



RentSafe

Connecting people across sectors towards healthy housing for all.

A collaborative initiative led by the
Canadian Partnership for Children's Health and Environment (CPCHE)

Supporting tenants with clutter and/or hoarding difficulties: Resources for Landlords

On November 30, 2022, RentSafe and the Landlord's Self-Help Centre hosted *Understanding Hoarding in Rental Housing*, a webinar to increase awareness of hoarding and offer helpful ways to work with tenants with hoarding difficulties. You can watch the replay [here](#).



Some key take-aways

- Hoarding is a complex mental health disorder (Hanna McCabe-Bennett, Ph. D, C. Psych)
 - Early intervention is important.
- Effective communication skills go a long way (Sheri Hatherly, Hoarding Program and Case Management Lead)
- Landlords have a duty to accommodate tenants' disability to the point of undue hardship (Wade Poziomka, Human Rights Lawyer)
- Community legal clinics can be a supportive partner to both tenant and landlord before serving tenant an eviction notice (Sharon Crowe, Director of Legal Services, Angela Yenssen, Staff Lawyer)
- A community response can be helpful, by including housing, mental health, public health, and fire services (Shanyn Godward, President, Ontario Association of Fire Educators)



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Learn more about hoarding:

- Hoarding is best addressed by responding with compassion, understanding and a focus on safety: [Wellington Guelph Hoarding Response](#) provides a thorough overview of why a harm reduction approach to hoarding is helpful
- A well-coordinated community response that taps into available resources (e.g., mental health, public health, fire and legal services) can be the most effective path forward: the [International OCD Foundation](#) provides an excellent overview of the roles and opportunities for coordinated community response to cases of hoarding

Additional Resources to Support Tenants with Hoarding Difficulties

The following resources provide specific tips related to supporting tenants who hoard.

- Health and Safety Parameters: [Clutter-Hoarding Scale Reference Guide](#)
- Tip sheet: [How to talk to someone with Hoarding - Do's and Don'ts](#)
- Tip sheet for tenants: [10 Steps to a Safer, Healthier, More Comfortable Home](#)

The following resources provide additional information regarding health issues that might arise in housing in cases of hoarding and/or clutter.

- RentSafe Mould resources:
 - Podcast on [Mould in Rental Housing](#)
 - Expert Report: [Health Impacts of Indoor Dampness and Mould and Effective Remediation and Prevention Strategies](#)
- Fact Sheet: [Bed Bugs and Pesticides](#)
- RentSafe Background Paper: [Housing-related Health Risks](#)
- Renovate Right: a resource on [healthy renovation practices](#) from the Canadian Partnership for Children's Health and Environment

About RentSafe

[RentSafe](#) is a collaborative, intersectoral initiative that works to address unhealthy housing conditions affecting tenants on low income in both urban and rural communities in Ontario, in support of the right to housing and the goal of healthy homes for all. RentSafe is an initiative of the [Canadian Partnership for Children's Health and Environment](#).



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Services, Supports and Referrals

If you have a local hoarding network or support service, they may provide support to you as the landlord/housing provider, and to the tenant. Remember to encourage the tenant to self-refer, or seek their consent if making a referral.

You can find out about those and other services by searching online, or using the contacts below:



211 is a free and confidential service that easily connects people to the critical social and community supports they need across Ontario. Available 24/7, service is available in 150+ languages.

211 is available by phone for those looking to speak to a friendly voice or by text, online search, email or chat

Contact your local Public Health Unit to discuss your case.



Use the Ministry of Health's Public Health Unit Locator to find your local unit

<https://www.phdapps.health.gov.on.ca/phulocator/>

Relevant Services can include: Referrals, Public Health Inspection, Mental Health Services



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Community Legal Clinics provide legal help for problems relating to basic needs: income, housing, and human rights.

Community legal clinics can be a supportive partner to both tenant and landlord before serving tenant an eviction notice

Find your local or specialty community legal clinic
<https://www.legalaid.on.ca/legal-clinics-list/>

Other local services include:

- Local mental health agencies
- Your local fire department



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Legal citations related to hoarding in rental housing in Ontario

- NOL-21411-15 -- Landlord inspected unit and saw clutter (ought to have known and duty to inquire even if tenant did not disclose hoarding disorder)
- TEL-83147-17-RO - Case on duty to accommodate in housing (accommodation process is a 2-way street - when tenant doesn't fulfill their obligations, the accommodation obligation can come to an end)
- TEL-88484-18-SA - Case involving undue hardship and cost (need to put proper material forward to establish that and cannot be speculative)
- TSC-00132-15 - Case discussed in presentation where Board ordered TFS to do an inspection and if no violation, no eviction but if violation eviction not less than 30 days from inspection.
- <https://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/8-duty-accommodate#:~:text=Accommodation%20providers%20must%20attempt%20to,and%20offering%20assistance%20and%20accommodation.> --- This is an Ontario Human Rights Commission Policy and information on the Duty to Inquire is found at 8.6.1
- SOL-98202-18-SA -- Case where Board order landlord to cover costs of decluttering unit and granted relief from eviction



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Quiz: legal considerations for hoarding in rental housing

Prepared by: Wade Poziomka
Human Rights Lawyer
Partner at Ross & McBride LLP

1. Stella has lived in her unit for 5 years. 2 years ago the Property Manager began to notice the accumulation of clutter. Yesterday, during an inspection, the unit was found cluttered without a clear pathway from one room to the next. Mice were visible. Cockroach infestation was evident. There was a terrible smell emanating from the kitchen area. What should you do?

