

Ground-breaking legal victory for Ontarians with disabilities

Condominiums must share costs of creating accessible units

TORONTO, Dec. 17 /CNW/ - Paul DiSalvo has won his long battle to be able to enter his own front door. Mr. Di Salvo has degenerative Multiple Sclerosis (MS) and has been unable to negotiate the front steps to his home. The condominium corporation insisted that Mr. DiSalvo bear the full costs of installing a ramp to his door and making modifications to the walkway, arguing it would not be appropriate to expend funds for the sole benefit of one owner. The law reads differently.

Today the Human Rights Tribunal of Ontario released its decision to order the Halton Condominium Corporation to install an accessible ramp and train condominium members about discrimination, disability and Ontario's Human Rights Code. The Tribunal also ordered the board to pay \$12,000 in general damages to Mr. DiSalvo for injury to his dignity, including an incident at the Condominium's annual general meeting that "greatly distressed and embarrassed" Mr. DiSalvo. Ontario's Human Rights Code specifically requires compliance with the legal obligation to provide "equal treatment with respect to the occupancy of accommodation".

"I hope this legal decision ensures no condo resident will ever have to fight this battle again," said Mr. DiSalvo. "Condominium corporations need to know the law and this decision sets out their obligations unequivocally. This has been very trying for our close-knit condo community and I hope the discomfort people have felt melts away for all of us."

Sharmaine Hall, Mr.DiSalvo's lawyer from the Human Rights Legal Support Centre commented, "This is a ground-breaking legal decision for Ontarians with disabilities. Condo boards everywhere take note."

Vice Chair Michelle Flaherty of the Human Rights Tribunal found that "Even where the applicant is the only individual benefiting from the accommodation measure, unless undue hardship is established, the Code requires that the costs of the reasonable accommodation be borne by the condominium corporation." Adjudicator Flaherty continued in her written decision, "I find that by insisting on a position that was wrong, at law, by failing to consider alternatives, and by creating a barrier to substantive discussions, the respondent (Halton Condominium Corporation No. 186) has also failed to meet its procedural duty to accommodate the applicant (Mr. DiSalvo)."

The Human Rights Legal Support Centre receives approximately 250 calls a week from Ontarians concerned about being discriminated against because of their disability.

For further information: or to arrange interviews: Jennifer Ramsay, Human Rights Legal Support Centre, (416) 326-7253; mobile: (416) 522-5931

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(3)



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