitative studies are offered demonstrating how this form of inquiry can draw much more in-depth knowledge and understanding of the issue. Further research development on rental discrimination must include measurements of the magnitude of discrimination as well as more exploratory and community-centred investigative approaches to capture the contours of discrimination in the private rental housing market (Gaddis & Di Rago, 2021).

Commencing in the 1960s in-person housing audits were conducted in which two persons with similar characteristics, except for distinct ethnicities, applied to the same rental vacancy (Auspurg et al., 2019). The cost and difficulty of implementing this type of housing audit led to the adoption of the email correspondence audit methods after 2000 when apartments became increasingly advertised on the internet. The weaknesses of correspondence audits are discussed below and have led to the call by researchers for in-person audits to be revived (Auspurg et al., 2019; Gaddis & DiRago, 2021; HUD, 2022). Over time, audits have expanded to examine rental discrimination based on characteristics such as gender, family status, sexual

⁹ There are also lab experiment methods that test for bias and discrimination, but these methods don't focus on housing specifically. They include implicit association tests (IAT), Goldberg paradigm experiments, list randomization, and measures of willingness to pay.

orientation, and disability (Gaddis & DiRago, 2021; Maalsen et al., 2021). This methodology is designed to observe if equally qualified rental housing seekers from distinct groups are treated differently by the housing provider (Yinger & Oh, 2015).

Research on discrimination has revealed many long-standing challenges, and the use of correspondence audits since 2000 has introduced new issues concerning the validity of results (Hogan & Berry, 2011). There is a lack of harmonization in methodological practices leading to large variance in study findings that can be attributed to questions surrounding the representativeness of sample designs, the validity of paired testing, extreme variation in effect sizes and publication bias (Auspurg et al., 2019).

Few correspondence studies on rental discrimination using the matched pair testing design identify the exact population of interest, test for sample bias, or address sample representation within data analysis. The researcher does not know the composition of the applicant pool, nor what their needs and capacity are when applying for an advertised rental unit (Gaddis & DiRago, 2021). This reference group is not accounted for in the sampling design of the paired testing used in correspondence audits which can influence the findings of discrimination. These limitations create differences in the outcomes of rental discrimination studies and make it difficult to generalize about findings or reliably predict systematic differences (Guryan & Charles, 2013).

A further methodological issue is the use of identifiers such as an ethnic sounding name to signal differences in status between a matched pair which is not considered valid if the distinction is not obvious to the housing provider (Turner, 2015). Therefore, correspondence audit results are not definitive in identifying distinctive treatment between two applicants with different identifiers. A more direct approach is using survey methodology to gather information about participant characteristics and rental housing experiences. In the *Housing New Canadians* project, Dion (2001) looked at perceptions of discrimination in finding rental housing in Toronto amongst three recent immigrant groups including Jamaicans, Poles, and Somalis. Overall, it was found that Somalis perceived greater discrimination and by using the survey data, Dion (2001) was able to record the intersectionality of ethnicity, gender, religion, family status, and socio-economic conditions.

The generalizability of results is also undermined by extreme variability in the reported magnitude of differences between matched pairs in treatment by housing providers. Smaller

studies are prone to random variation and large sampling error leading to larger effects and an overstatement of the degree of discrimination (Gaddis & DiRago, 2021). In a large meta-analysis of rental discrimination audit studies, Auspurg et al found “wide variance in effect sizes” attributed to “publication bias, variation over time, and varying amounts of information on applicants’ social status” (Auspurg et al., 2019). Publication bias occurs when statistically significant findings are more likely to be published. Their analysis suggests publication bias exists, and that the literature overstates the evidence for discrimination -- though it is still prevalent. However, it is unknown the degree to which effect sizes have been exaggerated by the occurrence of publication bias. Such an over-representation of strong findings in the literature precludes a balanced consideration of study results on rental discrimination (Flage, 2018).

There are also other reasons to consider for different rental search outcomes beyond discrimination. Audits never account for individual preferences and choices and there is a risk, therefore, that the reasons for differences in rental housing search decisions are simply caused by unmeasured disparities in individuals’ preferences or resources (Auspurg et al., 2019; Gaddis & DiRago, 2021; Galster, 1990). Housing choice may be predicated by the anticipation of discrimination in certain urban areas, or, conversely, the result of people’s preferences for segregated settings living within cultural/ethnic communities (propinquity). It is also likely that differences in access to social and financial resources constrain individuals’ choices for rental accommodation. The outcomes of such preferences and resource constraints are reflected in residential segregation patterns (Gaddis & DiRago, 2021).

To better understand the intentions of both tenants and landlords, housing audit findings can be augmented with interview methods. Using paired-testing audits in Paris, Bonnet and colleagues (2015) found that living in a deprived neighbourhood reduced the chances for an individual from a minority ethnic group to be offered an apartment viewing in a different neighbourhood. The researchers were able to extend empirical support for the existence of this place-based exclusion by conducting face-to-face interviews. Real estate agents denied any discriminatory practices but did confirm that inferences of insolvency were made based on the applicant’s place of residence.

The approach used in correspondence audits also lacks the rigour necessary to measure the extent and forms of discrimination (Turner, 2015). As it is not possible to measure the extent and types of landlord discrimination, Izuhara and Heywood (2003) chose qualitative techniques

to explore the experiences of older people in the private rental sector and their relationships with private landlords.

Studies since the 1980s have found it increasingly difficult to detect overt racism (Galster, 1990). Instead, researchers are seeing a “shift in discrimination [based on race or ethnicity] to socio-economic class markers” (Hogan & Berry, 2011). Indeed, Novac’s 2002 State of Knowledge report also noted the shift to discrimination based on income, or income source such as social assistance (p.53). While the meta-analysis study of Auspurg et al. (2003) shows rental discrimination to be diminishing, it is possible that a shift is occurring with overt forms of discrimination being replaced by passive discrimination that is more apt to be detected by interview methodology.

Audits only capture the initial stage of the housing search process and provide a simplistic measurement indicating the existence of discrimination. Previously, when in-person audit testing was the norm, more information was garnered regarding rent amount, units discussed, offers of rental applications and whether move-in incentives were offered (Turner, 2015). With in-person audits it was also possible to measure the reaction of the rental agent upon meeting the applicant (Choi et al., 2005). This suggests that the correspondence interaction provides only limited insight to the broader processes occurring in the experience of rental discrimination.

Correspondence studies are not feasible for subsequent stages of housing tenancy; relying on this type of methodology over-represents this stage of the housing exchange in the literature (Gaddis & DiRago, 2021). Future research should consider different methods to measure the extent and forms of housing discrimination, to capture all points in time when discrimination in the housing exchange can occur and to capture the true magnitude of discrimination and stages at which discrimination is most prevalent (Turner, 2015). Future research should also consider why rental discrimination appears to be in decline and whether the impact of increasing professionalism, awareness and training, shifting social norms, have offset discriminatory practices (Galster, 1990).

The scope of this report is both substantive and methodological, in that it is concerned with what is known about the phenomenon of rental discrimination, and with how this knowledge has been (and may be) obtained. After all, the instrumentalities of the housing market have evolved drastically in the intervening years since the Novac et al report, with a great deal of housing

information, listing, applications, and landlord-tenant interactions moving online, onto apps and to social media that have implications for the experience of rental discrimination.

While the themes in the literature applicable to understanding the Canadian context and emerging methodologies are not confined to studies undertaken in this country, thus requiring the use of relevant international literature (largely from the U.S., Europe, Australia, and New Zealand), the authors are cognizant of the widely varying policy contexts in these jurisdictions, making international comparisons problematic. That said, it should also be stressed that even within the Canadian context, the demographic characteristics (comprising various racial, ethnic, immigrant groups and other protected classes) and the nature and availability of the housing stock in each metropolitan area are sufficiently distinct that applying principles identified in one city to another may be undertaken only advisedly.

4.0 Identity and Private Rental Housing Discrimination

Who experiences rental discrimination?

The extant literature focuses on ethnic/racial discrimination for which there is a wide body of research and evidence. Discrimination based on gender, family status and religion appear less in the literature. Research on age discrimination in relation to housing is virtually non-existent.

Rich's review of 67 field-experiments of discrimination since 2000 (19 of housing) across Europe and America found "significant and persistent discrimination in all markets". The housing studies reviewed tested housing discrimination based on race/ethnicity, disability, and sexual orientation. Rich found statistically significant discrimination against ethnic minorities in all countries, with minority applicants for housing receiving fewer responses, and geographical steering of African Americans in the US. Rich also tried to distinguish animus and statistical discrimination and found that positive information about the socio-economic circumstances of a perspective tenant had a beneficial impact, "reducing but not removing discrimination against the ethnic minority" (Rich, 2014).

Although the meta-analysis of Auspurga et al. found "variance in effect sizes" their analysis still found prevalent discrimination -- nearly all trials in their meta-analysis evidenced ethnic discrimination (2019). In reviewing changes over time, Auspurga et al. found a steady decline of discrimination against Black tenants since the 1990s, with "nearly all discrimination being gone" by 2012 (Auspurg et al., 2019; also noted by Rich, 2014). Consistent with other research regarding statistical discrimination, the authors suggest landlords may use ethnicity as a proxy -- rationalizing that ethnic minorities have lower incomes. Promisingly, the overall finding from their research is that discrimination in rental markets has been declining over time. Indeed, in Canada the level of discrimination was the lowest among all countries in the sample (albeit represented by a narrow range of studies), and the difference in response rates between white and minority applicants disappeared almost entirely. While the authors note strong evidence for statistical discrimination, there were only a handful of available studies that investigated this, while at the same time, high-information conditions still exhibited discrimination, which the authors caution may or may not provide evidence for animus-based discrimination (Auspurg et al., 2019).

4.1 Rental Discrimination Based on Ethnicity and Gender

Most housing correspondence studies on rental discrimination have focused on differential treatment based on ethnicity, with most studies conducted in the United States and Europe. And while there has been no research examining gender exclusively, it has been considered along with the impact of ethnicity on rental discrimination (Flage, 2018). To determine discrimination, these studies evaluate outcomes such as whether a basic response is received, whether access is provided to view the housing unit, the type of information provided, the terms and conditions of lease, and the type of housing provider (real-estate agent versus private landlord) (Turner, 2015).

Housing audits were first conducted in the 1940s by private organizations and activists, but it was only in the 1960s that the United Kingdom authorized such research to examine discrimination based on ethnicity and immigration status (Gaddis & DiRago, 2021). In the United States, the Civil Rights Act was passed in 1968 but it was only in 1977 that the first large-scale paired-testing housing audit was conducted by the Department of Housing and Urban Development to examine differential treatment between rental seekers of White and African American background (Galster, 1990). Hispanic/Latin American identity was included in testing for the following 1989 HUD audit, while the 2000 and 2012 audits also added tests for Asians (Indigenous identity was included only in the 2000 field experiments) (Gaddis & DiRago, 2021).

The HUD studies have documented the incidence and magnitude of housing discrimination examining differential treatment outcomes such as availability and offer to inspect the rental unit. When compared to equally qualified White renters, one in three African Americans in 1977 were denied access to advertised units. By the 2012 housing audit this form of discrimination had declined markedly as African Americans were shown only 0.04 fewer units than White renters. While such blatant forms of discrimination have decreased since the initial audit, there have been no significant declines in other differential treatments, such as the number of units inspected, and rental opportunities for minority groups continue to be limited in significant ways (Yinger & Oh, 2015).

More recent research in the United States confirms that the greatest discrimination in the search for rental housing is experienced by African Americans. (Carpusor & Loges, 2006) found positive responses to applications were significantly lower for names indicating either an Arab/Muslim or African American sounding name and the greatest differential treatment was of African Americans. Also notable, no relationship was found between differential treatment and

the type of housing agent; real-estate agents discriminated as much as private landlords. In the study by Friedman et al, while both African Americans and Hispanic applicants were significantly less likely than White Americans to be invited for a unit inspection, the greatest difference in treatment was found for the African American group (Friedman, 2015). Similarly, Ewens, Tomlin and Wang found that positive responses were 9.3% lower for Black-sounding names (Ewens et al., 2014).

The study by Hanson and Hawley sent email enquiries from a matched African American and White pair and included information on the applicant's social class (Hanson & Hawley, 2011). The response rate for African American applicants was 4-6% points lower than Whites, but notably, ethnic discrimination was small and insignificant for African American applicants of high socio-economic standing. Hanson and Hawley found discrimination to be higher in neighbourhoods where minority groups comprised 5% to 20% of the population providing evidence of the geographic steering by landlords to prevent 'tipping'.

Specific to Toronto, Canada, Hogan and Berry, find that Muslim/Arabic male names have the lowest response rate for housing inquiries, followed by Muslim/Arabic female names, Black names, E/SE Asian male names, E/SE Asian female names, Caucasian names, and finally Jewish names (Hogan & Berry, 2011).

The Nordic countries were the first in Europe to pursue rental discrimination research revealing strong evidence for both ethnic and gender discrimination. Ahmed and Hammarstedt found Arab/Muslim applicants to be less than half as likely to receive a positive response compared to Swedish candidates, while the majority and female minority applicants were more than twice as likely to be invited to view a rental unit especially in metropolitan settings (Ahmed & Hammarstedt, 2008). Similarly, Carlsson and Eriksson found that significantly fewer responses were received by Arab/Muslim applicants and female applicants were more likely to be invited to an apartment viewing (Carlsson & Eriksson, 2014). (Bengtsson et al., 2012) also found gender discrimination amongst Swedish applicants whereas ethnic discrimination was only present in the suburbs of Stockholm. The findings also suggest that real-estate agents discriminated less against Arab/Muslim and male Swedish candidates (Ahmed & Hammarstedt, 2008) and adding more socio-economic information did not reduce discrimination (Ahmed & Hammarstedt, 2008; Carlsson & Eriksson, 2014).

In a Norwegian study (Andersson et al., 2012), Arab/Muslim applicants were 13% less likely to receive a response while, overall, women tended to receive more responses than men. Significant ethnic discrimination was also detected in Denmark with the notable finding that Arab/Muslim men face more barriers than ethnic minority women (Andersson et al., 2012). Similarly, Öblom and Antfolk, (2017) found Arab/Muslim applicants were almost half as likely to receive a positive response, and significant gender discrimination existed with minority women being twice as likely to get a positive response than men. The results of (Andersson et al., 2012) also reveal that providing more information on socio-economic circumstances in the application increased response rates.

Other research in Europe has highlighted the experience of discrimination in the rental housing market is dependent on ethnic background. (Acolin et al., 2016) for example, found evidence of discrimination in France against Arab/Muslims, Sub-Saharan Africans, and Turks but not against Eastern Europeans. And although not significant, more Female Eastern Europeans compared to males received more responses from housing agents. Information about professional and financial stability on the application only increased positive responses for French applicants.

In a German study, Arab/Muslim and Turkish applicants experienced the greatest discrimination, but East European and Italian candidates also encountered significant barriers to accessing housing (Koppen et al., 2017). A gender effect was highlighted with female applicants generally receiving more positive responses than males. This study also found that there was greater ethnic discrimination by private landlords when compared to real estate agents.

In addition to ethnic and gender discrimination, studies in Italy and Spain have provided evidence of geographic discrimination in the housing market. (Baldini & Federici, 2011) found that discrimination was greatest for Arab/Muslim applicants, and within this group, females were more likely to receive a positive response from housing providers. Of particular significance was the finding that discrimination was higher in Northern than Central or Southern Italy. Significant rental discrimination was also found against Arab/Muslims in Spain and the highest discrimination was found in Madrid and Barcelona neighbourhoods with limited presence of Arab/Muslims (Bosch et al., 2015).

In their 2018 study employing randomized responses to more than 9500 online rental ads posted to Craigslist, but carefully drafted to subtly indicate racial ethnic and gender status, as

well as religious affiliation, sexual orientation and household composition, Murchie & Pang found that single female applicants and gay white couples appeared to be distinctly preferred by most landlords, while black single parents and Arab males received responses in fewer than 30% of inquiries (Murchie & Pang, 2018). The authors speculate that presumed income may play a significant role in these results, with landlords preferring households with two income earners and no children. In this regard gay males appear to be preferred over lesbians, the latter having a greater potential to have children. By contrast, findings demonstrate that Blacks, Arab males, Muslims, and single parents are least preferred. The authors conclude that these findings are consistent with a tendency towards statistical discrimination on the part of landlords, i.e., using personal characteristics as a proxy for earning potential, rather than out of animus towards the categories to which those individuals belong (Murchie & Pang, 2018).

The extent to which Indigenous Canadians experience rental discrimination is, as of this writing, dramatically under-researched. A single CMHC-commissioned report published in nearly 20 years ago (Cohen, 2004; Corrado Research and Evaluation Associates Inc., 2003) which inquired into perceptions of housing discrimination among Indigenous participants in both Winnipeg and Thompson Manitoba, remains to this day the only source of data on this issue. This report continued to be cited into the subsequent decade (Patrick, 2014) and – in interdisciplinary contexts – into the decade beyond (Currie et al., 2020). That said, in recent years the issue has received ongoing attention in the news media: in 2016 a youth-driven social media campaign in Montréal called "Locataire recherché" ("tenant wanted") made headlines with a video depicting (re-enacted) rental discrimination against Indigenous persons (Malley, 2016), and in 2018 the Saskatchewan Human Rights Commission released a report on consultations with Saskatoon renters that revealed discrimination faced by a number of low-income renters in that city, including Indigenous participants (Yard, 2018). As well, the Ontario Human Rights Commission's *Policy on Human Rights and Rental Housing* (2009) includes a section on "Identifying Discrimination in Rental Housing" which offers specific race-based scenarios regarding renters of Aboriginal ancestry that would qualify as discrimination. While subsequent CMHC studies have examined homeownership rates and property values according to racial factors, including for Indigenous homeowners (Canada Mortgage and Housing Corporation, 2021, 2022), data from the 2010s and beyond regarding the experience of rental discrimination on the part of Indigenous renters – if it exists – has not yet been published.

4.2 Rental Discrimination and Sexual Minorities/Identities

Ethnic discrimination in the rental housing market is well documented in the literature but investigation of the association between rental discrimination and sexual orientation is only very recent. The limited evidence concerning sexual minorities that exists is encouraging but inconsistent. Ahmed, Andersson and Hammarstedt explored the experience of lesbians in the Swedish housing market finding no indication of discrimination against them (Ahmed et al., 2008). In a related study, Ahmed and Hammarstedt did find differential treatment of gay men who received 12% less call-backs compared to heterosexual couples (Ahmed & Hammarstedt, 2009). The authors noted, however, that the magnitude of discrimination observed against homosexual males was far less than their parallel study on ethnic discrimination in rental housing. The question raised by these findings is “why discrimination appears to be an issue for males and not females?” It points to the complexity of issues surrounding sexual orientation and its intersection with gender.

More recent investigation of rental discrimination based on sexual orientation in the United States also discloses divergent results based on gender. In the study by Friedman et al (2013), heterosexual couples received 16% more positive responses than for both male and female same-sex couples. In contrast, while lesbians and straight women were treated comparably by housing providers, Levy and colleagues (2017) found apparent bias against gay men who were offered fewer units to view and quoted higher rental costs. Similarly, Schwegman found same-sex male couples, especially non-white couples, to be less likely to receive positive responses for their rental queries (Schwegman, 2019).

The one Canadian study on housing discrimination by sexual orientation examined the rental search experiences of same-sex couple households and single-parent households relative to heterosexual couples. Lauster and Easterbrook (2011) found that male same-sex couples, as well as single mothers and single fathers, faced significant discrimination. The most significant result of the study was the existence of geographic discrimination against same-sex males as less discrimination existed in neighbourhoods containing higher proportions of this household type.

On the other hand, Murchie & Pang (2018) determined single female applicants and gay white couples were distinctly preferred by most landlords, while black single parents and Arab males received responses in fewer than 30% of inquiries. The authors speculate that presumed income may play a significant role in these results, with landlords preferring households with two

income earners and no children. In this regard gay males appear to be preferred over lesbians, the latter having a greater potential to have children. By contrast, findings demonstrate that Blacks, Arab males, Muslims, and single parents are least preferred. The authors conclude that these findings are consistent with a tendency towards statistical discrimination on the part of landlords, i.e., using personal characteristics as a proxy for earning potential, rather than out of animus towards the categories to which those individuals belong (Murchie & Pang 2018).

Finally, Hellyer (2021) finds that “landlords do not respond at substantially different rates to inquiries from same-sex or opposite-sex couples in rural or urban markets, nor do response rates differ between states with antidiscrimination ordinances and those without,” suggesting that sexual orientation may no longer represent a significant risk for discrimination in the housing market. Overall, this brief review is unable to identify consistent trends, which highlights the need for more research on this form of rental discrimination to inform policy development.

4.3 Older Adults: Rental Discrimination and The Impact of Aging

Tenure insecurity is a common but complex problem for older tenants in private rental accommodation (Maalsen et. al., 2021). Aging creates an additional layer of uncertainty, and the implications of this instability are significant for an aging renter’s health and wellbeing (Bates et. al., 2019). These challenges are exacerbated when older adults also have other identities that are discriminated against – especially LGBTQ2S and racialized identities (Gahagan et al., 2020). Older adults with these identities face particular problems with discrimination in housing, social isolation, and policy, law and regulations that do not recognize their needs (Gahagan et al., 2020).

In the private rental market, there is limited understanding concerning discrimination experienced by older adults, but the literature does provide insights about their vulnerabilities. It is relevant to consider the current private housing rental market in OECD countries as declines in affordable housing units along with limited private rental housing have resulted in decreasing vacancy rates and created associated hikes in rental costs (Spencer, 2009; Morris, 2013). The rising demand for the limited supply of private rentals disadvantages older adults already experiencing health problems, declines in financial resources and changes in social connectedness and independence (Bates et al., 2019).

A growing divide exists in the aging population between those with resources and those who have minimal capacity to control their housing situation. And while a larger proportion of older adults are homeowners, the housing choices of many are shaped by life course circumstances along with economic and systematic barriers (Morris, 2013). There are major differences in the health profiles and socio-economic indicators of older renters and non-renters as (Taylor et al., 2019). Older adults in private rental housing experience greater risk of financial hardship and insecurity, as well as more chronic conditions and poor mental health (Izuhara & Heywood, 2003). Moreover, the trajectory of older adults renting in the private rental market highlights the intersectionality of gender in the aging process with decline in health and finances. There are older adults who have been renting all their lives while others move into rental housing in response to age-related changes (Izuhara & Heywood, 2003). It is notable that the current housing circumstances of older adults is fundamentally shaped by employment history. Those employed throughout their lives in low-paying jobs lack sufficient resources and older men face a greater risk of isolation because of their lack of social networks and supports (Taylor et al., 2019). Older women in private housing may also have a limited employment history, but it is more often the event of divorce, separation or widowhood and the resulting financial decline that leads to private rental tenancy. There is a greater proportion of older women in private housing, but both males and females face significant problems in accessing and maintaining tenure in the private rental market as they are disadvantaged by living alone with increasing health problems and limited financial and social resources (Spencer, 2009).

Only one study in Japan has utilized the housing audit methodology to investigate rental discrimination and aging. Using an in-person audit technique, Nakagawa (2003) found evidence of discrimination with older home seekers receiving 30-to-40% less information about rental units than younger applicants. In this study, the housing providers viewed older applicants unfavourably because they risk experiencing declines in health and financial resources while also having the potential for long-term tenancy (Nakagawa, 2003).

While the results of this study provide evidence of the existence of discrimination against older adults in the search for private rental housing, further research is needed to gain an in-depth understanding of the experiences of older adults. Moreover, it is imperative that research focus beyond the search process to consider the experiences of older adults during the rental tenancy. Investigating the experiences of British older adults renting in the private housing market, Izuhara & Heywood (2003) documented verbal, psychological, and financial abuse by landlords, as well as neglect in the form of poor housing conditions and the termination of

tenancies. In addition, the Canadian Centre for Housing Rights (CCHR) (formerly the Centre for Equality in Rental Accommodation (CERA)) has documented the discrimination experiences of older renters:

“Landlords who have minimum income requirements can make it difficult for anyone living on a pension or other fixed income to rent an apartment. Many landlords are also hesitant to rent to older people for fear that they will [develop a disability and become] a “burden” to the landlord – in the future. Where an elderly tenant does develop health conditions that require modifications to their unit or an apartment building, landlords will frequently avoid making the necessary changes, forcing the tenant to either live in uncomfortable, unhealthy – and often dangerous – circumstances, or try to find alternate housing. Sadly, “aging in place” is impossible for many elderly tenants.”

(CERA, 2008)

Such forms of discrimination can have significant implications for the wellbeing of older adults substantiating the need for an augmented research agenda that considers all stages of the tenancy process, as well as including further consideration of unique barriers for older adults such as rental advertisements online and the impact of disability on an older adult’s rental experiences.

5.0 The Impacts of Rental Housing Discrimination

Housing and neighbourhood conditions are widely acknowledged to be important health determinants and housing is considered “one of the mechanisms through which social and economic inequities translate into health inequities” (Wood, 2016; c.f. Braubach & Savelsberg, 2009). Housing research emphasizes the significance of psychosocial aspects of housing on health and well-being including high rent, segregation, and poor-quality housing (Tinson & Clair, 2020). Rental discrimination can impact access to quality housing in a secure and service-rich neighbourhood resulting in social, economic, and health consequences for tenants (Wood, 2016). There is evidence within the research of a range of adverse effects created by the experience of rental discrimination including problems with housing affordability, increased residential segregation, poorer access to education and employment, and declines in mental and physical health (Flage, 2018; Wood, 2016).

One of the primary economic impacts of housing discrimination is on affordability (Auspurg et al., 2019; CERA-NRHN-SRAC, 2021; D. Hulchanski, 1993; Ontario Human Rights Commission, 2008; Springer, 2021). The discrimination can include unequal rents, differential fees, or increased scrutiny of an applicant (Ages et al., 2021; Alini, 2020; Hogan & Berry, 2011; D. Hulchanski, 1993). Discrimination effectively excludes many lower-income households from affordable housing forcing them into over-priced, poor quality, overcrowded, or poorly located apartments, and increasing these tenants’ affordability problems and hence vulnerability (Ages et al., 2021; CERA-NRHN-SRAC, 2021; Ontario Human Rights Commission, 2008). These affordability challenges and vulnerabilities are visible in core housing need data with ‘visible-minority’ households twice as likely to be in core need, and Indigenous renters experiencing the highest rate of core housing need (Ages et al. 2021).

Housing discrimination also creates spatial segregation and social inequality in cities (Ages et al. 2021). Clair and Denis (2015) refer to symbolic boundaries constructed against marginalized groups, creating social, spatial, and temporal boundaries in a community perpetuating segregation. As early as 1988, Galster showed how discrimination leads to patterns of residential segregation in cities, which cause ongoing social and economic disparities. The Neighbourhood Change Research Partnership has shown the result is greater socio-economic and ethno-cultural segregation in Canadian cities – especially Toronto, but also Calgary, Montréal, Winnipeg, and Vancouver (see <http://neighbourhoodchange.ca/>). The GTA has

experienced a 56% increase in income inequality¹⁰ and 14% increase in segregation between 1991 and 2016 (J. D. Hulchanski & Maaranen, 2018). In the U.S., studies have shown that although rental discrimination is declining, Black tenants continue to live in hyper-segregated or highly-segregated neighbourhoods ((Friedman, 2015) c.f. Massey and Tannen, 2015).

Forcing renters to live in inadequate housing in less desirable neighbourhoods creates substandard educational opportunities and fewer and less desirable employment prospects— for instance by forcing tenants to live far from employment opportunities. Therefore, residential segregation perpetuates inequalities in neighbourhoods by increasing the challenges of finding better housing and employment (Alini, 2020). Housing discrimination also reduces the ability of renters for wealth accumulation and success in the labour market (Auspurg et al., 2019; Galster, 1990). A further impact of residential segregation is poor access to a wide variety of services, including healthcare and transportation (Dion, 2001).

In addition to social and economic effects, the instability created by rental discrimination acts as a stressor that harms health directly, but only recently has research begun to examine these complex associations. For example, poor quality housing is a major problem in the private rental sector with dangerous conditions having significant physical and mental health impacts on tenants. Cold, damp, and mouldy environments create risks for respiratory, cardiovascular, and mental health particularly for older adults (Bates et al., 2019; Chisholm et al., 2020). Furthermore, poorly maintained housing is prolific in the rental sector creating greater impacts on health (Wood, 2016). However, there is often reliance on tenants reporting these problems and response may be dependent on the tenant-landlord power dynamics thus underscoring that lack of repairs is a major form of rental discrimination during tenancy.

Yang, Chen and Park (2016) used a large household survey in Philadelphia to confirm an association exists between self-rated health and perceived rental discrimination when searching for housing. They also found that neighbourhood characteristics have a moderating effect on this association, that is, the adverse association between discrimination and self-reported health was less in socially disadvantaged neighbourhoods. While other research has found poorer health outcomes in disadvantaged neighbourhoods, the authors suggest such communities

¹⁰ Measured using Gini Coefficient, share of income, spatial (census tract) income by neighbourhood, income inequality between census tracts, spatial income polarization, and racial segregation by census tracts. For an overview, see (J. D. Hulchanski & Maaranen, 2018).

serve as buffers to the deleterious effects of discrimination (Yang et al., 2016). These findings highlight the complex intersections that are part of the experience of residential discrimination and require further research.

Substantive evidence of the harmful impact of discrimination on health is found in a recent study on housing discrimination experienced by Indigenous post-secondary students in a small city in Western Canada. The in-person survey considered the frequency of housing discrimination related to obtaining and maintaining housing over 12 months and included measures of physical and mental health outcomes. About 18% of the sample (n=146) experienced racially motivated housing discrimination and almost two-thirds experienced it two or more times. Motz and Currie (2019) found that the frequency of housing discrimination was significantly associated with increased post-traumatic stress disorder symptomology with negative consequences on mental health, addiction, quality of life, and close personal relationships. The authors also found a direct correlation between housing discrimination with academic success and completion.

Further analysis in this study considered the impact of housing discrimination on the allostatic load (AL) representing the wear and tear on the body caused by chronic activation of the stress response system. The AL scores were double for those experiencing discrimination compared to the remainder of the sample. It is notable that study participants were relatively young, and the experience of discrimination could have significant impacts on neuroendocrine, cardiovascular, metabolic, and immune system functioning. According to (Currie et al., 2020), the study results provide evidence of an etiologic pathway directly linking rental discrimination to poor health.

Despite the evidence reviewed, there is still very little known about the impact of housing discrimination on health and health inequities. This discussion has emphasized the complexities of the issue as the connections between discrimination and health is related to a range of intersecting biological, social, economic, and physical factors. Further research is required to explore these relationships.

6.0 Mechanisms to Counter Housing Discrimination

Although the literature is extensive on housing discrimination, less work has been done on the mechanisms that might provide countermeasure to discrimination or relief for those who experience it. In the policy and advocacy area, Ages et al. review in their recent briefing to the CMHC the existing protections for tenants and efforts to address discrimination (2021). Many of the protections listed are legislative and legal protections through international instruments, and Canadian and Provincial rights law including the Charter of Rights and Freedoms. Ages et al. also review the various advocacy and service organizations across Canada who work to help people who have experienced housing discrimination, educate tenants and landlords, and advocate for legal changes.

Relief under legal instruments, however, are typically complaint-based and extremely resource and time intensive as well as requiring high levels of evidence (Ages et al. 2021). It appears that few tenants who experience rental discrimination are able to access relief through these instruments. Few tenants would have the time or capacity to pursue a human-rights complaint, there is little assistance available to rights-claimants, housing tribunals are “resistant to the application of substantive equality”, and housing cases rarely appear in Human Rights tribunals across Canada (CERN-NRHN-SRAC 2021). In fact, more than 30 years ago Galster argued that “fair housing enforcement needs to wean itself from victim-initiated complaints to suits filed by public or private fair housing agencies based on evidence obtained from audits” (Galster 1990).

Ages et al. also call for the development of a nationally recognized “operational definition” of housing discrimination which will give policy makers, landlords, and tenants a coherent understanding of the problem (2021). This effort would help increase tenants’ knowledge of their rights and potentially drive policy solutions. This report also notes the complete lack of Canadian national data on housing discrimination, and that no research is being undertaken at a national level on the presence and magnitude of housing discrimination (Ages et al. 2021).

Two studies have investigated the impacts of legal interventions on housing discrimination and find evidence their use is effective. One HUD-commissioned study used an audit test to determine the effect of anti-discrimination laws on the rate of voucher refusal in the U.S. (Moore, 2018). This study found that where anti-voucher discrimination was illegal, applicants were about 5% more likely to receive a positive response. Another study examined “the effect of an informational call from a government agency reminding landlords of fair housing law and

potential penalties for engaging in discrimination” (Fang et al., 2019). This New York-only study found evidence for small reductions in discrimination when landlords received a warning call about such practices, and suggest that government messaging can help in some settings.

Determining whether rental discrimination is statistical or animus in nature is significant in terms of identifying possible measures to counter it. Flage argues that these two types of discrimination are fundamentally different and require different actions to counteract (2018). Because statistical discrimination derives from a lack of accurate information about the prospective tenant, Flage suggests that providing improved information to landlords about the economic situations of prospective tenants can reduce this discrimination. Animus on the other hand “is hard to counter because it comes from preferences rooted in individuals. Such a change of mentality requires long-term work”, and that “it would be more effective to combat this phenomenon ex-ante by combating racism”. Institutional discrimination requires measures that respond to corporate practices, and may be responsive to policy and legal actions.

Overlapping these two theories of discrimination is a third, ‘contact hypothesis’ which argues that contact between majority and minority groups (at least under “optimal conditions”) can reduce prejudice” (Hellyer, 2021, c.f. Allport 1954).

The academic literature appears to be of two opinions when it comes to measures to counter housing discrimination – based on the recognition of statistical vs. animus discrimination. On one hand, three recent meta-analyses of audit studies suggest that providing more information about prospective tenant’s socio-economic status may help those tenants acquire the housing applied for.

Rich’s review of housing audit experiments in Europe and the U.S. finds that providing further positive information on applicants has a beneficial impact, “reducing but not removing discrimination against the ethnic minority” but that animus discrimination remains (Rich, 2014). In his 2018 study, Flage found that providing more information helped both minority *and* majority applicants get housing by a significant amount – almost 40% increased probability. But Flage also found that the “gap between minority and majority applicants” (orig.) remained the same. Overall, the study finds that providing more information slightly reduces discrimination in the majority of cases, but in two cases increased discrimination.

The careful meta-analysis of Auspurga et al. finds similar effects to Flage (2019). They state, “A significant part of the discriminatory behaviour can be attributed to missing information about the

social status of applicants, which supports theories on statistical discrimination.” And that “providing more information on applicants substantially reduces the level of discrimination (by about one-third)”. As noted above though, this study also recognizes that the remaining discrimination may be due to animus, or because of still missing information, or other factors unknown; and calls for research to investigate the underlying mechanisms that drive discrimination.

On the other hand, all of these meta-analyses recognize animus housing discrimination. As we note above, Flage argues that animus is “hard to counter” and requires changes in individuals and across society. It may be the case that, ultimately, rental discrimination cannot be reduced to a discrete phenomenon amenable to policy intervention. As Robert Schwemm points out, provisions in the U.S. Fair Housing Act targeting rental discrimination have proven to have had very little effect, in that rates of rental discrimination had hardly changed in 40 years despite all efforts including the FHA legislation (Schwemm, 2007). He argues that, first of all, social scientists and policymakers simply don’t know what motivates discrimination on the part of individual landlords – many of whom may not even think of themselves as prejudiced. Landlords may also not be aware they are breaking the law; but even if they are aware, the FHA is seen by most to be of little deterrence, and not only because enforcement has been spotty. Using insights from the social sciences to try to understand what motivates individuals to comply with laws of any kind, Schwemm suggests that prompts (for example, advertising messages making it appear patriotic to provide housing for people of all races returning from military service in Iraq) would be more effective than threats of legal consequences. The reality is that in-group identification and the reliance on stereotypes are both too deeply ingrained to be changed rapidly through legislation or other programming interventions. Instead, he concludes that broader shifts in the culture over time regarding attitudes towards race are needed before any significant change in this specific expression of it will be forthcoming.

Given these vast complexities deeply rooted broader social behaviours, it seems prudent to acknowledge that rental discrimination may meet the criteria of what Rittel and Webber referred to in their classic article “Dilemmas in a General Theory of Planning” (Rittel & Webber, 1973) as a “wicked problem.” Applying their framework to our understanding of rental discrimination as gleaned from this review of the literature can aid us in better understanding the nature of the phenomenon in a multidimensional and holistic way. For Rittel and Webber, most planning problems are “wicked” because they have no definitive formulation, there is no way to tell if the problem has been finally solved, and that each problem is not only unique -- meaning a solution

that works in one context may not work everywhere -- but they are generally symptoms of larger problems. We may see these characteristics at work in the case of rental discrimination.

As the literature demonstrates, there is no definitive definition of what constitutes housing discrimination, and it takes many forms and affects distinct constituencies differently, depending on the local contexts. What motivates individual actors in each housing market to discriminate is also unknown. Yet, because animus discrimination is merely a symptom of another problem (racial, ethnic or other forms of prejudice), planners and policy makers will never be able to say that this problem has been solved and no longer exists. As well, the conditions in which the phenomenon occurs can vary from city to city and indeed neighborhood to neighborhood -- each case is essentially unique -- meaning that no test or solution can be applied universally. Finally, Rittel and Webber warn that the “planner has no right to be wrong”: in other words, the constituencies who are most seriously affected by this phenomenon represent in many cases vulnerable and marginalized populations. Therefore, any planned intervention must be undertaken with the utmost care, or risk exacerbating the negative effects on these constituencies.

None of this is to say that policy interventions are impossible, only that they must be realistic as to their scope and mindful of other negative social forces, as well as being contextually and structurally sensitive, specific to local needs and cognizant of the vulnerability of the constituencies involved. Policymakers could work towards enabling the provision of greater and more detailed information regarding the economic capacities of specific populations, which may help reduce statistical discrimination, while acknowledging that animus-based discrimination may require more widespread cultural and social shifts in society over time. These may require greater efforts to connect housing policy with broader social policies -- necessitating cross-sectoral cooperation -- in order to reduce or eliminate barriers to economic and social participation on the part of vulnerable populations.

7.0 Transition to the Interviews

In this overview, the breadth of research in the past twenty years on rental discrimination in the private rental market has been examined. The analysis reveals the existence of rental discrimination at the initial search stage of tenancy for vulnerable populations defined by gender, ethnic background, sexual orientation, and increasing age. Further research is imperative to extend our understanding of the causes and impacts of rental discrimination amongst a range of at-risk groups at different stages of the tenancy. In light of the lack of qualitative inquiry in rental discrimination research, the goal of the current project is to provide more context to the lived experience of rental discrimination and enhance understanding of the process.

