



## International Longevity Centre Canada (ILCC)

### 14th session of the Open-ended Working Group on Ageing

#### Guiding questions for the focus area on “accessibility, infrastructure and habitat (transport, housing and access)”

##### National legal and policy framework

1. In Canada, while there are no legislated rights specifically for older persons in relation to accessibility, infrastructure, and habitat, there are rights to be free from age discrimination in relation to housing, services, goods, and facilities.

For example, under the Ontario *Human Rights Code*, older persons have a right to be free from age discrimination in housing. This right applies to renting, being evicted, building rules and regulations, repairs and use of services and facilities. Older persons may have special needs which require accommodation so that they can enjoy housing on an equal basis with other residents. The person responsible for the housing, such as the landlord or the condominium corporation, can be asked to make changes to accommodate such needs, unless it would be an undue hardship.<sup>1</sup>

The Ontario *Human Rights Code* also prohibits age discrimination in "services, goods and facilities". This includes but is not limited to educational institutions, hospitals and other health services, community care access centres, long-term care facilities, insurance providers, public places like malls and parks, public transit services, stores, and restaurants. Older persons have a right to the same level and quality of services as everyone else and service providers have a legal responsibility to ensure accessibility, subject to the undue hardship standard.<sup>2</sup>

To the extent that older persons fall under the Canadian implementation of the Convention on the Rights of Persons with Disabilities, the federal *Accessible Canada Act*, and various pieces of provincial legislation, they benefit from those provisions. However, not all older persons meet the definition of a person with a disability, although everyone benefits from improved

---

<sup>1</sup> Ontario Human Rights Commission, *Age Discrimination and Housing Fact Sheet*, available at: <https://www.ohrc.on.ca/en/age-discrimination-and-housing-fact-sheet#:~:text=Under%20the%20Ontario%20Human%20Rights,use%20of%20services%20and%20facilities>

<sup>2</sup> Ontario Human Rights Commission, *Policy on Discrimination Against Older People Because of Age*, available at: <https://www.ohrc.on.ca/en/policy-discrimination-against-older-people-because-age/7-goods-services-and-facilities>

accessibility to buildings, transportation, information and communication, workplaces, and other facilities.

The federal *National Housing Strategy Act* (the “NHSA”), recognizes housing as a human right and calls for its progressive realization, prioritizing the most vulnerable groups but without specifying older persons. To date, no Canadian province or territory enshrines housing as a stand-alone right in its human rights code or other laws. The NHSA also established the Federal Housing Advocate (housed at and supported by the Canadian Human Rights Commission) to promote and protect the right to housing in Canada.

Ideally, the right to housing should include a person’s right to choose their preferred type and location of housing for their autonomy (financial and physical) and quality of life. Recently, governments are choosing where older persons will live to speed their discharge from hospital. Currently, many older persons are over-housed and lonely due to lack of affordable options for accessible housing and services.

Ten Canadian provinces and one territory are promoting the Age-Friendly Community (“AFC”) model developed by the World Health Organization.<sup>3</sup> The model proposes eight interconnected domains to identify and address barriers to the well-being and participation of older people in their communities. The levels of support provided for the AFC vary across Canada as do the number of communities actively involved in the AFC. The Pan-Canadian AFC Milestones describe the steps a community needs to follow to successfully apply AFC. Where provincial/territorial recognition programs exist, communities demonstrating that they have met at least the first three AFC milestones can be recognized by their province or territory as officially on the road to becoming age-friendly.

2. A person who wishes to assert a human rights claim has the burden of making out a case of age-based discrimination, raising the usual access to justice issues faced by older persons. Canadian statistics reveal that older adults are unlikely to complain before human rights tribunals or start legal actions before the courts to voice their concerns about discrimination based on age.

The financialization of housing violates Canadians’ right to adequate housing and contributes to housing unaffordability, leading to evictions and displacement.<sup>4</sup>

### **Data and research**

3. At the national level, data related to housing, including “core housing need”, is collected through the Canadian Census of the Population (2021) and the Canadian Housing Survey

---

<sup>3</sup> World Health Organization, *Pan-Canadian Age-Friendly Communities Initiative*, available at <https://extranet.who.int/agefriendlyworld/network/pan-canadian-age-friendly-communities-initiative/>

<sup>4</sup> National Pensioners Federation, *Age With Dignity, Upholding Human Rights in Canada*, May 26, 2023, available at <https://www.ourcommons.ca/Content/Committee/441/HUMA/Brief/BR12459246/br-external/NationalPensionersFederation-e.pdf>

(2021)<sup>5</sup> (both include older adults as respondents), as well as the 2021 Seniors Housing Survey.<sup>6</sup> However, these data collections do not specifically address the right to housing.

In 2017 Transport Canada produced an assessment of the role of technology and innovation in improving the accessibility of the federal transportation system for older adults.<sup>7</sup>

4. In the absence of strong government leadership on the issue, Canadian civil society and other stakeholders, under the direction of the ILCC, have formed the [Canadian Coalition Against Ageism](#) to develop a comprehensive, coordinated national campaign to combat ageism against older people.

### **Remedies and Redress**

5. A UN Convention for the Rights of Older People would result in national initiatives to improve the rights of older people and to have a framework for older persons to seek redress.

---

<sup>5</sup> Statistics Canada, *Dwelling satisfaction among older adults: Dwelling characteristics and their influence on satisfaction*, September 7, 2023, available at <https://www150.statcan.gc.ca/n1/pub/75-006-x/2023001/article/00010-eng.htm>

<sup>6</sup> Canada Mortgage and Housing Corporation, *2021 Seniors Housing Survey: Learn more from our insights*, July 6, 2021, available at: <https://www.cmhc-schl.gc.ca/blog/2021/2021-seniors-housing-survey-learn-more-insights>

<sup>7</sup> The Council of Canadian Academies, *Older Canadians On the Move*, 2017, available at: <https://cca-reports.ca/reports/older-canadians-on-the-move/>