

## **Case Law - Citizenship**

### **Ahmed v. 177061 Canada Ltd. o/a Shelter Canadian Properties Limited**

#### **Board of Inquiry Decision - May 2, 2002**

**Keywords:** accommodation, citizenship, place of origin

**Facts:**

The Complainant alleged that the Respondent had discriminated against him on the basis of his citizenship and place of origin by rejecting his application for rental accommodation after he failed to meet the minimum income, work history, and credit history criteria. The Complainant had recently moved to Canada with his family from Bangladesh. His wife had a job, and he was in the process of looking for one. They did not have credit cards, as they were not common in Bangladesh, but they had \$25, 000 in savings.

**Issues:**

The two issues in this case were: 1) whether the refusal of the Complainant's application for tenancy based on Shelter's tenant selection criteria constituted discrimination against him on the basis of his citizenship and place of origin contrary to the Code; and if so 2) whether subsection 21(3) of the Code and O. Reg. 290/98 [which deal with when and how a landlord may conduct credit checks, etc.] nevertheless operated to permit the continued use of those criteria such that the Board was precluded from making an order restricting their use.

**Decision:**

The Board found that the Respondent's rejection of the Complainant's application for tenancy based on its tenant selection criteria did constitute discrimination against the Complainant on prohibited grounds. Subsection 21(3) of the Code and O. Reg. 290/98 do not preclude the Board from making an order restricting the continued application of those tenant selection criteria to newcomers to Canada.

**Order:**

The Respondent was ordered to pay, within thirty days of the decision, five thousand dollars to the Complainant in general damages for the breach of his right to be free from discrimination. The Respondent was also ordered to cease and desist from rejecting applications for tenancy by newcomers to Canada in any of the following circumstances: 1) where such applicants have no credit, employment or rental history in Canada; 2) where such applicants fail to meet minimum job tenure criteria; or 3) where such applicants fail to meet minimum income criteria.