The current research endeavours to develop this knowledge by exploring the tenancy experiences of vulnerable groups in Canada and considering the various social, economic, and institutional barriers that create discriminatory practices. In the following section on interview findings, the explanatory framework is used as a guide to consider forms of discrimination enacted by landlords at different stages of tenancy, the acts of discrimination and those individuals and groups at greatest risk, as well as its short- and long-term impacts followed by an examination of current mechanisms used to address this prejudicial process. Overall, an enhanced understanding of rental discrimination will identify mechanisms to more effectively eliminate the risk of unequal treatment in the private rental sector.

8.0 Rental Discrimination: Analysis of Interview Findings

8.1 Intro

Interviewer: “Do you see rental discrimination in your work, in the field?”

Respondent: Oh, yes. Tons. I think it’s so pervasive; it’s almost hard to see it anymore, in a way. A lot of the folks I work with, right now, are housing support workers... their job is to help tenants find housing in the private market in Toronto. And these are folks who are on OW or ODSP, so they have very, very limited income or often are racialized, [persons with disabilities], members of protected classes in many different ways. The amount of discrimination they face in the rental market is so obvious..., it’s hard to quantify it. But I would say it’s completely pervasive.”

(Housing Advocate #3, CCHR, Toronto)

This section of the report provides a summary analysis of findings from interviews conducted with housing advocates, Housing Workers, Case Workers, and legal professionals (n=30), as well as people with lived experience of rental discrimination (n=8). Interviews were conducted in Ontario and Québec with Montréal and the Greater Toronto Area being the predominant location of the interviews. Note that pseudonyms have been used for people with lived experience of discrimination, and their place of residence has been identified by region only, to increase anonymity. Thirty-eight interviews (each approximately one-hour in length) were conducted by phone with participants between June and November 2022. A total of nineteen interviews were conducted in each province (see Table 1 below).

The intent of the interviews is to complement and build on the Literature Review (Sections 3-6) using the Conceptual Framework (Section 2). The literature review explored the breadth of research over the past twenty years on rental discrimination in the private rental market. The analysis reveals the existence of rental discrimination at the initial search stage of tenancy for vulnerable populations defined by income, disability, ethnic background, gender, sexual orientation, and increasing age. The goal of the interviews is to better understand the experience of rental discrimination primarily at the initial stage of a tenancy but also during a tenancy, around decisions to end a tenancy, and post-occupancy. The interviews advance knowledge on rental discrimination by exploring the tenancy experiences of vulnerable groups in Canada, and provide a more in-depth understanding of the barriers in the search for housing, unequal treatment during tenancy, and eviction, from a lived experience perspective. The

research also furthers understanding of how rental discrimination in Canada has changed since last investigated by Novac in 2002, and shows that much has remained the same. The interviews detail some of the contributing factors, responses to, and impacts of rental discrimination in Ontario and Québec.

Ontario Interviews:		
Lived Experience	National Capital Region	1
	GTA	1
	Central Ontario Region	1
	GTA	1
	Hamilton-Wentworth Region	1
Housing Professionals	Toronto	5
	Southwestern ON Municipality	1
	Southwestern ON Rural Municipality	1
	Scarborough	5
	Thorncliffe Park	2
	Total	19
Québec Interviews:		
Lived Experience	Montréal Region	2
	Montérégie Administrative Region	1
Housing Professionals	Montréal	8
	Rimouski	1
	Trois-Rivière	3
	City of Québec	3
	Québec (Wendake)	1
	Total	19

Table 1: Location of Interviews

This research considers various intersecting social, economic, and institutional barriers that create discriminatory practices within Canada's rental housing market. Previous work reveals that discrimination in rental housing is an ongoing problem, and that the existing systems and mechanisms for resolving discrimination complaints are inefficient and flawed. An enhanced understanding of rental discrimination will identify mechanisms to address it in the future.

An overview of the methodology for the research interviews can be found in Appendix C, and copies of the interview guides (data collection instruments) are included in Appendices F and G.

8.2 Interview Findings: Overview of Analysis

The interviews with Housing Workers and tenants, as well as housing advocates and human-rights lawyers, largely support key findings of the literature review, with some differences, as

well as important new findings. In the analysis of the interviews, we use our framework to structure the findings and examine how the process of rental discrimination manifests. Overall, we examine how the imbalance in the landlord-tenant relationship results in the unequal treatment of disadvantaged social groups, the outcomes of rental discrimination, and the measures currently available to address pervasive rental discrimination in the private rental housing sector.

First, we examine the forms of discrimination landlords engage in, and the distinctive behaviours of small-scale landlords compared to larger corporate rental agencies. There are differences amongst types of landlords and these differences lead to different acts of discrimination, and different potential measures to counter.

Following, we look at the different stages of a tenancy at which discrimination can occur, the different acts of discrimination used – and the different people affected by this discrimination. As we will illustrate, discrimination *pre-tenancy* mostly manifests as *excluding applicants*; while discrimination *during tenancy* affects a different group of people and manifests as failure to accommodate disabilities, lack of maintenance, and harassment. Discrimination can also occur *post-occupancy*, where it continues the harassment of (ex)tenants.

The manifestations of discrimination in interactions between landlords and tenants forms the following sections. In the first of these we look at economic discrimination. The literature review (Sections 2-6) suggested that economic discrimination¹¹ is a relative new understanding of discrimination, and as Novac noted in 2002, discrimination based on income was the fastest growing form. But the current interviews reveal that economic discrimination - usually against people on social assistance or disability assistance - is now so widespread and pervasive that it obscures intersecting social forms of discrimination, operating across race, disability, gender, family type, immigrant status, student status, and age. This obscuration is compounded by the challenge that many of the people experiencing rental discrimination often face other kinds of discrimination or fall into other categories protected under Human Rights codes. This means that identifying whether it is economic discrimination or discrimination based on identity is challenging. Our framework also identifies the system-level drivers and market forces that drive

¹¹ We use ‘economic discrimination’ to describe discrimination based on a person’s level of income or source of income – usually social assistance of some type. In Québec, the term ‘social discrimination’ is used in the Québec Charter of Human Rights and Freedoms, and may include other indicators of social standing beyond income.

economic discrimination. The current pervasiveness of economic discrimination is a key finding of this report.

Discrimination in rental housing predominately affects particular demographic groups. Our interviews with Housing Professionals¹² identify the groups and identities they most commonly see impacted by discrimination: people with disabilities, racialized people, immigrants and refugees, women and female-led single-parent families, older adults, and Indigenous people. The impacts of discrimination in rental housing is detailed for each of these in turn. Of note is the section *Gender: The Impact of Marital and Family Status*, where we disentangle the issues of gender as they intersect with other identities, relational and family status, and the experiences of rental discrimination. This complexity is somewhat lacking in the literature.

There are also *Geographies of Discrimination* – differences between urban and rural areas, and differences between Ontario and Québec. Higher levels of discrimination outside of urban areas as reported by Housing Professionals, may be due to a lack of *exposure to*, or *knowledge of*, some identities and demographic groups. Non-urban areas also have much smaller rental housing markets and tenant-services. All of these factors influence the amount of discrimination seen at different geographies.

We report on the *Lived Experience of Rental Discrimination*, evaluating the data based on impacts according to *when* in the tenancy the discrimination occurs. Pre-tenancy impacts are primarily related to mental health, and the importance of finding housing circumvents other considerations for tenant applicants. Longer-term impacts, include both poor physical and mental health outcomes, tenants left without recourse in current unsatisfactory accommodation, or moves to housing that is undesirable or in poor condition or causes the loss of friendships and local networks, as well as the challenges of higher rents, increasing debt, and potential evictions. The enduring effects of these impacts reflect the accumulated disadvantage of individuals and point to the structural discrimination experienced.

The *Existing Measures Responding to Discrimination* appear to be extremely lacking, with no reported proactive preventative measures in place, and current responses to tenant complaints about discrimination fractured and less effective than desirable. Direct service Housing Workers

¹² Housing Professionals: a collective term for all the professionals interviewed for this research, including lawyers, housing service workers, housing coordinators, advocates, case-workers, etc.

cannot respond to acts of discrimination, and advocacy groups such as CCHR and ACTO, as well as legal clinics, have few tools. Immediate responses to an incident of discrimination by these organizations is limited to informing landlords of their responsibilities, which is rarely effective. CCHR and ACTO bring legal cases to the LTB, TAL, Human Rights Tribunal, and the Commission; but these cases take months to years to resolve and don't help tenants with their immediate problems with discrimination. These problems point to *Failures within the Housing and Justice Systems* with a lack of affordable housing, a lack of access and delays to justice, and little sanction of landlords who enact discrimination. The justice system problems have been identified previously in the Pinto Report and are reported on here again.

Housing Professionals provide many *Recommendations* to respond to the discrimination they see everyday, to improve the existing services, and to address the problems in existing systems. At the system level, there is evidence that providing sufficient affordable housing will reduce incentives for landlords to discriminate – perhaps the most effective but most expensive response to rental discrimination. Developing a proactive preventative legal measure (such as an investigative body), allowing 'public interest' prosecutions for discrimination, significantly increasing the fines for discrimination, and licensing landlords are additional measures that could reduce discrimination at the system level. Other measures suggested, concern education for landlords and tenants, and providing sufficient resources for direct-service housing organizations, advocacy groups and legal clinics, to appropriately respond to incidents of housing discrimination. Using the framework, we identify which suggested measures are likely to be most effective with each type of landlord.

With this overview in hand, we return to the beginning, with a discussion of the landlords.

8.3 Landlords: Individual and Institutional Discrimination

“...the little ones vs the big ones [landlords], on both sides there is discrimination, it's just that the intentions are different.”

(Community Worker, POPIR, Montréal; translated from French)

Who enacts rental discrimination emerges as important for understanding the complexity and nuances of discrimination in the private rental housing market. There appear to be significant differences amongst types of landlords with distinctions in the type of discriminatory acts committed (See *Table 2 below*). Generally, larger corporate landlords use the norms and practices of their company to commit subtle, disparate impacts based on economic

discrimination practices. In contrast, smaller-scale landlords tend to engage in overt unequal treatment, but they can also be more flexible in their choice of tenants.

We asked Housing Professionals about different types of landlords, and they distinguished the following categories: larger corporate landlords with large numbers of units, small-scale, unincorporated landlords with few units, condominium boards in buildings where units are available for rental, and cooperative housing boards where units are available. We found that discrimination is universal amongst landlords – but how it is enacted varies; and there are nuances – especially among the small-scale landlords (see table below). Generally, the type of landlord determines the more prominent form of discrimination committed, that is, either individual bias that may be overt or covert¹³, or institutional forms of discrimination that are more subtle as they are embedded in the procedures of business.

“...there are large companies that have been in the rental business for a long time and that will be more likely to protect themselves. They are going to make sure that there are no paper trails, that it doesn't appear to be discrimination... Companies have lawyers working for them, so they know how not to get caught.”

(Coordonnatrice, RCLAQ, Montréal; translated from French)

Starting with large-scale corporate landlords, there are several key features which distinguish them from other types of landlords including:

- Awareness of legal responsibilities and the law,
- Preference for maintenance of a corporate image of compliance with the law,
- In some cases, inclusion of internal policy to meet Human Rights obligations,
- Availability of legal council,
- Employment of management companies,
- Standardization of application forms and processes.

These characteristics of large corporate landlords allow them to implement a tenant screening process that often has discriminatory practices embedded within it. This can be conceived of as institutionalized discrimination, in which organizational practices reinforce disadvantages. This is most readily seen in the application forms requiring some combination of income statements / credit history / rental history or reference. As long as an applicant can meet the requirements of the process, these landlords will show the unit and potentially rent it to them – though again,

¹³ See glossary for a definition of covert.

there may be many applicants deemed qualified in competition for the unit. Some Housing Workers argued that this application process is inherently discriminatory against those with lower income, bad credit, or disabilities. Another asserted that the screening process and application forms are created by lawyers with the intention of protecting the corporate landlord from being accused of discriminatory practices, while also being aware of—and fulfilling minimal legal requirements. Several Housing Workers noted communication in the corporate rental sector, for example, is difficult if not impossible to actually communicate with a corporate owner of rental housing. Usually if a Housing Worker calls a landlord on behalf of an applicant and identifies themselves, “they don’t want to talk to you”. And there is no point discussing a potential application with a building manager – because decisions are made by someone else at a corporate office. Attempts at communicating are further complicated when there is a management company separate from the corporate landlord, and sometimes corporations are hidden altogether as the following Housing Worker reveals:

“...often you will do business with a large, numbered company behind which they do business with management companies, and there it becomes more complex, it becomes a machine, the discrimination will be done on the credit investigation.”

(Community Worker, POPIR, Montréal; translated from French)

We note that this type of institutional discrimination by corporatized landlords occurs primarily at the search stage, but can also happen during tenancy – for instance, by requiring ‘direct-deposit’ rent payments, which can exclude those not well integrated into the banking system, or without access to a computer or cell-phone.

In Québec, one Housing Worker reported that corporate landlords are asking applicants to sign acceptance of ‘rule-sheets’ – which are house rules or house policies. Housing Professionals suggested some of these rules were discriminatory and did not align with the Civil Code. But in any case, people will sign without contesting to restriction on their living space because they are desperate for housing.

In general, Housing Professionals characterized corporate landlords as ‘formulaic’, ‘bureaucratic’, ‘non-responsive’, ‘rigid’, ‘cold’, ‘aware of the legal environment’, and resistant to make required accommodations for disabilities. These characteristics contrast somewhat with the characterizations of smaller-scale landlords.

	Large Scale – Corporate Landlords	Small Scale Landlords	Condominium Boards	Cooperative Housing Boards
Economic / Social Discrimination	-Primarily	-Often, but also more flexibility	-Sometimes	- No data
Individual (Animus) Discrimination	-Rarely	-Sometimes, but also more flexibility.	-Sometimes	-Sometimes
Institutional Discrimination:	-Primarily	-Sometimes	-Mixed, see below	- No data
Use Application Processes	-Yes	-Yes, but less thorough and also more flexibility	-No, rental handled by individual owner. But some strict policies.	-Yes(?)
Use Management Companies	-Yes	-Rarely	-Ind. owners no, Boards, yes.	-No
Legal Resources & Awareness	-Yes	-Far Less	-Ind. owners no, Boards, yes.	-Sometimes
Pre-Tenancy Discrimination	-Primarily. Based on economic discrimination.	-Sometimes. Based on individual (animus) or economic.	-Sometimes. Based on individual (animus) or economic.	-Sometimes. Based on individual (animus) or economic.
During-Tenancy Discrimination	-Sometimes. Particularly failure to accommodate disability.	-Sometimes. Can be harassment. Lack of resources or knowledge to provide accommodation.	-Sometimes. Lack of resources or knowledge to provide accommodation.	-Sometimes. Lack of resources or knowledge to provide accommodation.
Post-Tenancy Discrimination	-Rarely	-Sometimes	- No data	- No data
Geographies of Discrimination	-Yes. Also development led.	-Yes, especially in small population areas. Also development led.	-- No data	- No data

Table 2: Comparison of Landlord Types

Small-scale landlords were portrayed in distinct ways by Housing Professionals. These landlords do discriminate – through either individual personal bias and/or economic discrimination. But they are more likely to commit overt discrimination compared to corporate landlords.

Usually, these landlords own only a few units of housing and will meet personally with prospective tenants, and may be somewhat flexible regarding applications. Small-scale landlords are reportedly often “more worried about their bottom line”. They have a greater financial interest (and sometimes existential interest) than large-scale landlords in seeing the rent paid on time in order to pay mortgages on the properties – hence an emphasis on economic discrimination. This can mean they routinely reject any applicant on social assistance, but we also heard these small landlords can be more accommodating. Two Housing Advocates noted that some communities “look out for each other”, where small-scale landlords will rent primarily to those from their own known community. This is especially the case with newly arriving immigrants, who may be racialized and struggle to find housing in a new country where they may not understand the housing system. A common perspective on small-scale landlords amongst Housing Professionals is that they enact economic discrimination but can be more flexible, and will rent to racialized applicants in some cases.

One Advocate also noted that some small-scale landlords have been more accommodating to applicants with disabilities because of their familial experiences with disabilities, and another noted they can be more “accepting and caring” of tenants. But they also have less knowledge and resources for the task of being a landlord, are sometimes unaware of their legal responsibilities, and lack funding/resources to make accommodations for tenants with disabilities. As a result, in-tenancy discrimination can also be seen with small-scale landlords. These anecdotes reveal the individual nature of small-scale landlords, in contrast to the more bureaucratic institutionalized nature of corporate landlords.

Lastly, condominium boards and cooperative housing organizations stood out as being particularly selective of potential tenants, rule-centred, and cold. These organizations are exempt from some of the rules in the Residential Tenancy Act, so have the ability to create their own policies within their buildings. These organizations prioritize the protection of the owners’ properties, and this can result in discriminatory actions,

“There are these owners, they don’t want the riffraff in. It can get really ugly, and it’s often discriminatory.”

(Housing Advocate #3, CCHR, Toronto)

Apartments within condos are usually rented by their individual owners, but are also subject to the policies of the building’s Board. Owners who are renting want to maximize rents and minimize risks so both economic and individual discrimination is common. Boards may have policies limiting the rental actions of owners (such as no short-term rentals or no sub-letting), or rules within a building (such as no pets, security policies, use-of space policies). The result is a mixed and multi-layered process of housing discrimination.

Even for owners of a condominium unit, boards can be discriminatory. One condominium owner interviewed explained the delaying tactics used by the board of his building to avoid providing accommodation which he never received:

“... we wanted to have wheelchair access and so I brought this issue up... What they did is they put me off for a year and the only time I could speak to them, we never [scheduled] a meeting. I made a request for accommodation, and they didn’t even have the courtesy to call me back, so I sent them a letter and they didn’t reply to me. The next time I talked to them... they got their legal firm involved. I had to fill out an application, and I got about five pounds of paperwork that I had to go through. Finally, when their legal team tried to [get a] dismissal, which aggravated me, and they kept me waiting for another year...”

(Ethan¹⁴ (speaking for brother), 85, Person with a Disability)

These kinds of delaying and legal tactics are commonly used by condo boards. Condominium owner advocacy groups such as the Ontario Condo Information Centre, and the Condominium Home Owners Association of BC report hundreds of similar complaints against condo boards each year (Johnson, 2017).

Condominium and cooperative housing boards are staffed by volunteers from the building and may be less informed of Human Rights law or the board’s legal responsibilities to provide accommodation for disabilities. In this sense, many boards are similar to some small-scale

¹⁴ Pseudonyms have been used for quotes from people with lived experience of discrimination.

landlords – lacking the rental-property education and knowledge to avoid committing discriminatory practices.

As these findings illustrate, discrimination by landlords is complex, with an array of types and acts of discrimination that impact access and stability in housing. The range of discriminatory practices highlights the need for multifaceted responses – tied to the types of landlords – to address housing discrimination in the private rental market.

8.4 Discrimination at Stage of Tenancy

“...the whole process can be discriminatory, from the moment you see the advertisement until the moment you are about to sign the lease, and where the landlord can ask you things, can put pressure on you because you are about to sign and say that if you don't do this or that, I won't give you the accommodation, or will have you sign papers which are completely illegal. It's the whole process, it can be anytime.”

(Coordonnatrice, RCLAQ, Montréal; translated from French)

A comprehensive understanding of housing discrimination requires a consideration of how such discrimination manifests during all stages of tenancy. This analysis outlines the numerous acts of discrimination and considers whether these manifestations are the result of individual level discrimination on the part of the landlord as compared to discrimination caused by the social, economic, and political structures existing in society.

Of course, discrimination can potentially occur before, during, or after tenancy, but the Housing Professionals we spoke with tended to observe discrimination at distinct points based on the services they offered and the nature of their clientele. For instance, Housing Workers / Coordinators primarily assist people in *searching for* housing, so their awareness of rental discrimination is primarily during the pre-tenancy stage. Lawyers, in comparison, more typically see complaints arising *during* an active tenancy because the discriminatory application process is difficult to prove. And they work almost exclusively on cases of accommodation for tenants with disabilities because this form of rental discrimination can be proven. It is also likely that these specific viewpoints underscore the fractured nature of the system that responds to discrimination. And while most of the interviews did focus on the pre-tenancy stage, the professionals we spoke with were able to comment on discrimination at the various points of tenure.

“...in the pre-lease [phase], the direct discrimination is really enormous. Unfortunately, there's not much you can do about that.”

(Community Worker, POPIR, Montréal; translated from French)

The varied *Acts of Discrimination* noted in the interviews in Ontario and Québec, as well as those from the literature review, appear as part of our framework in figure 8 below. All of the acts of discrimination that appeared in the literature were also reported in the current research interviews except for *key fees*, which are bribes or gratuities used to secure a tenancy and paid

to a landlord or sometimes the exiting tenant. *Steering* – the action of a landlord to push a tenant applicant away from a housing unit towards another – usually poorer quality or cheaper unit – was only reported to this research in one instance.

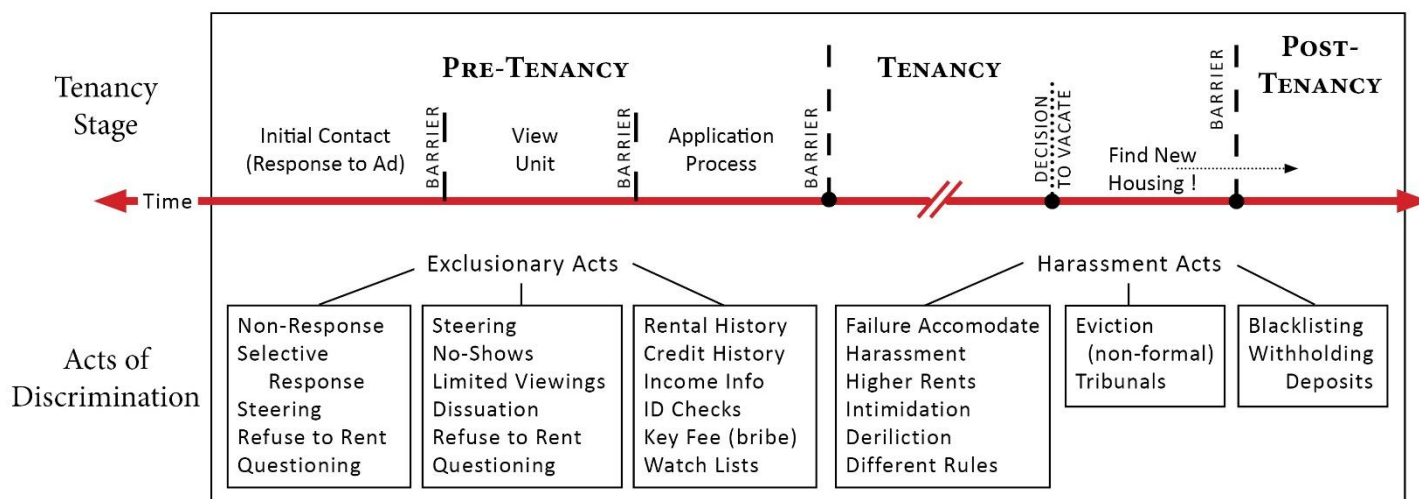


Figure 9: Stages of Tenancy & Corresponding Acts of Discrimination

The findings from our relatively small sample set indicate most discrimination occurs at the application stage – and the vast majority of this discrimination goes un-reported. As noted already, much of this occurs through the use of income/credit/rental history criteria checks, but Housing Workers also related common cases of discrimination occurring once a landlord meets or can otherwise identify an applicant (e.g., through social media). The classic scenario is after initial ‘blind’ interactions with a landlord over the phone or text, the applicant meets the landlord to view a unit and is then told it has already been rented – but the unit continues to be advertised or is rented later to different applicants. For example, in a recent case in Windsor, a black Jamaican-Canadian applicant experienced exactly this situation – and enlisted the help of a Caucasian friend to apply for the unit, exposing the discrimination of the landlord (Chhabra, 2020). This case is especially interesting as is the rare example of a tenant fighting for their rights by taking the case to the Ontario Human Rights Tribunal and winning. But the reality is, this kind of discrimination is relatively common, and rarely results in positive outcomes.¹⁵ Similar

¹⁵ See for example, CBC’s ‘It’s part of the Black experience’ (Ghonaim, 2021)

experiences were shared with us repeatedly and Housing Professionals identified the cause of this unequal treatment to be most often related to identity based on race, as well as disability.

The most common period for the occurrence of rental discrimination appears to be before a tenancy has been formalized. One way this is enacted is through discrimination in rental ads. Not surprisingly, Housing Professionals in both Ontario and Québec report it is common for rental ads to specify 'young, professional, couples only'. But the most egregious examples are ads specifying "only Asian or white skin" reported by the RCLALQ in Québec (RCLALQ, 2021) and, "Must be Caucasian", in an example from the CBC in St. John's, Newfoundland (Roberts, Darrell, 2021). Significantly, Novac found similar discriminatory ads 20 years ago, and there continues to be no mechanism by which to report these instances, nor investigation of discriminatory ads by landlords, nor sanction for landlords using overtly discriminatory ads.

Another common act of overt discrimination at the application stage is questioning by landlords that is discriminatory or implies discriminatory practice in future interactions. Several interviews related stories of landlords asking women if they have children, or how many children they have (in apparent concern over potential noise complaints and insufficient space). Landlords have the right to limit occupancy of a rental unit to the number of persons it is designed for (often tied to fire-codes); but do not have the right to discriminate on who those occupants are – such as children instead of adults, nor ask questions that violate the Human Rights codes, such as questions about pregnancy, marital status, or plans to have more children. This kind of discriminatory practice has again been recently reported in the CBC (Hercegova, 2021).

In Québec, Housing Coordinators also report landlords asking about the marital status of women applicants, and/or stating that single women cannot rent a unit of housing because if they gain a partner, or become pregnant they will no longer meet unit occupancy limits. Though questioning of marital status was not reported in Ontario for this research, such instances have been reported in the news.¹⁶ Housing Workers who assist new immigrants/refugees also report landlords asking about the race of potential applicants when the Worker makes inquiries on their behalf – that this is sometimes small-scale landlords attempting to match new applicants to

¹⁶ See for example, CBC's 'Single mom of 4 describes rejection by London, Ont., landlords asking for marital status' (Chaarani, James, 2021).

people already renting in a building, but just as often these landlords are excluding applicants for discriminatory reasons.

Lastly, this research also heard several instances of small-scale landlords asking about the culture or food of applicants such as, “we prefer people who only eat vegetarian” or concerns of “bad smells” from cooking (Housing and Settlement Counselor #4, Housing Help Centre, GTA). Such questions by landlords concerning food and culture, along with concerns about noisy children, is coded language used by landlords that has a veneer of legitimate concerns, but hides underlying discrimination.

We note however, that all of these discriminatory practices tend to be limited to smaller-scale landlords. Large-scale landlords simply follow their application process – using income/credit/rental history checks to effectively limit access for marginalized groups in a process that can be conceived of as discriminatory.

Acts of discrimination reported during a tenancy were very distinct from the exclusionary behaviour of landlords in the application phase. In our interviews we found the most common discriminatory practice during the tenancy stage is failure to accommodate a disability. We heard several stories of varying types of landlords refusing to build ramps, or widen doorways for wheelchair access, or provide other accommodations. These situations occur predominantly when a tenant acquires a disability during the tenancy (such as a older adult requiring a mobility aid due to aging or a fall). In the case of individuals with existing disabilities, it appears they primarily apply to rental housing that can accommodate their functional needs. In contrast, often tenants who acquire a disability during tenancy are living in buildings not originally designed to accommodate their new disability. Landlords often refuse, or more typically, delay necessary renovations for the tenant. There is some explanation for the inaction of landlords, as modifying a building to accommodate mobility devices can be extremely expensive, and Housing Professionals noted that smaller scale landlords sometimes do not have the resources to make such changes. They also noted that some large-scale landlords have set ‘dollar-limits’ on what they will provide for accommodation (doing so is illegal). But refusal to accommodate disability further pressures the already tight housing market, where finding accessible (and affordable) rental units is extremely difficult.

Another common discriminatory practice that occurs during tenancy is failure to maintain a unit – though it is extremely difficult to definitively prove discrimination in these instances. Housing Professionals reported cases where Black, LGBTQ, or family tenants could not get needed repairs to a unit despite repeated requests – including broken windows, or lack of heat in January, and leaking ceilings. These cases are difficult to prove though Professionals reported that tenants felt the lack of repairs was due to discrimination. But in one case, the discrimination was obvious when a racialized tenant requesting repairs moved out, and “a white, native-speaker move[d] in, that person makes the exact same request, and it gets done right away” (Legal Council, ACTO, Southwestern Ontario Municipality).

It is also common for conflict amongst tenants result in complaints leading to discrimination by landlords. Disputes arise because of complaints about noisy children that can be a cause for eviction; while disrespect towards tenants with disabilities (especially mental health disabilities) is also a source for conflict. In both cases, all tenants have rights to fully enjoy their space without disturbance, but landlords can be drawn into these conflicts.

Discriminatory actions post-tenancy were rarely noted by Housing Professionals – as they tend not to interact with tenants once their tenancy ends. However, the failure to return deposits or provide a reference were Discriminatory Acts mentioned by professionals.

“I’ve been contacted by women who have been refused access to their things or deposit and you can be fairly confident that it has something to do with a perceived power difference between a landlord [and] a female tenant.”

(Housing Advocate #2, CCHR, Toronto)

Failure to provide references can be particularly problematic for tenants because if they have experienced discrimination from the landlord or had a falling out with them for any reason, the lack of a reference can impact their ability to acquire housing into the future. One Housing Professional reported seeing more aggressive post-tenancy actions by landlords:

“I have seen [tenants], despite not having any problem with the payment, or making a social problem within the place - they have still been blacklisted. And sometimes they are not provided with reference letters or sometimes the reference letters are provided but with a really bad reference.”

(Housing and Settlement Counselor #3, Housing Help Centre, GTA)

8.5 Incidences of Discrimination: The Tenant–Landlord Relationship

“...discrimination looks a lot of different ways.”

(Housing Advocate #1, CCHR, Toronto)

Knowing who is discriminated against, why they are being discriminated against, and how discrimination occurs, can inform potential measures to address discrimination. As the following discussion reveals, persons experiencing housing discrimination represent a multitude of marginalized identities and groups who experience unequal treatment in the housing market. However, it is often difficult to confirm that marginal identity is the primary cause of discrimination as many confronted by housing discrimination are also experiencing accumulated disadvantages, including discrimination in areas of their lives other than housing. Discrimination based on identity – such as being racialized, a lone-parent female, elderly, or LGBTDQ2S+ – also often intersects with economic discrimination creating complexity in understanding the process and identifying measures to counter pervasive rental housing discrimination.

Codes that protect individuals from discrimination exist at the provincial level across Canada. This research focused on the provinces of Ontario and Québec. In Ontario, the Human Rights Code protects against discrimination on the following grounds: race, ancestry, place of origin, ethnic origin, citizenship, sexual orientation, sex, gender identity, gender expression, disability, colour, creed, age (18 and over, 16 and over in housing), marital status, family status, reprisal, receipt of public assistance (only for housing), record of offences (in employment) and discrimination because of association. The Code requires equal treatment in employment, housing, contracts, goods, services and facilities, and membership in vocational associations and trade unions. (Ontario Human Rights Commission, n.d.)

The Québec Charter of Human Rights and Freedoms states that “Every person has a right to full and equal recognition and exercise of his Human Rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity, gender expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.” Discrimination is prohibited in Employment, Housing, Public services, and Juridical acts (Commission des droits de la personne et des droits de la jeunesse, n.d.).

As clearly as these codes lay out protections against discrimination, interviews with Housing Professionals were unanimous in seeing discrimination based on varying identities and reasons – though we again draw attention to differences based on the type or scale of landlord. The discrimination seen by Housing Professionals usually varied by the populations they worked with: Housing Workers, Community Workers, and Coordinators (Coordonnatrice and Coordonnateur) engage directly with people trying to find housing – usually at the neighbourhood level. These Workers operate within local communities, identifying and noting when there are repeated acts of discrimination against that community. Legal professionals and housing advocates received discrimination complaints from wider sources and provided a broader view on discrimination occurring across these two provinces. Rental discrimination based on income/social standing, disability (especially a mental health disability), and gender/family status was reported most frequently. But discrimination based on race, immigrant status, country of origin, Indigeneity, international students, religion, older adults, ex-convicts, previously homeless persons, LGBTQ2S, and trans-people were also reported in interviews.

Incidents of rental discrimination can be thought of as including the perpetrators of discrimination, the receivers of discrimination, and the act of discrimination. Incidents also include the social, economic, and policy contexts, and the point in the tenancy process in which the incident occurs. These aspects of discrimination incidents are difficult to disentangle and best thought of together, because individuals who experience discrimination based on an identity, may also experience other vulnerabilities such as low-income, and these discriminatory acts occur across multiple identities and over time. Therefore, the following sections explore incidences of discrimination while considering the identities of those who experience it, the acts of discrimination, and – where noteworthy – differences in the perpetrators.

8.5.1 Economic / Social Discrimination

“...you’re on social assistance and we don’t want to deal with people like you.”

(Statement by landlord to tenant, reported by Housing Advocate #1, CCHR, Toronto)

By far the most common reports of rental discrimination were based on a person using social assistance – whether unemployment, welfare, or disability benefits. This was a strong finding in both Ontario and Québec in interviews with both Housing Professionals and people with lived experience of discrimination. This kind of economic/social discrimination was observed universally by interviewees as pervasive in the rental housing market, and its impacts contribute to the accumulated disadvantages experienced by tenant applicants.

Economic discrimination was evident with all landlords – but amongst large-scale corporate landlords it was seen as universal (*see Table 2 above*). Usually, landlords will not directly state that they will not house a person on social assistance; rather, they ask for income statements, employment history, and credit checks at the initial application stage. This is an extremely effective tool for landlords to filter applicants and deny any applicant a landlord does not prefer – even if the potential tenant is willing to pay a larger share of their income for housing, or has all the required documentation. In the tight housing markets of large Canadian cities, landlords see multiple applications for each unit (often dozens) and “The landlords, of course, they want choose the best of the best [tenants]” – usually the one who can show the highest income, and best credit (Specialized Housing Counselor, Scarborough). This process excludes those with low-income, on social assistance, or with poor credit history and they never are able to move beyond the application stage. It is important to note however, that the Residential Tenancy Act of Ontario *explicitly* gives landlords the right to use these checks as long as they meet the requirements of the Human Rights Code (Government of Ontario, 2014, c. 17, s. 10.). The problem is the interaction between the tight housing market (insufficient affordable rental housing), and the use of checks that eliminate many potential tenants.

Economic discrimination can also occur in other ways. For applicants who are new immigrants, or have poor credit, and sometimes even older adults; landlords have been asking for guarantors – a very difficult thing for most applicants to acquire and a potential source of humiliation. This research also received several reports of applicants paying rent in advance to convince landlords to rent to them:

“...a lot of clients are trying to prove themselves to a lot of landlords that they can pay their rent on time, by trying to give advances and stuff like that. So definitely a lot of discrimination around income.”

(Housing Worker #7, Housing Help Centre, GTA)

One experience reported in the interviews was the case of a racialized, LGBTQ2S, new immigrant student who was unsuccessful in applying for multiple rental units near Toronto Metropolitan University. In one case this student’s rental agent stated that another applicant “paid \$200 more” a month; and this overpayment occurred in the rental of three other units in the same building – none of which he was able to secure. The agent also explained why this student lost out when applying at another building,

“...he said there was a student coming from overseas that paid a whole year in advance. I was like, “sure” (laughs). If I was the landlord, I would have given the apartment [away too].”

(Nadeem, 26, Racialized New Immigrant)

Obviously, this kind of strategy is available only to those with the means; and therefore excludes many other applicants who may otherwise qualify and be capable of paying the monthly rent. There have also been media reports that some landlords prefer to rent to international students because they can charge higher rents, rent out single-person rooms to multiple students, and because international students will not complain about housing conditions (Maru, 2020).

The most severe example of additional requirements revealed in the interviews was landlords asking all applicants to pay first and last months rent with their application, as opposed to once an application is accepted. If a person is applying at multiple rental units, each application would require thousands of dollars upfront, discriminating against applicants without that level of savings. It is unclear whether this practice is legal; rent deposits are legal in Ontario as long as they are requested before the landlord and tenant enter into the tenancy agreement, but the Residential Tenancies Act does not appear to contemplate this scenario in the sections addressing Security Deposits (Sections 105, 106, 107) (Government of Ontario, 2014). One Housing Advocate described this as a deliberate strategy by some landlords to exclude people with limited financial resources (Housing Advocate #2, CCHR, Toronto).

Another major source of discrimination is based on *income source* and those receiving social assistance or disability benefits do not have sufficient income to compete in the current private rental market. Sources providing limited income compound other issues for applicants with vulnerable identity because they can be discriminated against by identity as well as income level or source – and discrimination based on source of income is common and accepted.

“...they explicitly asked for proof of employment. They asked for pay stubs, checks... the advertisements said that people who didn't work were not welcome. It was said that way, to [not apply] if you don't have a job... It says in the ad that, and I have screenshots of that, it says in the ad “proof of employment required”.

(Laycie¹⁷, 41, Lone Parent; translated from French)

¹⁷ Pseudonyms are used for all people with lived experience of discrimination.

“I am looking for accommodation, I call for information and the gentleman tells me; “do you have a job?” I say no, but my roommate works, I am on social assistance. He said to me “ah, unfortunately it does not work because we do not want people on social assistance only ‘good tenants’”. I told him, well sir, it's because I have fibromyalgia, sometimes I walk with a cane, sometimes I'm not able to get out of bed and that's why at the moment I'm on welfare because I can't work because I'm sick. He says; “It doesn't change anything, we don't want people on welfare, you absolutely have to have a job.”

(Celine, 40, Person with a Disability, Gender- Fluid, Homoparental Family;
translated from French)

Credit checks are an additional hindrance, as many people have poor credit, or no current credit-history. One challenge highlighted is that reliance on credit-checks excludes particular people from housing – especially new immigrants, refugees, and international students; but also many low-income Canadian citizens who are not well integrated into the banking system such as those who have experienced homelessness. Housing Workers who assist new immigrants stressed that many newcomers have sufficient income or savings for housing, but that credit histories/scores do not ‘travel with them’ from their home country, leaving them with no Canadian credit history and unable to access the housing market. One Community Worker reflecting on the situation in Montréal emphasized the “incredible number of people who have no credit or who have bad credit who are discriminated against.” To put this statement in context, the Financial Consumer Agency of Canada estimates that at least 14% of Canadians have poor credit (Financial Consumer Agency of Canada, 2021). But even good credit scores do not guarantee a fair chance at tenancy. Two people with lived experience of discrimination (one in ON, one in QC) explained how they had good credit scores of around 700, but were still denied a tenancy because landlords chose applicants with even higher scores.¹⁸ Housing Professionals generally argued that this kind of economic discrimination (based on income source and credit checks) is accepted (or, at least, ignored) by the law, but is technically illegal and against Human Rights codes.

