



Advocacy Centre for Tenants Ontario  
Centre ontarien de défense des droits des locataires

425 Adelaide St. West, 5th floor, Toronto, Ontario M5V 3C1  
Phone: 416-597-5855 1-866-245-4182 Fax: 416-597-5821  
www.acto.ca

## **Ontario Municipal Board upholds Charter and Human Rights Code Decision on housing opportunities for low-income and disabled tenants**

(Toronto) – The Ontario Municipal Board (OMB) has issued a final ruling in its landmark decision of last year that municipalities must comply with the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms when they make planning decisions. Planning restrictions adopted by the City of Kitchener and the Region of Waterloo which would have kept more poor and disabled people from moving into a specific local neighbourhood were repealed by Kitchener City Council last week. Based on these decisions, the OMB did not approve the planning restrictions.

“The OMB has made it clear to municipalities that they cannot put up planning barriers to housing opportunities for low-income and disabled tenants” says Kenneth Hale, Director of Advocacy and Legal Services at the Advocacy Centre for Tenants Ontario, one of the lawyers who argued the case. “Now the Province of Ontario must play its part and make the funding available to turn those opportunities into homes.”

The Advocacy Centre for Tenants Ontario (ACTO) appealed planning restrictions enacted in two City of Kitchener bylaws passed in 2005 and approved by the Region of Waterloo in 2008. These restrictions effectively prevented development of new non-profit and supportive housing and social services in the Cedar Hill neighbourhood in downtown Kitchener.

In an Interim Decision released in January 2010, the OMB told the City and Region to reconsider their bylaws taking into account the needs of the poor people and disabled people that would be affected by them. The OMB, for the first time, clearly stated that the Code and the Charter applied to these decisions. This decision, now affirmed by the Board’s final order in the case, has changed the way that municipal planners analyze planning documents all over the Province.

Gay Slinger of Waterloo Region Community Legal Services, the local community legal clinic which, with others, first took up this issue with the City of Kitchener, said, “It was a long haul, but the result shows that we were right to speak out against these by-laws. People who value supportive housing and a diverse community now have the tools to fight discriminatory planning decisions.”

The Advocacy Centre for Tenants Ontario is a community legal clinic funded by Legal Aid Ontario which engages in test case litigation and law reform advocacy to improve the housing situation of the province’s low-income tenants.

-30-

### **For more information and to arrange interviews:**

Yutaka Dirks 416-597-5855 x.5243 or 1-866-245-4182 x.5243