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Commission reviews its options after discrimination case dismissed

The Manitoba Human Rights Commission is disappointed to learn of the decision by an adjudicator to dismiss the human rights complaint of Dianne Brockmeyer vs Cornerstone Housing Corporation. This is the first human rights case in Manitoba dealing with reasonable accommodation and new housing construction.

The complaint of discrimination originated when Ms Brockmeyer and her mother Dorothy Englot jointly leased a life-lease unit from the Cornerstone Housing Corporation. It was alleged that the housing corporation failed to reasonably accommodate Ms Englot's disability related needs by denying her access to the unit while it was under construction so she could make modifications to her ensuite bathroom, such as installing grab bars.

In his written decision Adjudicator Peter Sim said that Cornerstone Housing Corporation had met its obligation to reasonably accommodate Ms Englot's needs.

The Commission was responsible for presenting the complaint to the adjudicator, who is independent from the Commission and appointed by the Government of Manitoba. The Commission had argued that Cornerstone Housing Corporation had an obligation to discuss Ms Englot's needs and reasonably facilitate her requests unless it would be an undue hardship to the corporation.

The Commission maintains that the prohibition against discrimination in housing in *The Human Rights Code* requires a landlord to have an accommodation process in place and to individually assess whether it would be an undue hardship to grant the request, adding this standard also applies to employers and service providers.

The Commission believes that when the process of reasonable accommodation fails, participation in all aspects of daily life for persons with disabilities is not possible. It is reviewing the decision and is strongly considering pursuing a judicial review.

The full decision is on the Manitoba Human Rights website www.manitobahumanrights.ca

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