Some forms of economic discrimination can also be more subtle. A Housing and Settlement Counselor working in the GTA, explained that landlords sometimes use a strategy that flips the

¹⁸ According to Equifax Canada, a good credit score will fall between 660 and 724. Scores between 725 and 760 are considered very good, and above 760 excellent.
<https://www.consumer.equifax.ca/personal/education/credit-score/what-is-a-good-credit-score/>

choice back onto a tenant and thereby keeps discrimination hidden (covert). An applicant completes the required application process based on a shown unit. However, when accepting the application, the landlord says, “We only have these available units” which are more than the price the applicant already qualified for. These landlords put the difficult choice onto the applicant so they will withdraw their application on their own. In doing so, the landlord does not need to make a decision or take an action that could be discriminatory. The Counsellor described this landlord strategy as “passive-aggressive” discrimination (Housing and Settlement Counselor #3, Housing Help Centre, GTA). Similarly, a lawyer in London indicated that some landlords used a “bait and switch” strategy – where an applicant views a ‘sample’ unit, applies and is successful, but is assigned a housing unit of lower quality (Legal Council, ACTO, Southwestern Ontario Municipality).

9.5.1.1 Rental Housing Market Impacts:

Of course, the barriers of income and credit checks overlaps with the current tight housing market – including rapidly increasing rental rates, severe lack of affordable housing, and extremely low vacancy rates for the housing that is available. The rental market in major Canadian cities has been competitive for years, but during the pandemic rental rates have grown substantially with rising interest rates over 2022-2023 pushing many people back into the rental market. The Financial Post reports that this has created a ‘surge in demand’ resulting in applicant strategies such as overbidding for rental units (offering rent above the advertised amount) and submitting ‘blind’ offers (without seeing a property) because units rent so quickly (Paglinawan, 2022). Rents have increased by about 12% across Canada in just the year of 2022, with an increase of nearly 18% in Ontario (Evans, 2022). This rental environment means people with low-incomes and/or poor credit histories are competing for limited available affordable rental units. This project heard repeatedly of dozens of applicants arriving for an apartment-showing, where the landlord is able to choose the preferred applicant (e.g., the applicant with the highest income / best job / best credit score / least risk of conflict).

“I would say that probably the most common [discrimination] is a lot about social condition [and] income. Obviously, when you're in a situation where the vacancy rates are very low as they are now, and the owners know very well that by refusing a household for a rental [unit] there are twelve others [applicants] waiting. These are situations where discrimination comes out much more than when there are a lot of vacant units. Landlords

would have a hard time renting, and they would be more likely to [cease] their discriminatory practices...”

(Coordonnateur, Entraide logement Hochelaga-Maisonneuve, Montréal;
translated from French)

This is an important finding of the research that again closely follows Novac’s 2002 results.¹⁹ The current competitive housing market, lacking a sufficient stock of affordable housing, *enables* landlords to choose tenants based on discriminatory practices. But worse, it also appears that the current housing market is *driving* discriminatory practices. Demand for housing is so high – especially for affordable housing – that it is worth the landlord’s effort to evict tenants from affordable units, to ‘renovate’, and to increase rent. There were multiple accounts in the interviews of these renovictions, which have the effect of increasing rental costs while also creating more competition for the remaining affordable units, and further empowering landlords to be even more selective in their choice of tenants. The cycle is self-reinforcing, driving practices of discrimination.

Finally, the results illustrate economic discrimination in an extremely tight housing market involves landlords with the privilege to select the ‘best’ tenants while also having the legal power to protect themselves. This represents a form of structural discrimination contributing to the disadvantages faced by many applicants. The pervasiveness of economic discrimination forces vulnerable persons into less secure and poorer quality housing, with the ultimate outcome sometimes being homelessness.

“The way it plays out, at least among the folks that I work with, is that they’re interested in a unit, and over and over again, are not able to get it. They’re not necessarily given the overt reason: “I’m not renting to someone with ODSP”. More often, its such an intensely structural phenomenon of never being able to rise to the top of a very competitive pile of applicants.”

(Housing Advocate #3, CCHR, Toronto)

9.5.1.2 Landlord Point of View

Interestingly, many Housing Workers, Advocates, and even people with lived experience of discrimination acknowledged that landlords use income statements and credit checks because

¹⁹ See Novac 2002, section 4.7.1 - Vacancy Rates and Availability.

they are trying to 'protect their investment'. Landlords want to be paid on time and regularly, and know that the payment-rates of social assistance are a fraction of monthly rental rates.

"I'm not trying to discriminate here but I just want to make sure I get money right on time because I also need to pay the mortgage."

(Statement by landlord to Housing and Settlement Counselor #4,
Housing Help Centre, GTA)

"Most landlords are making what they perceive as 100% economic-based decisions and that's the rational choice."

(Housing Advocate #3, CCHR, Toronto)

Yet applicants for housing were also blunt in their recognition that these practices are discriminatory and create impossible, even illogical housing environments. One interview participant from Longueuil who has a disability and is low-income faced multiple, years-long harassment from a landlord, followed by multiple rejections when trying to find new accommodation. She expressed her frustration thus,

"I understand that landlords want to protect themselves, but the thing is that the law says that you can't deny housing to someone because of their social status. So why would landlords have the [ability] to do that and just rent to rich people if it's written in the law not to discriminate against someone because they're on welfare or because they're poor... how do they have the right to refuse housing like that because you're on social assistance... you know if you're going to be able to pay or not, and if you don't pay they'll be able to put you outside anyway. The law says you can't turn someone down because of their employment status and if it's written in black and white, how come they have the right to do that?"

(Celine, 40, Person with a Disability, Gender-Fluid, Homoparental Family)

While economic discrimination may occur frequently in a competitive housing market, it is the intersection with marginal identities that creates more profound barriers to housing access. The following sub-sections highlight what personal identifiers were seen by Housing Professionals to be particularly significant in instances of housing discrimination.

8.5.2 Discrimination and Disability

“For me, the number one [group] that’s being discriminated upon are those with disabilities or those that have a mental illness. Those are the ones that are – most of the time – considered a red flag for the landlords. I think they’re the first ones to be discriminated upon. The next one would be expecting mothers.”

(Landlord Recruiter/Housing Counselor #5, Housing Help Centre, GTA)

People with disabilities are another group experiencing housing discrimination that was prominently and repeatedly brought to the fore by Housing Professionals. This was especially the case in Ontario, possibly because this research interviewed professionals from both the Canadian Centre for Housing Rights (CCHR) and from the Advocacy Centre for Tenants Ontario (ACTO). Both groups, especially CCHR, focus much of their work on cases of discrimination against those with disabilities.

“Our bread and butter for work for a long time has been reasonable accommodation and determination based on disability. We see it quite a bit. It’s almost hard to believe.”

(Housing Advocate #3, CCHR, Toronto)

There are aspects of discrimination against those with disabilities that distinguish it from other types. Discrimination based on disability differs from economic discrimination because it is more personal involving the explicit choice of a landlord to treat the applicant unequally based on who they are/personal circumstances, similar in that respect to discrimination based – for instance – on race. This is another example of *individual* and *overt* discrimination.

As well, many people with disabilities also have low income, and the few people with disabilities interviewed for this research all had very low incomes (e.g., <\$20,000/yr). Skyrocketing rents (discussed above) make it nearly impossible to rent in the GTA on ODSP allowances, which have not kept up with inflation. The challenges of disability and low income excludes many people with disabilities from the rental market. The Toronto Star has also reported on landlords requiring multiple financial and personal documents, high credit scores, and proof of employment to accept an application – requirements many people with disabilities struggle to produce (Feinstein, 2022). People with disabilities may also have particular housing needs – such as an elevator or entry-ramp – that are less available or require higher rent payments to obtain. And, due to the lack of accessible, affordable housing, people with disabilities can be impacted to a higher degree by discrimination.

Unlike economic discrimination – which primarily happens during the search phase for housing, discrimination based on disability occurs both during the search phase, and *during tenancy*. In the search phase, people with physical or mental health disabilities can be excluded from sought housing, or be in competition for limited housing that meets their needs. In addition, Housing Professionals noted that older adults are sometimes excluded at the search stage because of landlord concerns that the applicant will *age into disability*. Housing professionals repeatedly stressed the challenges of finding housing for people with disabilities. As one person with lived experience explained,

“...I have [mobility] problems, I have, I absolutely have to find a first floor [apartment]... I have reduced mobility, I've had a walker before, I've already walked with canes, I have osteoarthritis in all my joints, my knees are finished, they need to be replaced, I have a finished shoulder, they should replace it...”

(Raquelle, 52, Racialized, Person with a Disability, supports a child with a disability;
translated from French)

During a tenancy, housing discrimination can be even more impactful for people with disabilities. The lack of accessible and affordable housing means people with disabilities will prefer to remain in their unit despite its inadequacy, and the landlord will not accommodate their disability – because they have few other options. Disability acquired during tenancy – such as through illness or aging – is overlooked in the literature, but was found to be prominent in the interviews.

“[The Landlord] said “I’m sorry. You knew when you moved in here this building was not accessible.” I said, “I’m sorry that I didn’t know I was going to have cancer and get very sick.” I contacted a lawyer and fought him. They called him. He said he had “no obligation,” that “it wasn’t up to him to fix the apartment. That I knew [it wasn’t accessible] when I moved in, that’s the way it’s staying.” The lawyer got on top of him. He still refused.”

(Marsha, 44, Person with a Disability, Lone Parent)

The study findings include many stories from both Housing Professionals and people with lived experience, of landlords ‘failure to accommodate’ a disability. Usually, the disability is a mobility challenge that requires physical upgrades to a building such as the installation of a ramp, widening of doorways, or installation of safety devices such as grab bars to accommodate the tenant. Such accommodations can be expensive, especially doorways and ramps, and landlords may engage in strategies to avoid spending the time or money to provide

accommodations. These strategies include delaying as long as possible, utilizing legal avenues, intimidating tenants, and forcing the tenant to pursue a Human Rights complaint to get relief (which takes years, may not be successful, will not deliver housing or accommodation to a tenant, and will not appropriately sanction a landlord).

People with disabilities can also face discrimination and problems resulting from interactions with other tenants. One housing lawyer explained that they often see landlords,

“...making assumptions about damages, jumping to conclusions when there’s an issue in an apartment, that the person with mental illness was irresponsible and caused the damages and jumping straight to that conclusion... Another one that I will mention that is quite common is people with mental health challenges being blamed [for] disruption in the building. Behaviours that are bothering other tenants; because there is a provision in Ontario tenancy law that tenants can be evicted for interfering with reasonable enjoyment on the rental premises. We see that used against people with mental health challenges often.”

(Legal Council, ACTO, Southwestern Ontario Rural Municipality)

There is little recourse for tenants with disabilities. Some tenants approach CCHR, or are recommended to CCHR by Housing Workers. The organization does occasionally take individual cases when they believe litigation will change policy or law to improve housing rights. But in most cases, the actions of CCHR Case Workers are to write letters to landlords informing them of their obligations under the Ontario Human Rights Code to accommodate disabilities. Such letters are often ignored. For those that wish to fight a landlord to receive accommodation, complaints can be made to a Human Rights Tribunal. However, recourse through a Tribunal often takes years, requires significant resources and energy, and does not result in an appropriate level of sanctions against landlords. Most aggravating about this kind of discrimination is that it is blatantly, overtly illegal and there is no recourse. Having a disability and requesting an accommodation – such as an entry ramp – is easy to prove, possible to demonstrate in court, and should be amenable to quick justice; yet landlords can simply ignore the request without serious sanction.

“Disability is the most common ground that is not accommodated – to the point of hardship. I mentioned a case earlier, ongoing, of the Human Rights tribunal of this tenant

[that] has multiple disabilities, identified those to the landlord and asked for simple, low or no cost accommodations and the landlord refused.”

(Legal Council, ACTO, Southwestern Ontario Municipality)

These refusals to accommodate can have extensive impacts on a tenant’s life, with inadequate housing contributing to economic problems, declines in health, and overall degraded quality of life. The many impacts on rental discrimination are discussed further in Section 8.7 below.

Additionally, the ability of landlords to simply ignore requests for accommodation points to severe failures in the systems and procedures meant to respond to actions of landlords that are discriminatory which is discussed in Section 8.9 below.

8.5.3 Discrimination and Race

“...a lot of people who are discriminated against because of their skin color, their accent, the language they speak, I see this very often.”

(Coordonnateur, Comité logement Bas St-Laurent, Rimouski; translated from French)

It should come as no surprise that discrimination based on race is still commonplace in Canada. It was reported repeatedly by Housing Professionals interviewed, and by two participants with lived experience of rental discrimination.

Though the interview results do provide examples of overt racism, multiple interviewees explained that covert forms of discrimination remain common or are increasing. These participants also described how digital communications make such discrimination easier to enact discreetly. Covert discrimination may also speak to the motivations of landlords – to avoid legal repercussions for discriminatory acts. However, for those experiencing instances of discrimination, the distinction is irrelevant because of the detrimental impacts on livelihoods and lives. The distinction is only important as subtle forms of racial discrimination are exceptionally difficult to prove, and leave prospective tenants without recourse... or a home. Repeatedly we heard from Housing Professionals that such discrimination has become more ‘hidden’ in our society – more *covert* and *insidious* in nature. One case-worker in Toronto noted that, “Fifty years ago, you’re right, people would be blatantly racist. Now it’s more subtle. It’s harder to pinpoint. It’s much, much harder” (Case Worker, CCHR, Toronto). A Coordonnateur in Montréal explained “there is also discrimination as such [based] on race, that we also see, it’s a little more subtle, often it’s on the way the owners will act.” The ‘way owners act’ came up repeatedly in interviews with statements about landlords not returning calls/texts/emails, acting uncomfortable

during a unit viewing, or asking intrusive (and illegal) questions, all suggesting discriminatory behaviours:

“... there was racial profiling that is much more subtle, and it was really challenging to demonstrate. It’s more of just a feeling like that’s happening; people would have the classic stories of phoning to come view the unit, and then [when meeting] the landlord would turn them down. We would have that happen quite often... One of the things I’ve heard often from black and racialized communities, they [landlords] won’t come out and say it to you, but you are being treated differently. Extra questions, special looks people would give you. People can’t prove it, which makes it worse and harder to challenge...”

(Housing Advocate #1, CCHR, Toronto)

A key understanding is that these subtle forms of discrimination are nearly impossible to prove – and are therefore immune to sanction by court. This makes them especially frustrating for both Housing Workers and applicants for rental housing. The effect of subtle discrimination is just as impactful as overt racism, but its hidden nature prevents recourse. Not only is it impossible to prove, it is also difficult to record or report on, or even track by service providers. And no Tribunal can convict on covert differences in treatment of applicants. A Case Worker explained,

“People will call us, and we feel bad because we have to fish it out from them and it’s frustration for them. It’s difficult to say that there’s a racist aspect. I have a situation currently where [the applicant] says “I believe this is happening because I’m a racial minority.” But the information they’ve given me, I can’t use that [in legal proceedings] ...
But you know, right?

(Case Worker, CCHR, Toronto; emphasis in original)

The actions resulting from this kind of discrimination are those that can be easily dis-avowed by a landlord. One action that was reported repeatedly was the non-response by landlords when prospective tenants submitted applications. Phone messages never get returned when an applicant has an accent, or name that may identify them as an immigrant or racialized; or a landlord refers the applicant to another person or department, as a way to ‘blow them off’. Often questioning will be more invasive about jobs, income, and family or marital status. When viewing a unit before renting, it was also reported that landlords use dissuasion or act uncomfortable with the applicant. All of these discriminatory acts ultimately lead to the failure of an applicant to obtain a housing unit. Discrimination based on race was also reported during tenancy and the lack of maintenance of rental units was one form of tenant harassment reported

repeatedly by both Housing Professionals and people with lived experience of rental discrimination.

Communication technology also plays a role, and it has made it easier for landlords to discriminate. Without in-person contact, it is effortless to ignore email or text requests, straightforward to check Facebook profiles or pictures online, and uncomplicated to check rental and credit histories. Online rental postings can also be problematic. Housing professionals reported several instances when an applicant was told a unit had already been rented though it was still posted online. If landlords are questioned by Housing Workers about these advertised units, they are typically told that the ad merely hasn't been taken down yet. But this excuse can be used while a landlord awaits a preferred applicant.

These examples of subtle but ubiquitous discrimination based on race closely follows the predictions from twenty years ago in the literature. As Novac argued in 2002, "Discriminatory practices have become increasingly subtle over time, making it harder for tenant advocates to produce evidence for claims of discrimination." (2002, p. 54). But overt racial discrimination was also reported – particularly amongst small scale landlords. Professionals noted a preference amongst small-scale landlords to rent to "people who are of the same background as them... the same country or of the same race as them"; and this was especially the case when the landlord lived in the building, or was renting a room in his own home. And it should also be noted, outright racist comments by small-scale landlords were mentioned several times by Housing Professionals.

“...the stuff that I hear about our clients that sometimes comes out of their mouth is very disturbing... we would never rent through that landlord again.”

(Case Worker, Community Service Provider, Toronto)

The most egregious example of racial discrimination shared by a Housing Professional in this study was based on an active case (2022) in which the landlord informed the new-immigrant tenants of colour in his building that they couldn't use the pool (Housing Advocate #3, CCHR, Toronto). Other Caucasian tenants were not excluded from usage of the pool.

Perhaps the most important thing to recognize when discussing racial discrimination in rental housing is its intersection with other forms of disadvantage and identities that experience discrimination. Often discrimination is experienced by racialized people who are also new immigrants, and/or low-income. People with these identities may experience discrimination

based on any or all of those identities or their income, and it is difficult to distinguish if racialization or some other identity is the underlying reason for the discrimination.

8.5.4 Discrimination and Immigrant Status

Many of the Housing Professionals interviewed for this research worked with newcomers to Canada – new immigrants and refugees. They shared the serious housing discrimination newcomers face in a market they have no knowledge or experience to understand, and where they may be racialized or may not speak an official language. These newcomers seem particularly vulnerable to rental discrimination:

“...the groups most affected are asylum seekers, ah, that's clear!... first and foremost, its asylum seekers, who are more fragile and vulnerable... Then, all the families seeking asylum because they are large [families], and do not yet have networks. They have all the stress of what they have experienced in their country, they do not know the laws at all, they have important fears, they do not know how to go about [finding housing], they are really a little bit vulnerable and helpless in relation to everything that needs to be understood. Then, permanent-resident newcomers, new less than one year, when they settle, they have difficulty accessing the labor market, accessing housing, because they will be asked [about] skilled work, credit [history]. They have none, work has not yet started. [Landlords] will ask them for two or three months of rent. In short, after that, it would be skilled [immigrant] workers and foreign students. The whole economic [immigrant] category that we see discriminated against.”

(Coordonnatrice, La Maisonnée, Montréal; translated from French)

Landlords are taking advantage of this situation that allows them to discriminate, deny tenancies, or extract maximum rental rates for housing. Housing Professionals indicated that the experience of rental discrimination was particularly profound for newcomers to Canada, and in many ways, they face the most barriers in accessing housing.

In both Ontario and Québec, Housing Professionals related many instances of landlords requesting ‘extra deposits’ or guarantors. In Ontario, these discriminatory requests were directed primarily at newcomers and international students seeking to secure tenancy. Technically, extra deposits are not legal to request, but it is apparently common practice for applicants to *offer* deposits of between two and twelve months rent in advance in order to secure housing. One Housing Counselor in Scarborough related that international students are

often asked for six-month deposits as well as guarantors to get housing and a lawyer noted the power imbalance,

“...international students... are easy targets for unscrupulous landlords.”

(Legal Council, ACTO, Southwestern Ontario Municipality)

In Québec, the findings indicate these extra deposits were related to applicants with children, international students, and newcomers. A Coordonnatrice from RCLAQ in Montreal stated that landlords sometimes request extra security deposits of as much as \$2000, “...in case your children damage the place.” These are couched as ‘security deposits’ which are legal, but discriminatory when used in this way. Newcomers and international students in Québec face similar requests for deposits, and again this is often related to their lack of knowledge of the Canadian housing system and vulnerability. A Housing Assistant in the Office municipale d’habitation de Québec, described the practice...

“It’s not so legal, I feel like sometimes they try to abuse people who are a little more vulnerable. It’s like you’ve just arrived, and you don’t really understand how the rental market works in Canada and you’re told that you have to give [deposits]. I have the impression that this is a form of discrimination.”

(Housing Assistant #1; translated from French)

Professionals particularly drew attention to refugees, who gain government supports when entering the country (The Resettlement Assistance Program (RAP)) for the duration of a maximum of one year. Housing Workers describe that the one-year limit is insufficient for most refugees to accomplish everything needed to be gainfully employed and have access to housing: personal financial stability including credit building, learning a language, learning the legal and housing systems, developing networks and friends, becoming familiar with the local community, finding employment, and securing housing. One Housing Worker suggested that extending RAP benefits to two years would allow many refugees the time to accomplish these tasks and lead to greater stability, and, ultimately, less homelessness amongst refugees.

8.5.5 Discrimination and Gender: The Impact of Marital and Family Status

Most Housing Workers noted that gender plays a significant role in rental discrimination; however, the process of unequal treatment is subtle. While it is not as obvious as racial discrimination, gender discrimination is revealed in the attitude of landlords towards women tenants. The perceived power differences permit male landlords to discriminate because they

know their assertiveness is less likely to be challenged. The process is complex with one Housing Professional noting female identity conveys vulnerability that is particularly relevant when associated with other identities that can jeopardize a woman's access to housing, including low-income, sexuality, as well as immigration status. Hence, gender discrimination in the rental market is characterized by a high degree of intersection, and as the discussion below outlines, there is a strong linkage between a women's experiences of rental discrimination and her relational and family status.

The perceived or actual income disadvantage of women is the primary reason for gender discrimination. And unequal treatment is specifically directed at single women who landlords presume to lack the economic resources of other social groups that guarantees rental payment. Women with disabilities in particular can encounter barriers to accessible accommodation, and more generally, the limited options for low-income women often force them to live in inappropriate and unsafe units such as rooming houses. *Economic discrimination* is also evident in the case of women fleeing domestic abuse who encounter obstacles with some landlords refusing to remove their name from their current lease, while credit checks are especially problematic in obtaining new rental housing.

A key result of this study is the strong association found amongst the characteristics of female identify, single status, and low income highlighting the intersectionality of rental discrimination processes when considering gender. Most revealing in the findings was the manner in which landlords discriminated against single women, inserting barriers and conditions based on unwarranted assumptions about both their relational and family status. It was surprising to hear that some landlords in Québec infer or outright forbid single women to have intimate partners visit their accommodation. In one case, a woman deliberately did not bring her boyfriend who was black when searching for a rental unit. This form of discrimination can also be blatant with one Housing Worker recounting the experience of a woman signing a lease:

“The landlord can say, “I rent the accommodation to you, you have no right to be in a relationship”, and at the signing of the lease will prohibit anyone from entering your home. [The applicant] had been visiting 20 homes, and hasn't found any, they are up against the wall so they're going to sign the paper, even if they know it's illegal, they know that if they don't sign the paper the landlord has the power to tear up the lease in front of them and then they don't have the accommodation.”

(Coordonnatrice, RCLAQ, Montréal; translated from French)

Single women may also be denied housing purely because of the assumed potential for pregnancy and the lack of a male partner for financial support. According to Housing Workers in both Ontario and Québec, pregnant persons face high levels of discrimination because of the unreasonable expectation that problems will ensue once the baby is born. In one example, a woman was refused the rental unit because she was pregnant, and despite having a job, the landlord questioned her ability to pay the rent. The concerns of pregnancy also extend to discrimination against couples as another example from Québec demonstrates:

“...the worst I've seen was an owner who had a couple sign a paper saying that the day they were going to have a child they were going to have to move, so if the woman got pregnant, she had to leave. Even today, a female tenant who identifies as a single woman [can be] refused because she does not have a husband to pay with her, even when she has ample proof of income.”

(Coordonnatrice, RCLAQ, Montréal; Translated from French)

These findings point to the total disregard by some landlords for the basic housing rights of women and families in general. It is difficult for families with dependents to find housing and while the discrimination may not be overt, they are told that young professionals or older adults are preferred. But examples were also found of landlords who stated outright that families were not wanted, and while this may be illegal, the competitive market and large number of applicants enables landlords to choose those tenants they perceive to be the least problematic. This intersection between the housing market and discrimination against families has also been reported on by RCLALQ and the CBC.²⁰ Housing applications are routinely refused for reasons such as a family's income and the potential for children to cause disturbances or damage.

Accessing housing is especially challenging for populations and communities, such as Indigenous persons or newcomers, where large families are the norm. One Housing Worker observed, racialized groups experience greater difficulty in accessing housing if they have children and this familial discrimination is now occurring more frequently. When racialized persons seek housing, they are often asked extra questions such as the number of children in the family. Rental units with two-bedrooms or more are limited, and larger families are much more likely to be denied rental accommodation because landlords do not want to lease smaller

²⁰ See CBC's 'Québec housing shortage exacerbating discrimination against large families, minority groups' (Hercegova, 2021).

units to them. If they are able to find housing, it is possible that the landlord will insert additional conditions such as a large security deposit to cover any damage caused by children.

While rental discrimination against women is common, many Housing Professionals underscored that gender plays a significant role with single mothers and their children encountering the greatest adversity in accessing and maintaining rental housing.

While rental discrimination against women is common, many Housing Professionals underscored that gender plays a significant role because single mothers and their children encounter the greatest adversity in accessing and maintaining rental housing:

“Certainly, I think gender can play a role, yes. I worked with a Housing Worker last year who was trying to find housing for a single mom, and I don’t know – but I feel like I have no doubt that the fact she was a single woman with children, that was part of the difficulty.”

(Housing Advocate #3, CCHR, Toronto)

It is a frequent occurrence for single-parent, women-led families to be refused rental housing with landlords preferring higher income, childless applicants. In both Ontario and Québec, Housing Workers identified single mothers to be a particularly marginalized group at greater risk of rental discrimination. But there were distinctive patterns that should be noted in the type of information that was garnered in each province. In Québec, most discussion was on the housing search and how landlords exclude single mothers from rental housing. The Ontario findings are distinctive in the unequal treatment of single mothers during tenancy. It is difficult to surmise the reasons for these distinct results, but it nevertheless allows understanding of discriminatory processes throughout tenancy.

Economic discrimination is prevalent with single mothers and even those with employment face prejudicial practices as many are told the unit is already rented if it is revealed to the landlord that the woman has children. In one reported instance from Québec, a woman with a job and a well documented application was told by the landlord the unit had already been rented despite it continuing to be advertised a week later. In another example, the landlord was more direct in refusing a working mother’s application, telling her it was because she had two children. Despite this overt discrimination that is against the Human Rights code, she would not file a complaint because she feared her reputation would be tarnished with future landlords.

Housing Professionals suggested even greater marginalization is the reality for single mothers who are on social assistance, and it is difficult to advise these women because the

discrimination is complicated and very insidious. They are not denied housing for overt reasons, but rather, the landlord will insist, for example, the unit is not suitable for children and that other tenants will complain about noise. But Housing Workers indicated that the most common reason for refusal of rental housing is linked to economic discrimination against single mothers. Many landlords will directly question whether, on such a small income, a woman is able to support her children as well as pay the rent. One single parent reflected on how the stigma goes beyond housing and the unequal treatment by landlords, reflecting that society in general frowns upon mothers on social assistance, at home, caring for their children. Single mothers with low-income who are also racialized face the greatest challenges and this intersection is evidence of the multi-layered nature of gender and rental discrimination. For single, racialized mothers with no resources or employment, it is extremely difficult to find housing with these challenges notably increasing in recent years. And Housing Workers in Québec indicated it is those single mothers who lack support networks, those who have recently arrived in Canada and lack community connections, who are at greatest risk of rental discrimination. In comparison, it was suggested that a Québécois mother with children will have the resources and information to assist in the search for housing.

Without community networks or knowledge of available supports, racialized single mothers are less likely to be in contact with Housing Workers, and as a consequence, they have limited knowledge about the realities faced by these women in accessing adequate housing. It is only during tenancy when single parents encounter dire situations that Housing Professionals become involved:

“We have the tip of the iceberg, we have the most serious cases but the discrimination which is, let’s say, the least intense, we don’t hear about it. We hear about the poor and racialized single-parent woman who has four children and who finds herself on the street the next morning, we don’t hear the other stories. It’s hard to have a picture of the situation when we don’t have it, people don’t complain, and we understand why. They do not necessarily go to a Housing Committee, do not know the Housing Committees.”

(Coordonnatrice, Face à Face, Montréal)

It was common to hear that racialized, single mothers fear reprisal for reporting rental discrimination both during the search for housing and while in-tenancy. Housing Workers in Québec did report that complaints against landlords with the Tribunal administratif du logement (Housing Administrative Tribunal or TAL) are recorded, and that information is available to

landlords, who often deny any applicant with a TAL record. Whether reprisal is perceived or real, this suggests these women feel particularly susceptible to unequal treatment, and moreover, landlords are emboldened to treat this vulnerable group unfairly because there is less chance of recrimination. And just as they encounter enormous difficulties to secure housing for their children, they also experience rental discrimination once living in a rental unit that is subtle and indirect, but creates ongoing challenges for single mothers to maintain tenancy. For example, single parents are more likely to experience ongoing harassment by landlords and, as one Housing Professional asserted, gender discrimination is evident:

... we get a lot of complaints from tenants who are getting complaints from their landlords about their children's noise. I feel like, very often, those are single women with their children. Of course, there is the familial status aspect as well, but I do think gender plays a role."

(Housing Advocate #3, CCHR, Toronto)

The key issue discussed in the interviews by both Housing Professionals and single mothers was the lack of response by landlords for repairs to the unit. Often because of their status as a single parent, they are forced to rent homes that have many maintenance problems with conditions that may not be appropriate or safe for children. As one black, single mother in Ontario recounted:

"Prior to entering the apartment, [the landlord] should have painted the walls and made sure it was in good condition. He didn't paint, there are holes in the floor! The soffits – my son has cut his hand. The shower's full of mould. Just a lot of issues, he never fixed. One time I needed him to fix certain things and he told me he wasn't going to fix it."

(Amber, 49, Racialized Lone Parent of child with a disability)

Housing Workers spoke of many instances of the landlord responding late or simply ignoring the request for repairs. In one case, a woman had a broken window in January that the landlord would not repair despite many requests even from the Housing Worker. Ultimately the window was only fixed after the tenant went to the Ontario Landlord and Tenancy Board. But many racialized, single mothers are fearful to complain out of concerns that they will have to leave the unit. One single mother with three children from the black community in Toronto was living in a basement apartment where there was flooding and mould that was not being repaired. The Housing Worker encouraged her to lodge a complaint, but the women had not been able to find

other housing and was worried she would lose this accommodation if she reproached the landlord.

Postponing repairs was surmised by one Housing Professional to be a strategy by landlords to get these families to leave. Such treatment demonstrates the insidious nature of gender discrimination and the complexities in understanding what motivates landlords' pernicious behaviour toward women tenants generally, and racialized, single mothers in particular.

Overall, this examination of the findings on gender and rental discrimination substantiates the proposal that there are multiple intersections with female identity creating a power imbalance that impacts how landlords interact with women. Based on the findings of this study, it is specifically the intersections with low income, relational and familial status, as well as minority identity that appear to have the most ramifications for women's experiences of rental discrimination.

8.5.6 Discrimination and Indigenous Peoples

Though this project did not seek out Indigenous people to interview, Housing Professionals made several comments on the experience of rental discrimination by Indigenous people. One important source of discrimination appears to be a lack of cultural knowledge amongst landlords. A Housing Advocate recalled being contacted by Indigenous people to file a complaint against a landlord who claimed burning sage (smudging ceremony) was "illegal in their building". This is a clear case of discrimination during tenancy that should be accommodated for cultural reasons.

Another challenge faced by Indigenous people is the prejudice created by the swift judgement made by landlords based on racial identity. In a smaller Ontario community, a lawyer reported,

"We see landlords making a lot of assumptions about Indigenous people. We do work with many Indigenous people because we do have the two reserves in our territory. We've seen circumstances where landlords are jumping to conclusions when there's damage in an apartment... that [the Indigenous tenants] have caused that damage. They're much quicker to jump to that conclusion and try to evict the Indigenous people for issues like damages than we see they do with the non-Indigenous population. That is a pattern I have encountered in my work."

(Legal Council, ACTO, Southwestern Ontario Rural Municipality)

This same lawyer reported similar experiences of landlords ‘jumping to conclusions’ when interacting with tenants with mental health disabilities, a finding already noted above.

These are only two small examples of what is undoubtedly an extensive experience of discrimination faced by Indigenous people in the private housing market. One Housing Worker explained that their organization assists very few Indigenous people resulting in little knowledge of their experiences of housing discrimination, likely because Indigenous people experiencing discrimination or looking for housing do so primarily through Indigenous organizations. The lack of information generated from interviews on rental discrimination faced by Indigenous people, as well as the dearth of information revealed in the literature review, underscores the essential need for further research on the experience of Indigenous people with rental discrimination. Such research should be carried out in collaboration with, and led by Indigenous organizations.

8.5.7 Discrimination and Older Adults

Discrimination against older adults can occur in the search for rental housing in several ways as one Housing Advocate suggested they see a disproportionate number of older adults needing assistance potentially reflecting the impact of an increasing aging population. The primary problem for many aging individuals is a low or fixed income and a lack of housing for older adults (especially with services) forcing them to compete in a very expensive market for rental housing. This challenge was expressed in both Ontario and Québec. In Ontario, a Housing Worker noted that older adults are having to search for “rooms, which is kind of the affordable option in Toronto right now”, but that strategy puts older adults in direct competition with students and young professionals also searching for small, affordable units (Housing Worker #6, Housing Help Centre, GTA). In Montréal, the shortage of older adults’ residences was highlighted, as well as the cost of residential and long-term care centres referred to as CHSLD (Centres d’hébergement et de soins de longue durée). The shortage of this housing type has forced many older adults with low, fixed incomes to compete in the private rental market.

The second problem for some older adults in the private rental market is ageism and discrimination based on landlords’ fear that an older adult may age into disability. It was emphasized this is particularly a problem encountered with small-scale landlords, especially those who are renting out part of their own home:

“...but aging in place is a huge issue... we did hear from people who would say small landlords are most discriminatory. Often large corporations can understand the Human

Rights code because they're a business. When someone is renting part of their home, they think they can do whatever they want, and this is where [landlords] are saying “you’re too old to live here and you can’t navigate the stairs”.

(Housing Advocate #1, CCHR, Toronto)

A Case Worker in Toronto reported similar experiences, explaining that landlords have commented to the worker regarding an applicant, “This person belongs in an old folks’ home or an old age home, not here. This place is not for you. You won’t fit.”. The Case Worker described this as ‘blatant ageism’ (Case Worker, Community Service Provider, Toronto). While a Housing Advocate also noted that many older adults “have a harder time speaking up for themselves, that’s where the discrimination [happens]. An older adult might find it challenging for them and have a harder time advocating for themselves” (Housing Advocate #2, CCHR, Toronto).

These examples illustrate the experiences of older adults facing individual and overt discrimination (ageism) in the rental market. And they are further disadvantaged if they have a low or fixed income and must compete in a rental market that uses economic discrimination to exclude them from affordable housing.

8.5.8 Intersectionality and Vulnerability

“Oh my god, it’s very intersectional... It is certain that people who are at the crossroads of multiple criteria that make them marginalized people that are the most affected.”

(Coordonnatrice, Face à Face, Montréal)

Two points stand out when discussing the varying identities related to rental discrimination. First, those that experience discrimination can be treated unequally for multiple reasons or identities. The most prominent in our interviews was disability and low income, but racialized and low-income, newcomer and low-income, and women single parents were also commonly cited groups as experiencing discrimination when trying to find housing. It is often difficult to determine the identity for which a person is being discriminated against, or if discrimination is occurring against multiple identities, thus making it that much harder to distinguish, regulate, and prevent. The experience of discrimination occurs in many facets of an individual’s life including rental housing, and these hardships can result in cumulative disadvantages over one’s lifetime. The challenge of multiple, cumulative disadvantages was recognized by all Housing Professionals and expanded upon by a Housing Counselor in a Toronto suburb:

“Tenants who have been discriminated against are not only discriminated based on a [single] characteristics or a trait. They’re often discriminated against because of a lot of factors. It’s understandable that these people have challenges, not only financially but they have all the other challenges as well. Their situation is highly complex. [Acknowledging] discrimination against them only in one part of their lives is oversimplifying it. These individuals can be discriminated against in more than one sense, like being gay or being disabled; they will be discriminated in multiple areas because these people face different kinds of challenges. They can be discriminated in any one of them. Most of the time, people with disabilities have low income. They may not be discriminated against based on their income, but they will be discriminated against based on their disability, or their age or their being female or something like that... and it’s harder to pin-point and to solve a certain discriminatory practice if we’re just going to focus on one type of discrimination. We have to holistically solve this problem based on not only one form of discrimination but all types of discrimination.”

(Landlord Recruiter/Housing Counselor #5, Housing Help Centre, GTA)

The second common theme arising from the interviews is that those who are discriminated against, tend to be vulnerable – and some landlords take advantage of those who are least able to protect themselves or challenge discriminatory practices. This was emphasized especially for new immigrants and refugees who may not know their rights, nor the Canadian housing market, and are often hesitant to complain. A similar argument was made by Housing Professionals regarding international students who often do not know their rights and are “easy prey for unscrupulous landlords”. Older adults were also highlighted as needing assistance to advocate for themselves as they often require very affordable housing that can also accommodate their disabilities or allow them to age into a disability. And, finally, female single parents were characterized as desperate and willing to accept poor quality housing and tolerate discriminatory practices to ensure they have housing for their children.

As noted at the beginning of this section; many of those who experience rental discrimination are also vulnerable to other kinds of discrimination or fall into other categories protected under Human Rights codes. People who are vulnerable, are often vulnerable for multiple reasons, and the disadvantages they face are cumulative impacting their lives in numerous and complex ways.

8.6 Geographies of Discrimination

One objective of this research was to note regional differences between Ontario and Québec, especially in light of Québec typically viewed as a renter province. Indeed, this research did find some differences, but not what was expected.

