

## INFORMATION SHEET

ADR 2013

The *Alberta Human Rights Act* prohibits discrimination based on source of income. The intent of human rights legislation is to protect people who historically have been disadvantaged because they have experienced discrimination based on specific personal characteristics such as race, colour, gender and disability.<sup>1</sup> In keeping with this aim, only lawful income that commonly attracts a social stigma to its recipients is protected under the *Act*. Such income typically includes social assistance, disability pension, and income supplements for seniors. Income that does not result in social stigma is not protected.

Source of income is protected under all these areas identified in the *Act*:

- statements, publications, notices, signs, symbols, emblems or other representations that are published, issued or displayed before the public
- goods, services, accommodation or facilities customarily available to the public
- tenancy
- employment practices
- employment applications or advertisements
- membership in trade unions, employers' organizations or occupational associations

<sup>1</sup> For the complete list of grounds protected under Alberta's human rights legislation, see the Commission information sheet *Protected areas and grounds under the Alberta Human Rights Act*.

Although discrimination based on source of income may arise in a variety of areas, it usually occurs in the area of tenancy. For example, a landlord would contravene the *Act* if they refuse to rent an apartment to someone who receives social assistance, a disability pension, or an income supplement provided to low-income seniors by government. The *Act* does not prevent landlords from making business-related inquiries about a person's credit or rental history, or asking for references, and then making a decision whether to accept the person as a tenant based on the information.

## Case examples

### ***Glenn Miller v. 409205 Alberta Ltd. and Voco Property Group (2001)***

In this Alberta case, Mr. Miller made a human rights complaint based on the ground of source of income in the area of tenancy. Mr. Miller received Alberta Assured Income for the Severely Handicapped, and his rent was subsidized through an agreement that his landlord signed with the Capital Region Housing Corporation (CRHC). The landlord, who was the respondent in the complaint, argued that Mr. Miller's four cats were damaging the property and, for that reason, Mr. Miller was given notice to vacate the premises. After the eviction attempt was unsuccessful, the landlord increased Mr. Miller's rent and refused to sign a subsidy

renewal agreement with CRHC, which would have maintained the rent subsidy payments for Mr. Miller's apartment. As a result, the rent subsidy was terminated. Mr. Miller argued that the landlord discriminated against him on the basis of physical disability and source of income.

An Alberta human rights panel<sup>2</sup> found discrimination on the basis of source of income and ordered the landlord to pay \$3,300 in damages for injury to Mr. Miller's dignity and self-respect, and \$5,890 in specific damages arising from his loss of rent subsidy and rent increase. Liability was apportioned 60 - 40 between the landlord and Mr. Miller. The landlord appealed the panel decision in the Court of Queen's Bench. The court upheld the panel decision. The complete panel decision is on the CanLII (Canadian Legal Information Institute) website at [www.canlii.org/en/ab/abhrc](http://www.canlii.org/en/ab/abhrc). The court decision *409205 Alberta Ltd. v. Alberta (Human Rights & Citizenship Commission)*, 2002 ABQB 681 is on the provincial courts website at [www.albertacourts.ab.ca](http://www.albertacourts.ab.ca). Search the judgment database for "Glenn Miller."

**Willis v. David Anthony Phillips Properties (1987)**  
In Ontario, human rights legislation prohibits discrimination based on receipt of public assistance. In *Willis v. David Anthony Phillips Properties* (1987), a board of inquiry found there was discrimination when a landlord denied a rental accommodation to a single mother who was living on mother's allowance.

**Spence v. Kalstar Properties (1986)**  
Source of income was at issue in this decision from Manitoba. A board of inquiry held that the complainant Mr. Spence was discriminated against when the landlord refused to rent him an apartment because he was on welfare. 

<sup>2</sup> Effective October 1, 2009, Alberta's human rights panels were renamed human rights tribunals.

## Contact us

The Alberta Human Rights Commission is an independent commission of the Government of Alberta. Our mandate is to foster equality and reduce discrimination. We provide public information and education programs, and help Albertans resolve human rights complaints.

For our business office and mailing addresses, please see the Contact Us page of our website ([www.albertahumanrights.ab.ca](http://www.albertahumanrights.ab.ca)), or phone or email us.

Hours of operation are 8:15 a.m. to 4:30 p.m.

**Northern Regional Office (Edmonton)**  
780-427-7661 Confidential Inquiry Line  
780-427-6013 Fax

**Southern Regional Office (Calgary)**  
403-297-6571 Confidential Inquiry Line  
403-297-6567 Fax

To call toll-free within Alberta, dial 310-0000 and then enter the area code and phone number.

For province-wide free access from a cellular phone, enter \*310 (for Rogers Wireless) or #310 (for Telus and Bell), followed by the area code and phone number. Public and government callers can phone without paying long distance or airtime charges.

**TTY service for persons who are deaf or hard of hearing**  
780-427-1597 Edmonton  
403-297-5639 Calgary  
1-800-232-7215 Toll-free within Alberta

**Email** [humanrights@gov.ab.ca](mailto:humanrights@gov.ab.ca)  
**Website** [www.albertahumanrights.ab.ca](http://www.albertahumanrights.ab.ca)

**Please note:** A complaint must be made to the Alberta Human Rights Commission within one year after the alleged incident of discrimination. The one-year period starts the day after the date on which the incident occurred. For help calculating the one-year period, contact the Commission.

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