

Why you can't ask tenants if they plan to have kids

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Most landlords get along with their tenants, but there is always the tenant from hell. He or she doesn't pay the rent on time, wrecks the apartment and upsets the other people living there. In the end it cost thousands to evict them.

How can you avoid that outcome? The best way is to screen the tenant effectively in the first place. This means asking the right questions and knowing which ones you can ask

What you can ask for:

A common question involves whether a landlord can ask for a Social Insurance Number (SIN). The police say we shouldn't give out our SIN number because thieves can use this information to obtain phony credit cards and ruin our credit rating. Yet it is not illegal for a landlord to ask for a SIN number.

With a SIN number, it is easier for a landlord to do a credit check as well as a check on the tenant's rental history. That is why a landlord should ask for a SIN number, but must also recognize that he has a duty to safeguard the information.

You don't have to provide a SIN number, but you will have to provide your full name, birth date, address and postal code. You may also be asked for banking information. This will enable most credit reporting agencies to conduct the same credit and tenant history checks as with the SIN.

What you can't ask for:

Landlords must be aware of the Ontario Human Rights Code, which says that you cannot discriminate against anyone because of such things as race, sexual orientation, marital status, disability or receipt of public assistance. This means that you cannot refuse to rent to someone just because, for example, they are married, gay, or receiving public assistance.

As a result, you cannot ask the following questions:

- Are you married, single or divorced?
- What is your ethnic background?
- Do you plan to have more children?
- Will your family be visiting?

You are permitted to ask questions such as:

- How many people will be living with you and what are their names?
- Where do you work?
- May I see your references?
- What is your income?
- What kind of pets do you keep?
- Will you be conducting a home based business?
- May I do a credit check on you?

In one 2003 case, Mary Cunanan tried to rent an apartment at 30 Godstone Rd. in Toronto from Boolean Developments. She was a single mother with three sons, aged 19, 16 and 14. They wanted to move to a larger apartment but there wasn't one in the building where they lived. She found a three- bedroom unit on Godstone that was \$100 cheaper than her old apartment. She applied and was asked on the form for the names and ages of all of her children.

When she later visited the building, she was told by the superintendent that her application would probably be denied because she had three teenaged boys and the landlord had experienced problems with teenaged boys in the past.

She was later told by the property manager that her application had been misplaced and she was not given the opportunity to re-submit. The landlord later claimed she was very argumentative and that he felt she would be a troublemaker. He said this is why he did not permit her to submit another application. As a result, she applied to the Human Rights Tribunal, claiming that she was discriminated against because of her "family status."

During the hearing, the property manager admitted he preferred parents with younger children. He would typically rent a three bedroom unit to a couple with two children. He also stated that the building had suffered damages as a result of teenaged vandalism. The Tribunal found that although the landlord did not intentionally discriminate against Mrs. Cunanan, it still violated the Human Rights Code by discriminating against her because of her family status. The landlord was ordered to pay Mrs.Cunanan \$4,000 and to stop refusing rentals for the reason only that the tenant had teenaged children.

Landlords need to be properly prepared before asking any questions to qualify a potential tenant, to make sure that you not only find the right tenant, but that you do not break any laws while doing so.

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