Commencing at the neighbourhood level; there was a range of opinions amongst Housing Professionals as to whether differences in discrimination existed between neighbourhoods in the major cities included in the study (Greater Toronto Area, Montréal, City of Québec). Most considered rental discrimination to be endemic and pervasive while there were some with differing perspectives. Though evidence is limited, these professionals generally felt that discrimination was more apparent in wealthier neighbourhoods. As a housing assistant in Québec City described, “Of course, there are more upscale neighborhoods, so to speak. [But] it's easier to find accommodation in lower-town than in cap-rouge... it looks like it could be because of discrimination too” (Housing Assistant #1, Office municipale d’habitation de Québec, Québec City; translated from French). Another housing assistant revealed that they do not seek housing for a person in a higher income neighbourhood, or in areas where the person stands out as racialized, because it can cause tensions with neighbours and landlords. A third housing assistant in Québec City recognized that most people who might experience discrimination avoid these issues by applying for housing in neighbourhoods they are familiar with, “if you go looking in the same areas where your community is found, perhaps you will have less difficulty, you will experience less discrimination” (Office municipale d’habitation de Québec; translated from French). Of course, this is not always possible or convenient, and the lack of affordable housing makes this strategy challenging.

This difference in discrimination between areas of wealth are intensified when an area is undergoing gentrification, or when many properties are bought up for investment purposes. Several professionals noted a ‘surge’ of people buying residences to use as income properties²¹ as well as significant numbers moving from large urban centres to rural areas and small towns. This has put upwards pressure on housing prices, and has affected local markets – especially for affordable housing. Professionals indicated that new landlords in upcoming neighbourhoods

²¹ Housing workers also noted that newly purchased properties see many ‘own-use’ evictions, and drastically increased rents.

were particularly concerned with increasing property values and profits, leading to more discriminatory actions:

“I think there are these certain neighbourhoods in the area that are facing incredible gentrification transformation. The people coming in and buying investment properties to rent them I feel certain are engaging in discriminatory practices. Again, it’s hard to prove because these things happen behind doors. They kicked out a building of tenants in Parkdale who were all racialized and they moved in white people with more income. I don’t know, seems like a pattern to me. The problem in the GTA is that it’s almost everywhere now, it’s so expensive. These market forces make discrimination easy to do.”

(Housing Advocate #3, CCHR, Toronto)

At the provincial level, Housing Professionals were not able to make direct comparisons between the two provinces as their knowledge was based on their province of residence. Nevertheless, comparisons of the stories shared reveal some similarities and differences between the provinces. One similarity is that discrimination against racialized people, as well as new immigrants and refugees was consistently reported across Ontario and Québec.

Professionals in both provinces also reported differences in discrimination observed in rural/small communities compared to larger cities. A lawyer in a smaller Ontario city related that in her city ‘...the general attitude towards race, towards poverty, towards different [people] can be quite blatant’, and discussed racialized newcomers and students facing slurs when searching for housing and the overall difficulty for them of finding affordable housing (Legal Council, ACTO, Southwestern Ontario Municipality). Another lawyer in a rural Ontario County noted that the discrimination observed was linked to the practices of social housing providers and hospitals where discrimination is accepted by the administrative culture as normal thereby impacting the experience of people interacting within the rural context (Legal Council, ACTO, Southwestern Ontario Rural Municipality).

Similar challenges were reported in Québec with regional differences occurring as a result of distinct rental markets. Montréal has a larger agglomeration of large rental companies as well as small landlords, whereas smaller municipalities have more small-scale landlords and less rental housing. A housing assistant working in the “regions” (orig.) outside of Montréal noted that in many rural areas, all of the private rental housing is generally controlled by only one or two owners who know each other. These landlords share information about tenants, and it is reportedly common practice to disqualify tenants for little reason. This forces applicants to

search further distances for housing, impacting their ability to maintain employment, and keep their children in the same school (Coordonnatrice, RCLAQ, Montréal; translated from French). It was also noted in Québec that there was a lack of housing with supports for older adults. This was viewed to be discriminatory because the lack of appropriate (and affordable) housing forced older adults to pay more in the private sector to meet their needs (in private care homes or Résidence privée pour aînés (RPA)) (Coordonnatrice #1, Info-logement Mauricie, Trois-Rivière). There is also a limited rental market in the rural regions of Québec as well as a lack of resources, such as organizations to assist renters.

French Language and Québécois Names

An interesting detail emerged from the interviews with Housing Professionals in Québec. Several indicated that housing discrimination occurs against those who “have a name that doesn't sound Québécois, or [sounds like] another nationality”, “an accent that doesn't sound Québécois”, and those “who don't speak the language well” (Community Workers and Coordonnatrices at POPIR, Face à Face, RCLAQ, and La Maisonnée; translated from French). Usually, this discrimination was spoken of in relation to other identities – that is, an applicant's name, accent, or fluency was used by landlords to identify new immigrants or racialized people who are then discriminated against. It appears that name, accent, and fluency are being used as proxy identifiers that result in discrimination. This kind of discrimination has also been identified by RCLALQ in their 2021 review of systemic discrimination in Québec (RCLALQ, 2021).

8.7 The Lived Experience of Rental Housing Discrimination

“It’s so dehumanizing. The whole experience is completely dehumanizing and actually, that is what happens – It dehumanizes individuals. They become dysfunctional and they are completely unable to deal with it.”

(Case Worker, CCHR, Toronto)

The impacts on those experiencing private rental housing discrimination are complex and cumulative, the outcomes of discrimination having lasting effects on psychological, social, and financial well-being while also influencing protracted housing insecurity. Two distinct contexts of the rental discrimination process are considered here to demonstrate the complexity of rental discrimination outcomes. First, there are shorter-term impacts occurring as a result of discriminatory practices of landlords at the search stage. The more complex and longer-term impacts occur as an outcome of the second context, when adequate and affordable housing cannot be obtained. These more enduring effects reflect the accumulated disadvantage of individuals experiencing rental discrimination as they face countless challenges to adequate housing.

Before examining the impacts of private rental housing discrimination, it is valuable to consider the concept of housing as a basic Human Right because it highlights the vital role of safe, affordable, and quality housing for an individual’s overall well-being. As one Housing Advocate suggested, a home is a place of sanctuary that enables self-care and rejuvenation, empowering the individual to succeed in their life pursuits. And for those experiencing discrimination in the rental housing market, it is difficult to understand why they cannot access a basic human need. Without adequate housing, a multitude of issues are encountered that become cumulative and limit a person’s security and life choices.

8.7.1 Discrimination at the Search Stage: Mental Health Consequences

The most profound impact of rental discrimination discussed by the Housing Workers was the multiple and collateral consequences on mental health during the search stage. They referred to the whole experience as being de-humanizing with negative impacts on a person’s self esteem and sense of security. There is a deep sense of frustration, a feeling of being undeserving and that no one cares. With the current competitive private rental market, it has become extremely difficult, if not impossible, to access and maintain adequate housing. One participant with low income and a disability spoke of a sense of helplessness when trying to secure a tenancy:

“Because right now it feels like the owners have all the power and they have the right to life and death over people. They can do whatever they want, they can really do whatever they want. Credit checks are excessive, and refusing people because they are on welfare is against the law, they do it and no one lifts a finger and there are complaints because of it.”

(Celine, 40, Person with a Disability, Gender-Fluid, Homoparental Family)

This power imbalance creates a significant amount of psychological distress for tenants who feel their integrity has been attacked, they lose confidence, and with the experience of previous difficulties, it becomes very discouraging. Those most impacted by this discrimination dynamic are the most vulnerable, including those on low-income, the racialized population, and female-led, single-parent families. Housing professionals highlighted that the impacts of rental discrimination on these groups have been attenuated in the last five years because of the housing crisis.

In the search for housing, the most vulnerable individuals and groups encounter particular difficulties because of inequities they face based on their identity, and it is their lack of financial resources that impacts their ability to endure a long housing hunt. The difficulties encountered are a source of enormous stress. There is a sense of hopelessness, of feeling trapped because of the state of the rental housing market. They understand they have a lack of choice, that they cannot control their circumstances and their mental health continues to deteriorate when the search for housing is prolonged. The inability to access secure housing impacts every aspect of a person's life:

“I would say housing is a priority of living. If the people are really struggling to find a place, they cannot move on: “I want to go to work but I don't have a place to stay. I try so hard. I can't.” And this affects their job search, job opportunities. It's like a vicious circle. They can't find a place, they can't get a stable job and with no stable income, it's hard to find a place.”

(Landlord Recruiter/Housing Counselor #2, Housing Help Centre, GTA)

For a single mother, for example, the constant refusals and the limited energy for searching, leads to exhaustion, disillusionment, and withdrawal. To be repeatedly rejected is an attack on a person's dignity and integrity, 'like something has been taken from inside of them'. Those searching for housing experience anger, a sense of frustration because nothing makes sense, the whole process is illogical. One participant, who was a racialized, newcomer, student explained the frustration this way,

“I’m a very, very understanding person and I try to be grounded as much as I can. But that situation just got me under my nerves because it doesn’t make sense. It wasn’t logical. It got me...I don’t accept it. It’s unfair. That’s why I ran [away] from my home country because everything was discriminating, everything was not going right. That’s why I came here. I didn’t want to experience the same things again and again. On top of that, I live on my own, by myself and I don’t have a family. I didn’t have support. Just experiencing this, it makes you very weak at some point because what are you going to do? You don’t even have contacts. It’s very hard. It just made me feel very bad. That landlord who rejected me - he needed someone from the same ethnicity – when I was walking in the street and I see these people, I’m not comfortable talking to them. I had to let go of that feeling. I had to calm myself down and make peace with it. Otherwise, can you imagine what this would make you feel like? And if this happens on a daily basis (laughs) or happens to everyone, the community would be horrible because everyone would hate the other, because of these things.”

(Nadeem, 26, Racialized New Immigrant)

The Housing Professionals expressed the intense frustration and anger experienced by their clients in the search for rental housing. As discussed earlier, landlords use various forms of discrimination during the search stage of rental housing to create barriers and put conditions on tenancy. Those searching for housing understand that it is a strategy to refuse them housing, and that they have no control over the outcome. The prolonged and disappointing search process has a cumulative impact.

The search for housing can be a very long process as one participant whose family included a transsexual member indicated it had taken them four or five months to ultimately find a home that was more expensive and smaller. Every visit to an accommodation brought apprehension, uncertainty about treatment, and fear of refusal. She experienced significant anxiety leading to depression that also impacted the mental health of her daughter who did not want to have to move again.

The search for housing requires enormous amounts of time and perseverance and can become all consuming with repeated rejections. Potential tenants are required to return to the same rental unit more than once to bring further information about credit checks to landlords. Expenses are incurred during the search to cover travel costs which is particularly difficult for someone with low-income and can impact one’s ability to continue searching. For those with the

resources to ultimately find housing, the entire process can be bewildering as this newcomer student recounted:

“To be honest, my real answer would be I felt so overwhelmed and frustrated. Sometimes I felt numb. I can’t do anything. I have no control over this. Finding a house is very, very difficult itself. After that, the reasons why you can’t have a house. When I see the rent goes up that fast, it makes me extremely worried that what I’m going to make for a living is not going to pay the rent. Then I’ll feel like I’m doing bad in everything. How does it feel? “Oh, I can’t pay the rent. I have to find another job. But now I’m a student.” To be honest, I even neglected school stuff because I was too worried about finding an apartment. My mind was scattered everywhere. When I walked, I was always seeing apartments, buildings, and it was very bad.”

(Nadeem, 26, Racialized New Immigrant)

8.7.2 Response to Search Stage Discrimination: Limited Objection

Responses of applicants for rental housing as well as tenants with a unit, vary based on their overall situation, their housing situation, and their relative power to the landlord and the systems they are enmeshed within. Housing Professionals as well as people with lived experience suggest that the vast majority of people who face rental discrimination have to simply ignore it, because they have to prioritize the search for housing, most understand that there is no recourse, and many are fearful of creating conflicts with landlords, or conflicts that will affect their immigration status.

“The majority of people just give up because they are stressed out. They are in the middle of an apartment search; they don’t have time to challenge this [landlord]. They move on to the next thing. It’s discouraging, they move on...”

(Housing Advocate #1, CCHR, Toronto)

Housing professionals also expressed extreme frustration with the lack of affordable and adequate housing. They spoke of their own sense of helplessness and that they often feel they are not helping but merely providing band-aid remedies rather than actual solutions.

“It’s frustrating for the workers, and it’s frustrating for the clients, because to come here expecting to get help and really, there’s no outcome. And you’re just going back home to the same thing, is very, I don’t know for me it’s depressing and it’s very sad situation to see.”

(Housing Worker #7, Housing Help Centre, GTA)

Housing Workers stressed that for most people finding housing was the priority. For newcomers and international students, the situation is even more precarious. For many, there is little interest in ‘rocking the boat’. Many don’t know their rights, and many don’t understand the housing system in Canada. Those newcomers that do recognize the discrimination often assume that it is normal or “they think this is how it is in Canada” (Housing and Settlement Counselor #3, Housing Help Centre, GTA).

“...for a newcomer, it's more scary to go and start fighting. You don't necessarily know these systems; you just want to have your permanent residence and not cause trouble. I think that already for someone who grew up and lives in Québec, most don't understand anything about the law in relation to housing and that's normal, it's really complex. But imagine someone who hasn't grew up here, who doesn't know that, doesn't know the codes, has never heard of the Administrative Housing Tribunal, he just doesn't want to have any problems. It's sure that there [are] fewer people who will want to take action on discrimination just for that. Many will just endure atrocities so as not to have problems with landlords and therefore with the law – in their heads.”

(Community Worker, POPIR, Montréal)

Several Housing Professionals also related that newcomers are often fearful of causing conflict – assuming it may impact their status or their application if they are refugees.

“...there are several who have told me, they do not want to testify, many asylum seekers. I am not direct service, but my colleagues tell me that asylum seekers, well, they are afraid; they say “I cannot go to court because there are implications on my immigration application”. They are afraid, they are not going to do it, and they are not going to go any further.”

(Coordonnatrice, La Maisonnée, Montréal)

To be clear, it was repeatedly expressed in the interviews, particularly in Québec, that many refugee claimants and new immigrants fear making any complaint against instances of discrimination. This is the result of misinformation and the perception that it will impact their applications, fearing that complaints will influence their ability to find housing. Many have experiences from home countries where such legal/administrative complaints will not result in positive outcomes. Ultimately, many dealing with immigration or refugee matters do not feel empowered to also request recognition of their housing rights.

For these people finding housing is paramount, and filing complaints against a landlord for discrimination does not appear to be in their best interests.

“...most of the time, they don’t know. And even if they do know they don’t want to do something about it. They are already new to this country. They already run away from problems [in their country of origin]. They came to Canada because of those problems, and they don’t want to create more, not because they are scared but because they don’t have the [energy] for it anymore... Because tenants don’t want more problems. 80% of my clients are newcomers and don’t want problems. They all say ‘No, we don’t want headaches. We just want peace of mind.’”

(Housing and Settlement Counselor #3, Housing Help Centre, GTA)

Although Housing Professionals indicate most people are aware of the discrimination occurring against them; some are not, and two Housing Workers related that they protect newcomers from this knowledge if they are unaware – as the truth would be too discouraging for them.

8.7.3 Impacts In-tenancy: Poorer Quality Housing Conditions

It is important to distinguish the short-term psychological effects resulting from the housing search, and the longer-term impacts that occur when those with lower income are attempting to rent in a high-demand rental market. For those who do search for costly new rental housing and face discrimination, their living circumstances are ultimately made worse. The power imbalance with the landlord leaves the tenant at a disadvantage and the high cost of rent forces many to choose housing situations that cause more hardship. The findings suggest that the high-demand high-cost rental market requires tenants to make adjustments in their housing with a range of outcomes including the poorer conditions in their new housing situation.

The solution for many searching for rental housing is to rent housing that is affordable but it requires a great amount of adjustment because it is undesirable housing, in poor condition.

“Well, it's the housing conditions. Quality of life related to housing conditions. These people go, often it will be housing that the owner has difficulty renting because they are in lamentable condition or very far away ... These people are often condemned to live in more difficult housing conditions because it is the housing that we accept to rent to them.”

(Coordonnateur, Entraide logement Hochelaga-Maisonneuve, Montréal)

The housing is often poorly maintained, with limited space causing overcrowded conditions. Of particular concern are the unsanitary conditions that were reported by several Housing Workers. The poor condition of housing leads to both physical and mental health impacts.

“People will go to unsanitary apartments. We see pictures, it's black with mould. There's water damage but they don't open the walls to dry them out ... the children always get sick; they have the flu. At some point, the mother misses work because she takes care of the children since they are sick they cannot go to school, with the symptoms of COVID in addition, you cannot go to school or daycare, but the mother loses her salary, there are no sick days to finish either. It's stressful and you know there's mould and the owner doesn't do anything, it comes out! Sometimes they'll just paint and put caulking on top. Let's see! It's beautiful, it looks good, but it comes back all the time. They are sick. They are emotionally exhausted and at some point, it takes off. It always gets repetitive. Or rodents, we have them too. Small field mice, we have it's not that bad, I have some in my attic, but I wouldn't like to see any on my counters, but some of them are rats! Worse, it takes professionals to stop it. If there's some in an apartment, maybe there's some in the block too. You have children and rats walking around coming to see you.”

(Coordonnatrice #2, Info-logement Mauricie, Trois-Rivière)

Those living in these conditions are often racialized, they are less likely to seek their legitimate rights, and more likely to accept this substandard housing in its present condition.

“I also inform them of her options, if she wants to file a complaint against this landlord, I explain the consequences, I explain to her what the difficulties are. Generally, these tenants don't want to add any more to their problems in finding housing. They just want to get on and find the next one. Since these people don't have enough money or energy to pursue the landlords, they'll get (go onto) the next one.”

(Landlord Recruiter/Housing Counselor #5, Housing Help Centre, GTA)

It is notable that because the housing search is so difficult, many renters choose to stay in units where the rent remains reasonable, knowing that if they move, it will radically change their living conditions because housing will cost far more. But many of these tenants remain prisoners in their rental units, living in conditions that can also be deplorable and enduring ongoing harassment. These tenants will withstand the discrimination and poor conditions until they can no longer tolerate the conditions. The prospect of having to move is unwelcome because of the cost of moving, and the knowledge that finding alternative housing will be difficult if not

impossible. They live with anxiety and tension, feeling vulnerable to any circumstances that may arise to threaten their tenancy. The fear of losing their home creates stress among family members with conflict often increasing between couples. Children are impacted by these dynamics with one participant relating that their child's reaction every time the landlord came to harass the family that included a transsexual member:

“... there she learned about the owner, he wants to put us in outside because she heard him, he comes here to shout at us every other day and there she cries, she cries, she cries, she what she says "it's my room, it's my room", she doesn't want to go through this yet again. It had a big impact on our mental health. And it's a lot of fear, of apprehension because we're going back to this circus.”

(Celine, 40, Person with a Disability, Gender-Fluid, Homoparental Family)

8.7.4 Responses to Poorer Housing Conditions: Attempt to Maintain Tenancy

There is a difference in responses to discrimination between people in the search process, and people who are within tenancy. For those trying to find housing, continuing the search is more important than fighting a landlord. When there are issues within the housing unit, there is an option to pursue a complaint, but people either move on or try to find a way to live with and endure poor and unsafe conditions, harassment, and discrimination. For those with housing, maintaining the tenancy is more critical – whether that means fighting discrimination or living with it.

“Usually they call us and ask if they have any options. They know what has happened to them is not right and they ask what their options are... I would say [that with] discrimination during tenancy, people are more inclined to take action because they're in that tenancy and they want to hold onto it because they can't afford to go anywhere else, and they want to try and improve their quality of life where they are – knowing they can't afford to go anywhere else.”

(Legal Council, ACTO, Southwestern Ontario Rural Municipality)

Housing Workers repeatedly indicated that for many of their clients living in poverty, who may be newcomers, or experiencing a physical or mental disability, or addiction challenges, “they will put up with the discrimination because they need the housing.” (Legal Council, ACTO, Southwestern Ontario Municipality). In cases where an applicant or tenant does want to pursue a complaint, their options are limited. When Housing Professionals have a client who wants to

challenge the discrimination they , the Housing Workers will explain the limited options to the client. These clients are often angry, not only with the landlord, but with the system itself:

“First, they are definitely upset. They are upset not only with the landlord but with the system itself. It’s not made to protect them. That’s the first reaction they have. Second, they’re upset because there’s no regress to any grievance. They don’t know where to go, how to get there, and if they know how to get there, it’s very troublesome and cumbersome for them, who have already experienced discrimination and they would have to go through all of that bureaucracy just to be assisted.”

(Landlord Recruiter/Housing Counselor #5, Housing Help Centre, GTA)

It is worth noting that these kinds of barriers partially explains why discrimination persists because the system neither helps people, nor corrects its own internal barriers.

Some clients will allow the Housing Worker, or a lawyer from ACTO, to write a letter to the landlord explaining that the actions are discriminatory. These letters are the main recourse, and are not effective. At this point, most applicants give up and focus on attaining housing.

For those pursuing actions against their landlord, they may ultimately have no other option because there is no affordable housing, and they must remain in the same housing situation. There is a feeling of entrapment because there is such a backlog at both Ontario’s Human Rights tribunal and the landlord and tenant board. They know they have been wronged, but there are no remedies to their challenging situation. The long timelines create insurmountable frustration with those providing housing assistance expressing associated frustration at their inability to effectively assist their clients.

The lack of accommodation in rental housing for tenants with disabilities can have serious implications for both mental and physical health. Without accommodations for a wheelchair, for example, the tenant will face barriers to self-care and feeling comfortable in their home. One participant who had experienced significant reduction in mobility since moving into their apartment, had been living in a chair in their living room for two years. The landlord would not make the necessary accommodations within the apartment, nor install a ramp in the entrance of the building. The woman’s young son also lived in these circumstances, and she expressed a great deal of regret and guilt for the condition of their housing as well as her inability to care for him properly:

“He’s doing good. He’s autistic unfortunately and ADHD. He has autism and ADHD so we struggle but he’s a very good little boy and I have services coming in for him. But he has to live out here in a chair because there’s no room to do anything, unfortunately. It does affect him too because I can’t take him outside, nothing.”

(Amber, 49, Racialized Lone Parent of a child with a disability)

While this participant was pursuing a Human Rights complaint, she did have the support of her parents who lived in the same rental building. Overall, our findings suggest that those with more social and financial resources will have greater resilience in confronting their housing issues. In the case of one participant who had pursued a multi-year discrimination complaint against his condo board for lack of accommodation for a physical disability, he stressed that while he had the resources to continue the process, the vast majority experiencing housing discrimination lack the wherewithal to proceed with complaints. The vast majority, ‘... try to find a way to live with it and wait it out’.

The study did find there are differences amongst those who approach housing advocates for assistance or who file complaints. It appears that those with more capacity and relative power are more likely to fight. Housing Advocates suggest that about 75% of their clients are women or gender diverse people – they are more willing to ask for help and/or, more informed of their rights. Newcomers appear to be less likely to ask for help, file complaints, or to challenge the system. People who are racialized, or discriminated against by age or by student status are also less likely to challenge discrimination. As one Review Council explained,

“...the farther [away] from cis-heterosexual white male, the less likely you are to speak up... A person with more privilege and less to lose, will be more likely to speak up and ask for their rights to be acknowledged and enforced. It’s a basic premise of working within marginalized or discriminated-against communities.”

(Legal Council, ACTO, Southwestern Ontario Municipality)

The limited options for recourse for those experiencing housing discrimination highlight the need for more effective tools to redress these situations. More significantly, the overwhelming lack of challenge to discriminatory practices suggests significant government intervention is required to support marginalized populations and improve systemic responses to discrimination.

8.7.5 Long-term Impacts: Decreasing Housing Security

The longer-term social and economic consequences of rental discrimination in the competitive private housing market are related to increasing housing insecurity. First, housing security deteriorates if tenants are forced to move long distances in the search for affordable housing with such neighbourhood displacement reducing access to a range of services and community supports. For many others, they have no choice but to pay rent that is unaffordable running the risk of rental arrears and potential eviction. For those unable to afford increasing rental costs, some resort to shared housing arrangements, while others experience the greatest housing insecurity in the form of hidden or outright homelessness.

In the search for affordable housing, many are forced to move long distances resulting in the loss of a tenant's familiar neighbourhood. Many are disappointed they cannot find housing in the surrounding area and such a change can create additional insecurities and mental distress because there is a sense of being uprooted or displaced. One of the main outcomes is the loss of community and social supports and 'a lot of folks get moved from their community of experiences' which is particularly detrimental for newcomers and ethnic communities. Those who relocate long distances lose their networks that facilitate both resources and information. There is a loss in trust and bonding for someone moving to a new community, and there is a possibility the new neighbourhood is less desirable. One Housing Worker suggested a new neighbourhood connection must be recreated.

The primary issue in the new neighbourhood is loss of proximity to a tenant's daily needs and activities:

"People can't access housing that they can afford, they keep getting shut out. They need to look at different neighbourhoods and lesser housing. It impacts people's access, where their kids can go to school, and how long their commute is. The free-market guides where people live, and it creates so many challenges."

(Housing Advocate #1, CCHR, Toronto)

Long-distance moves to find affordable housing reduce access to jobs and community services such as doctors. Of particular concern for renters with families is the possibility their children will have to change schools. One Housing Worker noted there were direct academic impacts because distinct neighbourhood schools vary in the quality of their programming.

In the case of the family with the transsexual member, the extended search time for housing required that they consider locations far beyond where they were living in Montréal. Ultimately, they found affordable accommodation, but as a result, the participant's daughter changed schools and lost friends. An additional outcome of moving neighbourhoods was '...my mother lived next door to us before and now it takes two hours to come to my house'. As the new rental unit is too small for the family, she had already started searching for another unit. Though she would like to stay in the same area so her daughter does not have to change school once again, there is a very limited supply of affordable housing and the uncertainty about housing will continue.

Alternatively, when there are no other options, a tenant must rent an unaffordable unit with the likelihood of incurring debt that can ultimately lead to missed rental payments and potential eviction. For example, one participant on social assistance noted that once the rent is paid in the new rental unit, there is only \$150 left for the month and 'with the cost of groceries for a family of three, that doesn't cover long'. The reduction in economic resources creates other problems:

"... how you spend for your other necessities in life, for your upkeep. A lot of that has been sacrificed in order to maintain or to have a roof over their head. I can sense that causes a lot of problems, not only with money and expenditures but also with stress among family members. Where do they get the next payment? Stress and anxiety. The fear of losing their home also creates another problem."

(Landlord Recruiter/Housing Counselor #5, Housing Help Centre, GTA)

In an attempt to maintain housing tenancy, other basic needs are put to the side creating a vicious cycle. Housing workers expressed various instances of increasing debt amongst vulnerable renters. Once debt is incurred, economic circumstances unravel further leading to the need for community supports such as food assistance. In one instance, a participant paid three-quarters of her income on rent and had to forego necessities such as dental care. Reduction in studies is another outcome with some students having to revert to part-time rather than full-time studies.

Another consequence of the increasing cost of rental housing relates to low-income tenants who can no longer afford housing and have no choice but to seek out shared accommodation. In particular, it is single persons on social assistance who are faced with sharing kitchen and washroom facilities and having minimal private space. It is very difficult to share space when

one is accustomed to their own residence, however, options are limited because of rising rent. This form of shared-renting brings risks of conflict between roommates, abuse and harassment, and the potential of sudden eviction.

If a tenant is unable to pay their rent, a common occurrence is to leave before receiving an eviction, and they often have no where to go and are homeless when they approach a Housing Worker for assistance. Those who have emotional and material resource networks are better able to navigate the challenges of being homeless. If one can rely on friends and family for a place to stay and financial assistance, their stress and anxiety may be mitigated.

Finding temporary accommodation with friends and family is not a solution in the long-term for housing security. Many incur expenses to move and store their belongings, families are sometimes separated. The study also found examples of single mothers living in hotels with their children with limited space and without their belongings. In some cases, the accommodation was paid for by government programs, but some families are incurring large debt residing in hotels because affordable housing cannot be found. Further instability is experienced with a domino effect of increasing barriers such as the inability to find employment because of the lack of a permanent address.

For those without any support or resources, increasing housing insecurity continues with the ultimate outcome of homelessness with further impacts on individual wellbeing.

“Yes, definitely their mental health is deteriorating for my clients especially. If they’re not able to find a rental unit and if they are moved to a shelter or to the streets, I can see their mental health is not good. It’s definitely deteriorating. I find a lot of people with discrimination ending up in shelters. It’s an additional burden to shelters too.”

(Specialized Housing Counselor #1, Housing Help Centre, GTA)

The insecurity of homelessness leads to further consequences for the individual, as their life unravels leading to an accumulation of barriers. As one Housing Worker commented, ‘they cannot move on’ because without a residence, they cannot search for employment leading to a vicious cycle of further reductions in material resources. Housing Professionals spoke of observing the deterioration in mental health of many clients, particularly those who end up in shelters during the long course of searching for housing. It is difficult to imagine the accumulation of problems these individuals experience. The instability of being homeless

creates anxiety and tension and a declining sense of control over one's life can result in long-term mental health struggles. As one Housing Worker noted:

"If somebody's not able to find housing, definitely it will have a longer-term impact on their mental health. They don't know where they're going to sleep. Every day it's like hell. They feel so tense all the time. I have the same client calling me seven and eight times a day. Just imagine what kind of problems he's going through. Some people, if they have a car, I would say they're lucky because they can [sleep] inside something."

(Housing and Settlement Counselor #4, Housing Help Centre, GTA)

As the housing crisis continues, and those impacted by housing insecurity increases, homelessness will be the reality of more individuals experiencing rental discrimination. It suggests that more of the population will have long-term effects resulting from the current lack of affordable housing. Just as at the search stage, a sense of helplessness is the inevitable outcome for many experiencing increasing housing insecurity.

"It's very discouraging for them as a client, and for you as a worker, not being able to provide anything. Both of you feel helpless in that situation because you don't have anything readily available to give them. And they come to you hoping that you will have something readily available to give them. So you just put - both of you become - mostly the client comes back into the state of helplessness."

(Housing Worker #7, Housing Help Centre, GTA)

8.7.6 Long-term Impacts: Social Exclusion

Generally, the impacts of rental discrimination are underestimated with little insight into the deleterious effects of unequal treatment. From the perspective of tenants, there is a sense of exhaustion, that landlords have the upper-hand, and no one dares to complain. Many who experience discrimination are frustrated and disillusioned, they lose trust in the rental market system, in landlords, and in society overall. In particular, newcomers to Canada feel neglected, that they don't belong in Canadian society, as one Housing Worker observed:

"Most of these newcomers come to this country to live peacefully and to rebuild themselves on a personal and professional level. The first thing for their settlement here is housing. When they deal with this issue, this will open up a lot of doors for other problems... But if you provide them with proper housing right after their arrival without them trying to spend a lot of energy and effort on that. This will be a good, solid,

fundamental base for them ... They can feel safe. They can think clearly. They can take care of themselves, take showers, do their laundry. When their home is home, warm as a home, from there they can get the power to do everything. Even according to my own experiences as a newcomer, housing was my first problem, and it was the link to other problems, especially to anxiety and psychological problems.”

(Housing and Settlement Counselor #3, Housing Help Centre, GTA)

The ramifications for long-term well-being are highlighted by the personal story of a Housing Advocate. His friend, who had come to Canada as a refugee seeking a safe haven, had experienced homelessness because of economic discrimination. Housing was his primary issue that lead to severe mental health problems and addiction, and while he did access subsidized housing with time, he eventually died of an overdose:

“I want to elaborate more on that. This person was a refugee before coming here, a refugee in Turkey. If I talk about that treatment, about how refugees are being treated, you will be shocked. This person when they came here, he was suffering from a lot of trauma, with a lot of discrimination, a lot of bad things. This only made it worse. In the first place, when he came, he was actually looking for a safe haven so he can be himself. I remember his last words, before I heard the news and the last time that I saw him, he told me that “I made the biggest mistake, and I brought it on myself.” He was seeking refuge, but he didn’t know he was seeking his death. It’s something that I cannot forget. He died and I cannot forget this because it was really traumatic for all of us.”

(Housing and Settlement Counselor #3, Housing Help Centre, GTA)

8.8 Existing Measures Responding to Discrimination

“...the problem is that there are a lot of organizations in Québec, in Canada I don't know, but which are in housing assistance, but they basically can't do anything when you are the victim of discrimination, they can't do anything, the only recourse we have is the Human Rights Commission...”

(Laycie, 41, Lone Parent)

What immediately stands out from the interviews with both Professionals and people with lived experience, is the lack of effective responses available to prevent discrimination or to respond to an act of discrimination. Those services that do exist tend to be geared to address individual acts of discrimination rather than confronting the institutional and structural discrimination experienced by marginalized groups.

There are differences in the tools and measures available to direct-service professionals (such as housing councillors, housing coordinators, and housing assistants) and legal professionals / policy advocates. Direct-service workers deal directly with discrimination in assisting their clients, and have few tools to directly respond to discrimination. Direct-service workers typically refer clients who experience an individual overt act of discrimination to legal clinics, advocates, or tribunals. Legal professionals and advocates have an equally small set of tools to respond to discrimination, but can assist those clients who wish to take a case to a tribunal or commission.

8.8.1 Direct-Service Housing Workers

Housing Workers report seeing large amounts of discrimination in the housing market while working with their clients trying to find housing. Their tools appear limited to advocacy, referrals, and education. In both Ontario and Québec, direct service workers stated that they often engage with landlords and try to solve problems in tenancies, or advocate on behalf of clients who are applicants for a housing unit – but this is limited to trying to convince a landlord of a client's reliability to pay the rent, or explaining a client's background situation. Especially important is communicating to landlords that a client is a skilled worker with employment. Direct service workers mostly work at non-profit social agencies and cannot confront or challenge a landlord enacting discrimination – they are not empowered to, plus they need to maintain relationships with landlords in order to continue housing people. However, several of the Housing Workers interviewed indicated that discussing a problematic situation with a landlord and advocating for clients sometimes works – especially if the landlord doesn't understand an

action is discriminatory (Housing and Settlement Counselor #3 & #4, Housing Help Centre, GTA). In Québec, some direct service agencies (such as Centres Multi-Service le Complice) can also send a “letter of formal notice” to a landlord advising the landlord of actions that are discriminatory, but the prevalence and effectiveness of this action is unclear.

Referrals to legal clinics, advocacy organizations (such as CCHR) or tribunals are the primary response to an individual overt act of discrimination. Again, Housing Workers state that they cannot give legal advice to clients. It is the role of legal clinics and advocacy agencies to inform clients of their legal rights and potential legal responses through landlord-tenant tribunals, or human-rights tribunals. In Québec, referrals are also made to Neighborhood Housing Committees, but again, these actions and their effectiveness are unclear.

Education of both tenant applicants and landlords is another primary response of housing agencies – but one that is often unrecognized and unfunded. Direct Service Housing Workers inform individual clients of their rights and also reported providing public information, holding workshops, and conducting focus groups with tenant associations and the public to broaden knowledge of housing rights and combat discrimination. In Québec, Housing Workers also reported informing clients on how to appear at a housing tribunal and how to provide evidence (short of legal advice). Housing Workers in both Québec and Ontario stated that funding for public education measures has declined and that there is need for ongoing outreach and education on housing rights for the public, and especially communities new to the housing market.

Education of landlords can be more challenging for Housing Service Workers. Workers suggest they inform landlords in two main areas: education on newcomers – their realities, resources and ability to rent; and on the legal responsibilities and rights of landlords as some “are not aware that they are discriminating” (Advocat, Debout pour la dignité, Montréal). Information on newcomers can be useful in persuading landlords in some cases, but to paraphrase one Housing Worker,

Landlords lack of knowledge can be overcome with education, but not prejudice.

(Landlord Recruiter/Housing Counselor #2, Housing Help Centre, GTA)

An additional challenge is that the majority of landlords do not want to communicate with housing service providers, or be told how to run their business, “They just say ‘Ok, yes.’ and they just hang-up on us” (Housing and Settlement Counselor #4, Housing Help Centre, GTA).

Lastly, financial incentives for landlords can be an effective proactive answer to discrimination, for those Housing Workers who have access to them. This is especially the case where Housing Workers are assisting racialized newcomers, or people experiencing homelessness. Direct payments to landlords for rent (including headleases) alleviate the hesitation/resistance by landlords when housing people they assume won't be able to pay the rent. Similarly, Housing Workers indicate that providing a guarantor for rent is effective and, in some cases, informing landlords that a client is receiving disability benefits can sometimes be beneficial, as these benefits pay more than others and thus reassure landlords.

8.8.2 Legal Organizations and Advocacy Organizations:

Tenants and applicants who wish to fight against an act of discrimination can present their situation to local legal clinics or sometimes can be referred to the Advocacy Centre for Tenants Ontario (ACTO). Legal clinics can assist with bringing complaints to a Landlord Tenant Board or Human Rights Tribunal. ACTO assists tenants primarily with letter-writing to landlords informing them that their actions are discriminatory. This response was characterized as having 'no teeth' and that landlords can simply ignore the letter. ACTO also assists tenants/applicants with direct negotiations with landlords to find resolutions to problems and misunderstandings.

ACTO does take cases to the Human Rights Tribunal when they find an exceptional case where they can impact policy or advance discussion. But these cases take years and are meant to influence law and policy, rather than provide immediate relief to a tenant.

"We will take on cases we feel will have a systemic impact... one thing we do to address discrimination is if we think that there has been discrimination and the tenant is willing to pursue a discrimination case, we will take on representation for that case because it will have a systemic impact in our community."

(Legal Council, ACTO, Southwestern Ontario Rural Municipality)

An example is ACTO's current case brought against the Ontario Landlord Tenant Board regarding its permanent shift to digital hearings. ACTO is arguing that the digital hearings exclude people without the required technology, including many low-income people and many older adults. The shift has also resulted in lower-efficiency with fewer cases being heard – exacerbating an already extensive backlog of cases. ACTO argues that the switch has reduced access to justice for Ontarians (ACTO, 2022; Dingman, 2022). In a similar case, ACTO is currently suing a landlord who requires payment by pre-authorized debit, which excludes many

people who are not integrated into the banking system – again, this could be conceived as an act of economic/social discrimination.

ACTO indicated that there are more potential clients to help than they have the capacity or resources to assist. Their longest wait list is for assistance with housing legal matters (which includes areas other than discrimination – such as contesting evictions). Wait times for intake was described as ‘weeks to months’. Most important about these limits to ACTO’s interventions is there are *no avenues of immediate recourse* for individuals experiencing discrimination.

The Canadian Centre for Housing Rights (formerly CERA) performs a set of roles not dissimilar to ACTO. These include education on housing rights, assistance with self-advocacy, and negotiating with landlords. CCHR describes education and training as one of its main roles as it “offers intensive training workshops to renters, service providers, community workers and housing providers in Ontario. [The] workshops cover the Ontario Residential Tenancies Act, Ontario Human Rights Code and eviction prevention strategies, and are designed to inform attendees about the right to housing, and how it can be protected and claimed.” (Canadian Centre for Housing Rights, n.d.). Though CCHR shares legal information they do not provide legal advice, nor legal representation. Similar to ACTO, CCHR assists tenants with letter-writing to landlords – and most of these are regarding reasonable accommodation based on disability. CCHR suggests that although such letters sometimes influence landlords, it is a weak response to discriminatory actions:

“Writing letters, they are – in the bigger scheme of things – not [effective]. We are just putting little band aids here and there. That’s what we have right now, which is pathetic.”
(Case Worker, CCHR, Toronto)

A stronger tool that Case Workers have is negotiating with landlords and advocating for tenants in specific cases, as well as undertaking “a lot of de-escalation between landlords/tenants”. If these actions do not work however, tenants/applicants have little recourse:

“If [a tenant] comes to us and a landlord is refusing to accommodate a disability, we would write a letter to the landlord or call the landlord or both, and explain the law, try to get them to do the right thing. If that doesn’t work, unfortunately the tenant’s only action is to file with the Tribunal, which is a very long process. But then, the tenant has to figure something else out [for housing].”

