

Attention News Editors  
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For Immediate release

**Tenant advocates win landmark OMB ruling:  
Cities and OMB bound by Charter and Human Rights Code when planning  
decisions impact low-income and disabled people**

(Kitchener) – In a landmark decision, the Ontario Municipal Board (OMB) has ruled that the planning restrictions adopted by the City of Kitchener and the Region of Waterloo to keep more poor and disabled people from moving into the Kitchener neighbourhood of Cedar Hill were not justified. The OMB held that municipalities must follow the *Ontario Human Rights Code* and the *Canadian Charter of Rights and Freedoms* when they make planning decisions.

“This decision shows that the human rights guaranteed by our *Charter* and *Human Rights Code* can’t be ignored by municipalities when they plan their communities,” says Kenneth Hale, Director of Legal Services and Advocacy, Advocacy Centre for Tenants Ontario. “The needs of community members who are poor or who are disabled must be given real consideration by local politicians when they are making planning decisions.”

The Advocacy Centre for Tenants Ontario (ACTO) and other groups that support housing rights for low-income people appealed two City of Kitchener bylaws passed in 2005 and an approval by the Region of Waterloo in 2008. These bylaws restricted development of new non-profit and supportive housing and social services in the Cedar Hill neighbourhood in downtown Kitchener.

Kitchener Council and the Region failed to prove they had considered the needs of poor people and disabled people as required by the *Code*, the *Charter* and planning principles. The City and Region must now reconsider their analysis of the bylaws and demonstrate to the OMB that they are not “people-zoning” and that they have properly applied all relevant laws and planning policies, including the *Charter* and the *Human Rights Code*.

The Advocacy Centre for Tenants Ontario is a community legal clinic funded by Legal Aid Ontario which engages in test case litigation and law reform advocacy to improve the housing situation of the province’s low-income tenants.

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