

Research Insight



Denied renting: Lived experiences of rental discrimination

An important principle in a Human Rights Based Approach to Housing (HRBATH) is the right to non-discrimination (Farha, 2019). This principle is especially important for populations who are vulnerable to discrimination when securing or maintaining access to housing. Yet discrimination can be challenging to definitively prove, and this has implications for tenants' abilities to have their housing rights upheld.

Research Questions & Approach

Using a GBA+ lens, this project seeks to answer the following research questions:

- What does rental discrimination look like?
- How are tenants experiencing rental discrimination and how do they respond?
- What are the (shorter and longer-term) effects of rental discrimination on tenants?
- What more can be done to prevent rental discrimination?

To answer these questions, CMHC commissioned a research team from the Institute of Urban Studies (IUS), University of Winnipeg, to undertake this project. The team conducted a literature review, developed a framework on rental discrimination, and conducted interviews with housing professionals (n=30) and tenants with lived experience (n = 8) in Ontario and Quebec. The results of this analysis are useful for all three orders of government, housing advocacy groups and people who rent.

Key Findings

Unpacking discrimination

“...the whole process can be discriminatory, from the moment you see the advertisement until the moment you are about to sign the lease ... It’s the whole process, it can be anytime.”

–Coordonnatrice, RCLAQ, Montréal;
translated from French

Rental discrimination can take place at any stage of a tenancy. This includes the search for an apartment (pre-tenancy); living in the unit (within tenancy); and after moving out (post-occupancy).

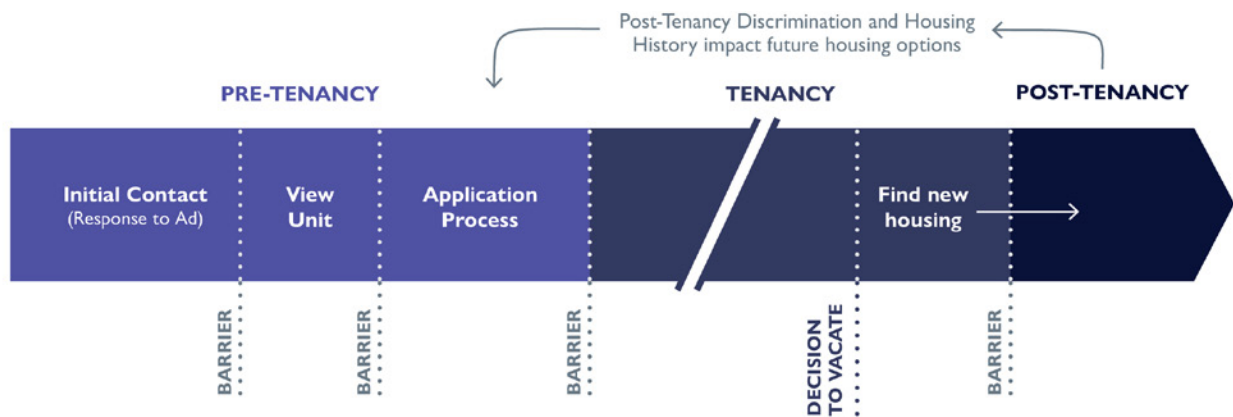
Despite discrimination taking place at any stage, most studies focus on the search for rental (pre-tenancy). This affects the knowledge base and policy dialogue around solutions.

At each tenancy stage, different types of discrimination can take place. Examples during the pre-tenancy stage include: steering to other units or buildings, refusals to rent, and extra tenant screening practices. During an active tenancy, discrimination can take expression as differential rules or in the decision to evict. Post-tenancy examples of discrimination include withholding deposits, differential letters of reference and ‘do not rent to’ tenant lists.

A tenant’s discrimination history can affect the search for a new unit and future housing options. Experiences such as a withheld deposit or not having a strong reference letter can adversely impact tenants when they reach out to new landlords. This suggests a cycle of discrimination can be experienced by some tenants as they move from one apartment to the next (see Figure 1).

Beyond landlords, condo boards and co-operative housing boards were identified as potential discrimination risks for tenants. These organisations are typically staffed by volunteer residents who do not have human rights or related training. Yet they have powers to create and enforce rules that can often lie outside residential tenancy acts. The presence of these boards in the rental landscape can create additional discrimination risks for tenants. Given the rise of condo buildings in providing rental opportunities, tackling rental discrimination suggests a greater focus on those boards.