(Housing Advocate #3, CCHR, Toronto)

CCHR has identified a much greater need in the community for housing rights education directed at both the public and landlords, as well as advocacy services, though they do not have the resources to handle an additional volume of cases.

In Québec, housing assistants did report that in some specific cases, referrals to the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) can be timely and effective. If the discrimination has just taken place – for example a person has just been refused housing and the person learns the next day that it is still for rent – notifying the Commission can result in a call to the landlord to remind them of their legal obligations. This strategy was reported as, “Sometimes, it's enough to scare [the landlord] and give the person a chance to have a home.” (Coordonnatrice, Face à Face, Montréal; translated from French). In all the interviews, this measure was the only one reported that provided a timely and effective response for acts of discrimination. But we note that this response is rare, not guaranteed, and predicated on specific conditions. It is also unclear whether such a quick and informal response is a normal operating procedure of the Commission.

In both Ontario and Québec, these organizations play an important role in criticizing public policy at the municipal, provincial and federal levels, and advocating for housing rights and more social housing as responses to rental discrimination.

8.9 System Failures within Housing and Justice

“It’s almost like the Human Rights Tribunal is violating people’s Human Rights.” (Housing Advocate #3, CCHR, Toronto)

There are, of course, systems in place that are supposed to respond to Human Rights complaints and problems between landlords and tenants/applicants. These are primarily the Landlord Tenant Board in Ontario, the Tribunal administratif du logement (TAL) in Québec, the Human Rights Tribunal in Ontario and the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) in Québec; but may also be thought of as including larger structures. Housing Professionals were explicit in their criticisms of these bodies and their failure to provide timely, accessible, justice for those bringing complaints. And, those with lived experience of

discrimination implicitly criticized these bodies in their stories of frustration and despair in trying to pursue justice for wrongdoings.

8.9.1 Navigation and Access

Accessing the housing assistance system can be challenging. Professionals noted the fractured nature of the few services that are available, and the time and resources needed for people to visit multiple agencies to seek assistance. For instance, Housing Workers often need to connect clients with the Social Assistance system before they can be helped with housing. The Social Assistance system requires ID – sometimes challenging for newcomers or people who have experienced homelessness. Health Cards in Ontario were identified as particularly challenging. For newcomers to obtain a health card, the provincial government requires a lease agreement (permanent address); but to receive housing assistance to acquire a permanent address, a newcomer requires a health card. These kinds of system navigation problems have led some housing agencies and legal clinics to expand their work:

“We at times in the legal clinic end up providing case management services that are actually connecting people with different resources to help them, and that shouldn’t be our job – it should just be legal advice. We hired two community legal workers just to help with that, and to free up the lawyers for doing more of the actual legal advice.”

(Legal Council, ACTO, Southwestern Ontario Rural Municipality)

Complications in accessing the housing system can lead to increased discrimination. A Case-Worker in Toronto described the impact of the shift to “Rent Café” – the online platform used to manage subsidized/social housing. This Case-Worker argued that a problem with the Rent Café system is that it discriminates against ‘at-risk’ individuals. This is because as peoples’ level of risk increases, their ability to act within a system decreases – resulting in a “hierarchy of discrimination”. With the online rental system, the Worker’s clients must be able to manage housing applications online requiring access to a computer, a personal email address and the ability to check it daily, as well as to knowledge of how to upload documents through the system. The process is complicated by the need to maintain online applications and be active in bidding on units. As people’s ‘at risk’ status increases, their capacity to manage these system requirements decreases. This worker expressed real fear that, over time, the online system may change the demographics of subsidized housing by inherently discriminating against at-risk individuals by “weeding them out” while more stable individuals will have greater opportunity to access housing. Again, this Case-Worker’s organization has had to expand their role to case-

management: Housing Workers are creating email accounts, and maintaining and monitoring these accounts for many clients. All of this work is downloaded onto direct service staff because their clients are unable to manage the application system while these services remain unfunded. This Case-Worker described it as a “a system that inherently discriminates against ‘at risk’ individuals, weeds them out. Not on purpose but that’s what it does.” (Case Worker, Community Service Provider, Toronto).

One Coordonnatrice in Montréal explained how these systems are not clear even to the people who are working within them. She described contacting agencies to assist clients and receiving different information depending on the person they spoke with in the organization. She went on to describe these systems as frustrating and difficult for the workers trying to assist tenant applicants.

Accessing the justice system – whether a landlord-tenant board/TAL or the Human Rights Tribunal/Commission was described by Housing Professionals as challenging for even well-resourced, well-educated people. For people who are low-income the challenges are compounded as they attempt to find housing, and do not know the system.

“...the landlord-tenant board process, can be really confusing even when people aren’t terrified of losing their homes.” (Housing Advocate #1, CCHR, Toronto)

When assisting a client who wishes to make a complaint about rental discrimination, Housing Workers typically describe the steps the client will need to go through, the evidence they would require, the advantage of hiring a lawyer, and the time and resources involved. The client may need to download a complaint form as a first step, fill it out correctly, and submit it online – all challenging for those people without access to a computer. Legal representation will be advantageous, so the client will need to go to Legal Aid. Often, they will not qualify and would need to pay, or as one professional noted, the result will be even better if the client can afford a lawyer who specializes in housing law as Legal Aid lawyers are generalists. And the time involved can be years. Housing professionals described the process as inaccessible, difficult and time consuming:

“Yes, it’s rigorous. It takes a lot of time and it’s tedious as well. People don’t usually want to deal with the system. They have a lot of things to do. They just want to put bread and butter on their table first.”

(Housing and Settlement Counselor #4, Housing Help Centre, GTA)

Once it is understood what is required to lodge a complaint with either a landlord-tenant board or a Human Rights Commission, most give up or are not willing to go through the process. The *burden for pursuing a complaint of discrimination is a significant deterrent*, and this was stated by multiple Housing Professionals.

Two Professionals noted with irony that many other kinds of housing complaints – such as bylaw infractions, zoning disputes, and especially fire-code violations – are dealt with quickly by city authorities. But for a human-rights violation – which one would assume would be at least as important – there is no reporting mechanism that would lead to an investigation, no investigative body, nor quick results, and endless barriers.

8.9.2 Online Tribunals

The recent shift by Tribunals Ontario to an online-only format was brought forward by Housing Professionals as an especially egregious barrier, and one that likely undermines peoples' rights. There are many challenges with the new format. The first is accessibility as many people do not have access to the necessary technology, or are uncomfortable with the technology; excluding them from participating in the justice system. People affected include those with low-income, many older adults, people with visual/hearing/other impairments, and many newcomers. For all of these people, the shift to online tribunals becomes a *barrier* to justice rather improving access. The Tribunal was characterized as “Really inaccessible. You cannot get them on the phone. There's no real people. You have a Zoom hearing with boxes with names.” (Housing Advocate #3, CCHR, Toronto; emphasis in original).

Lawyers also revealed it is more challenging to support people who are attending a tribunal without in-person hearings. Previously, hearings allowed legal clinic staff to attend and provide support for people making applications. This would involve reviewing tenants' paperwork, ensuring correct information was being shared with the court, and reviewing papers served by landlords. These legal documents are often misinterpreted by tenants/applicants; and supporting them online or by phone is far more difficult. This was described by one lawyer as, “deteriorated access to justice for tenants” (Legal Council, ACTO, Southwestern Ontario Rural Municipality).

A third major problem with online tribunals is that it has slowed down hearing processes and the LTB is hearing fewer cases compared to in-person hearings (see below). This further erodes peoples' access to justice, and has been a major complaint of both tenants/applicants *and*

landlords. As noted above, ACTO is currently suing the Ontario Landlord Tenant Board regarding its permanent shift to digital hearings, because it excludes many people, and has increased the backlog of cases (ACTO, 2022; Dingman, 2022).

8.9.3 Delays

“The government needs to do something to get the tribunals back on track so that they are a realistic option for people to seek remedies; because without a remedy it’s useless. People have the right not to be discriminated against, but if there’s no hope for years, then it’s not a meaningful right.”

(Legal Council, ACTO, Southwestern Ontario Rural Municipality)

Timeliness is a key component of justice. Both the LTB in Ontario, and the TAL in Québec have significant delays; but it is the Human Rights Tribunal in Ontario and the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) in Québec that are seeing the most extensive delays. Both tribunals present very burdensome, time-consuming, bureaucratic, legal processes that do not result in meaningful outcomes for a rental applicant facing discrimination. In the interviews it was revealed that in both Human-Rights courts, the waiting time to hear a case is 2-5 years (partially driven by the COVID-19 pandemic). The impact on tenants is a sense of hopelessness, aware they have been wronged, but realizing that achieving a remedy is nearly impossible. Delays also deter tenants and applicants from bringing complaints forward in the first place – undermining access to justice.

8.9.4 Little Compensation for Tenants – No Sanction for Landlords

Both the Human Rights Tribunal in Ontario and the Commission in Québec were described by Housing Workers as “limited in what they offer in terms of justice” (Community Worker, POPIR, Montréal). For those who do pursue a complaint and win, damages are a few thousand dollars – yet the complainant still does not have what they need – which is housing. Worse, sanctions for landlords who discriminate are so minor, they do not accomplish a preventative or deterrence function. Two Housing Coordinators in Québec explained:

“People don’t complain because at the end of the line you don’t have what you need, which is housing, and there are no penalties. A landlord who has 400 apartments, a fine of \$4,000 is not going to prevent him from discriminating. He will put it in his miscellaneous expenses, and he will continue to discriminate.”

(Housing Coordinator, RCLAQ, Montréal; translated from French)

“...it doesn't do much to go and file a complaint with the Human Rights Commission, which doesn't really have the power to rap the knuckles, so the owner eventually gets away with it.”

(Housing Coordinator, Entraide logement Hochelaga-Maisonneuve, Montréal;
translated from French)

8.9.5 Additional Challenges Identified by Housing professionals:

Housing Professionals identified many other challenges with the legal system that responds to discrimination including:

- The critical problem with the tribunal/commission is there is no proactive enforcement of the law. Housing Professionals emphasized that tribunals are complaint based – there is no proactive investigation of Human Rights abuses. Nor is there investigation of systemic discrimination problems, nor does either the tribunal or the Commission accept cases ‘in the public interest’ to advance peoples’ rights or provide deterrence in the future.
- The tribunals themselves seem to hear very few cases, especially compared to the amount of discrimination seen in the field by Housing Professionals. In Québec, the Commission was described as hearing only ‘about 50 cases a year’.
- Power imbalances are rife in the LTB and TAL, with tenants representing themselves, and landlords having lawyers. As a Coordonnatrice in Trois-Rivière described, “70% of owners who win cases, it’s because they know the machine.” (Info-logement Mauricie, Trois-Rivière; translated from French)
- Professionals in both Québec and Ontario also noted the lack of services/funding to bring legal complaints regarding discrimination. Legal aid is grossly insufficient; financial and material aid for organizations to educate on rights or provide services is lacking. Community legal clinics do not have the capacity, or typically the specialized knowledge, to support Human Rights complaints.
- Transparency is an issue as the outcomes of cases from the LTB and TAL are not published.
- Apparently, in Québec landlords can find out if an applicant has a file with the TAL. An applicant may have a TAL file because they were previously evicted or in arrears, but also because they may have filed a complaint against a previous landlord at the TAL. Landlords routinely reject anyone with a TAL file regardless of the reason for that file and Housing Workers described this as discriminatory.

8.9.6 The Pinto Report

Many of the above problems with Ontario's Human Rights Tribunal were reviewed in the "Report of the Ontario Human Rights Review 2012" (Pinto, 2012). This report found that at that time, the Tribunal was more efficient handling cases with most people waiting less than 18 months for a hearing. However, as noted repeatedly above, cases now typically take 2-5 years to reach conclusion. Pinto also found that the Human Rights Legal Support Centre set up to help complainants was already overwhelmed, and that there were persistent gaps in legal representation for applicants. Pinto has raised serious concerns about low general damage awards, and the problems these create including trivializing Human Rights, negating deterrence, and in effect "creating a licence fee to discriminate". Low damages also undermine access to justice when it is not worthwhile to pursue a right. Pinto called for "significant" increases to damages.

Pinto also called out the Tribunal for lack of proactive efforts, especially in cases involving systemic discrimination, and recommended it develop a process where community organizations can request the Commission to initiate public interest applications. Pinto has suggested ways for the commission to become more accessible to the public, to publish data on mediation, and to introduce a cost regime.

9.0 Discussion and Comparisons

The interviews above with Housing Workers, housing advocates and human-rights lawyers, and tenants reveal the ubiquitous and pervasive nature of discrimination in rental housing. The interviews also provide insight into the reality of rental discrimination – on its prevalence, on some of the drivers of discrimination, and the current lack of effective responses. What also becomes clear is how much has remained the same since Novac's 2002 report "Housing Discrimination in Canada". It is worth noting those similarities to better understand what has changed in the interim.

Even 20 years ago, Novac noted that landlords were more cautious about overt expressions of racism. There had already been a shift from overt racial discrimination to economic/social discrimination (based on income or income source). Novac recognized that discriminatory practices had become increasingly subtle over time, making it harder for tenant advocates to produce evidence of discrimination. Often discrimination was hidden in coded language about income or other factors. Novac also noted that 'social condition discrimination' was not being researched.

Novac reported on the increase of standardized application processes, which "give landlords more legitimate bases to refuse applicants in ways that simply disguise discrimination". These processes were at that time already being perceived by Housing Professionals as a more subtle and systemic form of discrimination. Novac noted that the use of minimum income criteria was legally challenged 20 years ago as discriminatory, yet is still a common practice today. Indeed, discrimination based on income was recognized as the fastest growing form of discrimination, and this has come to be the primary discrimination identified in the current research.

Differences amongst landlord types were also emerging in 2002. Novac noted the difference between corporate landlords with more knowledge about Human Rights Commission processes and potential charges of discrimination compared to small-scale landlords. She noted the ability of corporate landlords to pay for professional legal assistance to fight claims; as well as the impact of minor monetary awards from the Human Rights Commission – that low awards fail to deter discrimination. The findings also revealed preferences amongst small-scale landlords "in terms of their tenants ethnic origin, type of household, and behaviour", but that small-scale landlords can also be more accommodating". All these findings are replicated in the current study.

Lastly, Novac questioned “to what degree should the achievement of Human Rights or social goals of equality be imposed on private landlords engaged in business transactions?” The legitimacy and reasons for this important question are discussed below.

9.1 Landlord Types

The results of the current study on landlord types, support and extend Novac’s findings. Significant differences were found between larger-scale corporate landlords and small-scale landlords. Large scale landlords were characterized as legally astute, having the resources of legal assistance, and using standardized application processes that result in *institutionalized* discrimination (whether intentional or not). Small scale landlords were distinguished as being more worried about the bottom line, more likely to make decisions on an *individual* discriminatory basis while lacking the rental-property education and knowledge to avoid committing discriminatory practices; but also, occasionally showing greater flexibility.

The two landlord types and the respective forms of discrimination in which they engage, suggest different solutions are necessary. Large-scale corporate landlords are far more likely to be aware of, and respond to, legal or policy changes. For example, if a Human Rights Tribunal case produced a *major* sanction against a corporate landlord for an act of discrimination, it would likely ripple out through the landlord-business community, resulting in the curtailing of that act more widely. For instance, a major sanction against common discriminatory ads may result in discussion in the business community and the end to those types of ads. This is the strategic way large-scale corporate landlords target discrimination.

Small-scale landlords (especially amateur landlords) are less aware of the legal environment, lack familiarity with their legal responsibilities, and may not even be aware when they discriminate. This suggests *education* may be an effective response for these landlords. Landlord resources already exist in many jurisdictions (see for instance the *Landlord Resource Toolkit* (Housing Help Centre Hamilton, 2015)). What is still needed is a requirement for these landlords to be knowledgeable of their legal responsibilities – suggesting the licensing of landlords. Licencing would also theoretically allow easier prosecution for acts of discrimination. A licenced landlord can be assumed to know their legal responsibility and so be sanctioned. Non-licensed landlords could be sanctioned for not having a licence. Licencing and education is discussed in *Recommendations* below. The important point to emphasize is that different types of landlords require different strategies to combat discrimination.

9.2 Digital Technology

One thing that has changed significantly since 2002 is the impact of communication technology. Whether it is the use of online platforms for advertising rental housing units, the use of online communication between landlords and applicants, the impact of online financial services (credit checks, income checks, rent payments), or the shift of boards, tribunals, and commissions to online platforms; all of these technological changes have created greater opportunity for discriminatory practices. Online platforms also facilitate the enactment and concealment of discrimination. Discrimination is bound up in the technology itself – especially for those who do not have access to it. It is important to note that *digital technology is NOT value neutral*. Access, effectiveness, and inequality are impacted by assumptions about the end-user, and these assumptions tend to exclude a significant proportion of those who are marginalized, vulnerable, elderly, low-income, lower-education, and/or have a disability. There were some suggestions by Housing Professionals for managing the impacts of technology. For private-market landlords, recommendations include a reporting system and sanction for discriminatory ads, and ensuring a “first-come, first served” rule for multiple applicants of a housing unit. These are discussed in *Recommendations* below. Easier for governments to enact will be ensuring that Boards, Tribunals, and Commissions maintain at least part of their services ‘live’ rather than online.

9.3 Pre-tenancy vs. During Tenancy

Another new finding in the current research was how distinctive discrimination is at the pre-tenancy stage compared to during tenancy and how these distinctions intersect with technology, the housing market, and who experiences the discrimination. Currently, discrimination during the application process is primarily economic/social discrimination – but this also occludes other forms of discrimination which may underlie the act. A landlord need do nothing beyond selecting ‘the best tenant’ using an income and rental check for it to be discriminatory. During a tenancy, the most common type of discrimination seen was failure to accommodate a disability. Again, these differences lead to different policy responses and some recommendations appear in Section 10 below.

9.4 Drivers of Discrimination

As discussed briefly in section 8.5, the lack of affordable housing combined with low vacancy rates in private rental housing both *enables* and *drives* economic discrimination. The lack of affordable housing enables discrimination because, for every vacancy advertised, landlords

receive dozens of applicants in only a few hours. This allows landlords ‘to be choosy’ – selecting the applicant who they feel will be the ‘best’ tenant (also see Ages et al., 2021). Landlords make risk assessments of applicants and choose applicants based on minimal information – usually income statements and rental history. The result is landlords choose applicants reporting the highest income, and from their perspective, the best applicants are households with two incomes, professionals, with no children. This selection process excludes anyone low-income or on social assistance, many families – especially if they are single women parents, racialized persons and most new immigrants, as well as many people with disabilities. The lack of affordable housing in the market *provides the mechanism* by which landlords are able to select tenants through a discriminatory process.

“More often, it’s such an intensely structural phenomenon of never being able to rise to the top of a very competitive pile of applicants.”

(Housing Advocate #3, CCHR, Toronto)

The lack of affordable housing may also *drive discrimination, by providing motive*. Assuming landlords are using profit-maximizing behaviours, they are then motivated to discriminate, and to do so repeatedly. This was observed most clearly in interview with an ACTO lawyer in London, ON. This lawyer related the actions of a landlord who would only house students in their buildings (these were not student residences, nor associated with a university). The landlord only selected students because doing so allowed them to turn-over the unit every year, and thereby also raise the rent annually. The selection of students only also gave them significant power advantages, and this landlord would also select international students with little knowledge of the Canadian housing system – giving the landlord even more power advantages.

This brings us back to Novac’s question about the implementation of housing as a Human Right. Three interviews in the current research reflected on the inherent tension of applying a Human Rights mandate to private market rental housing. They argued that landlords make decisions primarily based on profit motives. These Professionals also acknowledged that private-market landlords are not charities. As Novac noted: “Why are landlords being asked to absorb risk?” The assumption behind this question is that landlords screen tenants to decrease their financial risk and “restrictions on their ability to do this result in economic losses that are an unfair imposition on business operators” (p.41). One of Novac’s informants pointed out that the government has neglected its role in accommodating those who cannot afford market housing. For instance, policy trends such as deinstitutionalization have placed landlords in the position of

renting to a higher proportion of low-income tenants and sometimes assuming additional management responsibilities for a high-needs group (Novac, p. 42).

This argument was echoed by some of the Housing Professionals in the current project. One Housing Worker in Québec argued that Housing as a Human Right is in direct conflict with capitalism – that each is driven by different motives and that landlords work in the real-world of capitalism and market rental housing – a profit-based system. Another Housing Worker, again in Québec, noted that market conditions encourage landlords to be exploitative (rather than treat people fairly). *The argument they make is there no incentive for landlords to rent based on Human Rights, while landlords currently have ample market incentives to pursue the highest profit policies which often are, or can be conceived of, as discriminatory.*

In light of the above, this research has found that *economic/social discrimination* (discrimination based on income or income source), appears as the most prominent type of discrimination followed by discrimination against people with disabilities, and discrimination against new immigrants and racialized people. Many marginalized individuals also have low incomes. This is highly suggestive that providing either significant increases in social assistance or significant amounts of low-income housing (in fact, Rent-Geared-to-Income social housing) would go a long way in reducing the incentive to carry out economic discrimination in the marketplace.

10.0 Recommendations

“We must defend our rights, we must defend our rights, whatever the situation, we must defend our rights. So to defend them, you have to know them. To know them, we must recognize that there is discrimination that takes place in housing and... communicate that in society, and also the owners who discriminate [must be made] an example of. Let us do more education, raise awareness, let it be exemplary.”

(Coordonnatrice, La Maisonnée, Montréal; translated from French)

Recommendations for Policy Responses

Housing Workers, Coordinators, Advocates and Lawyers from Québec and Ontario offered their broad perspectives on discrimination in the rental housing market, and identified many areas where the current system could be improved, as well as offering new ideas for addressing discrimination. The following recommendations are from these Professionals, and the findings are tabled at the end of this section.

10.1 Build Housing/Increase Benefits

Several Housing Professionals recognized that the tight housing markets (esp. in TO and Montréal) are allowing landlords to discriminate much more than in times when vacancy rates were high, and/or there was more affordable and social housing available. One Professional explicitly stated that the inherent power difference between owner-landlords and tenants underlie much of the discrimination. Two solutions were offered by Professionals – neither solution being inexpensive or easy. The first is to provide sufficient affordable housing, especially social housing, to house more marginalized and low-income people across the country. The goal is to lower incentives for economic discrimination by raising vacancy rates for affordable housing to a level that removes some of the power of landlords to be selective in their choice of applicants. This is a market level intervention, and would be effective for all landlord types, and impact the search-stage for housing. It is recognized that major efforts are being made by the federal government through the National Housing Strategy, but more emphasis should be directed to the affordable rental housing sector as some NHS supply programs are not meeting the needs of people experiencing core housing need (Beer et al., 2022).

Other Professionals approached the problem from the opposite direction, and called for significant increases in financial support for low-income and marginalized people to allow them to compete in the private housing market.²² Professionals noted that the “rental market has gone crazy high now” along with very high inflation rates (Landlord Recruiter/Housing Counselor #2, Housing Help Centre, GTA). They note that despite the rise of market rent, the income rates never increase for people who rely on disability payments or social assistance. In the interviews, the low rates of benefits was especially striking for those people with disabilities, and newcomers to Canada. For refugee claimants, Professionals recognized that many have benefits for one year, but that it is insufficient when a person is trying to get settled in a new country. Housing Workers who help refugees recommended support be increased to two-years. Housing and disability benefits are shared provincial-federal responsibilities, while benefits for seniors and refugee claimants are federal. The current program (2023) to top-up the Canada Housing Benefit is an example of financial support for low-income people to compete in the private housing market – but its single payment is unlikely to be effective for the lowest income people or over the long term. There is CMHC research to suggest that for “those who struggle with affordability, the median earning shortfall to escape affordability issues was about \$2,500 in 2016” (CMHC, n.d.), indicating both a greater need, and that sustained efforts are required.

10.2 Justice System

Many challenges with the justice system have been noted in the proceeding discussion are outlined below.

Enforcement

In Ontario, the Human Rights Code includes a list of specific rights, but there are no official bodies to defend those rights. The Ontario Human Rights Commission has also noted, “...the rights that already exist under the Code are largely not enforced.” (Ontario Human Rights Commission, 2008). In comparison, the Ontario Labour Board and the Rental Housing Enforcement Unit can enforce sections of the law including the Ontario Labour Relations Act and the Residential Tenancies Act.

²² We recognize that doing so might have a counter-effect by driving rental rates up. Also, pouring money into subsidies doesn't result in the building of new housing.

Penalties for landlords are also very low, insufficient to prevent repeat offenses, or deter future offences by others. Housing Professionals argued that as long as Human Rights Tribunals and Commissions don't have the power to sanction landlords with significant penalties, then discriminatory practices will continue. To address rental discrimination more adequately, the following were recommended:

- Housing professionals suggest the creation of provincial bodies to investigate and defend Human Rights, or as an alternative, assign provincial officers from other departments to undertake this role.
- Many Professionals want landlords to be held accountable for discrimination, and for punishments to be increased to a level severe enough to deter transgressions.
- Québec Professionals argued that a landlord “who repeatedly breaks the law, who has refused housing for discriminatory reasons on several occasions... who are known to use illegal [actions] on several occasions should have criminal charges at some point.” (Coordonnatrice, RCLAQ, Montréal).

These recommendations stiffen the legal responses to discrimination, but additionally have a preventative or deterrent function. Investigative roles as well as changes to housing regulations, and Tribunals / Commissions are provincial responsibilities, while changes to criminal codes are federal.

Proactive Investigation and Public Good Cases

Housing Professionals seriously criticized the complaint-based system of Human Rights Tribunals/Commission as there is no proactive investigation of Human Rights abuses. These complaints were echoed by the Pinto report in 2012. Many professionals also felt that the current process forces the burdens of the Tribunal/Commission (time, resources and huge efforts) on the renter. This is not effective justice and perpetuates inequality based on who is able to access justice systems and legal representation. Several remedies were suggested by Housing Professionals.

- There were many calls from Professionals for a government authority that proactively investigates discrimination. There is a need to *quickly* respond to human-rights complaints and hopefully solve these problems without going to a full Tribunal hearing.

- Quick responses to complaints will also more effectively prevent discrimination by displaying *appropriate social norms*. ‘Naming and shaming’ can be a powerful tool of the justice system.
- Pinto provides an additional potential solution -- develop a process where community organizations such as CCHR and ACTO can request the Commission to initiate public interest applications, or take landlords to Tribunal on a public interest basis, including cases where systemic discrimination is occurring, or where advocacy organizations do not have a complainant.

As with the recommendations above, these strengthen the legal responses to discrimination, and have a preventative or deterrent function as well. These recommendations also fall to provinces.

Judicial Delays & Applications

Delays at the LTB in Ontario, and the TAL in Québec are significant; but delays at the Human Rights Tribunal in Ontario and the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) in Québec are extensive. Delays undermine justice, deter other complaints, and exacerbate power imbalances between landlords and tenants. Housing Professionals called for proper resourcing of Human Rights tribunals to enable timely access to justice. The capacity of Tribunals and Commissions must be increased to address the scale of the problem.

Professionals also noted the many burdens associated with bringing complaints to Boards or Tribunals, and called for streamlined systems for bringing forward complaints. Suggestions that would require Provincial engagement included:

- Increasing legal resources to support tenants who bring cases forward.
- The reinstatement of in-person hearings to address the discriminatory and inefficient nature of online -only hearings which reduce access to justice.
- Further implementation of Québec’s initiative by the Commission to establish an online process where people will be able to file a Human Rights complaint using an online form. This was called an important change to procedure – increasing access to justice.

10.3 Education

Almost universally, Professionals called for further education on the law and Human Rights in relation to housing access. They identified that Landlords, Tenants, Housing Workers, and the

Public all lack understanding of rights and responsibilities in the housing system, as well as the legal system. Enhancement of educational programs would require provincial oversight because regulations in each province are somewhat distinct along with housing and Tribunals, as well as individual Human Rights codes.

Tenant Education:

Barriers to accessing knowledge on tenant rights are especially felt by marginalized, low-income tenants. This was emphasized as the case particularly for new immigrants and refugees, older adults, and youth. Young adults were characterized by Housing Professionals as being unaware of how to get financial help or how to rent housing. Housing Workers indicated a desire to deliver workshops to tenants in local community buildings, but that they do not have the capacity, resources, or time to do so. Direct service programs are primarily funded by provincial governments, though larger metropolitan areas also fund some programs. It is imperative that these funding streams be increased. Tenant Education should be viewed as a preventative measure against discrimination, and part of the goal of improving an eroded tribunal response system as discussed below.

Public Education:

CCHR has argued that the community requires the housing/tenant equivalent of 'preventative medicine' through effective and accessible public legal education. CCHR also noted that when the legal clinic system was founded in the 1970s, the operation consisted of three pillars: law reform, public legal education, and legal services. Over time, these pillars have been eroded so that only legal services remains. Many professionals suggested that the public needs to better understand tenant rights and more importantly, have a greater awareness of how discrimination manifests, how it actually appears, and the services and responses that are available. In this case, increasing resources for direct-service organizations could potentially have significant impacts. These organizations are primarily funded by municipal and provincial governments.

Housing Worker Education:

Several Professionals noted that frontline service providers also need further training as many do not have a good understanding of requirements under the Human Rights code to be able to provide accurate information and support to renters. This was also mentioned in Québec, where it was perceived that tenants were not given accurate information when the housing tribunal. Again, these programs are primarily funded by the provinces who have responsibility to ensure

frontline service providers understand the Human Rights code, as well as providing the resources and education necessary to achieve this objective.

Landlord Education:

Landlord education was emphasized most by Professionals – and it was often tied to the idea of Landlord Licensing (see below). Education was considered most promising for smaller-scale landlords who, as repeatedly noted, often lack knowledge of their legal responsibilities. Many professionals felt these landlords “have no idea what they’re doing with landlord and tenant law” (Legal Council, ACTO, Southwestern Ontario Rural Municipality). In Ontario, the Landlord Self-Help Centre²³, a legal clinic for landlords, was identified as succeeding in educating landlords, but many small landlords are not aware of nor utilize its services. Additionally, the various trade groups for landlords were seen as potential allies in the education of landlords, because landlords *trust* those groups. This suggests potential for partnerships between provinces and the private sector to promote and support a landlord education initiative.

According to Professionals, landlord education should include extensive training in tenant’s rights, and importantly, how landlords can achieve their goals while working within the Human Rights Code. Professionals indicated that landlords generally want to know whether their business actions are appropriate and legal.

Another effective endeavour would be provincial partnerships with advocacy organizations as the study learned groups such as CCHR see the value of education and would like to extend its provision. CCHR is currently targeting condo boards and realtors for training in the Human Rights Code. They regard the training of realtors as to be particularly useful because when small-scale landlords enter the rental market, they rely considerably on information from these realtors. CCHR is also running an intensive course geared to social housing providers on tenant rights and the rights to housing. The organization has also intervened directly in individual cases, explaining to landlords that their practices are discriminatory. CCHR defined all these efforts as trying to effect “a certain amount of culture change” amongst all landlords.

We again note however, that education is unlikely to impact deeper animus. One Professionals in Ontario and another in Québec, emphasized that education will not change hatred, or racism:

²³ See <https://landlordselfhelp.com/>

“A person who has prejudices, often he is stuck with his prejudices all his life.” (Coordonnateur, Entraide logement Hochelaga-Maisonneuve, Montréal).

10.4 Licensing

It was somewhat surprising to find how common the idea of licensing landlords was among Housing Professionals. One argued that it is crazy that “you need a license to drive a car, but you don’t need a license to be a landlord”, noting that it is a role that has the power to profoundly affect peoples’ lives (Housing Advocate #1, CCHR, Toronto). Licensing was usually spoken of in conjunction with education and training. One challenge noted, however, was that many “Landlords don’t know [the law], and they don’t want to know what they don’t know”, consequently licensing would have to be mandatory and including all landlords would ensure uniformity and fairness (Housing Advocate #3, CCHR, Toronto). Licensing may need to incorporate differences in required education or training depending on the scale of the landlord or perhaps its target business – similar to different classes of drivers license for different types of drivers. Licensing should be overseen at the Provincial level because tenancy law is a provincial responsibility under Residential Tenancy Acts, in addition to the Residential Tenancy Boards, the TAL, and the Human Rights Tribunals and Commissions

In Québec, one Professional suggested training for a rental license include not only discrimination awareness, but also information on renovations, evictions, and other issues related to successful tenancies. Professionals felt that licensing should lead to enforcement, with repeated transgressions resulting in the loss of a license to conduct a rental business: “Then it becomes more of a real threat, it would force the owners to follow the law minimally.” (Coordonnatrice, RCLAQ, Montréal). As noted above, licensing would also theoretically allow easier prosecution for acts of discrimination. As with a driver’s licence; it could be assumed that a licensed landlord would know the laws under which they operate and could therefore be penalized for breaking them. There could also be infraction for landlords who are not licensed. The intent of this recommendation is not only the requirement for landlords to have a baseline knowledge to operate their business, but also to enable faster-response and sanctioning for those breaking the law.

10.5 Supporting Services

Direct Support Services require increased funding and resources specifically to combat rental discrimination. We were also told of insufficient support for community legal clinics, a lack of Review Council and specialized Council, resulting in limitations on the number of cases that can

be accepted. Some legal clinics devote significant resources to helping people with non-legal rental matters – such as filling out application forms and explaining these forms and processes, along with providing access to computers and assisting individuals with housing searches. The provision of these additional services further reduces the resources these clinics have to contest legal cases. Funding for both legal services and housing support services are typically a provincial responsibility.

10.6 Coordinated Service System

“The federal housing advocate is a step in the right direction and the National Housing Strategy is step in the right [direction] but it’s so meaningless for individuals.”

(Housing Advocate #3, CCHR, Toronto)

Several Professionals called for a service system with improved coordination to assist those struggling to access multiple services they require apart from housing support. There are also insufficient resources overall while shifts in technology are excluding some renters. Many rental agencies have moved to digital-only applications, preventing many from accessing these housing opportunities because they lack access to technology or are uncomfortable using online platforms. Even when paper application forms are accepted alongside digital format, those submitting digital applications have significant time advantages. For new immigrants and refugees, there are challenges obtaining some identification documentation excluding many from the housing market. In the case of Rent Banks, there is a misalignment in the process of funding allotment reducing its effectiveness. For Rent Bank rental support funding to be apportioned to the renter, housing must already be secured, however, landlords will not hold a unit awaiting such funding because there are many other applicants. Similar complaints were recorded in the interviews regarding rental funding support for those experiencing homelessness. To address these system problems, Housing Professionals suggested the following:

- Implementing a ‘case management perspective’ was advocated by one Professional and would consist of assigning a Case Worker to assist on a longer-term basis in supporting a tenant through multiple application processes.
- Providing community agencies with added funding to hire workers in assisting people with rental searches, as well as documenting assistance and providing computer usage. (We recognize that this is happening to some degree already.)
- Simplifying the system for obtaining identification documents.

- Aligning Rent Banks and housing assistance funding with the realities of the tight and competitive housing market.

10.7 Rent Control

Currently Rent Control in Ontario applies to renters who occupied a building prior to November 2018 and remain living in the unit, in which case, rent increases are limited to a certain amount set by the province each year. In contrast, there is no rent control regulation for units/buildings that were constructed or converted after that date, and landlords can raise rent annually without any restrictions on the magnitude of increase. Similarly, between tenancies, landlords can raise rental rates on any unit, again without any limitations on the amount. The lack of rent control provides a very real incentive for landlords to turnover apartments, raise rents, and maximize profits. In turn, it drives rental rates upwards across the market reducing the number of affordable units. The outcome is the increasing numbers of applicants applying for a diminishing stock of affordable units, thereby empowering landlords further to select ‘the best tenant’. ACTO has argued that this vacancy decontrol is one of the driving factors behind rising rents in Ontario. To limit this process, Professionals emphasized the desperate need for more effective Rent Control in Ontario. ACTO argues that “If there is one single measure the Ontario provincial government could take to tangibly address the worsening housing crisis in the province, it would be to eliminate vacancy decontrol.” (ACTO, 2021).

Rent control in Québec is somewhat different. The Québec Rental Board publishes guidelines each year on *suggested* increases. Both the landlord and tenant must agree to an increase before the rent is raised. The tenant has the right to refuse an increase, but the landlord can apply to the Rental Board to arbitrate a rent increase. As in other provinces, landlords in Québec can raise the rent to any amount between tenancies – providing incentive for landlords to turnover apartments – which again is a form of vacancy decontrol. Housing Professionals in Québec also recommended stronger rent control.

10.8 Application Process

The current market creates conditions where landlords receive dozens of applications for a unit within hours of it being advertised. This allows landlords to pick among applicants, and as noted in Section 8.5, landlords have the right to use these checks as long as they meet the requirements of the Human Rights Code. It is both the tight housing market (not enough affordable rental housing), and the use of checks, that allows landlords to select amongst tenants. There is no evidence that this empowerment of landlords to select preferred tenants

can be limited Seattle passed a “first-in-time” law in 2016 that requires landlords to rent on a first-come, first-served basis. When renting a unit, landlords have to publish a list of requirements for prospective tenants -- such as a minimum credit score or income. Then, the *first person* who fulfills all those requirements and turns in an application *must be offered the unit*. The goal is to eliminate the current situation whereby landlords select from many qualified applicants – often through economic discriminatory practices. With the Seattle law, landlords must keep records to demonstrate the order in which they received applicants, and those records can be subpoenaed. We note however, that there has been criticisms of this initiative as there are easy ways for landlords to get around the law, and the law still favours people with access to computers or have other advantages. However, the existence of these rules makes clear to landlords that selecting ‘the best tenant’ from many applicants is a form of discrimination.

Although Housing Professionals repeatedly decried the application processes that include credit histories, employment income proof, and rental histories with references; they were not able to offer any alternative processes in which landlords could reasonably screen applicants to ensure timely rental payment.

10.9 Advertising of Rental Units

The prevalence of discriminatory ads points to a relatively obvious entry point for addressing discrimination. Working to quickly identify such ads, and immediately curtail them may have multiple benefits beyond their occurrence. With the inception of rapid sanctions, the landlord business community would quickly become aware of these legal requirements, and end the practice more generally. As well, if tracked appropriately, sanctions over discriminatory ads could provide useful data on the individual landlords and types of landlords that discriminate.

