



Community Advocacy & Legal Centre

PRESS RELEASE

For Immediate Release
Date: November, 2009

No landlord can sexually harass a tenant regardless of living arrangement; Local Legal Clinic involved in a first-ever shared accommodation harassment case.

The Human Rights Tribunal of Ontario has confirmed for the first time that no landlord is exempt from the Ontario *Human Rights Code* provisions that prohibit sexual harassment.

In a decision involving a female tenant who rented two rooms in her landlord's residence in Trenton, Ontario, the Tribunal found that the landlord violated the Ontario *Human Rights Code* when he sexually harassed his tenant, even though a section of the *Code* states that the right to equal treatment without discrimination is not infringed when a tenant shares a bathroom or kitchen facility with his or her landlord.

"We felt that the *Code's* intention in adding the above exemption was to allow landlords of shared accommodation to select with whom they wish to live," stated John No, a lawyer with the Belleville based Community Advocacy and Legal Centre, which represented the tenant. "However, we could see no justification in the *Code* allowing landlords to sexually harass tenants once they accepted a tenant into a shared accommodation."

The Tribunal agreed with the legal clinic in its October 13, 2009 decision. The Tribunal found that the landlord, who is currently serving in the Canadian military, poisoned the tenant's home environment with persistent sexual advances, unwanted touching, and unauthorized intrusions into the tenant's personal life. The Tribunal found, for example, that the landlord left a condom and lewd notes on the tenant's bedroom door and evicted her and her 4 year-old son when she resisted his advances. Even after giving an eviction notice to the tenant, the landlord intruded on her work life by placing harmful calls to her employer and by fabricating reports about her to the police.

In its decision, the Tribunal commented that "in a landlord-tenant relationship in a gendered, shared housing setting, the power imbalance is exacerbated and the vulnerability of the victim is correspondingly heightened." The Tribunal then ordered the landlord to pay \$25,000 for infringing the *Code*, a substantial award for a human rights complaint.

For further information about the contents of this press release, please call Michele Leering at 613-966-8686, ext 27 or Toll Free at 1-877-966-8686.

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The tenant Christine Hill-LeClair was very happy with the decision. “I wanted [the landlord] to take responsibility. But I also filed the human rights complaint because I wanted to teach my young son that no one should be subjected to sexual harassment” said Hill-LeClair.

A copy of the decision, Hill-LeClair v. Booth, can be found online at <http://www.canlii.org/en/on/onhrt/doc/2009/2009hrto1629/2009hrto1629.html>.

The Community Advocacy & Legal Centre (CALC) is a non-profit community legal clinic funded by Legal Aid Ontario. The clinic was founded in 1980 and is currently staffed by lawyers, community legal workers, law clerks and support staff. We serve low income residents of Hastings, Prince Edward and Lennox & Addington counties. Our main office is in Belleville, with satellite locations in Trenton, Picton, Napanee, Bancroft and Madoc.

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