



Policy Number: 11-004
Subject: Disability or Other Accommodation
Chapter: Hearings

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| Legislation | N/A |
| Definitions | N/A |
| Purpose | The purpose of this policy is to establish guidelines for determining when to alter hearing formats to ensure that all participants can fully access and meaningfully participate in the hearing process. |
| Policy | <p>Commitment to Accessibility Residential Tenancies recognizes the diverse needs of participants and strives to ensure they can meaningfully participate hearings. Participants in Residential Tenancies hearings are to be treated equally and without discrimination in accessing services. Residential Tenancies recognizes that it is responsible for providing participants with reasonable accommodations so they can participate in a hearing, especially when that need is based on a recognizable ground of discrimination.</p> <p>According to the Human Rights Act, 2010, the prohibited grounds of discrimination are: race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income and political opinion.</p> <p>Teleconference Hearing Unless requested by a participant, hearings are conducted by teleconference. When the parties receive the Notice of Hearing, they are provided with a telephone number and conference ID, as well as the date and time the hearing will take place.</p> <p>Teleconference hearings allow for cost saving, efficiency, and flexibility. With a teleconference hearing, the parties are not required to travel to a central location, and parties from different parts of the province can all easily participate with little disruption. In many cases, teleconference hearings improve accessibility for those who reside in remote areas or those who have mobility issues.</p> <p>Disability Accommodations According to the Accessibility Act, a disability “includes a physical, mental, intellectual, cognitive, learning, communication or sensory</p> |



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| | <p>impairment or a functional limitation that is permanent, temporary or episodic in nature, that, in interaction with a barrier, prevents a person from fully participating in society”.</p> <p>In-person or written submission hearings may be approved for parties with disabilities where:</p> <ol style="list-style-type: none">1. Teleconference hearing formats cannot reasonably accommodate their needs through assistive services or technology.2. They lack effective access to technology required for teleconferencing.3. Their disability prevents meaningful participation through remote means. <p>Examples include parties requiring physical supports, assistive devices, service animals, or in-person interpretive services that cannot be delivered virtually.</p> <p>Other Grounds for Accommodation</p> <p>In-person or hearings through written submission may also be requested where a teleconference hearing conflicts with a participant’s sincerely held religious beliefs or practices.</p> <p>Where parties face language barriers, lack of literacy, or other disadvantages related to their ethnic origin, that would impede effective participation in a teleconference hearing, appropriate interpretation, translation and/or support services may be arranged to support an accommodation requirement.</p> <p>Older individuals or youth who face technological barriers or other challenges engaging with teleconference hearings due to their age may also require an accommodation related to the ground of age.</p> <p>Accommodation may also be requested in cases where a party does not have access to a telephone or where the case is complex, involving a large number of exhibits or persons participating.</p> |
| Procedure Overview | <p>When a hearing is scheduled, the Notice of the Hearing will indicate whether the hearing will be conducted by teleconference, in person, or by written submission.</p> <p>When an individual requests an accommodation, this request should be submitted:</p> <ul style="list-style-type: none">- In writing as soon as possible; or- At least 5 working days prior to the hearing. |



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| | <ul style="list-style-type: none">- Reasonable medical and/or other documentation in support of, and relevant to the accommodation request may be required. <p>Upon receipt of a request, a Residential Tenancies Officer (RTO) will contact that individual and discuss what accommodations are required. Parties requesting an accommodation should provide reasonable information as to why they need the accommodation and explain why teleconference or other electronic formats cannot accommodate their needs.</p> <p>Where the accommodation request suggests that the hearing format may need to be altered (e.g., from a teleconference hearing to an in-person hearing), the RTO will bring that request to the Manager of Residential Tenancies for approval.</p> <p>Requests for accommodations will be granted at the discretion of the director or the adjudicator; and all reasonable efforts will be made to accommodate the needs of individuals to allow for meaningful participation in hearings.</p> <p>Once approved, a new Notice of Hearing document will be drafted, indicating the change in hearing method, and it shall be served to all the parties named in the application.</p> |
| Forms & Form Letters | Notice of Hearing |
| X-Reference | |
| Policy Developed | September 2000 |
| Last Revision | February 2005 May 2024 |
| Other Resources | Accessibility Act Human Rights Act, 2010 |