RCLALQ in Québec has been advocating for the Administrative Housing Tribunal (TAL) to have full jurisdiction over the entire rental process, including the ability to intervene in the advertising process used by landlords (RCLALQ, 2021). Currently, the TAL does not have jurisdiction in this *pre-tenancy* phase.

10.10 Tenant Organizing

Two Professionals (in ON and QC) suggested that tenant associations are very useful in balancing the power-structure between tenants and landlords. Associations would be

particularly effective with small-scale landlords, but challenging to organize. This is likely a role best undertaken by NGO advocacy groups such as ACORN:

“...many community clinics often work with associations of tenants and will help organize tenants. ACORN will help organize tenants. If it’s an effective organization [it can] make a difference because the landlord who is discriminating, all of a sudden [faces tenants] banded together. Shining that bright light and giving a sense of those numbers, I’ve seen that help...”

(Legal Council, ACTO, Southwestern Ontario Municipality)

10.11 De-Colonizing the Rental Market and Historical Discrimination

Several Housing Professionals noted that the Canadian housing system, legal system, and economic system are inherently discriminatory; and that efforts must be made to decolonize these systems:

“It’s tricky in the law because Canadian law is literally... an institutional set of rules of colonialism. But, as much as we can, we have... to improve our ability to reach out to and assist persons who associate with their Indigeneity, people who identify as Indigenous. I think it’s important to pay attention to what the Truth and Reconciliation Commission had to say and for all of us who are not Indigenous to do what we can to try and build back better... it’s also a way to try to shine a light on progress and a way to try to salvage something positive out of a tragedy.”

(Legal Council, ACTO, Southwestern Ontario Municipality)

A similar, but broader point was made by a Québec Housing Professional,

“...there’s something so historical... in fact, I think it’s related to our history and our education and the internalization of discrimination and racism. To fight against that, it takes time and it’s long... there must be resources that allow you to do that, but if you learn at school that the settlers have come and that [everything is] really nice, already you have a vision of society that you have internalized. We learn to discriminate and then we have to deconstruct it as we get older. But basically, in our institutions we are taught to discriminate, that it is normal and that we have the right. So, what I mean is that deep down in our institutions, there is something that is racist and discriminatory.”

(Community Worker, POPIR, Montréal)

Both of these quotes from Housing Professionals lay bare the deeply entrenched nature of discrimination in Canadian society. They also signify the onus on all Canadians to confront discrimination and work towards Reconciliation.

Policy Recommendations Summary

Recommendation	Who it Impacts	Stage of Tenancy	Potential Responsibility
Build Affordable Housing	Markets, tenants, landlords	Search stage	Federal & Provincial
Support Housing Management	NPOs, tenants	Tenancy	Federal & Provincial
Increase Benefits	Tenants (then landlords)	Search stage	Federal & Provincial
Justice System:			
Improve Reporting Mechanisms	Tenants, Justice System	Throughout	Provincial
Enforcement	Landlords, Tenants	Post, but also preventative	Provincial; Criminal Codes Federal
Proactive Investigation	Landlords, Tenants	Search Stage & Post-Tenancy	Provincial
Public Good Cases	Landlords, Tenants	Search Stage & Post-Tenancy	Provincial
Judicial Delays & Applications	Landlords, Tenants	Post-Tenancy	Provincial
Support Legal Clinics & Advocacy Orgs	Tenants, Legal Clinics, Advocates	Post, but also preventative	Provincial
Education:			
Tenant Education	Tenants	Search Stage & Throughout	Provincial
Public Education	Public, Tenants	Preventative	Provincial, NGO Advocacy groups
Housing Worker Education	Housing Workers	Throughout	Provincial
Landlord Education	Landlords	Throughout	Provincial, Landlord Groups, NGOs
Condo & Coop Board Education	Tenants and Boards	Search Stage & Tenancy	Provincial
Licensing	Landlords	Throughout	Provincial
Supporting Services	Service system, tenants	Search Stage & Throughout	Provincial
Coordinated System	Tenants	Search Stage & Throughout	Provincial - Municipal
Rent Control	Landlords, Tenants	Throughout	Provincial
Application Processes	Landlords, Tenants	Search Stage	Municipal - Provincial
Advertising of Rental Units	Landlords, Tenants	Search stage	Provincial
Tenant Organizing	Tenants	Throughout	NGO Advocacy groups
De-Colonizing the Rental Market	All	Throughout	All Canadians

Table 3: Policy Recommendations Summary

Recommendations for Future Research

For decades, there has been extensive research on rental discrimination, yet the literature review revealed significant gaps in understanding of the phenomena – especially studies specific to Canadian demographics and experiences. The literature review at the beginning of this report was targeted rather than comprehensive, but the following identifies those areas with limited investigation and includes acknowledgment of the authors who identified the research gaps:

- The authors of the current report are not aware of any research that specifically investigates older adults' experiences of rental housing discrimination.
- To our knowledge, the only paired-testing research being done in Canada is by non-profits such as CERA (undertaken in 2009, and by the same organization, now called CCHR in 2022) and the Coalition of Housing Committees and Tenant Associations of Québec (RCLALQ); nor is paired testing research funding available for researchers. Darden & Teixeira (2016) also note the large national audit studies in the United States are not replicated in Canada.
- There is a lack of Canadian studies on housing discrimination experienced by Indigenous peoples -- though studies on broader discrimination against Indigenous people abound (Galabuzi, 2010; Motz & Currie, 2019)
- There is a lack of consistent national Canadian data on housing discrimination, and no research being undertaken on the presence and magnitude of housing discrimination (Ages et al. 2021).
- Correspondence audits should expand the conditions tested to include the *mechanisms* of discrimination, as well as *test mechanisms to reduce or eliminate* discrimination (Gaddis & DiRago, 2021; Auspurg et al 2019).
- Research is needed on institutional drivers of housing discrimination, such as housing regulations and zoning. Auspurg et al (2019)
- There is some evidence that smaller-scale landlords conduct animus-based discrimination, while commercial landlords/agents are more likely to engage in statistical discrimination. Further research into the differences between landlord types as well as the magnitude of discrimination is needed. Auspurg et al (2019).
- Auspurg also notes that people who experience the most discrimination are the most visible or have the most 'cultural distance' from the majority population -- Blacks, and Arabs/Muslims -- and this suggests animus discrimination; but this discrimination could

also be based on landlord perceptions of lower income status -- statistical discrimination. More research is needed to understand *why* these groups are targeted, as well as determine the differences between racial and religious discrimination (Auspurg et al., 2019).

- There is evidence to suggest that tenants who most often face racial/ethnic discrimination in Canada are Arabs/Muslims, Black men, and E/SE Asians (Novac et al., 2002; CERA, 2009; Hogan and Berry, 2011).
- Several studies have documented the decline in overt rental housing discrimination over the last several decades (see Auspurg et al., 2019, Galster, 1990, Novac et al., 2002). Research is needed to further explore instances of overt forms of discrimination and whether or not anti-discrimination legislation has an impact on the types of discrimination enacted within the rental housing landscape; as well as determining whether more subtle forms of discrimination are not detected by correspondence tests.
- All research reviewed relied on experiments that only investigated discrimination at the initial steps of the screening process -- usually 'call-backs' or invitations to inspect a housing unit. Discrimination at later stages, or during tenancy, or even post-tenancy also impact tenants, can have cumulative effects, and should be investigated. Gaddis & DiRago (2021)
- There is little understanding of the extent to which segregation impacts discrimination and more research is needed to establish the correlation between housing discrimination and housing segregation (Friedman, 2015).

11.0 Conclusions / Final Thoughts

Discrimination in rental housing is an ongoing challenge in Canada, and across OECD countries; with discrimination having significant impacts on the health and wellbeing of populations, and creating inequality and exclusion within society. Recent studies reveal the existence of rental discrimination for vulnerable populations defined by race, gender, ethnic background, sexual orientation, and older populations. While studies from across Europe and America have found statistically significant and persistent discrimination in all countries. Building on this literature, we offer a framework to outline the processes of discrimination in the private rental housing market, and to organize the data from interviews conducted with Housing Advocates, Housing Workers, Case Workers, and legal professionals, as well as people with lived experience of rental discrimination. The framework recognizes that private rental housing landlords are motivated to discriminate either because of personal bias (*individual discrimination*) or as a result of organizational practices (*institutional discrimination*). The framework also stipulates the primary importance of rental exclusion against the economically disadvantaged members of society (*economic discrimination*).

The current research has advanced knowledge concerning discrimination in some of the key areas of inquiry. Rental discrimination was seen first-hand by the Housing Professionals and people with lived experience of discrimination whom we interviewed. Housing Professionals were adamant that rental discrimination is pervasive, ubiquitous, and having profound impacts on tenants and tenant applicants. Differences amongst landlord types are an important factor as the type of landlord determines the distinct acts of discrimination thereby requiring different potential counter measures. Large-scale, corporate landlords tend to be aware of the legal implications of discrimination and have legal resources to ensure the absence of overt discrimination. It is important to note this awareness as they may be responsive to policy and legal measures. Interestingly, large-scale landlords tend not to enact animus discrimination. Though there may be many applicants deemed qualified in competition for a rental unit, they will typically rent to the applicant who best meets the requirements of their business process. In comparison, small -scale landlords typically have fewer resources and often less knowledge of their legal responsibilities. They are more likely to discriminate based on personal bias, but can also be more flexible in their choice of tenant. As a result, small landlords are likely to be influenced by a different set of measures to counter discrimination.

The findings of this study also revealed distinct types of discrimination occurring at different stages of tenancy. It is significant that the stage of tenancy intersects with landlord type as well as the characteristics of affected tenants. Discrimination at the application stage of a tenancy (pre-tenancy) is *exclusionary*, keeping some people from proceeding to tenancies – mainly people with lower-income, or less desirable income sources. Discrimination *during tenancy* affects a different group of people and manifests as failure to accommodate disabilities, and harassment towards tenants (including both those with and without disabilities). Discrimination can also occur *post-occupancy* with continuing harassment of previous tenants.

The form of discrimination can be *individual* – reflecting the bias of the landlord or their lack of knowledge, or *institutional* – when the process of discrimination is embedded within business practices, with for example, an income and credit check. Incidents of discrimination can also be *overt* – obvious acts of discrimination, or *covert* – more subtle and difficult to prove. Despite shifts in contemporary society towards equal rights and commitments to reduce more overt forms of discrimination, discrimination in rental housing continues to be pervasive and ubiquitous. While rental discrimination is still obvious to those experiencing it, it commonly occurs in covert ways that are hidden from the legal system.

Economic discrimination emerged in the study as the most prevalent manifestation of discrimination. And while all landlords seemingly engage in it, large-scale corporate landlords rely on it universally as a business processes to screen tenants, requesting a wide range of information at the search stage including income checks, credit checks, rental histories, and rental references. When last examined by Novac in 2002, it was identified that this type of discrimination was emerging, but is now so widespread and pervasive that it obscures all other intersecting social forms of discrimination operating across race, disability, gender, family type, immigrant status, student status, and age. The practice of economic discrimination affects those with lower-income, on social assistance, and those who have poor credit histories which is a surprisingly large number of people, with estimates from the Financial Consumer Agency of Canada that 14% of Canadians having a poor credit history suggesting approximately 700,000 Canadians who are renters could be at risk of economic discrimination.²⁴ Economic discrimination also interacts with the current housing market, with the lack of affordable housing

²⁴ Census Canada estimates about 5 million rental households in 2021. If 14% of these renter households have poor credit, they would number 0.7 million. We expect however, that households with poor credit would skew towards renters.

creating competition for units and *enabling* discrimination as well as *driving* discriminatory practices. This happens because there are many applicants for each unit allowing the landlord to select 'best tenants' and providing incentives for landlords to turn units over and raise rents, in turn lowering the number of affordable units and driving the process further. The ubiquitous nature of economic discrimination, and its interaction with the tight housing market are important findings of this research that build upon Novac's 2002 results.

Economic discrimination occurs disproportionately to those tenants with identifiers already putting them at risk of rental discrimination. Ultimately the intersection of economic discrimination with personal identifiers exacerbates and increases the risk of discrimination. Housing Professionals identified those personal identifiers seen in their work to be particularly significant in instances of housing discrimination. Discrimination against people with disabilities was observed as prominent and having particular features, specifically, the discrimination is *individual* and *overt*, and often happens *during tenancy* rather than at the application stage. *Failure to Accommodate* a disability is the overt action, with landlords using tactics of delaying, intimidating tenants, utilizing legal avenues, and simply refusing.

Discrimination based on race was also discussed frequently by Housing Professionals. The discrimination was *individual* and *covert* in nature, with Professionals relating the subtle and hidden ways it is enacted, often aided by communication technology. The covert nature of racial discrimination also makes it very difficult to pursue legal recourse, with actions easily disavowed by landlords, yet still being obvious and impactful on those experiencing it. Discrimination based on race was also reported during tenancy, especially the lack of maintenance of rental units.

In many ways newcomers to Canada face the most barriers to access housing. Unfortunately, many new immigrants and refugees are at greater risk of rental discrimination because their racialized identity intersects with limited income along with increased vulnerability resulting from limited knowledge of the Canadian housing and legal systems. Most do not want to pursue complaints against landlords but rather focus on the immediate task of securing housing. Newcomers were reported to be discriminated against for multiple reasons including their immigration status, as well as sometimes based on their race, family status, and income.

Housing Professionals also argued that gender plays a significant role in rental discrimination. A key finding of this study is the strong association between female identify, family status, and low income highlighting the intersectionality of rental discrimination processes when considering

gender. Most revealing in the findings was the manner in which landlords discriminated against single females, inserting barriers and conditions based on unwarranted assumptions about both their relational and family status. Single mothers were identified as experiencing profound barriers, especially if they also relied on social assistance as an income source, were racialized, and/or newcomers to Canada. This manifested as challenges not only in finding housing, but also as harassment and failures to repair units while in tenancy.

Two primary challenges were raised for older adults in the context of rental discrimination. Low or fixed income creates severe difficulty when competing in the market for affordable, accessible housing; in addition, many small-scale landlords fear housing older adults with disabilities or who may age into disability. In this case, older adults may face *individual* and *overt* discrimination (ageism), if they are on low or fixed income and must compete in a rental market that uses economic discrimination to exclude them from affordable housing.

This research received very little information on discrimination experienced by Indigenous peoples, or by the LGBTQ+ community; other than Professionals acknowledging that it exists, is widespread, and tends to affect those who express their sexual or gender identity visibly. This points to the need for further research in these areas, especially in the Canadian context.

The impacts on those experiencing rental housing discrimination are complex and cumulative, the outcomes of discrimination having lasting effects on psychological, social, and financial well-being while also influencing protracted housing insecurity. At the search stage (pre-tenancy) multiple denials and experiences of discrimination have profound impacts on would-be tenants, especially mental health impacts including stress, exhaustion, frustration, and hopelessness; along with financial and time impacts on their lives. While in the search stage, the majority of people who face rental discrimination must simply ignore it, because their priority is the search for housing. There are also longer-term impacts, with tenants being forced to choose poorer quality housing, housing that is more expensive, and housing outside of their chosen communities. Poor housing conditions as a result of discrimination were foregrounded by several Housing Professionals, especially where poor conditions also led to health impacts due to mould, or lack of heat. Housing Workers repeatedly indicated that for many of their clients living in poverty, or living with challenges related to disability, physical and mental health conditions, addiction, or as new immigrants/refugees, they “will put up with the discrimination because they need the housing.” There are few other housing options for these people, so they stay in their housing and try to live with it. One Housing Professional highlighted that there is a

sense amongst those experiencing discrimination that the system is not set up to protect them, but rather imposes burdens and barriers to recourse. Increased housing costs, and being forced to move to new communities are also significant impacts noted by Housing Professionals. Long-distance moves impact connections to friends and family, as well as access to schools and services. Increased housing costs, especially for those on social assistance, leads to insufficient funds for essentials such as food and transportation, stress in families, and other accumulated effects. Discrimination in rental housing also leads to longer-term housing instability and even homelessness – especially for refugees and new immigrants.

There is little recourse for tenants and applicants experiencing rental discrimination. Housing Workers explain that they are not in a position to confront landlords in instances for discrimination. Housing Advocates and Lawyers have limited tools – the primary timely tool appears to be assisting tenants to write letters to landlords explaining that an action was discriminatory. Advocates can also assist tenants to take a landlord to a Human Rights Tribunal/Commission. But this action takes years, it does not help a tenant with their immediate housing challenges, and nor does it reportedly result in any appropriate sanction against landlords. Housing Workers and Advocates also engage with landlords to argue for their clients and attempt to educate them, and while they report these interventions can work, their advocacy is generally not successful. Housing Advocacy groups do pursue Human Rights Tribunal/Commission cases with their clients, but these are seen as instances where they can impact the larger housing system, implicitly acknowledging that these cases do little to help individuals.

Housing Professionals spoke at length about failures in the justice and housing systems, including their inability to provide timely, accessible, justice for those bringing forward complaints. Professionals highlighted the inaccessible nature of both systems, the lack of resources and tools to assist tenants, and the shifts to online platforms that exclude many people, and efforts by agencies to respond by providing case-worker functions. Prolonged delays are another problem at both Landlord Tenant Boards and Human Rights Tribunals. Professionals indicated that there is a delay of 2-5 years for Human Rights complaints. Delays deter tenants and applicants from bringing complaints forward in the first place and this was an important point emphasized by Professionals - *the burden for pursuing a complaint of discrimination is a significant deterrent*, and this undermines access to justice. For those tenants who do bring complaints to a Tribunal or Commission, even if they win, there is little compensation, typically less than \$10,000 for years of effort. And these penalties are

inconsequential for many landlords – a problem raised in other reviews of Tribunals such as the Pinto Report. An underlying challenge identified is the lack of proactive enforcement of the law. Tribunals/Commissions are complaint based and there is no proactive investigation of systemic discrimination problems, nor does either the tribunal or the Commission accept cases ‘in the public interest’ to advance peoples’ rights or to provide deterrence in the future.

Overall, there are measures that could be taken to reduce the levels of discrimination seen in the rental housing market. It is important to note that the intent of these measures is to effectively reduce economic discrimination, and inform landlords about their legal responsibilities as well as the situations of some applicants – such as the ability of many new immigrants to pay rent. However, none of the recommendations brought forward by Housing Professionals suggest measures that could reduce animus discrimination. That said, rental discrimination is widespread and pervasive, with detrimental impacts for tenants and applicants as well as the broader society. Current efforts to combat discrimination appear to be fragmented, underfunded, and stymied by judicial delays and burdens. The recommendations suggested above are a starting point to provide direction for system-level change as well as measures to address individual acts of discrimination. Together, these policies and programs have the potential to reduce the pernicious process of discrimination in our society, and promote housing stability for all.

Sources

- Acolin, A., Bostic, R., & Painter, G. (2016). A field study of rental market discrimination across origins in France. *Journal of Urban Economics*, 95, 49–63.
<https://doi.org/10.1016/j.jue.2016.07.003>
- ACTO. (2021, September 30). *Vacancy decontrol – what is it, and why does it matter?* - Advocacy Centre for Tenants Ontario - ACTO. <https://www.acto.ca/vacancy-decontrol-what-is-it-and-why-does-it-matter/>
- ACTO. (2022, May 9). *The Landlord and Tenant Board is broken. Going digital hasn't fixed it, and it's time to end the experiment.* - Advocacy Centre for Tenants Ontario—ACTO. <https://www.acto.ca/the-landlord-and-tenant-board-is-broken-going-digital-hasnt-fixed-it-and-its-time-to-end-the-experiment/>
- Ages, A., Aramburu, M., Charles, R., Chejfec, R., & Bahubeshi, R. (2021). *A Path Forward: Housing Discrimination in Canada: Urban Centres, Rental Markets, and Black Communities*.
https://www.mcgill.ca/maxbellschool/files/maxbellschool/cmhc_policy_brief.pdf
- Ahmed, A. M., Andersson, L., & Hammarstedt, M. (2008). Are lesbians discriminated against in the rental housing market? Evidence from a correspondence testing experiment. *Journal of Housing Economics*, 17(3), 234–238. <https://doi.org/10.1016/j.jhe.2008.06.003>
- Ahmed, A. M., & Hammarstedt, M. (2008). Discrimination in the rental housing market: A field experiment on the Internet. *Journal of Urban Economics*, 64(2), 362–372.
<https://doi.org/10.1016/j.jue.2008.02.004>
- Ahmed, A. M., & Hammarstedt, M. (2009). Detecting Discrimination against Homosexuals: Evidence from a Field Experiment on the Internet. *Economica*, 76(303), 588–597.
<https://doi.org/10.1111/j.1468-0335.2008.00692.x>
- Alini, E. (2020, June 27). *What it's like to rent as a Black Canadian: 'I don't even have a chance'* | *Globalnews.ca*. <https://globalnews.ca/news/7082858/renting-while-black-canada/>

- Andersson, L., Jakobsson, N., & Kotsadam, A. (2012). A Field Experiment of Discrimination in the Norwegian Housing Market: Gender, Class, and Ethnicity. *Land Economics*, 88(2), 233–240. <https://doi.org/10.3368/le.88.2.233>
- Auspurg, K., Schneck, A., & Hinz, T. (2019). Closed doors everywhere? A meta-analysis of field experiments on ethnic discrimination in rental housing markets. *Journal of Ethnic and Migration Studies*, 45(1), 95–114. <https://doi.org/10.1080/1369183X.2018.1489223>
- Baldini, M., & Federici, M. (2011). Ethnic discrimination in the Italian rental housing market. *Journal of Housing Economics*, 20(1), 1–14. <https://doi.org/10.1016/j.jhe.2011.02.003>
- Bates, L., Wiles, J., Kearns, R., & Coleman, T. (2019). Precariously placed: Home, housing and wellbeing for older renters. *Health & Place*, 58, 102152. <https://doi.org/10.1016/j.healthplace.2019.102152>
- Beer, C., McManus, T., Rand, A., & Kundra, S. (2022). *Analysis of Affordable Housing Supply Created By Unilateral National Housing Strategy Programs—Research Report*.
- Bengtsson, R., Iverman, E., & Hinnerich, B. T. (2012). Gender and ethnic discrimination in the rental housing market. *Applied Economics Letters*, 19(1), 1–5. <https://doi.org/10.1080/13504851.2011.564125>
- Bonilla-Silva, E. (1997). Rethinking Racism: Toward a Structural Interpretation. *American Sociological Review*, 62(3), 465. <https://doi.org/10.2307/2657316>
- Bosch, M., Carnero, M. A., & Farré, L. (2015). Rental housing discrimination and the persistence of ethnic enclaves. *SERIEs*, 6(2), 129–152. <https://doi.org/10.1007/s13209-015-0122-5>
- Braubach, M., & Savelsberg, J. (2009). *Social inequalities and their influence on housing risk factors and health. A data report based on the WHO LARES database*. World Health Organization.
- Canada Mortgage and Housing Corporation. (2021). *Homeownership Rate Varies Significantly by Race* (Research Insight November 2021) [Housing Research]. Canada Mortgage and Housing Corporation. <https://assets.cmhc-schl.gc.ca/sites/cmhc/professional/housing-markets-data-and-research/housing-research/research-reports/housing->

finance/research-insights/2021/homeownership-rate-varies-significantly-race-en.pdf?rev=8c074e0c-111e-47ff-9a9f-8233c623cf11

Canada Mortgage and Housing Corporation. (2022). *Property Values Vary Significantly by Race* (Research Insight April 2022) [Housing Research]. <https://assets.cmhc-schl.gc.ca/sites/cmhc/professional/housing-markets-data-and-research/housing-research/research-reports/2022/property-values-vary-significantly-race-en.pdf?rev=c211b0aa-e1a2-4b27-94c8-b61e17ddc923>

Canadian Centre for Housing Rights. (n.d.). Education & Training on the Right to Housing. *Canadian Centre for Housing Rights*. Retrieved January 5, 2023, from <https://housingrightscanada.com/our-work/education-training/>

Carlsson, M., & Eriksson, S. (2014). Discrimination in the rental market for apartments. *Journal of Housing Economics*, 23, 41–54. <https://doi.org/10.1016/j.jhe.2013.11.004>

Carpusor, A. G., & Loges, W. E. (2006). Rental Discrimination and Ethnicity in Names: RENTAL DISCRIMINATION. *Journal of Applied Social Psychology*, 36(4), 934–952. <https://doi.org/10.1111/j.0021-9029.2006.00050.x>

CERA. (2008). *HUMAN RIGHTS IN HOUSING IN CANADA: An Advocate's Guide* (p. 61). <https://static1.squarespace.com/static/5e3aed3ea511ae64f3150214/t/5e794c91ca1d0a165511203c/1585007763379/National-Guide-English-Final.pdf>

CERA-NRHN-SRAC. (2021). *Housing Discrimination & Spatial Segregation in Canada: Submission to the UN Special Rapporteur on Adequate Housing*. CERA-NRHN-SRAC.

Chaarani, James. (2021, November 9). *Single mum of 4 says she is facing discrimination searching for a rental home in London, Ont | CBC News*. CBC. <https://www.cbc.ca/news/canada/london/single-mom-of-4-describes-rejection-by-london-ont-landlords-asking-for-marital-status-1.6240619>

Chhabra, S. (2020, April 16). *This Windsor man took a rental discrimination case to the Ontario Human Rights Tribunal and won | CBC News*. CBC. <https://www.cbc.ca/news/canada/windsor/windsor-resident-human-rights-tribunal-win-1.5533850>

- Chisholm, E., Howden-Chapman, P., & Fougere, G. (2020). Tenants' Responses to Substandard Housing: Hidden and Invisible Power and the Failure of Rental Housing Regulation. *Housing, Theory and Society*, 37(2), 139–161. <https://doi.org/10.1080/14036096.2018.1538019>
- Choi, S. J., Ondrich, J., & Yinger, J. (2005). Do rental agents discriminate against minority customers? Evidence from the 2000 Housing Discrimination Study. *Journal of Housing Economics*, 14(1), 1–26. <https://doi.org/10.1016/j.jhe.2005.02.001>
- Clair, M., & Denis, J. S. (2015). Racism, Sociology of. In *International Encyclopedia of the Social & Behavioral Sciences* (pp. 857–863). Elsevier. <https://doi.org/10.1016/B978-0-08-097086-8.32122-5>
- CMHC. (n.d.). *Core Housing Need Data—By the Numbers*. Retrieved February 22, 2023, from <https://www.cmhc-schl.gc.ca/en/professionals/housing-markets-data-and-research/housing-research/core-housing-need/core-housing-need-data-by-the-numbers>
- CMHC. (2020). *Housing for Older Canadians: The Definitive Guide to the Over-55 Market—Understanding the Market*. Canada Mortgage and Housing Corporation.
- Cohen, I. M. (2004). *Housing Discrimination among a Sample of Aboriginal People in Winnipeg and Thompson, Manitoba* (Aboriginal Policy Research Consortium International (APRCi). 155.). <https://ir.lib.uwo.ca/aprci/155>
- Commission des droits de la personne et des droits de la jeunesse. (n.d.). *Commission des droits de la personne et des droits de la jeunesse*. Commission des droits de la personne et des droits de la jeunesse. Retrieved September 27, 2022, from <https://www.cdpdj.qc.ca/fr>
- Corrado Research and Evaluation Associates Inc. (2003). *Housing Discrimination and Aboriginal People in Winnipeg and Thompson, Manitoba*. <https://publications.gc.ca/site/eng/391207/publication.html>
- Currie, C. L., Motz, T., & Copeland, J. L. (2020). The Impact of Racially Motivated Housing Discrimination on Allostatic Load among Indigenous University Students. *Journal of Urban Health: Bulletin of the New York Academy of Medicine*, 97(3), 365–376. <https://doi.org/10.1007/s11524-020-00446-6>

- Dingman, S. (2022, June 28). Group takes Landlord and Tenant board to Human Rights Tribunal over 'digital first' system. *The Globe and Mail*.
<https://www.theglobeandmail.com/real-estate/article-group-takes-landlord-and-tenant-board-to-human-rights-tribunal-over/>
- Dion, K. L. (2001). Immigrants' Perceptions of Housing Discrimination in Toronto: The Housing New Canadians Project. *Journal of Social Issues*, 57(3), 523–539.
<https://doi.org/10.1111/0022-4537.00227>
- Distasio, J., & McCullough, S. (2016). *Eviction Prevention Toolkit*. Institute of Urban Studies, University of Winnipeg. <https://winnspace.uwinnipeg.ca/handle/10680/1200>
- Evans, P. (2022, November 16). *Rent is going up at a breathtaking pace, with no relief in sight. Here's why* | CBC News. CBC. <https://www.cbc.ca/news/business/rent-inflation-november-1.6650777>
- Ewens, M., Tomlin, B., & Wang, L. C. (2014). STATISTICAL DISCRIMINATION OR PREJUDICE? A LARGE SAMPLE FIELD EXPERIMENT. *The Review of Economics and Statistics*, 96(1), 119–134.
- Fang, A. H., Guess, A. M., & Humphreys, M. (2019). Can the Government Deter Discrimination? Evidence from a Randomized Intervention in New York City. *The Journal of Politics*, 81(1), 127–141. <https://doi.org/10.1086/700107>
- Feinstein, C. (2022, September 16). *'Discrimination in action': People surviving on social assistance shut out in Toronto's red-hot rental market*. Toronto Star.
<https://www.thestar.com/news/gta/2022/09/16/discrimination-in-action-people-surviving-on-social-assistance-shut-out-in-torontos-red-hot-rental-market.html>
- Financial Consumer Agency of Canada. (2021, December 20). *Canadians and their Money: Key Findings from the 2019 Canadian Financial Capability Survey* [Research].
<https://www.canada.ca/en/financial-consumer-agency/programs/research/canadian-financial-capability-survey-2019.html>
- Flage, A. (2018). Ethnic and Gender Discrimination in the Housing Market: Evidence from a Meta-Analysis of Correspondence Tests, 2006-20217. *Journal of Housing Economics*, 41, 251–273.

- Freiberg, F., & Squires, G. D. (2015). Changing Contexts and New Directions for the Use of Testing. *Cityscape: A Journal of Policy Development and Research*, 17(3), 87–101.
- Friedman, S. (2015). Commentary: Housing Discrimination in the 21st century. *Cityscape: A Journal of Policy Development and Research*, 17(3), 143–150.
- Gaddis, M., & DiRago, N. (2021, May). *Audit Studies of Housing in the United States- Established, Emerging, and Future Research*. The Sociology of Housing.
- Gahagan, J., Redden, M., & National LGBT Housing Matters Research Team. (2020). *LGBT Housing Matters: Results of the Canadian LGBT older adults and housing project*. The Gender and Health Promotion Studies Unit, Dalhousie University.
- Galster, G. (1990). Racial Discrimination in Housing Markets during the 1980s: A Review of the Audit Evidence. *Journal of Planning Education and Research*, 9(3), 165–175.
<https://doi.org/10.1177/0739456X9000900302>
- Ghonaim, H. (2021, April 12). “It’s part of the Black experience”: Local woman speaks out about discrimination in housing market | CBC News.
<https://www.cbc.ca/news/canada/kitchener-waterloo/kitchener-waterloo-rental-housing-market-discrimination-1.5983260>
- Godley, J. (2018). Everyday Discrimination in Canada: Prevalence and Patterns. *Canadian Journal of Sociology*, 43(2), 111–142. <https://doi.org/10.29173/cjs29346>
- Government of Canada, P. S. and P. C. (2022, March 28). *Guide on Equity, Diversity and Inclusion Terminology—Glossaries and vocabularies—TERMIUM Plus®—Resources of the Language Portal of Canada – Canada.ca*. <https://www.noslangues-ourlanguages.gc.ca/en/publications/equite-diversite-inclusion-equity-diversity-inclusion-eng#lettre-letter-S>
- Government of Ontario. (2014, July 24). *Residential Tenancies Act, 2006, S.O. 2006, Ch.17*. Ontario.Ca. <https://www.ontario.ca/laws/view>
- Guryan, J., & Charles, K. K. (2013). Taste-based or Statistical Discrimination: The Economics of Discrimination Returns to its Roots. *The Economic Journal*, 123(572), F417–F432.
<https://doi.org/10.1111/ecoj.12080>

- Hanson, A., & Hawley, Z. (2011). Do landlords discriminate in the rental housing market? Evidence from an internet field experiment in US cities. *Journal of Urban Economics*, 70(2–3), 99–114. <https://doi.org/10.1016/j.jue.2011.02.003>
- Hellyer, J. (2021). Homophobia and the home search: Rental market discrimination against same-sex couples in rural and urban housing markets. *Journal of Housing Economics*, 51, 101744. <https://doi.org/10.1016/j.jhe.2020.101744>
- Hercegova, S. (2021, June 21). *Québec housing shortage exacerbating discrimination against large families, minority groups* | CBC News. CBC. <https://www.cbc.ca/news/canada/montreal/housing-discrimination-extra-hurdle-families-Québec-1.6072599>
- Hogan, B., & Berry, B. (2011). Racial and Ethnic Biases in Rental Housing: An Audit Study of Online Apartment Listings. *City & Community*, 10(4), 351–372. <https://doi.org/10.1111/j.1540-6040.2011.01376.x>
- Housing Help Centre Hamilton. (2015). *Landlord Resource Tool Kit 2015* [Guide]. Housing Help Centre. <https://housinghelpcentre.ca/Landlord%20Resource%20Tool%20Kit%202015.pdf>
- HUD. (2022, September 27). *Housing Discrimination Study Innovative Methodology Project Conference*. <https://www.huduser.gov/portal/event/housing-discrimination.html>
- Hulchanski, D. (1993). *Barriers to Equal Access in the Housing Market: The Role of Discrimination on the Basis of Race and Gender* (Research Paper 187). Centre for Urban and Community Studies, University of Toronto.
- Hulchanski, J. D., & Maaranen, R. (2018, September). *Neighbourhood Socio-Economic Polarization & Segregation in Toronto*.
- Iding, L. A. (2003). Social Condition Discrimination.pdf. *Alberta Law Review*, 42(2), 513–526.
- Izuhara, M., & Heywood, F. (2003). A life-time of inequality: A structural analysis of housing careers and issues facing older private tenants. *Ageing and Society*, 23(2), 207–224. <https://doi.org/10.1017/S0144686X02001125>

- Johnson, E. (2017, February 20). *"I feel bullied": Woman taken to court over garden items highlights how condo conflict is ramping up* | CBC News. CBC.
<https://www.cbc.ca/news/gopublic/i-feel-bullied-says-condo-owner-taken-to-court-over-backyard-garden-items-not-allowed-in-bylaws-1.3985979>
- Kazis, N. (2021). Fair Housing non sexist city. *Harvard Law Review*, 134(5), 1683–1759.
- Koppen, U., Kuhne, S., Schnuck, O., & Schoffel, R. (2017, June 22). *No Place for Foreigners: Why Hanna is invited to view the apartment and Ismail is not*. Spiegel Online.
<https://www.hanna-und-ismail.de/english>
- Maalsen, S., Wolifson, P., Rogers, D., Nelson, J., & Buckle, C. (2021). *Understanding discrimination effects in private rental housing, AHURI Final Report No. 363* (Preprint No. 363). SocArXiv. <https://doi.org/10.31235/osf.io/jdycg>
- Malley, S. (2016, April 16). *Aboriginal Montrealers slam housing discrimination* | CBC News. CBC. <https://www.cbc.ca/news/canada/montreal/aboriginal-montrealers-housing-discrimination-1.3538937>
- Maru, S. (2020, March 16). *"Indian students preferred": Discriminatory rental ads have people shying away from applying* | CBC News. CBC.
<https://www.cbc.ca/news/canada/windsor/discriminatory-rental-ads-1.5495364>
- Moore, K. (2018). *"I don't do vouchers": Experimental evidence of discrimination against housing voucher recipients across fourteen metro areas*. researchgate.net.
- Morris, A. (2013). The Trajectory towards Marginality: How do Older Australians find themselves Dependent on the Private Rental Market? *Social Policy and Society*, 12(1), 47–59.
<https://doi.org/10.1017/S1474746412000383>
- Murchie, J., & Pang, J. (2018). Rental housing discrimination across protected classes: Evidence from a randomized experiment. *Regional Science and Urban Economics*, 73, 170–179. <https://doi.org/10.1016/j.regsciurbeco.2018.10.003>
- Nakagawa, M. (2003). Why Is There Discrimination Against the Elderly? Experimental and Empirical Analyses for the Rental Housing Market in Japan. *SSRN Electronic Journal*.
<https://doi.org/10.2139/ssrn.397881>

- Novac, S., Darden, J., Hulchanski, D., & Seguin, A.-M. (2002). *Housing Discrimination in Canada: What Do We Know About It?* (p. 7). Centre for Urban and Community Studies, University of Toronto.
- Öblom, A., & Antfolk, J. (2017). Ethnic and gender discrimination in the private rental housing market in Finland: A field experiment. *PLOS ONE*, 12(8), e0183344.
<https://doi.org/10.1371/journal.pone.0183344>
- Ontario Human Rights Commission. (n.d.). *The Ontario Human Rights Code*. The Ontario Human Rights Code. Retrieved September 27, 2022, from
<https://www.ohrc.on.ca/en/ontario-human-rights-code>
- Ontario Human Rights Commission. (2008). *Right at home: Report on the consultation on human rights and rental housing in Ontario: Types of Rental Housing Discrimination*.
<http://www.ohrc.on.ca/en/human-rights-and-rental-housing-ontario-background-paper/types-rental-housing-discrimination>
- Ontario Human Rights Commission. (2009, July 21). *Policy on human rights and rental housing*.
<https://www.ohrc.on.ca/en/policy-human-rights-and-rental-housing>
- Pager, D., & Shepherd, H. (2008). The Sociology of Discrimination: Racial Discrimination in Employment, Housing, Credit, and Consumer Markets. *Annual Review of Sociology*, 34(1), 181–209. <https://doi.org/10.1146/annurev.soc.33.040406.131740>
- Paglinawan, D. (2022, August 9). “Great for landlords, horrible for renters”: How a runaway rental market has become Toronto’s latest housing nightmare. Financialpost.
<https://financialpost.com/real-estate/rent-prices-skyrocket>
- Patrick, C. (2014). *Aboriginal Homelessness in Canada: A Literature Review* (Homeless Hub Paper #6). Canadian Homelessness Research Network Press. www.homelesshub.ca
- Pinto, A. (2012). *Report Of The Ontario Human Rights Review 2012*.
- RCLALQ. (2021). *Systemic Discrimination in the Québec Rental Market* (p. 12).
<https://rclalq.qc.ca/publications/systemic-discrimination-in-the-Québec-rental-market/>
- Rich, J. (2014). *What Do Field Experiments of Discrimination in Markets Tell Us? A Meta Analysis of Studies Conducted since 2000*.

