

Landlords Need to be Careful When Declining a Rental Application

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Recently, a Toronto landlord found herself the subject of a news article on CBC.com and the subject of discussions on various news radio talk shows (see [link here](#)).

The landlord was looking to rent a two bedroom, two bathroom condominium for \$1,900.00 a month. A young couple, Ryan Young (23) and Nina Tesan (22) applied to rent the condominium unit and provided the landlord with credit reports that rated them as "excellent" along with letters from their employers showing they have full-time jobs and a combined income of about \$80,000 a year. The couple planned for two of Tesan's sisters to move in with them to share expenses.

The couples rental application was denied in an email from the landlord's real estate agent, Edmund Fajardo of Royal LePage Terrequity who wrote, in part: "After discussing it with my client, she's decided that she would not like to have four young adults living in her apartment." Arguably, it is not clear from the realtor's email whether the landlord was declining the rental application because the applicants were young adults or because there were four individuals that planned on living in the condominium.

Young and Tesan subsequently filed an application with the (Ontario) Human Rights Tribunal. Under the Ontario Human Rights Code, landlords are prohibited from discriminating against potential tenants on the basis of age, among other protected grounds. Although it will be interesting to see how the case plays out at the Human Rights Tribunal, one lesson that can be learned from all of this is that when declining a rental application in writing, prospective landlords should be very careful with the words they choose to use.

(This blog is provided for educational purposes only, and does not necessarily reflect the views of Gardiner Roberts LLP).

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