Figure 1: Rental discrimination by tenancy stage



Discrimination experiences and responses

Economic discrimination is considered by many housing professionals to be pervasive in the rental market. It was the most common form of discrimination encountered by participants in this study. This form of discrimination primarily impacts those who are low-income, are receiving social assistance, and/or who have lower credit scores.

“These are folks who are on OW [Ontario Works] or ODSP [Ontario Disability Support Program] so they have very, very limited income or often are racialized, disabled, members of protected classes in many different ways. The amount of discrimination they face in the rental market is so obvious..., it’s hard to quantify it. But I would say it’s completely pervasive.”

–Housing Advocate, Toronto

Economic discrimination is affected by the rental housing market. When rental units are in high demand, landlords can select those they feel would be the “best tenants” from many applications.

The research revealed that discrimination is experienced by tenants from all kinds of landlords (corporate to independents). What varies is how it is enacted by those landlords. In interviews, large-scale and corporate landlords were identified as more likely to use more covert practices in the pre-tenancy stage (see Table 1). These are reflected in tenant application and screening processes, and the use of property management companies and other staff who may contribute to decisions about tenants. By contrast, independent landlords were described as more likely to be overt in their discrimination towards tenants. Examples include refusal to show a unit (after confirming it is available) or to rent to a tenant based on economic discrimination or personal bias.

“...there are large companies that have been in the rental business for a long time and that will be more likely to protect themselves. They are going to make sure that there are no paper trails, that it doesn’t appear to be discrimination...”

–Housing Coordinator, Montreal;
translated from French

Rental discrimination can look differently for different populations. This research revealed populations most impacted by rental discrimination in Ontario and Quebec. Some of the populations identified by participants include:

- populations living with low incomes
- racialized populations
- single-parent (especially women-led) families
- populations living with a disability

For people living with a disability, discrimination often came in the form of limited availability of accessible units and failure by landlords to meet accommodation requests. Tenants who make accommodation requests (i.e., need for an entry-ramp) are often met with avoidant responses. These responses include delaying as much as possible, intimidating tenants, and forcing tenants to file a Human Rights complaint, which can take years and may not be successful. Due to the limited availability of accessible units, individuals living with a disability may remain in inadequate housing.

Participants in this study emphasized how widespread racism is within the private rental market. One of the shared challenges reported by housing professionals in this study was the covert nature of some forms of racial discrimination, which made it difficult to legally prove.

“[...]I have a situation currently where [the applicant] says “I believe this is happening because I’m a racial minority.” But the information they’ve given me, I can’t use that [in legal proceedings] ... But you know, right?”

–Case Worker, CCHR, Toronto; emphasis in original

These experiences of racial discrimination arose in all stages of tenancy. Some of the commonly discussed experiences included:

- unreturned phone messages when an applicant has an accent or name that may identify them as racialized or an immigrant
- referring an applicant to another person or department
- more invasive questioning about jobs, income, family or marital status
- landlords using dissuasion or acting uncomfortable when showing a unit to someone who is racialized
- lack of maintenance of rental units on the part of landlords

Housing professionals shared the specific forms of discrimination faced by newcomers, especially those who are racialized. For many new immigrants and refugees who are learning about Canada’s housing landscape, there is greater room for landlords to take advantage of this situation. This often shows up in acts of discrimination that deny tenancies or extract maximum rental rates for housing.

When applying a GBA+ lens to rental discrimination, this research revealed how tenant experiences based on race, immigration status, family type and income often intersect with gender.

Some of the ways discrimination is enacted based on intersections with gender include:

- single women are presumed by landlords to be lacking economic resources to pay rent
- single women may be denied housing purely because of the assumed potential for pregnancy and the lack of a male partner for financial support
- pregnant persons face discrimination through the unreasonable expectation that problems will arise once the baby is born

- women living with a disability and on low-income have fewer rental options, resulting in unsafe living conditions
- women fleeing domestic violence encounter economic discrimination, particularly through the need for credit checks to access private rental housing

Families with children were being denied renting based on a preference for young professionals or older adults.

“...the worst I’ve seen was an owner who had a couple sign a paper saying that the day they were going to have a child they were going to have to move, so if the woman got pregnant, she had to leave. Even today, a female tenant who identifies as a single woman [can be] refused because she does not have a husband to pay with her, even when she has ample proof of income.”

–Coordonnatrice, RCLAQ, Montréal; translated from French

Housing professionals shared how single mothers and their children experienced the greatest adversity when accessing and maintaining rental housing.