- Rittel, & Webber. (1973). Dilemmas in a General Theory of Planning. *Policy Sciences*, 4(2), 155–169.
- Roberts, Darrell. (2021, August 12). *“Must be Caucasian”: Racist room-for-rent ad shows discrimination many face looking for housing | CBC News*. CBC.
<https://www.cbc.ca/news/canada/newfoundland-labrador/racist-housing-ad-discrimination-human-rights-commission-1.6138742>
- Schwegman, D. (2019). Rental Market Discrimination Against Same-Sex Couples: Evidence From a Pairwise-Matched Email Correspondence Test. *Housing Policy Debate*, 29(2), 250–272. <https://doi.org/10.1080/10511482.2018.1512005>
- Schwemm, R. (2007). Why Do Landlords Still Discriminate (and What Can Be Done about It). *John Marshall Law Review*, 40(2), 455–512.
- Spencer, C. (2009). *Ageism and the Law: Emerging Concepts and Practices in Housing and Health* (p. 98). Law Commission of Ontario.
- Springer, A. (2021, March 2). *Living in Colour: Racialized Housing Discrimination in Canada | The Homeless Hub*. <https://www.homelesshub.ca/blog/living-colour-racialized-housing-discrimination-canada>
- Taylor, A. W., Pilkington, R., Dal Grande, E., Kourbelis, C., & Barry, H. (2019). Health and welfare profile of Australian baby boomers who live in rented accommodation – implications for the future. *Ageing and Society*, 39(4), 685–702.
<https://doi.org/10.1017/S0144686X17001088>
- Tinson, A., & Clair, A. (2020). *Better housing is crucial for our health and the COVID-19 recovery*. The Health Foundation. www.health.org.uk/publications/long-reads/better-housing-is-crucial-for-our-health-and-the-covid-19-recovery
- Turner, M. A. (2015). Other Protected Classes. *Cityscape*, 17(3 Housing Discrimination Today (2015)), 123–136.
- Verstraete, J., & Moris, M. (2019). Action–reaction. Survival strategies of tenants and landlords in the private rental sector in Belgium. *Housing Studies*, 34(4), 588–608.
<https://doi.org/10.1080/02673037.2018.1458290>

- Wood, L. (2016). *Housing and Health: Unlocking Opportunity* (p. 68). Toronto Public Health.
- Yang, T.-C., Chen, D., & Park, K. (2016). Perceived Housing Discrimination and Self-Reported Health: How Do Neighborhood Features Matter? *Annals of Behavioral Medicine*, 50(6), 789–801. <https://doi.org/10.1007/s12160-016-9802-z>
- Yard, B. (2018, May 24). Sask. Human Rights commissions report says landlords discriminate against low-income, Indigenous renters | CBC News. CBC. <https://www.cbc.ca/news/canada/saskatoon/rental-discrimination-human-rights-1.4675931>
- Yinger, J., & Oh, S. J. (2015). WHAT HAVE WE LEARNED FROM PAIRED TESTING IN HOUSING MARKETS? *Cityscape*, 17(3 Housing Discrimination Today (2015)), 943–1013. https://doi.org/10.1142/9789813206670_0030
- Zell, S., & McCullough, S. (2020). *Evictions and Eviction Prevention in Canada* (CMHC Housing Research Report, p. 173). CMHC - Institute of Urban Studies, University of Winnipeg. <https://www.cmhc-schl.gc.ca/en/professionals/housing-markets-data-and-research/housing-research/research-reports/housing-needs/research-insight-evictions-new-typologies-analysis-canada>

Appendix A: Acronyms and Glossary:

Acronyms

ACTO	Advocacy Centre for Tenants Ontario. https://www.acto.ca/
ADDS-MM	Association pour la defense des droits sociaux du Mtl metropolitain. (MM means Montréal Metropole) https://boussolejuridique.ca/ressource/association-pour-la-defense-des-droits-sociaux-du-Montréal-metropolitain/
CERA	The Centre for Equality Rights in Accommodation, now known as the Canadian Centre for Housing Rights (CCHR)
CCHR	Canadian Centre for Housing Rights; formerly The Centre for Equality Rights in Accommodation (CERA) https://housingrightscanada.com/
CMHC	Canadian Mortgage and Housing Corporation
COMITÉ BAIL HOCHELAGA	Comités Logement Hochelaga-Maisonneuve. Housing Committees in Hochelaga and Maisonneuve, Montréal
CORPIQ	Corporation des propriétaires immobiliers du Québec
ENTRAIDE LOGEMENT	Rental support organization of Hochelega-Maisonneuve (borough) https://logement-hochelaga-maisonneuve.org/entraide-logement
FACE-A-FACE	Rental support organization providing housing search service for individuals without internet access, housing resources, and provides accompaniment service under special circumstances. https://faceafaceMontréal.org/
FRAPRU	Front d'action populaire en reamenagement urbain. Priority social housing. https://www.frapru.qc.ca/le-frapru/
HLM	habitation à loyer modéré. 'Housing at moderate rent'
INFOLOGI	Comite de logement e l »est de Montréal. Organization to defend the right of renters. https://infologis.ca/
MIFI	Ministère de l'Immigration, de la Francisation et de l'Intégration. Ministry of Immigration, Frencisation and Integration. (Funds and provides programs for newcomers.)
ODSP	Ontario Disability Support Program
OMHM	Office Municipal d'habitation de Montréal https://www.omhm.qc.ca/en/
OMHL	Office Municipal d'habitation de Longueuil (similare to the OMHM but for the city of Longueuil) https://www.ohlongueuil.com/

OPDS-RM L'organisation populaire des droits sociaux. The People's Organization for Social Rights (OPDS) is an organization that defends the rights of people on social assistance. (RM means Region Montréal) <http://opdsrm.com/>

OW Ontario Works

POPIR comité logement POPIR Housing Committee

RCLAQ The Coalition of Housing Committees and Tenants Associations of Québec
<https://rclalq.qc.ca/en/>

SHQ Societe d'habitation du Québec. <http://www.habitation.gouv.qc.ca/english.html>

TAL Tribunal administratif du logement (Housing Administrative Tribunal)

Glossary

Animus Discrimination: “the fear of difference” and “personal hostile attitudes towards a foreign ethnic group” by the landlord or agent (Flage, 2018).

Coordonnatrice Housing Coordinator (feminine)

Coordonnateur Housing Coordinator (masculine)

Covert vs. Overt Discrimination:

Overt discrimination consists of obvious actions against an applicant or tenant of rental housing – such as a landlord using racial slander, or outrightly denying housing to an applicant because of race. Research over the last 50 years indicates a shift to covert discrimination, which reflects a strategic decision by economic actors to avoid legal consequences for discriminatory acts.

Covert Discrimination is concealed – primarily from legal repercussions. That is, covert discrimination includes acts that are perceived to be discriminatory but difficult to quantify and report upon, resulting in challenges to bring legal action against the discrimination. The covert nature of these discriminatory acts is also an indicator of true motivations – a person may know an act is discriminatory and so conceal it. Though covert acts of discrimination may be less visible to the legal system, they may be obvious to those for which the hidden acts are intended, especially if it is encountered repeatedly.

Correspondence Tests (Audits): A research method that relies on email or mail to test for discrimination in rental housing. Multiple fictitious applicants are used to apply for housing, each with a single identifying characteristic. This method can examine ethnicity, gender, sexual orientation, disability, immigration status; but not age-based discrimination. Correspondence tests can only measure the presence of discrimination.

Direct-Service Organizations: organizations that provide services directly to the people that

require them. (Previously, sometimes known as front-line service organizations).

Housing Insecurity: the lack of security in housing, or not having stable or adequate housing, or at high risk of eviction. Due to high housing costs, low income, poor housing quality, or overcrowding. Closely related to Core Housing Need.

Housing Professionals: a collective term for all the professionals interviewed for this research, including lawyers, housing service workers, housing coordinators, advocates, case-workers, etc.

Institutional Discrimination: relates to the actions of corporate landlords as it considers organizational contexts in which individual actors use an organization's dynamics to maintain boundaries between insiders and outsiders.

Older Adult, aka Seniors: Commonly refers to the population that is 65 years of age and older, as this is the age of retirement and the age threshold for accessing related programs and benefits. Note that the CMHC segments this older population into four cohorts: Pre-Seniors aged 55-64, Younger Seniors aged 65-74, Older Seniors aged 75-84, and Oldest Seniors aged 85 and over. See (CMHC, 2020).

Passive-Aggressive Discrimination: occurs when a landlord forces an applicant to withdraw from consideration for a tenancy, usually by substituting a higher-cost unit. In doing so, the landlord does not need to make a decision, or take an action, that could be seen as discriminatory.

Paired-testing audits: A research method that uses two people (testers) to apply for rental housing. The people are similar in all key aspects including demographics, and qualifications; but differ only on a single identifier such as race. Each applies for housing, documents the interactions and results. Paired testing can identify discrimination, its presence, varied acts of discrimination, and the extent or discrimination. Paired-testing audits tend to focus on race or ethnicity.

Statistical Discrimination: based on, utility-seeking behaviour when dealing with insufficient information where a landlord uses the race or gender of the applicant as a proxy for other relevant characteristics pertaining to reliability or ability to pay rent.

Structural Discrimination: Bonilla-Silva (1997) proposes a structural understanding of racism based on the concept of racialized social systems in which advantage is reproduced by racially stratified societies. These social systems are structured by a hierarchy that places people in racial categories producing unequal social relations between races. This hierarchical structure allocates differential economic, political, and social benefits with those in subordinate positions constrained by fewer life opportunities.

Systemic Discrimination: Defined by the Government of Canada as discrimination created and maintained by the seemingly neutral practices, policies, procedures and cultures of organizations and government structures.

Appendix B: Literature Review Search Strategy

The literature under examination is largely confined to the twenty-year period between 2001 and 2021. The following databases were consulted:

- EBSCO platform: Academic Search Premier; The Alternative Press Index
- ProQuest One Academic
- Google Scholar
- WorldCat Library Catalogue

Using the keywords “housing” and “rental”, in combination with:

- "Complaint Process" "discrimination" "ethnic" "ethnic bias/discrimination" "exclusionary" "housing discrimination" "legal challenges" "mechanisms of exclusion" "racism/st"; "racial" "residential inequality" "single parents" "tenant selection"
- Gender, gender-based, gender-based analysis, GBA, GBA+, intersectional, man, men, male, woman, women, female, sex
- *LGBTQ+ RELATED*: transgender, non-binary, queer, LGBT, LGBTQ, LGBTQ2S, LGBTQ2S+, cis, two-spirit, gender non-conforming, "same sex",
- Senior(s), Indigenous, Aboriginal, immigrant, refugee

Relevant **grey literature** (policy reports from associations such as the Canadian Centre for Housing Rights, the Coalition of Housing Committees and Tenant Associations of Québec (RCLALQ) and ACTO, etc.) was sourced through Google searches as well as the **des Libris database (Canada Commons)**, and as referred to in academic literature.

Follow-up searches were required in several areas: Indigenous experiences of rental discrimination, gender-based aspects to discrimination, and for social theories of discrimination (in contrast to economic based theories of housing discrimination).

A search for any news media pieces that focus on rental discrimination was also completed with **major newspaper databases provided through the University of Winnipeg Library**, and Google. This focused on major media outlets, primarily the CBC, but also:

- Global News
- National Post / Financial Post
- Globe and Mail
- Major city newspapers (Toronto Star, Sun media in various cities, etc.)

Appendix C: Interview Research Methodology

Data reported on here are from interviews (of approximately one-hour each) conducted with 38 participants. Interviews were by phone with participants in Ontario and Québec between June and November 2022. Nineteen interviews were conducted in each province. Interviews were with two groups: professionals who – as a part of their work - support tenants experiencing discrimination related to rental housing (n=30); and with people who have experienced discrimination in the search for rental housing, during an active tenancy, or following a terminated tenancy (n=8).

In Ontario, 14 interviews were conducted with Housing Professionals in the Greater Toronto Area (including Toronto, Scarborough, and Thorncliffe Park), as well as London, and Owen Sound. Five interviews with people with lived experience of discrimination were conducted, one each in Toronto, Ottawa, Belleville, Scarborough, and Hamilton. Interviews in Ontario were very informative across a broad range of questions and topics, except for the interview from Hamilton which was less informative.

In Québec, sixteen interviews were conducted with professionals in Montréal, Rimouski, Trois-Rivière, Québec City, and Longueuil. Three interviews with people with lived experience of discrimination were conducted in Montréal and Longueuil. Interviews in Québec were completed by an independent contract researcher from Montréal, who is fluent in French and knowledgeable of the service organizations in Québec. Participants from Québec were given the option of conducting the interview in either French or English. All interviews in Québec were completed in French and were informative across the range of questions.

Recruitment was purposive in nature, and included multiple rounds of snowball sampling. Significant challenges were overcome in recruitment for this research and are detailed separately in Appendix D: Initial contacts were with *housing advocacy agencies* who work to counter discrimination in rental housing, as well as with *legal clinics* who assist tenants and applicants who wish to file complaints about rental discrimination. These organizations recommended also interviewing Housing Workers at direct-service housing agencies in both provinces. These ‘front-line’ agencies provided the majority of interviews in both provinces. All professionals were asked to connect the research project with 1-2 of their clients who had experienced discrimination. As well, CCHR sent out a ‘letter of invitation’ to participate to 22 of its clients. No responses were received from the letter of invitation, and few professionals were able to do connect the research with their clients (see Appendix D). The result is the sample is

weighted in favour of professionals rather than people with lived experience of discrimination. That said, all of the professionals interviewed – especially the Housing Workers – had seen enormous amounts of discrimination in their work, and were able to speak to the impact of discrimination on their clients.

The interviews focused on understanding the causes, the acts, the impacts, and the responses to discrimination as well as the lived experiences of people experiencing discrimination when trying to find rental housing, and at other stages of tenancy. Interview questions were designed to explore aspects of rental discrimination. Housing Professionals (Housing Workers, Advocates, Lawyers) were asked about the rental discrimination they see in their work in the private rental housing market, the impacts on their clients, what responses exist, and about potential solutions. People with lived experience were asked primarily about the experience of rental discrimination and the impacts on their lives. People with lived experience were also asked a short set of demographic questions. All participants were invited to offer recommendations for improving supports or developing effective responses to rental discrimination. Interview Guides appear as Appendices F and G. The questions in the Guides were developed in consultation with the CMHC Project Officers and explore the research questions of the project. Employing a GBA+ approach, the overarching research questions of the project are:

- How are vulnerable populations experiencing rental discrimination in Canada? What are the ways in which discriminatory practices are enacted on tenants (pre-, during and post-tenancy)?
- How do tenants come to know that they are being discriminated against, either in their search for housing, or other aspects of their tenancy?
- What mechanisms (if any) are tenants using in response to being discriminated against and/or defend their right to non-discrimination?
- What are the (shorter and longer-term) effects of rental discrimination on tenants? How does this practice affect tenants' housing outcomes? How does it affect their health, economic, and other prospects?
- What more can be done to prevent discrimination in rental housing?

Interview Analysis

Interviews were transcribed and coded using NVivo (1.3). Coding closely followed the interview questions – see Appendix F and G. Interviewees made many similar comments on their

observations and experiences of discrimination in rental housing. Themes in the work were immediately apparent. A coding methodology was used to organize the collected data. Coding occurred through a multi-pass technique. Some themes were identified from the literature. Most themes corresponded to the interview questions. A few themes emerged from the interviews themselves. Data was coded through several primary open-coding techniques including: Indigenous Categories (noting key language of discrimination, landlords, impacts, etc.), Compare and Contrast (interviews compared to each other, and to the literature review), Social Queries (noting language of social relationships – esp. power structures), Connectors (noting causal relationships), and primarily Physical Manipulation of Texts (grouping alike data together using NVivo). All of these techniques were used simultaneously through multiple passes on the text.

Special attention was paid to several key areas:

- Differences in landlord types
 - Relation between landlord types, and acts of discrimination.
 - Recommendations from Housing Professionals, by landlord types.
- Differences in pre-tenancy vs during-tenancy and post-tenancy discrimination.
 - Primarily economic discrimination vs. primarily discrimination against disability.
- Institutional acts vs. individual acts vs. economic acts of discrimination.
- Subtle vs. overt acts of discrimination, and how they relate to landlord types and stage of tenancy.
- Demographic differences in who is affected by rental discrimination.
- Impacts generally, and different impacts of discrimination based on gender and family composition.
- Regional differences – especially reports out of Québec.
 - Rural areas – vs. urban
 - Differences between Ontario and Québec
- The coded data was compared to the framework to assist revealing differences among landlords, tenants, stages of tenancy, types of discrimination, power imbalances and cumulated disadvantage.
- Interviews from Québec required extra efforts. These interviews were transcribed in French but not translated to English. One team member fluent in French (and a Montréal

native) reviewed these interviews for themes as identified in the codebook for the interviews conducted in English. The research team met multiple times to discuss these themes, differences in Québec, as well as identify specific examples and quotes from these interviews.

Limits and Biases

This research conducted interviews only with Housing Professionals who deal with rental discrimination, and people with lived experience of that discrimination. We did not interview any of the *much larger* set of people who have not experienced rental discrimination, nor did we interview landlords for their perspective. There is an inherent bias in this approach – we purposefully sought stories of discrimination – so that is all we found. As one Housing Professional succinctly put it:

“We only hear about all the bad ones [landlords].”

(Legal Council, ACTO, Southwestern Ontario Rural Municipality)

One outcome of this bias is the research cannot be used to determine the *extent* of rental discrimination, only that it exists, is likely prevalent, and has a large impact on those who experience it.

Additionally, because the recruitment strategy targeted Housing Support Workers, Housing Advocates, and Duty Council Lawyers the research only spoke with the clients of those agencies... clients who are universally low-income and marginalized, because low-income is a requirement to use the services of these agencies. This means the research did not investigate discrimination against people who have high income or wealth. This is important for two reasons. One of the primary findings of this research is that the preponderance of discrimination is against *Economic/Social Standing*, usually indicated by low income or social assistance income. But this may be overemphasized because we did not speak with anyone of higher income who experienced rental discrimination. Second, if the research could find people of higher income who experience rental discrimination it would eliminate *Social Standing* from the analysis and may prove discrimination based on animus/hatred/prejudice/racism.

This research also used a relatively small sample size in only the provinces of Québec and Ontario. In total, 38 interviews were conducted, 19 in each province; 30 were with Housing Professionals and 8 with people with lived experience of eviction. Although we did reach ‘saturation’ quickly, with all participants reporting very similar experiences, similar research is

needed in different regions of the country, and target different marginalized groups – especially Indigenous people facing discrimination in housing.

Lastly, this research did not interview people working in the justice system that responds to discrimination. Our understanding of the Landlord Tenant Board in Ontario, the Tribunal administratif du logement (TAL) in Québec, the Human Rights Tribunal in Ontario and the Commission in Québec is limited. Errors regarding these organizations are entirely the fault of the current authors.

Appendix D: Recruitment Challenges and Successes

The research project unfolded in multiple stages. Originally, the project's goal was to examine rental discrimination with a focus on older adults, people identifying as LGBTQ2+, and Black tenants. The literature review was completed with that focus. However, when the research team encountered challenges recruiting participants corresponding with those identities, the project was restructured with a broader focus for the interviews and a new recruitment strategy (see Interview Method: Appendix C).

First Recruitment (Dec. 2021 – Feb. 2022)

Initial recruitment was unsuccessful with challenges at two levels: problems with building partnerships with organizations to post recruitment notices; and problems getting individuals to respond to those notices. In addition, each targeted demographic group (older adults, Black, LGBTQ+) presented unique challenges. This resulted in a very challenging outreach process, as well as very poor response rate. Our initial strategy was to contact a limited number of large service organizations to ask them to assist with recruitment through public postings in their offices, through batch emails to clients, and on websites – hoping to get 3-5 interviews through each organization. This was not successful.

In Alberta, efforts to recruit older adults were through a mixture of social service organizations, large older adults housing organizations, and advocacy organizations. This effort failed, partially because Senior's Centres were closed due to the Omicron wave of the COVID-19 pandemic. Other older adults' housing organizations and clubs were not responsive to the invitation to participate. Postings to websites are also not generally noticed by older adults (nobody regularly checks the website of a seniors' centre – especially when it is closed due to a pandemic).

In Montréal, recruitment through LGBTQ+ organizations was also challenging. Some maintain a posture defensive of their communities (rightly so). Some have extremely limited contact information on websites, for instance, with no email address or phone number. Contact is through a website textbox input, which makes approaching these organizations with a long letter of introduction difficult. We received only a limited response from two organizations. And there was significant pushback from these organizations. One asked about recruitment and interviews being conducted in French; and both recommended that posting happen on social media because their clients don't read email, or websites. Both suggested we post recruitment

materials to their Facebook pages. This project however was not authorized by the CMHC to recruit through social media.

Additionally, one other LGBTQ+ organization has brought forward a set of questions to be answered before they would consider participating in a research project. We note that the questions being raised are similar to questions being raised by Indigenous communities, and are pertinent to all ethical research activities with communities. The questions raised by this organization were:

- What are the goals of this project?
- Will it have a positive and lasting impact on the community?
- Are community members leading and being consulted on this project?
- Are interviewees being compensated for their time?
- In what languages can people participate in this research project?
- Are you collaborating with other community organizations?

As we were not able to provide positive answers to some of these questions, we did not pursue a further partnership with this organization. Further, we expected to encounter similar questions from other LGBTQ+ and Black community organizations.

Lastly, recruitment amongst Black community organizations in Toronto was initiated, but immediately halted before results were achieved in light of the problems contacting older adults' organizations and LGBTQ+ serving organizations.

In light of these challenges, we draw to the attention of the CMHC that research in marginalized communities has shifted to a ***participatory research paradigm***. Research in communities should be led by the community and in collaboration with the community. Wherever possible, researchers should have long-established and ongoing relationships with that community. Knowledge gleaned should be directly relevant and beneficial to the stakeholder community.

Second Recruitment (June – Nov. 2022)

In response to these recruitment challenges, the project was restructured with new recruitment beginning in the summer of 2022. The new recruitment strategy involved snowball sampling through Housing Professionals in Ontario and Québec. That is, we interviewed Housing Professionals about their knowledge of housing discrimination, and asked each professional to connect the research project with 1-2 of their clients.

Initial interviews with lawyers and housing advocates were excellent – but narrow in focus. The reason relates to the current system that responds to rental discrimination. Community lawyers through agencies such as Advocacy Centre for Tenants Ontario (ACTO), and housing/Human Rights advocates at Canadian Centre for Housing Rights (CCHR) primarily deal with discrimination of unequal treatment based on disability. This is because the burden of truth is on the accuser, and it is very difficult to prove discrimination on any grounds other than disability. With disability, landlords have a “duty to accommodate”, and failure to do so is easier to prove. For instance, a tenant who can show a legitimate request for a ramp to access an apartment that doesn’t get built has a stronger case. To clarify, it is far more difficult to prove racial discrimination, and discriminatory acts have become more covert over time.

In response, lawyers and housing advocates suggested this research project seek contact with the *Housing Workers* who assist people in their search for housing. Interviews reveal that Housing Workers indeed see both extensive and many kinds of rental discrimination in their work, but the information generated from these interviews is limited in a different way because of lack of mechanisms for them to successfully assist those seeking recourse for discrimination. Housing Workers primarily work to house people, and have little recourse or tools to address discrimination. They simply refer people who experience rental discrimination back to ACTO / CCHR. What is clear is the lack of effective services, tools, or system to respond to rental discrimination (other than for disability).

It was also challenging to procure interviews with individuals who had experienced rental discrimination. A snowball sampling method was implemented with Housing Professionals acting as intermediaries to recruit people with lived experience of inequitable treatment in private rental housing. Each professional interviewed was asked to connect the research team with 1-2 of their clients. (This research could not assist people in crisis, so we asked for clients that had already found housing after their experience of rental discrimination – usually more than a year after.) As well, CCHR sent out an “invitation to participate” letter to 22 of its clients. The CCHR received back three inquiries regarding this invitation letter, but none of the recipients of the letter contacted the project for an interview.

The study’s strategy for identifying individuals with lived experience and gaining their consent for an interview was less successful for a number of reasons:

- In general, Housing Workers did not have established long-term relationships with clients that would allow them to approach those clients for interviews. Housing workers provide rental information and assist clients in signing up for housing benefits – they try and help people find housing quickly and move on to the next client. It would be challenging for these Housing Workers to reach out to a client they had only seen briefly, after a year.
- While lawyers and housing advocates (who mostly address discrimination based on disability) do have long-term relationships with clients that would allow them to contact clients on our behalf, they were less willing to connect us to clients. This may be because of concerns regarding attorney/client privilege and confidentiality.
- Most Housing Workers did not feel they knew clients well enough to approach them on behalf of this project. Those that did, often received no response or were rebuffed.
- Two Housing Professionals indicated that their clients are primarily people with mental health challenges or addictions, who they were not comfortable asking to participate, or who did not have the capacity or resources to contact the researchers.
- Potentially, some tenants may not be aware they have been discriminated against because some forms of discrimination is now occurring in less direct and more subtle or structural way (e.g., at the credit review stage, in selecting between multiple applicants, etc.)
- Two housing agencies (CCHR and the Housing Help Centre's main office) specifically asked why honorariums were not being provided for people with lived experience of rental discrimination. CCHR, in particular, was adamant that this was an ethical requirement for the researcher to demonstrate respect for the time and information requested of those interviewed. The Housing Help Centre's main office indicated that recruiting their clients without honorariums would be very difficult – clients who are universally low-income, usually marginalized, racialized, or new-immigrants, and sometimes vulnerable. Honorariums were not offered to participants initially, but were authorized late in the project and extended to all those who had already participated. This did not however, help with recruitment.
- Additionally, timing of recruitment was a challenge with interviews occurring from July to September 2022 – summer never being a good time for recruitment. This was particularly a problem in Québec, where the culture around summer vacations left some housing agencies too short staffed to participate in the research until September.

- COVID is also still having an impact – again, primarily in Québec where we heard that many housing agencies / service organizations are short staffed because of the pandemic, leaving them unable to participate.

Appendix E: Information on Participants

People with Lived Experience of Discrimination

Pseudonym	Province	City	Age	Gender	Marital Status	Household Description	Identity (Self-Reported)	Disability	Source of Income	Estimated Household Income	Landlord type
Amber	ON	National Capital Region	49	Female	Single	Lone parent of a son with a disability	Code protected (not disclosed), Black	Son has autism and ADHD	Social assistance	\$14,000	Small Landlord
Ethan (speaking for brother)	ON	GTA	85	Male	Divorced	Lives alone	Senior, Person with a disability	Brother has physical disability, wheelchair.	Pension & Old age security	\$76,000	Condo-Board
Marsha	ON	Central Ontario Region	44	Female	Single	Lone parent with son	--	Yes, Wheelchair from chemotherapy.	ODSP (Ontario Disability)	\$21,000	Small Landlord
Nadeem	ON	GTA	26	Male	Single	Lives alone	New immigrant, racialized, LGBT	No	OSAP (Ontario Student Assistance Program)	\$12,000	Rental Agent for Small Landlord
Sharon	ON	Hamilton-Wentworth Region	66	Female	Divorced	Lives alone	--	Permanent walking disability & a learning disability.	Seniors' pension.	\$22,800	Large, Corporate Landlord
Laycie	QC	Montréal Region	41	Female	Single	Lone parent with daughter and son	--	--	Social assistance	<\$20,000	Small and Large Landlords
Raquelle	QC	Montréal Region	52	Female	Single	Alone - but has to assist daughter who has a disability	Indigenous, female, single parent, black child, person with a disability.	Yes	Disability	\$27,000	Unclear
Celine	QC	Montréal Administrative Region	40	Fluid, with non-binary feminine expression	Partnered	3 adults (including a roommate) and a child	LGBTQIA2S+ homoparental family, partner is a trans woman.	physical challenges (fibromyalgia), need for therapeutic support cats in the accommodation	Social assistance	\$10,000 to \$20,000	Rental Agent for Large Landlord

Table 4: Information on Participants with Lived Experience of Discrimination

(Note that pseudonyms have been used for people with lived experience of discrimination, and their place of residence has been identified by region only, to increase anonymity.)

Participating Organizations

The following organizations have participated in this research by encouraging their professional staff to complete an interview for the project. We are immensely grateful to these organizations and professionals for sharing their knowledge of the private rental housing market with this project.

Canadian Centre for Housing Rights (CCHR) – Toronto

Advocacy Centre for Tenants Ontario (ACTO), Duty Council Program Main Office, Toronto

Duty Council Program, Advocacy Centre for Tenants Ontario (ACTO); in a Southwestern Ontario Rural Municipality

Duty Council Program, Advocacy Centre for Tenants Ontario (ACTO); in a Southwestern Ontario Municipality

Dixon Hall – Toronto

Housing Help Centre – Main Office, Toronto

Housing Help Centre – Scarborough, GTA

Housing Help Centre – Thorncliffe Park, GTA

POPIR comité logement – Montréal

FACE-A-FACE -- Montréal

Coalition of Housing Committees and Tenants Associations of Québec (RCLAQ) – Montréal

Entraide logement Hochelaga-Maisonneuve – Montréal

Comité logement Bas St-Laurent – Rimouski

La Maisonnée – Montréal

Debout pour la dignité – Montréal

Info-logement Mauricie – Montréal

Office d’habitation de Montréal (OHM) – Montréal

Office municipale d’habitation de Québec -- City of Québec

ŒIL comité logement Côte-des-neiges – Montréal

Appendix F: Interview Guides – Housing Professionals

Project:

“The lived experience of rental discrimination in Canada”

Interview Guide for Housing/Tenant/Advocacy Professionals:

You are being asked to participate in this interview as part of research on rental housing discrimination in Canada. The goals of this project are to examine and better understand the experience of rental discrimination at all stages of a tenancy (eg. during tenant screening, during a tenancy, around decisions to terminate a tenancy, and post-occupancy). The intent is to advance discussions about discrimination and to further strategies to prevent it and thereby better meet the housing needs of vulnerable populations. This research is paid for by the CMHC.

The information you provide in this interview will remain confidential, your name will not be linked to any of the information, and all data will be stored in a secure computer or office.

[Note: Interviews will be semi-structured, and largely conversational in nature. Exact wording of the questions may differ slightly.]

Introduction/background

1. Please briefly describe your background and role in your organization:
 - a. Participant's title, role, time in role, background
 - b. Background of organization, its history in the community, mandate (and has that shifted – if so, why and how?)
 - c. Location of organization (ON, QC)

Rental Discrimination – observations of drivers, patterns/trends

2. Are you seeing rental discrimination in your work (in the field)? (*General intro question.*)
3. How do you define rental discrimination, or understand rental discrimination?
4. Have you seen changes over time?
5. Who is discriminated against? What demographics are most affected?
 - a. How does this vary across certain demographics/sub-populations? (*Gender, visible minorities, Black, LGBTQ2S, Seniors, South Asian, Indigenous*)
 - b. How does this vary geographically? (*across certain neighbourhoods*)
 - c. How does this vary by type of landlord? (*types of landlords: large corps vs small scale or amateur landlords, condo boards*)
 - d. Does this vary by types of housing (apartments, condos, rental single family)
 - e. Have you seen changes over time in who is discriminated against, or who does the discrimination?

6. When do you see discrimination? *During Pre-Tenancy (initial contact / viewing unit) / Application process / During Tenancy / Post-Tenancy*
7. Do you collect any data around rental discrimination? Anything at all – numbers, reasons, costs, interventions, success-rates, etc.
 - a. Any data concerning who is being discriminated against and how?
 - b. Any data on whether discrimination is increasing over time?
 - c. Any data on who is enacting discrimination (including condo boards or others)?
8. What form does the discrimination take? What does it look like? EG:

Non-Response	Rental History	Higher Rents
Selective Response	Credit History	Intimidation
Steering	Income Info	Dereliction
No-Shows	ID Checks	Eviction (non-formal)
Limited Viewings	Key Fees	Tribunals
Acting Uncomfortable	Watch Lists	Blacklisting
Dissuasion	Harassment	Withholding Deposits

9. Has the nature of rental discrimination changed over time? How so?
10. Can you speculate on 'why' there is rental discrimination?
 - a. Is it prejudice? (*Animus, racism, hate*)
 - b. Lack of knowledge or information of visible minority groups? (*Statistical Discrim*)
 - c. Lack of knowledge of tenancy law?
 - d. Does it vary by type of landlord? (*large corps vs small scale or amateur landlords, condo boards*)
11. Location of organization (ON, QC):
 - a. Can you describe tenancy protections in your respective province?
 - i. Probe: what protections exist already, where the potential gaps, loopholes or weaknesses are, and how they could be strengthened.
 - b. Have you noted differences in tenant law (protections) between ON & QC?
 - c. Have you noted differences in rental discrimination patterns between ON & QC?

Tenant Responses:

12. When a tenant becomes aware of discriminatory practices, how do they respond?
 - a. *Eg – do they seek services/help, confront the landlord, seek tenancy board, file official complaints, advocate, or pressure gov'ts, etc.*
 - b. How does your organization help a tenant to respond to acts of discrimination?
 - c. Do you see gender differences in responses to discrimination? Or differences by age, race, income, etc.?

Rental Discrimination – reflections on approach/services/mechanisms/responses

13. What are the promising practices that your organization/community is using to address rental discrimination and help tenants?
 - a. What are some services that support people with cases of rental discrimination?
 - b. *(What supports do people/tenants need, and how do you meet those needs?)*
 - c. How long have you offered services aimed at rental discrimination? *(how recent, and if longstanding, have they changed, and how so)*
 - d. How are the services organized? How is the effort staffed? Funded?
 - e. What mechanisms are in place for tenants to file complaints and what is the process? (landlord/tenant board or tribunal, or a provincial Human Rights commission,etc.)
14. Are there any new responses to address cases of rental discrimination?
 - a. Especially for any changing or emerging aspects of rental discrimination.
15. To whom are services targeted? How do you identify those who are facing rental discrimination or who might be at risk?
 - a. Are there specific interventions for particular sub-populations *(e.g., gender, LGBTQ2S, families (esp. single women households), older adults, newcomers, visible minorities, Black, Seniors, South Asian, Indigenous, income groups, age groups – youth)*
 - b. How do you reach tenants/the targeted group – and when? *(how do people know about services, and at what point in the process – pre-tenancy, during, post)*
 - i. Is there follow-up?
 - ii. Do you have any recommendations for improving awareness of services offered?
 - c. Why might people who are aware of a service decide not to access them?
16. Does your organization ever engage with landlords to find solutions? How so? *(large corps vs small scale or amateur landlords, condo boards)*
17. What currently works best? *Are there some programs/policies that are more or less beneficial (and how so)? Are specific groups/types of tenants for whom existing programs/services work or don't work?*
 - a. What does not appear to work?
 - b. What do you think could be improved? *(Are there any changes that could make services more accessible / desirable for potential clients?)*
18. How are the impacts and outcomes being measured? What are the results?

Other possible questions that might be included/covered:

 - a. Can you tell me about a specific case/type of case where services made an important difference for a tenant?
 - b. Can you tell me about a specific case/type of case where services did not appear to make a difference for clients/tenants?

Impacts:

19. Please describe the impacts of rental discrimination on people – both short-term as well as longer-term. *[Probe re. housing outcomes, financial, family/social, physical/mental health, emotional well-being]*
- a. How does this vary by gender? Or differences by age, race, income, etc.?

Consider:

20. **(Housing)**: How does discrimination affect a tenant's housing situation following the act of discrimination?
21. **(Health/Social)**: What impact did discrimination have on the tenants life?
22. **(Financial)**: Has there been significant financial costs to the tenant?

At the community level:

23. What other organizations are involved in efforts to mitigate rental discrimination? What are the roles for each organization?
24. Do you see any higher-level responses to rental discrimination (eg: *Provincial, Federal, Municipal responses – rezoning, housing regulations, legal-protections, education.*)
- b. What role could governments have regarding rental discrimination?
25. Are there systemic or procedural issues you believe are affecting tenants' ability to access services/justice concerning rental discrimination? (*Especially around tribunals/boards*)
26. Reflecting on the previous discussion, what are the **policy or program gaps** in efforts to combat rental discrimination?

Final considerations:

27. *(If not already covered in conversation)* Overall, what approach to addressing rental discrimination do you think is most effective, and why?
28. Do you have any recommendations for how organizations or the government could serve tenants and landlords better, and prevent rental discrimination from occurring?
29. If you could design an ideal system for preventing rental discrimination housing, what would it look like?
30. Are there other Housing Professionals in your department / government / community that we should be speaking with? Can you connect us to them?
31. Is there anything else you would like to share?

Projet

« L'expérience vécue de la discrimination sur le marché canadien du logement locatif »

Guide d'entrevue pour les professionnels du logement, des services aux locataires et de la défense de leurs droits :

On vous demande de participer à cette entrevue dans le cadre d'une recherche sur la discrimination en matière de logement locatif au Canada. Ce projet a pour but d'examiner et de mieux comprendre l'expérience de la discrimination en matière de logement locatif à toutes les étapes d'une location (p. ex., lors de la sélection des locataires, pendant la location, autour de la décision de mettre fin à la location et après l'occupation du logement). L'objectif est de faire avancer les discussions sur la discrimination et d'élaborer des stratégies aptes à la prévenir et ainsi mieux répondre aux besoins de logement des populations vulnérables. Le présent projet de recherche est financé par la Société canadienne d'hypothèque et de logement (SCHL).

Les renseignements que vous fournirez au cours de cet entretien demeureront confidentiels, votre nom ne sera pas associé à ces renseignements, et toutes les données seront conservées dans un ordinateur ou un bureau sécurisé.

[Nota : Les entrevues seront semi-structurées et se dérouleront essentiellement sous forme de conversation. La formulation exacte des questions pourrait fluctuer légèrement.]

Présentation et contexte

1. Veuillez décrire brièvement vos antécédents et votre rôle au sein de votre organisme :
 - a. Titre, rôle et antécédents du participant ou de la participante et depuis combien de temps il ou elle exerce ce rôle
 - b. Antécédents de l'organisme, son historique dans la communauté, son mandat (a-t-il changé, et si oui, pourquoi et de quelle façon?)
 - c. Emplacement de l'organisme (Ontario, Québec)

Discrimination en matière de logement locatif – observations des moteurs, de l'évolution et des tendances

2. Êtes-vous témoin de discrimination en matière de logement locatif dans votre travail (sur le terrain)? (*Question d'introduction générale.*)
3. Comment définissez-vous ou interprétez-vous la discrimination en matière de logement locatif?
4. Avez-vous observé des changements au fil du temps?

