

## Human Rights Issues at Boards and Tribunals

ACTO was an Intervenor on the winning side in a successful appeal to the Supreme Court of Canada. This appeal was about the authority and duty of administrative tribunals – like the Landlord and Tenant Board or the Ontario Municipal Board - to hear and decide human rights issues. The main issue in the appeal was whether or not the Social Benefits Tribunal (SBT) should refuse to apply a part of the *Ontario Disability Support Program Act* that conflicted with the *Ontario Human Rights Code*.

The Supreme Court decided that any tribunal that has the authority to apply the law - including the SBT - has the authority and the duty to hear and decide a human rights issue where the issue is raised by a party in a case that is properly before them. This includes the power to overrule the words of the law that created the tribunal where that law conflicts with the protections in the *Human Rights Code*.

This decision has had a direct and significant impact on the ability of disadvantaged people to effectively protect their basic human rights including their right to access appropriate services and housing. Most importantly, it means that people have a choice between making an application to the Ontario Human Rights Tribunal and making human rights arguments as part of their case at boards and tribunals such as the Landlord and Tenant Board. ACTO has used this principle with some success in our case before the Ontario Municipal Board (see “Cedar Hill” on this website) where we argued that new zoning bylaws violated the human rights of disabled and other disadvantaged groups.

In the long run, we believe that this decision will help gain new respect for human rights legislation among employers, landlords and government bodies. Along with changes to the human rights enforcement system, people who have suffered discrimination will find it easier to get a hearing that will deal with their concerns and provide the right remedies for them. The Supreme Court has reaffirmed and clarified these principles in another case called *R. v. Conway*.