

SEX WORKERS' RIGHTS AS TENANTS*

Q: Can I be refused tenancy because I do sex work?

A: No. According to the Human Rights Commission of Ontario, housing is a human right. This means that everyone has the right to housing without discrimination and harassment. When a landlord is choosing a tenant, the only information they are legally allowed to request is:

- Rental history, credit references and/or credit checks. A lack of rental history is not to be viewed negatively.
- Income information. This is to be used to confirm whether a person can afford to pay rent and must be considered with any other available information on rental history and credit checks (unless neither are possible to provide). Additionally, rent to income ratios may only be applied if the landlord is offering subsidized housing.
- A guarantor. The landlord can only ask for one if they ask the same from all tenants in the same residential complex.



Regulation 290/98 under the Ontario Human Rights Code does not allow any other type of inquiries. For more information visit:

<http://www.ohrc.on.ca/en/policy-human-rights-and-rental-housing>

Q: Can I be evicted for doing sex work in my rental home?

A: It may depend on the nature of your work. Per Ontario's Residential Tenancy Act, landlords can only evict tenants for the following causes:

- non-payment of rent (s. 59);
- misrepresentation of income (s. 60);
- illegal act, which includes running an illegal business (s.61);
- damage to rental premises or residential complex (s. 62);
- substantial interference with reasonable enjoyment by landlord and other tenants of the residential complex (s.64);
- act impairs safety of landlord and other tenants of the residential complex (s. 66);
- too many persons living in the rental unit (s. 67); and
- further contravention (s. 68).

These rules apply to you as the tenant, as well as any guests that you bring onto the property.

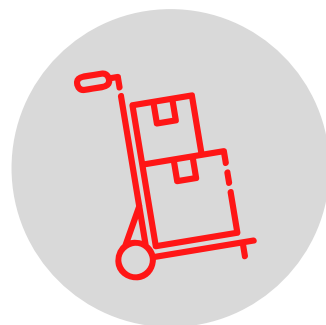
In 2019 a landlord was able to evict a tenant for running an escort service out of their home, an illegal act. The Landlord Tenant Board granted the eviction, as the tenant was recruiting sex workers and advertising sexual services, which are both criminal offences (s. 286.3 and 286.4 of the Criminal Code).

Q: My Landlord has given me an eviction notice citing my sex work as the cause. Do I have to leave by the termination date?

A: No. In Ontario all tenants have security of tenancy. This means that all tenants can occupy their rental unit until:

- they decide to end their own tenancy and give proper notice;
- both the landlord and tenant agree to end the tenancy; or
- the Landlord Tenant Board issues an eviction.

If the landlord gives you an eviction notice that does not come from the Landlord Tenant Board after a hearing, regardless of whether the eviction is for cause or not, you **do not** have to immediately move out if you do not agree with the eviction. In Ontario, all tenants have the right to a hearing at the Landlord Tenant Board to explain why they should not be evicted. Thus, to legally evict a tenant in Ontario, the Landlord has to apply to the Landlord Tenant Board for an eviction order within 30 days of the termination date they had provided you, serve you with a copy of this application, as well as a copy of the *Notice of Hearing* from the Landlord Tenant Board.



Additionally, per s.24 of the Residential Tenancy Act, **it is illegal for a landlord to change the locks** of the rental unit or building, unless the Sheriff has evicted the tenant, or the landlord is sure the tenant has vacated the premises. Even after the Landlord Tenant Board has given an eviction order, **a landlord cannot personally enforce this eviction order**. Only a sheriff can enforce the order.

*Note that this document is for general information purposes only and does not constitute legal or other professional advice or an opinion of any kind. Users are advised to seek specific legal advice regarding any specific legal issues. For more information visit the Landlord Tenant Board at <http://www.sjto.gov.on.ca/ltb/brochures-videos/>