5. Qui fait l'objet de discrimination? Quels groupes démographiques sont les plus touchés?
- Quelles sont les variations entre les groupes démographiques ou sous-populations? (*Genre, minorités visibles, personnes noires, LGBTQ2S, personnes âgées, personnes d'origine sud-asiatique, Autochtones*)
 - Quelles sont les variations géographiques? (*D'un quartier à un autre*)
 - Quelles sont les variations en fonction du type de propriétaire? (*Types de propriétaires : grandes entreprises ou propriétaires amateurs ou de petite envergure, conseils de copropriété*)
 - Y a-t-il des variations selon le type de logement? (*Appartements, condos, maisons unifamiliales à louer*)
 - Avez-vous observé des changements au fil du temps en ce qui concerne les personnes qui font l'objet de discrimination, ou les personnes qui commettent des actes discriminatoires?
6. Quand êtes-vous témoin de discrimination? *Avant la location (au premier contact ou pendant la visite du logement), pendant le processus de demande, pendant la location ou après la location*
7. Recueillez-vous des données sur la discrimination en matière de logement locatif? Il peut s'agir de toutes sortes de choses, comme des chiffres, des raisons, des coûts, des interventions, des taux de réussite, etc.
- Recueillez-vous des données au sujet des personnes qui font l'objet de discrimination et de la façon dont elles font l'objet de discrimination?
 - Recueillez-vous des données sur l'augmentation de la discrimination au fil du temps?
 - Recueillez-vous des données sur les responsables de l'adoption de mesures discriminatoires (y compris les conseils de copropriété, entre autres)?
8. De quelle forme de discrimination s'agit-il? À quoi ça ressemble? P. ex.,
- | | | |
|----------------------------|--------------------------------|----------------------------|
| <i>Non-réponse</i> | <i>Antécédents en</i> | <i>Intimidation</i> |
| <i>Réponse sélective</i> | <i>matière de crédit</i> | <i>Dégradation</i> |
| <i>Direction</i> | <i>Renseignements sur</i> | <i>Expulsion (non</i> |
| <i>La personne ne se</i> | <i>le revenu</i> | <i>officielle)</i> |
| <i>présente pas</i> | <i>Vérification des pièces</i> | <i>Tribunaux</i> |
| <i>Peu de visites</i> | <i>d'identité</i> | <i>Inscription sur une</i> |
| <i>Semble mal à l'aise</i> | <i>Frais pour les clés</i> | <i>liste noire</i> |
| <i>Dissuasion</i> | <i>Listes de surveillance</i> | <i>Retenue des dépôts</i> |
| <i>Antécédents de</i> | <i>Harcèlement</i> | |
| <i>location</i> | <i>Loyers plus élevés</i> | |
9. La nature de la discrimination en matière de logement locatif a-t-elle évolué au fil du temps? De quelle manière?
10. Pouvez-vous expliquer quelles sont les raisons de la discrimination en matière de logement locatif, selon vous?

- a. S'agit-il de préjugés? (*Animus, racisme, haine*)
- b. D'un manque de connaissances ou d'information au sujet des groupes de minorités visibles? (*Discrimination statistique*)
- c. D'une méconnaissance des lois en matière d'occupation des logements?
- d. Y a-t-il des variations en fonction du type de propriétaire? (*Grandes entreprises ou propriétaires amateurs ou de petite envergure, conseils de copropriété*)

11. Emplacement de l'organisme (Ontario, Québec) :

- a. Pouvez-vous décrire les mécanismes de protection des droits locatifs dans votre province?
 - i. Sous-question : quelles mesures de protection existent déjà, où se situent les lacunes potentielles, les failles ou les faiblesses, et comment elles pourraient être renforcées.
- b. Avez-vous remarqué des différences dans les lois en matière d'occupation des logements (protections) entre l'Ontario et le Québec?
- c. Avez-vous remarqué des différences dans les tendances de discrimination en matière de logement locatif entre l'Ontario et le Québec?

Réponses des locataires :

12. Lorsque des locataires s'aperçoivent de pratiques discriminatoires, comment réagissent-ils?

- a. *P. ex., demandent-ils des services ou de l'aide, abordent-ils la question avec leur propriétaire, s'adressent-ils à la régie du logement, déposent-ils des plaintes officielles, prennent-ils des mesures de défense des droits, exercent-ils des pressions sur les gouvernements, etc.*
- b. Comment votre organisme aide-t-il les locataires à donner suite à des actes discriminatoires?
- c. Voyez-vous des différences entre les genres pour ce qui est de la réponse à la discrimination? Ou encore, y a-t-il des différences selon l'âge, la race, le revenu, etc.?

Discrimination en matière de logement locatif – réflexions sur l'approche/les services/les mécanismes/les réponses

13. Quelles sont les pratiques prometteuses que votre organisme/communauté utilise pour lutter contre la discrimination en matière de logement locatif et aider les locataires?

- f. Quels sont certains services qui aident les gens ayant fait l'objet de discrimination en matière de logement locatif?
- g. (*De quels mécanismes de soutien les gens ou locataires ont-ils besoin, et comment répondez-vous à ces besoins?*)
- h. Depuis combien de temps offrez-vous des services dans le domaine de la discrimination en matière de logement locatif? (*Avez-vous commencé*

récemment, et si vous offrez ces services depuis longtemps, ont-ils évolué, et de quelle manière)

- i. Comment les services sont-ils organisés? Comment vos efforts sont-ils pourvus en personnel? Comment sont-ils financés?
 - j. Quels mécanismes sont en place pour permettre aux locataires de porter plainte et quelle est la marche à suivre? (Propriétaire/conseil de locataires ou tribunal, commission provinciale des droits de la personne, etc.)
14. Y a-t-il de nouvelles façons de traiter les cas de discrimination en matière de logement locatif?
- a. En particulier en ce qui concerne les aspects changeants ou émergents de la discrimination en matière de logement locatif.
15. À qui ces services s'adressent-ils? Comment détectez-vous les personnes qui font l'objet de discrimination ou qui pourraient être à risque?
- a. Y a-t-il des interventions particulières pour certaines sous-populations? (*P. ex., genre, LGBTQ2S, familles – surtout les femmes seules, personnes âgées, nouveaux arrivants, minorités visibles, personnes noires, aînés, personnes d'origine sud-asiatique, Autochtones, catégories de revenu, groupes d'âge – jeunes*)
 - b. Comment communiquez-vous avec les locataires/le groupe ciblé – et quand? (*Comment les gens découvrent-ils l'existence de vos services, et à quel stade du processus – avant, pendant ou après l'occupation du logement locatif*)
 - i. Y a-t-il un suivi?
 - ii. Avez-vous des recommandations à faire pour mieux faire connaître les services offerts?
 - c. Pourquoi des gens qui connaissent l'existence d'un service décident-ils de ne pas y faire appel?
16. Votre organisme implique-t-il les propriétaires pour trouver des solutions? De quelle manière? (*Grandes entreprises ou propriétaires amateurs ou de petite envergure, conseils de copropriété*)
17. Qu'est-ce qui fonctionne le mieux à l'heure actuelle? *Y a-t-il des programmes ou des politiques qui sont plus ou moins utiles (et de quelle manière)? Y a-t-il des groupes ou types de locataires particuliers pour qui les programmes ou services existants ne fonctionnent pas?*
- a. Qu'est-ce qui ne semble pas fonctionner?
 - b. Qu'est-ce qui pourrait être amélioré, selon vous? (*Y a-t-il des changements qui pourraient rendre les services plus accessibles ou attrayants pour les clients potentiels?*)
18. Comment les effets et les résultats sont-ils mesurés? Quels sont les résultats?
- D'autres questions pourraient être incluses ou abordées :*
- a. Pouvez-vous me parler d'un cas ou d'un type de cas en particulier où les services ont fait une différence importante pour un locataire?
 - b. Pouvez-vous me parler d'un cas ou d'un type de cas en particulier où les

services n'ont pas semblé faire de différence pour les clients ou locataires?

Conséquences :

19. Veuillez décrire les conséquences de la discrimination en matière de logement locatif sur les gens – tant à court terme qu'à long terme. *[Sous-question au sujet des résultats en matière de logement, de finances, de situation familiale et sociale, de santé physique et mentale et de bien-être émotionnel]*
- c. Quelles sont les variations en fonction du genre? Ou encore, y a-t-il des différences selon l'âge, la race, le revenu, etc.?

Réflexion :

20. **(Logement)** : Comment la discrimination influence-t-elle la situation résidentielle d'un locataire après l'acte discriminatoire?
21. **(Santé et dimension sociale)** : Quel a été l'effet de la discrimination sur la vie des locataires?
22. **(Aspects financiers)** : Y a-t-il eu des coûts importants pour le locataire?

Au niveau de la communauté :

23. Quels autres organismes déploient des efforts pour atténuer la discrimination en matière de logement locatif? Quels sont les rôles de chaque organisme?
24. Voyez-vous des interventions de plus haut niveau pour lutter contre la discrimination en matière de logement locatif? (*P. ex., des interventions provinciales, fédérales ou municipales – rezonage, réglementation sur le logement, protections juridiques, sensibilisation*)
- d. Quel pourrait être le rôle des gouvernements à l'égard de la discrimination en matière de logement locatif?
25. Y a-t-il des enjeux systémiques ou de procédure qui entravent selon vous la capacité des locataires d'accéder à des services ou au système judiciaire au sujet de la discrimination en matière de logement locatif? (*En particulier en ce qui concerne les tribunaux et les régies*)
26. D'après la discussion qui précède, quelles sont les **lacunes des politiques ou des programmes** en ce qui concerne les efforts visant à lutter contre la discrimination en matière de logement locatif?

Derniers points à considérer :

27. *(Si vous n'en avez pas encore parlé au cours de la conversation)* Dans l'ensemble, quelle approche pour lutter contre la discrimination en matière de logement locatif est la plus efficace selon vous, et pourquoi?
28. Avez-vous des recommandations à faire en ce qui concerne les façons dont les organismes ou le gouvernement pourraient mieux aider les locataires et les propriétaires et prévenir la discrimination en matière de logement locatif?
29. Si vous pouviez concevoir un système idéal pour prévenir la discrimination en matière de logement locatif, à quoi ressemblerait-il?
30. Y a-t-il d'autres professionnels du logement dans votre service/gouvernement/communauté à qui nous devrions nous adresser? Pouvez-vous nous donner leurs coordonnées?
31. Aimeriez-vous ajouter autre chose?

Appendix G: Interview Guides – Lived Experience of Discrimination

Project:

“The lived experience of rental discrimination in Canada”

You are being asked to participate in this interview as part of research on rental housing discrimination in Canada. The goals of this project are to examine and better understand the lived experience of rental discrimination at all stages of a tenancy (e.g. during tenant screening, during a tenancy, around decisions to terminate a tenancy, and post-occupancy). The intent is to advance discussions about discrimination and to further strategies to prevent it and thereby better meet the housing needs of vulnerable populations. This research is paid for by the CMHC.

The information you provide in this interview will remain confidential, your name will not be linked to any of the information, and all data will be stored in a secure computer or office.

Review information and consent process/form but also remind:

Remember that participation is voluntary. You may choose to skip any question or decide to stop at any time. Your participation in this study will not affect services you access or receive in any way. Refusing to participate or withdrawing from this research project at a later point will not affect your right to receive service from a provider, and your participation will not be known by the CMHC or any service provider.

If, during the interview, you feel distress about your housing situation, you may stop the interview, and we can provide a list of contacts for services (e.g. - services related to housing assistance, legal assistance, or other relevant social supports).

Obtain oral consent.

Okay if we record? We can stop recording any time you want – just let us know.

There are two parts to this interview: we will ask about your experience of discrimination in the rental market followed by a short survey that asks background questions.

Interview Questions: Experiences of Discrimination and Rental Housing

The following questions are related to your experience of discrimination when applying for or living in, or after leaving rental housing.

Please do NOT use names of people or organizations when telling your story – it is ok to use general words such as ‘landlord’, or ‘corporate rental company’.

The act of discrimination:

1. We are interviewing you because of your experience of discrimination with your rental housing. Can you tell us your story of what happened?
2. **When:** When did this discrimination occur?
3. **Who:** Can you describe generally who conducted the discrimination? (e.g. the landlord, other tenants, corporate landlord, small-scale private landlord,
4. **Where:** Can you describe generally where this housing was? (just the neighbourhood or area) Note: to be used to identify steering.
5. **Housing:** What type of housing was it? (e.g. apartment, house, condo)
6. **Timing:** At what point in the tenancy did this discrimination occur? (E.g. during initial contact, during tenant screening, during a tenancy, during the termination of a tenancy, or post-occupancy).
 - a. *Probes:* did discrimination against you occur at multiple points? Please describe.
 - b. *Probe:* if during initial contact or screening, how were those contacts occurring (e.g. phone, email, in-person viewing)
7. **How** was the discrimination done? What was the actual act of discrimination?
 - a. *Probe:* also how did it occur? E.g. verbally, phone, through email, face-to-face.
 - b. *Note to probe and/or be especially aware of gender differences* on this question.
 - c. *Note to be aware of, and probe for, subtle forms of discrimination.* (The applicant may only have a feeling they were discriminated against.)
8. **Awareness:** How did you become aware that discrimination was occurring?
 - a. *Probe:* How did you know you were being discriminated against?
 - b. *Probes:* Was it an outright statement or decline? Did you hear that the housing went to another person after you had applied? Do you happen to know the person that got the housing?
 - c. *Probes:* If the discrimination occurred later in a tenancy (e.g. during occupancy) please describe it. *Probe* for differences between the interviewee and other tenants.
 - d. *Probe:* If post-occupancy, please describe: e.g. return of deposit, blacklisting, etc.

The participant's response to the discrimination:

9. When you became aware that you were being discriminated against, how did you respond?
 - a. *Probe:* Did you confront the person who you felt discriminated against you?
 - b. Did you discuss the situation with other people? Eg. did you warn others about the discrimination you experiences, or the person that did it?

- c. *Note gender differences here. Especially levels of power.*
10. What steps have you taken to try to address the discrimination you experienced?
- a. Have you been able to resolve the situation?
 - b. Is there anything you might have done differently?
 - c. Is there any advice you would have for other people facing the situation you faced?
11. Did you contact any service provider or agency for help?
- a. *(Note gender differences)*
 - b. If NOT, why not? (lack of awareness, hopelessness, etc.)
 - c. What kind of help did you need?
 - d. What kind of help did you receive?
 - e. When did you receive this support? *(Did anyone follow up with you?)*
 - f. Overall, how satisfied were you with the assistance you received?
 - i. *What aspects did you find most helpful/effective, and why?*
 - ii. *What aspects did you find least helpful/effective, and why?*
 - g. In your opinion, are there any weaknesses of the program/service you received? How could it be improved? What additional measures to support you do you think would have been helpful?
12. Did you contact a Residential Tenancy Board/Tribunal or Human Rights Board about the discrimination you experienced?
- a. *(Note gender differences)*
 - b. Did you file a complaint with a Residential Tenancy Board/Tribunal?
 - c. If NOT, why not? (feeling intimidated or threatened, lack of awareness or knowledge of rights, etc.).
13. Looking back on your overall experience, is there anything you would have done differently?

Awareness of Programs/Agencies:

14. How did you learn about the program/service you accessed – and when?
15. Do you have any recommendations for improving awareness of programs offered by agencies and governments? Or tribunals/boards/Human Rights commissions, or the processes to advocate for rights.
16. Were you aware of a program or support but did not use it? If so, why?

Outcomes:

17. Was there any legal action taken? Why or why not?

18. If you did not take legal action, or didn't go to a tribunal (such as a Residential Tenancy Board), why not? (fear, anxiety, lack of knowledge, assumed forgone conclusion, etc.)
19. Were there any supports or help you wish you would have had?
20. Did you receive any help from family or close friends? If yes, who helped you, and how?
(*Financial, social/emotional support, advice*)
- a. How did you feel about receiving their help?

Awareness of Rights:

21. Do you feel you understood your rights as a tenant before the discrimination occurred?
- a. How about now? (after the incident)
- b. Do you know whom to go to for help in the future?

The Impacts discrimination:

22. Can you describe to us how this discrimination impacted you?
23. **(Housing):** How did this experience affect your housing situation following the act of discrimination?
- a. Did it take longer to find housing?
- b. Did housing cost more? Did you have to cut back on any other household expenses because of the housing you got?
- c. Was the housing of poorer quality?
- d. Was the housing you got less conveniently located?
- e. ** Did you move your housing search to other areas, or through different channels, and/or avoid certain types of landlords?
- f. Does your current housing meet your needs? (*Probe for physical challenges, aspects difficult in daily life, accessibility, distance to transit/services etc.*)
- g. *Note gender differences*
24. **(Health/Social):** What impact has it had on other aspects of your life?
- a. Has there been significant stress, impacts on physical health or trauma?
- b. Has there been impacts to emotional wellbeing? (Sense of security, anger, sense of loss, etc.)
- c. Has it impacted your family?
- d. Have there been significant effects on your social life (*distance from family, loss of friends, loss of community, social activities, etc.*)
- e. *Note gender differences*
25. **(Financial):** Has there been significant financial costs? Please describe.

- a. Did the discrimination you experienced result in you having to take housing that was more expensive?
- b. *Note gender differences*

Preventing Discrimination:

26. Do you have any recommendations on what could be done to prevent discrimination in rental housing? (examples below)
- a. Actions taken by actors such as Provincial governments, service organizations, landlord associations, or condo boards?
 - b. Funding actions: for programs, services, or rent-assist?
 - c. Legal responses such as closing loopholes in residential tenancies acts, balancing power at tribunals, etc.?
 - d. Administrative actions such as licensing of individual/amateur landlords?
 - e. Actions at a system level: the Role of the Federal Housing Advocate?
27. Do you see a role for education in addressing discrimination?
- a. For small-scale landlords, corporate landlords, for tenants, for condo boards?
28. Do you have any recommendations on what could be done to support people after-the act of discrimination? And how?

Short demographic survey:

Now for the background survey: We are asking these questions about your background because we know that some people have trouble finding and keeping good housing because of discrimination. We want to understand who is impacted by discrimination.

We'd also like to ask a little more about yourself and your background:

29. May I ask how old you were when the act of discrimination occurred? (Age range acceptable, Probe for seniors.)
30. What gender do you identify as?
- Male
 - Female
 - Non-binary
 - Other _____
31. What is your marital status? (probing for single parents with kids)
- Married or common law / living with a partner
 - Separated or divorced
 - Single/never married
 - Widowed
 - Other _____

32. Please describe your household at the time of discrimination? (How many are living together in your home?) (Probing for single parents with kids.)
- How many adults?
 - How many under the age of 18?
 - Are there any non-family people living with you? (eg: room-mates, or another family living with you)
 - Any intergenerational family living with you?
33. Do you identify as a person from a group that often experiences discrimination? (e.g.: Indigenous, Black, Asian, South Asian, LGBTQ2S, Senior)
- If Yes, how do you identify? _____
34. Does anyone in your household have a physical or mental disability or require special housing accommodation? (*Probe for mobility devices and accessibility tools for seniors.*)
- (If yes, please explain) _____
35. What was your current primary *source of household income* at the time the discrimination occurred? What was your occupation?
36. What is your current estimated (before-tax) annual *household* income at the time the discrimination occurred?
- Less than \$10,000
 - \$10,001 to \$20,000
 - \$20,001 to \$30,000
 - \$30,001 to \$40,000
 - \$40,001 to \$50,000
 - \$50,001 to \$60,000
 - \$60,001 to \$70,000
 - \$70,001 to \$80,000
 - \$80,001 to \$90,000
 - \$90,001 to \$100,000
 - \$100,001 to \$150,000
 - More than \$150,000
 - Prefer not to answer
-

37. Is there anything else you would like to share?

Okay, I will stop the recording now. Thank you for taking the time to respond to all these questions! The information you have provided will go toward informing policy to further strategies to prevent discrimination and thereby better meet the housing needs of vulnerable populations.

With the interview complete, if you feel distress about your housing situation, we can provide a list of contacts for services (e.g. - services related to housing assistance, legal assistance, or other relevant social supports).

Projet

« L'expérience vécue de la discrimination sur le marché canadien du logement locatif »

On vous demande de participer à cette entrevue dans le cadre d'une recherche sur la discrimination en matière de logement locatif au Canada. Ce projet a pour but d'examiner et de mieux comprendre l'expérience vécue de la discrimination en matière de logement à toutes les étapes d'une location (p. ex., lors de la sélection des locataires, pendant la location, autour de la décision de mettre fin à la location et après l'occupation du logement). L'objectif est de faire avancer les discussions sur la discrimination et d'élaborer des stratégies aptes à la prévenir et ainsi mieux répondre aux besoins de logement des populations vulnérables. Le présent projet de recherche est financé par la Société canadienne d'hypothèque et de logement (SCHL).

Les renseignements que vous fournirez au cours de cet entretien demeureront confidentiels, votre nom ne sera pas associé à ces renseignements, et toutes les données seront conservées dans un ordinateur ou un bureau sécurisé.

Revoir le processus et le formulaire d'information et de consentement, mais aussi faire ce rappel :

N'oubliez pas que votre participation est volontaire. Vous pouvez ignorer n'importe quelle question ou arrêter en tout temps. Votre participation à cette étude n'affectera pas les services auxquels vous avez accès ou dont vous bénéficiez. Le fait de refuser de participer ou de plus tard vous retirer de ce projet de recherche ne vous empêchera en rien de recevoir les services d'un fournisseur. De plus, ni la SCHL ni un quelconque fournisseur de services ne sera informé de votre participation.

Si, au cours de l'entretien, vous vous sentez en détresse par rapport à votre situation résidentielle, vous pouvez interrompre l'entretien, et nous pourrions vous fournir une liste de coordonnées pour divers services (p. ex., des services d'aide au logement, d'assistance juridique ou de soutien social pertinents).

Obtenir un consentement verbal.

Acceptez-vous qu'on enregistre notre entretien? Nous pourrions arrêter l'enregistrement dès que vous le voudrez – il suffira de nous le dire.

L'entretien est en deux parties : nous vous demanderons de nous parler de votre expérience de la discrimination sur le marché locatif, puis nous vous poserons des questions vous concernant.

Questions : expériences de la discrimination sur le marché locatif

Les questions suivantes portent sur votre expérience de la discrimination lorsque vous avez voulu louer un logement, avez vécu dans un logement loué ou quand vous l'avez quitté.

Veuillez NE PAS utiliser le nom des gens ou des organisations pour raconter votre histoire. Vous pouvez employer des termes généraux comme « propriétaire » ou « société de gestion immobilière ».

L'acte discriminatoire :

1. Nous voulons vous interroger en raison de l'expérience de la discrimination que vous avez vécue sur le marché locatif. Pouvez-vous nous raconter ce qui s'est passé?
2. **Quand** : à quel moment l'acte discriminatoire s'est-il produit?
3. **Qui** : pouvez-vous décrire en termes généraux la personne ou l'entité responsable de cet acte discriminatoire? (p. ex., le propriétaire, d'autres locataires, une société propriétaire, un petit propriétaire privé)
4. **Où** : pouvez-vous décrire en termes généraux où se trouvait ce logement? (seulement le quartier ou la région) Nota : pour définir la direction.
5. **Logement** : quel type de logement était-ce? (p. ex., appartement, maison, condo)
6. **Chronologie** : à quel moment du processus locatif la discrimination a-t-elle eu lieu? (p. ex., lors de la prise de contact, lors de la sélection des locataires, pendant la location, à la fin de la location ou après l'occupation du logement).
 - a. *Sous-question* : la discrimination à votre endroit s'est-elle étalée sur plusieurs moments? Veuillez préciser.
 - b. *Sous-question* : si c'est lors de la prise de contact ou du processus de sélection, comment les communications ont-elles eu lieu (p. ex., au téléphone, par courriel, rencontre en personne)?
7. **Comment** l'acte discriminatoire a-t-il eu lieu? Quelle forme a-t-il pris dans les faits?
 - d. *Sous-question* : de plus, comment cela s'est-il produit? Par exemple, verbalement, au téléphone, par courriel, en personne.
 - e. *Veuillez prendre note qu'il convient de préciser et/ou d'être particulièrement attentif aux différences genrées pour cette question.*
 - f. *Veuillez demeurer conscient des formes subtiles de discrimination et vous efforcer de les mettre au jour. (La personne interrogée peut avoir eu l'impression seulement d'avoir été victime de discrimination).*

8. **Prise de conscience** : comment en êtes-vous venu à constater qu'il y avait de la discrimination?
- e. *Sous-question* : comment avez-vous compris que vous étiez victime de discrimination?
 - f. *Sous-question* : s'agissait-il d'une déclaration explicite ou d'un refus? Avez-vous entendu dire que le logement avait été attribué à une autre personne après votre demande? Par hasard, connaissez-vous la personne qui a obtenu le logement?
 - g. *Sous-question* : si la discrimination s'est produite plus tard dans la location (p. ex., pendant l'occupation), veuillez la décrire. *Demandez* s'il y a des différences entre la personne interrogée et les autres locataires.
 - h. *Sous-question* : si la discrimination a eu lieu après l'occupation, veuillez la décrire : p. ex., restitution de la somme donnée en garantie, inscription sur une liste noire, etc.

La réaction du participant ou de la participante à la discrimination :

9. Quand vous avez compris que vous étiez victime de discrimination, et comment avez-vous réagi?
- d. *Sous-question* : avez-vous confronté la personne qui, selon vous, vous discriminait?
 - e. Avez-vous discuté de la situation avec d'autres personnes? Par exemple, avez-vous mis en garde d'autres personnes au sujet de la discrimination que vous avez subie ou de la personne qui a commis l'acte discriminatoire?
 - f. *Veuillez prendre note* des différences genrées ici, surtout en termes de rapports de pouvoir.
10. Qu'avez-vous fait pour tenter de remédier à la discrimination que vous avez subie?
- d. Êtes-vous arrivé à régler la situation?
 - e. Y a-t-il quelque chose que vous auriez pu faire autrement?
 - f. Avez-vous des conseils à donner aux autres personnes qui se retrouvent dans la situation que vous avez connue?
11. Avez-vous communiqué avec un fournisseur de services ou un organisme pour avoir de l'aide?
- h. (*Veuillez prendre note des différences genrées.*)
 - i. Si vous ne l'avez PAS fait, pourquoi? (méconnaissance, désespoir, etc.)
 - j. De quel type d'aide aviez-vous besoin?
 - k. Quel type d'aide avez-vous reçu?
 - l. Quand avez-vous reçu cette aide? (*Quelqu'un a-t-il fait un suivi avec vous?*)
 - m. Dans l'ensemble, avez-vous été satisfait de l'aide que vous avez reçue?
 - i. *À votre avis, quels ont été les éléments les plus utiles/efficaces, et pourquoi?*
 - ii. *À votre avis, quels ont été les éléments les moins utiles/efficaces, et pourquoi?*

- n. Selon vous, le programme/service qui vous a été offert comportait-il des faiblesses? Comment pourrait-on l'améliorer? Quelles autres mesures d'aide vous auraient été utiles?
12. Avez-vous communiqué avec une régie du logement, un tribunal des locations résidentielles ou une commission des droits de la personne au sujet de la discrimination dont vous avez été victime?
- d. *(Veuillez prendre note des différences genrées.)*
 - e. Avez-vous déposé une plainte auprès d'une régie du logement ou d'un tribunal des locations résidentielles?
 - f. Si vous ne l'avez PAS fait, pourquoi? (se sentir intimidé ou menacé, méconnaissance de ses droits, etc.)
13. En repensant à votre expérience, dans son ensemble, y a-t-il quelque chose que vous auriez fait autrement?

Connaissance des programmes et organismes :

14. Comment avez-vous appris l'existence du programme/service auquel vous avez accédé – et quand?
15. Avez-vous des recommandations à faire pour mieux faire connaître les programmes offerts par les organismes et gouvernements? Ou pour mieux faire connaître les tribunaux et régies ou les commissions des droits de la personne ou les procédures de défense des droits?
16. Y a-t-il un programme ou un mécanisme d'aide que vous connaissiez mais n'avez pas utilisé? Si oui, pourquoi?

Résultats :

1. Des mesures légales ont-elles été prises? Pourquoi ou pourquoi pas?
2. Si vous n'avez pas intenté d'action en justice, ou si vous n'êtes pas allé devant un tribunal (comme une régie du logement), pourquoi ne l'avez-vous pas fait? (peur, anxiété, méconnaissance, impression que l'issue était décidée d'avance, etc.)
3. Y a-t-il des mesures de soutien ou d'aide dont vous auriez aimé profiter?
4. Avez-vous reçu de l'aide de votre famille ou d'amis proches? Si oui, qui vous a aidé et comment? *(aide financière, soutien socio-affectif, conseils)*
 - a. Comment avez-vous vécu le fait de recevoir ce genre d'aide?

Connaissance des droits :

5. À votre avis, compreniez-vous vos droits de locataire avant l'acte discriminatoire?
 - c. Et maintenant? (après l'incident)
 - d. Saurez-vous à qui vous adresser pour obtenir de l'aide à l'avenir?

Les conséquences de la discrimination :

6. Pouvez-vous nous parler des répercussions de cette discrimination sur vous?
7. **(Logement)** : comment cette expérience a-t-elle affecté votre situation résidentielle après l'acte discriminatoire?
 - h. A-t-il fallu plus de temps pour trouver un logement?
 - i. Cet autre logement coûtait-il plus cher? Avez-vous dû réduire d'autres dépenses du ménage en raison du montant du loyer?
 - j. Ce logement était-il de moins bonne qualité?
 - k. Ce logement était-il moins bien situé?
 - l. ** Avez-vous déplacé votre recherche de logement vers d'autres secteurs, utilisé d'autres canaux et/ou évité certains types de propriétaire?
 - m. Votre logement actuel répond-il à vos besoins? (*Demandez des précisions au sujet des problèmes physiques, des complications quotidiennes, de l'accessibilité, de la distance aux transports en commun et services, etc.*)
 - n. Veuillez prendre note des différences genrées.
8. **(Santé et dimension sociale)** : quel impact cela a-t-il eu sur d'autres aspects de votre vie?
 - f. Avez-vous subi un stress important, des effets sur votre santé physique ou un traumatisme?
 - g. Y a-t-il eu des effets sur votre bien-être affectif? (*insécurité, colère, sentiment de perte, etc.*)
 - h. Cela a-t-il eu une incidence sur votre famille ?
 - i. Y a-t-il eu des conséquences importantes sur votre vie sociale (*éloignement de la famille, amis perdus, perte de liens communautaires, activités sociales, etc.*)
 - j. Veuillez prendre note des différences genrées.
9. **(Aspects financiers)** : y a-t-il eu des coûts importants? Veuillez les décrire.
 - c. La discrimination dont vous avez été victime vous a-t-elle obligé à prendre un logement plus cher?
 - d. Veuillez prendre note des différences genrées.

Prévenir la discrimination :

10. Avez-vous des recommandations qui pourraient contribuer à prévenir la discrimination sur le marché locatif? (exemples ci-dessous)

- f. Mesures prises par des acteurs comme les gouvernements provinciaux, les organismes de services, les associations de propriétaires ou les conseils de copropriété
 - g. Mesures de financement : programmes, services ou supplément au loyer
 - h. Interventions juridiques : p. ex., combler les lacunes des lois sur la location résidentielle, équilibrer le pouvoir des tribunaux, etc.
 - i. Interventions administratives : p. ex., octroi de permis aux propriétaires individuels ou amateurs
 - j. Interventions systémiques : le rôle du Défenseur fédéral du logement
11. Considérez-vous que l'éducation a un rôle à jouer dans la lutte contre la discrimination?
- a. De quel point de vue, celui des petits propriétaires, des entreprises propriétaires (sociétés de gestion immobilière), des locataires et des conseils de copropriété?
12. Avez-vous des recommandations quant à ce qui pourrait être fait pour mieux aider les gens qui ont subi de la discrimination? Comment?

Profil démographique :

Passons maintenant aux questions vous concernant : nous vous posons ces questions de nature plus personnelle, car nous savons que certaines personnes ont plus de mal à trouver et conserver un logement de qualité pour cause de discrimination. Nous voulons savoir qui sont les personnes susceptibles de subir de la discrimination.

Nous aimerions aussi en savoir un peu plus sur vous, votre parcours et votre situation :

13. Puis-je vous demander quel âge vous aviez au moment de l'acte discriminatoire? (Une tranche d'âges est acceptable. Demandez des précisions pour les personnes âgées.)
14. Quel est votre sexe/genre?
- Homme
 - Femme
 - Personne non binaire
 - Autre _____
15. Quelle est votre situation familiale? (Demandez des précisions pour les chefs de famille monoparentale avec enfants.)
- Marié·e ou en union libre / vie commune avec un·e partenaire
 - Séparé·e ou divorcé·e
 - Célibataire / jamais marié·e
 - Veuf ou veuve
 - Autre _____
16. Veuillez décrire votre ménage au moment de l'acte discriminatoire? (Combien de personnes vivent dans votre foyer?) (Demandez des précisions pour les chefs de famille monoparentale avec enfants.)
- e. Combien d'adultes?
 - f. Combien de personnes de moins de 18 ans?

- g. Y a-t-il des personnes sans lien de parenté qui vivent avec vous? (p. ex., des colocataires ou une autre famille)
- h. Avez-vous des parents qui vivent avec vous dans un cadre intergénérationnel?
17. Vous identifiez-vous en tant que personne appartenant à un groupe souvent victime de discrimination? (p. ex., Autochtone, personne noire, personne d'origine asiatique ou sud-asiatique, LGBTQ2S, personne âgée)
- Dans l'affirmative, comment vous identifiez-vous? _____
18. Est-ce que quelqu'un dans votre ménage a un handicap physique ou mental ou a besoin d'un logement adapté? (*Demandez des précisions sur les appareils de mobilité et les dispositifs d'accessibilité pour personnes âgées.*)
- (Dans l'affirmative, veuillez expliquer) _____
19. Quelle était la principale source de revenu de votre ménage au moment de l'acte discriminatoire? Quelle était votre profession?
20. Quel est le revenu annuel moyen (avant impôts) de votre ménage au moment de l'acte discriminatoire?
- Moins de 10 000 \$
 - 10 001 \$ à 20 000 \$
 - 20 001 \$ à 30 000 \$
 - 30 001 \$ à 40 000 \$
 - 40 001 \$ à 50 000 \$
 - 50 001 \$ à 60 000 \$
 - 60 001 \$ à 70 000 \$
 - 70 001 \$ à 80 000 \$
 - 80 001 \$ à 90 000 \$
 - 90 001 \$ à 100 000 \$
 - 100 001 \$ à 150 000 \$
 - Plus de 150 000 \$
 - Préfère ne pas répondre
21. Aimerez-vous ajouter autre chose?

Bon, je vais arrêter l'enregistrement maintenant. Merci d'avoir pris le temps de répondre à toutes ces questions! L'information que vous nous avez fournie servira à élaborer les politiques sur lesquelles fonder les stratégies qui préviendront la discrimination, ce qui permettra de mieux répondre aux besoins des populations vulnérables en matière de logement.

Une fois l'entretien terminé, si vous vous sentez en détresse par rapport à votre situation résidentielle, nous pouvons vous fournir une liste de coordonnées pour divers services (p. ex., des services d'aide au logement, d'assistance juridique ou de soutien social pertinents).

Appendix H: Framework of Discrimination in Rental Housing (Large Size)

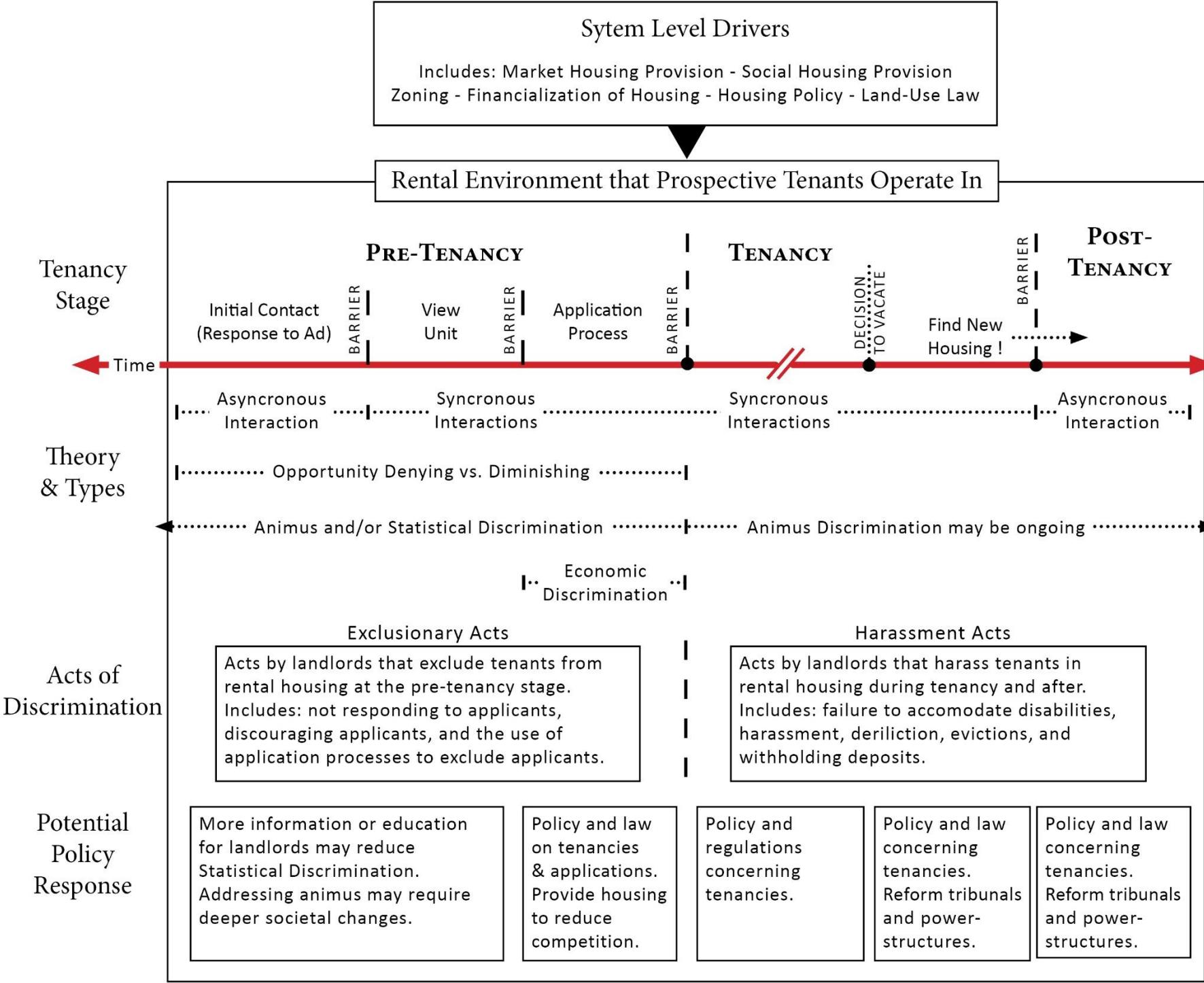


Figure 10: Framework of Discrimination in Rental Housing (Large Size)



INSTITUTE OF
URBAN STUDIES