- A. Begin eviction proceedings;
- B. Provide notice to rectify the state of the unit;
- C. Ask Stella if she has a disability and if so, what her disability is, or
- D. Meet with Stella to discuss the state of the unit and inquire as to whether accommodation or assistance may be necessary.

2. Frank moved into his unit six months ago. After two months there was a significant clutter issue. You provided notice to rectify the issue and recently discovered no improvement. You ask Frank if he requires accommodation. Frank tells you absolutely not – he doesn't have a disability and can accumulate whatever he wants.

- A. Frank has denied having a disability and so the Human Rights Code does not apply and you can begin proceedings pursuant to the Residential Tenancies Act;
- B. You should provide Frank with a letter to take to his doctor asking questions around functional limitations and whether a disability could have impacted Frank's ability to keep his unit de-cluttered, or
- C. You should assume Frank has a disability and offer accommodation in any event.



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3. You are a large non-profit housing provider. One of your tenants, Margaret, has allowed her unit to fall into a terrible state - it is full of garbage, clothing, mouse droppings and urine, and cockroaches. You cannot see the floor in most of the unit. The kitchen is extremely dirty. Other tenants have been complaining about the smell coming from the unit and the rodents/bugs. Margaret has been diagnosed with Hoarding Disorder and provided medical information to support that diagnosis. Margaret is of limited means and asks for help to de-clutter the unit. She expresses she is willing to engage in the process of de-cluttering but wants you to pay for it. You inquire and there is a service available for \$1,500. What do you do?

- A. Because Margaret is willing to de-clutter and engage with the Landlord, allow her time to achieve her goal, but decline to pay for the service as that is not required of a Landlord;
- B. Pay for the service and provide time to de-clutter, or
- C. Assert that paying that much money for one tenant, \$1,500, would amount to undue hardship because you would then have to pay that for every tenant who had a similar issue and it is simply not feasible – decline to pay.

4. You are a small landlord. Samuel's unit was cluttered from floor to ceiling. You considered it a safety hazard and a fire hazard. You begin eviction proceedings against Samuel immediately not believing the state of the unit. Samuel files an Application against you with the Human Rights Tribunal of Ontario and in that Application states that he has been diagnosed with Hoarding Disorder. You were not aware of that before and it was not your intention to discriminate against a tenant with a disability. Can you be found to have breached the Ontario Human Rights Code?

- A. Yes, because you had a duty to inquire as to whether Samuel's behaviour was connected to a disability and because intention is irrelevant in determining whether discrimination occurred;
- B. No, because you did not know Samuel had a disability at the time you commenced eviction proceedings;
- C. No, because while you had a duty to inquire as to whether Samuel's behaviour was connected to a disability you genuinely did not intend to discriminate against him and you would have taken these steps for any tenant in a similar situation – regardless of whether they had a disability or not, or
- D. No, because while you had a duty to inquire and did not intend to discriminate on the basis of a disability, the unit was so bad that you concluded upon one look that any accommodation efforts would not be possible short of undue hardship for health and safety reasons.



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5. Which factors can you take into consideration when assessing whether an accommodation would amount to undue hardship?

- A. Cost, health and safety, and the wishes of other tenants in the vicinity of the unit with clutter;
- B. Cost (only after considering outside sources of funding), health and safety, and the wishes of other tenants in the vicinity of the unit with clutter;
- C. Health and safety only;
- D. Cost only, or
- E. Cost (only after considering outside sources of funding) and health and safety.

6. Frank has been diagnosed with Hoarding Disorder. You don't discuss the issue with Frank or offer supports but proceed with eviction proceedings. Frank files an Application with the Human Rights Tribunal of Ontario against you and it is determined at the hearing, after extensive medical evidence is called, that there was nothing you reasonably could have done in any event to accommodate Frank's disability that would have permitted the unit to remain in a proper state of repair. Can you be found to have violated the Code?

- A. Yes, because you did not canvass possibilities with Frank and assess potential accommodation options – even though at the end of the day it was ultimately determined nothing would have been successful;
- B. No, because while you take a risk in not canvassing options with Frank and exploring accommodation, the determination that nothing would have worked in any event insulates you from a finding of discrimination.

Answer Key: 1. D, 2. B, 3. B, 4. A, 5. E, 6. A