According to participants, landlords would not blatantly deny rental units to single mothers but would state that the unit is not suitable for children or that other tenants will complain about noise. For single mothers who are racialized, they experience added layers of racial discrimination, making it even more difficult to find and secure rental housing.

“Certainly, I think gender can play a role, yes. I worked with a Housing Worker last year who was trying to find housing for a single mom, and I don’t know – but I feel like I have no doubt that the fact she was a single woman with children, that was part of the difficulty.”

–Housing Advocate #3, CCHR, Toronto

Older adults were also identified as facing specific forms of discrimination. Two common forms of discrimination that emerged included economic discrimination and ageism. The primary issue was a low or fixed income combined with a lack of housing for older adults (especially with services). This results in the reliance on the private rental market, which is expensive and competitive. Secondly, ageism and discrimination based on landlord's fear that an older adult may age into disability act as challenges to securing rental housing for some older adults.

There are few avenues for tenants to bring forward complaints of discrimination, and those that exist are time consuming, lengthy, and often fail to yield positive results. A common theme shared by both housing professionals and individuals with lived experience was the lack of effective measures to prevent rental discrimination or respond to it when it does occur. Many tenants do not challenge discriminatory practices because they need to dedicate their time and energy to securing housing, and/or because they fear repercussions from landlords that would make finding housing even more difficult. Housing advocates and lawyers have few tools to assist, and while they can support tenants in taking their landlord to a Human Rights Tribunal/commission, it can take years for these cases to resolve.

Shorter and longer-term effects

Rental discrimination can negatively impact tenants' long term housing outcomes and exacerbate other challenges in their lives. Those who face rental discrimination in their search for a rental unit often experience stress, exhaustion, and frustration due to multiple unsuccessful rental inquiries/applications.

“The way it plays out, at least among the folks that I work with, is that they’re interested in a unit, and over and over again, are not able to get it. They’re not necessarily given the overt reason: “I’m not renting to someone with ODSP”. More often, its such an intensely structural phenomenon of never being able to rise to the top of a very competitive pile of applicants.”

–Housing Advocate #3, Toronto

Rental discrimination can have long-term negative effects on individuals' wellbeing, housing security, and financial stability. Those who experience discrimination in their search for housing may be forced to settle for unaffordable housing, lower quality housing, and/or housing in areas far from their chosen communities (where they work, access services/supports, or where friends or family reside).

“People can’t access housing that they can afford, they keep getting shut out. They need to look at different neighbourhoods and lesser housing. It impacts people’s access, where their kids can go to school, and how long their commute is.”

–Housing Advocate #1, CCHR, Toronto

Continued difficulty finding affordable housing can impact peoples' ability to find/maintain employment because they lack a permanent address. Some individuals experience a decline in their mental health and have feelings of helplessness. This is particularly true for those that have no option but to stay in emergency shelters while they continue their housing search.

What more can be done?

There are steps that could be taken to reduce statistical discrimination within the rental market.

Statistical discrimination involves making assumptions about certain groups, including their abilities to pay rent (see [Glossary of Key Terms](#)). In this type of discrimination, assumptions based on race and gender can dominate and inform decision making about tenants.

Housing professionals indicated that systems-level strategies, particularly those that involved legal measures or policy changes could be effective for deterring corporate landlords from engaging in discriminatory practices. Targeted strategies were identified as most effective for addressing discriminatory practices on the part of smaller/individual landlords. Both strategies were considered to have value for reducing statistical discrimination, but may not address animus discrimination (see [Glossary of Key Terms](#)).

Systems-level strategies

- “First come, first served” laws. Such laws require landlords to share application criteria when advertising a unit, screen applicants in the order rental applications are received, and to offer the unit to the first tenant that meets all application criteria.
- Increased investigation of discriminatory practices and consequences - such as higher fines – for using these practices.
- Increasing the supply of affordable housing to moderate the demand for affordable units.

Targeted Strategies

- Education for landlords, condo boards and co-op boards regarding their legal responsibilities
- Landlord licensing, particularly for independent landlords.

On housing provision, rental discrimination, and human rights

The availability of affordable housing was a recurring theme throughout this research project. It was identified as part of the problem but also an important part of the solution.

When a rental market is characterised by affordable housing losses and limited new build, these conditions can enable economic discrimination. The resulting increased competition for units can drive more exclusionary screening practices in the search stage, for example. These conditions can also drive decisions to end tenancies and increase rental rates for new tenants.

