



Policy Name: Accessibility Policy

Policy Number: SH-008-2019

Administrative Approval Date: 2021-02-22

Council Approval Date: N/A

Most Recent Amendment Date: 2021-02-22

Effective Date: 2021-02-22

By-law reference: N/A

Supersedes: New

1. Policy:

The District Municipality of Muskoka (The District) acknowledges its responsibilities under the *Ontario Human Rights Code* (the Code) and other legislation to accommodate the Code-protected needs of tenants and to actively remove barriers, physical or otherwise, that may prevent those individuals from having a successful tenancy.

This policy specifically addresses accommodation requests from tenants that are disability-related. Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion up to the point of undue hardship. The District will work co-operatively, and in a spirit of respect, with all partners in the accommodation process.

2. Purpose:

To provide guidance on the accommodation processes that staff may take to support, as much as possible, tenants who may require accommodation based on a disability.

3. Application:

- 3.1** This policy applies to all individuals who are tenants in District Housing, regardless of whether they are eligible for rent-gear-to-income (RGI) assistance or pay market rent.
- 3.2** This policy applies to all staff, board members, volunteers, tenants, and guests who all have a role to play in accommodating the disability-related needs of tenants.
- 3.3** This policy also applies to all the District Housing policies and procedures. Where there is a conflict between existing policies, procedures, regulations, and/or legislation, the provisions of the Code shall prevail.

4. Definitions:

- a) **Accommodation** – modifications to a unit or relocation to an alternate unit or building that may be required to meet the individual disability-related needs of a tenant.

- b) **Barriers** – may be part of the physical or built environment that limits or prevents the accessibility of a space. A barrier may also be a policy, procedure, requirement, or method of communication that has the effect of excluding individuals or groups from fairly and equally accessing a good, service or resource.
- c) **Tenant** – a person who pays rent in return for the right to occupy a housing unit and who has entered into a tenancy agreement with the District or other Housing Provider for same. For the purposes of this policy, the term tenant also includes authorized occupants of the tenant’s household.

5. Administration:

5.1 Requests for Accommodation

- i. It is the responsibility of the tenant requiring accommodation to identify their need for accommodation based on a disability and to cooperate in the process of determining and implementing appropriate accommodations.
- ii. Written requests for accommodation are preferred. However, where this requirement may prevent an individual from securing an accommodation, assistance will be provided by District staff or a referral may be made to a community-based resource.
- iii. To be considered for accommodation, the tenant must submit a Request for Accommodation form (SH-908-2019), which must be completed by the tenant’s health care provider and include the following information:
 - A description of the nature of the underlying condition or issue that creates the need for accommodation;
 - A description of the problem experienced by the tenant with respect to a condition or barriers in the unit or building and an explanation of how this problem is related to the disability;
 - A description of the modifications requested and an explanation of how the proposed accommodations will resolve this problem.
- iv. There may be circumstances when further information may be required to proceed with the request, for example:
 - Where the accommodation request does not clearly indicate a disability-related need;
 - Where further information related to the limitations or restrictions is required to determine an appropriate accommodation;
 - Where there the legitimacy of the request for accommodation is in question.
- v. Once a request has been received with all required documentation, staff will meet with the tenant (and a support person, if requested) to review the requested modifications and to review the roles of all parties in the accommodation process.

- vi. The District will only use the information collected for the purpose of determining suitable accommodation.

5.2 Identification of Required Accommodation (when not self-identified by the tenant)

- i. The District has a responsibility to help reduce barriers to participation and to promote inclusion. Where District Staff or the Housing Provider believes that an accommodation may be of benefit to a tenant, they will confer with the Housing Manager to determine the most effective and appropriate method to address the need and provide assistance to the individual.
- ii. Clear and detailed documentation must be compiled, including how the need for accommodation was discovered, actions taken, interactions with the tenant, any supporting documentation, and any discussions with stakeholders, which may include family members, caregivers, support agencies or the Power of Attorney.

5.3 Investigating Proposed Accommodation(s):

- i. District Housing staff will investigate the requested accommodation(s) to determine the most appropriate, reasonable and cost-effective accommodation that will meet the requirements of the individual.
- ii. In some cases, it may not be possible to accommodate a tenant in their unit or building, which may result in the tenant being added to the centralized waiting list (CWL) according to the Tenant Selection policy (SH-004-2019) for placement in a more suitable unit or in one that can be modified to meet their disability-related needs.
- iii. The accommodation process is a collaborative and co-operative process between the tenant and the District and/or the Housing Provider. As such, it is expected that all parties will be in regular and respectful contact to discuss accommodation options and to answer outstanding or arising questions.
- iv. Staff will keep detailed notes regarding their interactions with the individual requesting accommodation including:
 - The accommodation requested;
 - Notes on the discussions that staff have with all stakeholders in the request, which may include family members, caregivers, support agencies or the Power of Attorney;
 - Copies of all supporting documentation from experts, as well as research undertaken by staff.
- v. Where necessary, interim accommodation may be provided while a long term solution is developed.

5.4 Accommodation Without Cost

- i. Depending on the nature of the accommodation(s) required, staff may be permitted to exercise individual discretion:
 - Where the accommodation requires discretion regarding an existing internal policy or procedure, the Housing Manager will be consulted.
- ii. Once an appropriate accommodation has been identified, staff will send a letter to the individual outlining the accommodation(s) that have been agreed to.
- iii. If staff and the tenant are unable to co-operatively identify appropriate accommodation(s), the matter will be referred to the Department Manager for further review. In some instances, the matter may be referred to the Director by the Department Manager.

5.5 Accommodations with cost

- i. Where there is a cost to the accommodation(s), staff is required to consult with and gain approval from the Department Manager for expenses exceeding \$1000.00.
- ii. Where practical, staff may research, identify, recommend and/or apply for potential external sources of funding that may reduce the financial burden.

5.6 Monitoring and Reporting

- i. District Staff and/or the Housing Provider will monitor the success of the accommodation plan with the tenant and shall promptly address any relevant changes as needed.
- ii. District Staff will make an annual report to the Commissioner, Finance and Corporate Services and Commissioner, Community and Planning Services of the number of requests received, how many were accommodated at no cost, how many were accommodated with cost, and the total annual cost associated with accommodation requests and plans.

5.7 Procedures

The District will establish operating procedures to support the implementation of this policy.

**Related Forms: Request for Accessibility Accommodation form SH-908-2019-01
Assistive Device Tenant Request form SH-908-2019-02**

Related Policies/Procedures: Accessibility Accommodation Procedure (SH-208-2019)

Reference: (approval and amendment details, legal references): N/A