Increasing housing (and vacancy rates) was cited as a necessary lever to reduce the conditions that enable these forms of discrimination. Since economic discrimination was the most common type, this system-level intervention is one impactful way to reduce it at key tenancy stages. To help ensure that tenants’ housing rights are upheld, more affordable and social rental is required.

Future Research Opportunities

Most studies of discrimination focus on the search for rental (and pre-tenancy stage). This shapes what we know about what is happening to people who rent and the solutions required. To more fully prevent discrimination, future studies could focus on the during and post-tenancy stages.

Building on existing Indigenous-led research on rental discrimination was also cited as an opportunity. This research should be led or co-led by Indigenous researchers/organizations.

Glossary of Key Terms

Animus Discrimination: “the fear of difference” and “personal hostile attitudes towards a foreign ethnic group” by the landlord or agent (Flage, 2018).

Covert Discrimination is concealed – primarily from legal repercussions. That is, covert discrimination includes acts that are perceived to be discriminatory but difficult to quantify and report upon, resulting in challenges to bring legal action against the discrimination. The covert nature of these discriminatory acts is also an indicator of true motivations – a person may know an act is discriminatory and so conceal it. Though covert acts of discrimination may be less visible to the legal system, they may be obvious to those for which the hidden acts are intended, especially if it is encountered repeatedly.

Housing Professionals: a collective term for all the professionals interviewed for this research, including lawyers, housing service workers, housing coordinators, advocates, case-workers, etc.

Institutional Discrimination: relates to the actions of corporate landlords as it considers organizational contexts in which individual actors use an organization’s dynamics to maintain boundaries between insiders and outsiders.

Overt discrimination consists of obvious actions against an applicant or tenant of rental housing – such as a landlord using racial slander, or outrightly denying housing to an applicant because of race.

Statistical Discrimination: based on utility-seeking behaviour when dealing with insufficient information where a landlord uses the race or gender of the applicant as a proxy for other relevant characteristics pertaining to reliability or ability to pay rent.

Tables

Table 1: Comparison of Discrimination by Landlord Type and Tenancy Stage

Discrimination by Landlord Type	Large Scale – Corporate Landlords	Small Scale Landlords	Condominium Boards	Cooperative Housing Boards
Economic / Social Discrimination	Primarily	Often, but also more flexibility	Sometimes	No data
Individual (Animus) Discrimination	Rarely	Sometimes, but also more flexibility.	Sometimes	Sometimes
Institutional Discrimination:	Primarily	Sometimes	Mixed, see below	No data
Use Application Processes	Yes	Yes, but less thorough and also more flexibility	No, rental handled by individual owner. But some strict policies.	Yes (?)
Use Management Companies	Yes	Rarely	Ind. owners no, Boards, yes.	No
Legal Resources & Awareness	Yes	Far Less	Ind. owners no, Boards, yes.	Sometimes
Pre-Tenancy Discrimination	Primarily. Based on economic discrimination.	Sometimes. Based on individual (animus) or economic.	Sometimes. Based on individual (animus) or economic.	Sometimes. Based on individual (animus) or economic.
During-Tenancy Discrimination	Sometimes. Particularly failure to accommodate disability.	Sometimes. Can be harassment. Lack of resources or knowledge to provide accommodation.	Sometimes. Lack of resources or knowledge to provide accommodation.	Sometimes. Lack of resources or knowledge to provide accommodation.
Post-Tenancy Discrimination	Rarely	Sometimes	No data	No data
Geographies of Discrimination	Yes. Also development led.	Yes, especially in small population areas. Also development led.	No data	No data

Source: McCullough et al., 2023, p. 50

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- provide an overview of the research project undertaken to address it
- present major findings of the research

The research presented in this series explore the areas of Housing Need, Housing Finance, Housing Supply and Outcomes of the National Housing Strategy.

Full Report

Sylvestre, G., McCullough, S., Dudley, M., Vachon, M. (2023).
SHUT OUT – Discrimination in the Rental Housing Market: Barriers to Tenancy Access and Maintenance, Its Impacts, and Possible Interventions.
Ottawa: Canada Mortgage and Housing Corporation.
https://assets.cmhc-schl.gc.ca/sf/project/archive/research_6/shut-out--discrimination-in-the-rental-market-ius-2023.pdf

For Further Reading

Farha, L. (2019). *Adequate housing as a component of the right to an Adequate Standard of Living, and the Right to Non-Discrimination in this Context.*
United Nations Secretary-General, 25.
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/220/89/PDF/N1922089.pdf?OpenElement>



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