



At any time after an application has been filed with the Tribunal, an interested person or organization or the Ontario Human Rights Commission may request to intervene in the application by completing this *Request to Intervene (Form 5)*.

Follow these steps to make your request:

1. Fill out this Form 5.
2. Deliver a copy of this Form 5 to all parties and any affected persons or organizations identified in the application or the response.
3. Complete a *Statement of Delivery (Form 23)*.
4. File this Form 5 and Form 23 with the Tribunal.

The Tribunal will determine whether to allow you to intervene and the extent to which you may participate in the proceedings.

Information for all parties and any other person or organization who received a copy of this request:

A person, organization or the Ontario Human Rights Commission (Commission) has made a request to the Tribunal to intervene in an application to which you are a party or a named affected person. The nature of the intervention is described below.

You may take no position in response to the request or, you may respond by completing a *Response to a Request for an Order (Form 11)*.

Follow these steps to respond:

1. Fill out Form 11.
2. Deliver a copy of Form 11 to the proposed intervenor and to all other parties and any other identified affected persons or organizations.
3. Complete a *Statement of Delivery (Form 23)*.
4. File Form 11 and Form 23 with the Tribunal.

Form 11 must be filed no later than **21 days** after this *Request to Intervene* was delivered to you.

Download forms from the Forms & Filing section of the HRTO web site at tribunalsontario.ca/hrto. If you need a paper copy or accessible format, contact us:

Human Rights Tribunal of Ontario
15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6

Phone: 416-326-1312 Toll-free: 1-866-598-0322

TTY: 416-326-2027 Toll-free: 1-866-607-1240

Email: hrto.registrar@ontario.ca

**Application Information**

Tribunal File Number:	2019-36509-I to 2019-36519-I and 2019-36521-I to 2019-3623-I
Name of Applicant:	Bile Ali, et
Name of Each Respondent:	Hazelview Investments Inc.; City of Ottawa; Mustang Equities INC.; TC Core GP; TC COre LP

Part A: For completion by the Proposed Intervenor (other than the Commission)**A1. Contact Information for the Proposed Intervenor (other than the Commission)**Please provide your contact information. Complete **a) Individual** or **b) Organization**.**a) Individual**

First (or Given) Name		Last (or Family) Name		
Street Number	Street Name			Apt/Suite
City/Town		Province	Postal Code	Email
Daytime Phone	Cell Phone	Fax	TTY	

What is the best way to send information to you? ☐ Mail ☐ Email ☐ Fax
(If you check email, you are consenting to the delivery of documents by email.)

b) Organization 1

Full Name of Organization
National Right to Housing Network

Contact person in the organization:

First (or Given) Name Michele		Last (or Family) Name Biss		Title
Street Number	Street Name C/O The Canadian Alliance to End Homeless PO Box 811, Cochrane PO Main			Apt/Suite
City/Town Cochrane,		Province AB	Postal Code T4C 1A9	Email michele@housingrights.ca
Daytime Phone	Cell Phone 613-697-8743	Fax	TTY	

What is the best way to send information to you? ☐ Mail ☒ Email ☐ Fax
(If you check email, you are consenting to the delivery of documents by email.)

A2. Representative Contact Information

Complete this section only if you are authorizing a lawyer or other representative to act for you.

☒ I authorize the organization and/or person named below to represent me.

First (or Given) Name Michele		Last (or Family) Name Biss	
Organization (if applicable) National Right to Housing Network		LSUC No. (if applicable) 66567R	
Street Number	Street Name As Above		Apt/Suite
City/Town		Province	Postal Code Email michele@housingrights.ca
Daytime Phone	Cell Phone 613-697-8743	Fax	TTY

What is the best way to send information to your representative? ☐ Mail ☒ Email ☐ Fax
(If you check email, you are consenting to the delivery of documents by email.)

Organization 2

Full Name of Organization

Charter Committee on Poverty Issues

Contact person in the organization:

First (or Given) Name Bruce		Last (or Family) Name Porter		Title Co-ordinator
Street Number	Street Name C/O Social Rights Advocacy Centre 1038 Portage Flyer Lane		Apt/Suite	
City/Town Huntsville		Province ON	Postal Code P1H 2J6	Email bporter@socialrights.ca
Daytime Phone	Cell Phone 705-783-4567	Fax	TTY	

What is the best way to send information to you? ☐ Mail ☒ Email ☐ Fax
(If you check email, you are consenting to the delivery of documents by email.)

A2. Representative Contact Information

Complete this section only if you are authorizing a lawyer or other representative to act for you.

☒ I authorize the organization and/or person named below to represent me.

First (or Given) Name Bruce		Last (or Family) Name Porter	
Organization (if applicable) Social Rights Advocacy Centre		LSUC No. (if applicable)	
Street Number 1038	Street Name Portage Flyer Lane		Apt/Suite
City/Town Huntsville		Province ON	Postal Code P1H 2J6 Email bporter@socialrights.ca
Daytime Phone	Cell Phone 705-783-4567	Fax	TTY

What is the best way to send information to your representative? ☐ Mail ☒ Email ☐ Fax
(If you check email, you are consenting to the delivery of documents by email.)

Questions for the Proposed Intervenor (other than the Commission)

The proposed Intervenor is required to answer the following questions.

A3. Describe the issue(s) you want to address.

. See Schedule A

A4. Explain your interest in the issue(s) and explain your expertise, if any, regarding the issue(s).

See Schedule A

A5. What is your position, if any, on each of the facts and issue(s) raised in the application and the response?

See Schedule A

A6. What material facts will you rely on?

We will rely on the facts as pleaded by the Applicants, referring to accepted authoritative international human rights jurisprudence and commentary and selective academic commentary.

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A7. What are the terms on which you seek to intervene?

We request permission to file written submissions of a maximum of 15 pages by Tuesday June 3rd or a date to be set by the Tribunal. We further request permission to make oral submissions at the summary hearing on terms to be established by the Tribunal.

PLEASE GO TO PART C

Part C: For completion by all Proposed Intervenors

C1. If you have documents that are important to the application, list them here. Copies do not need to be sent at this time.

Document name	Why the document is important to the application
	N/A

C2. If you believe the applicant and/or respondent(s) have documents that are important to the application, list them here.

Document name	Why the document is important to the application	Name of person who has it
	N/A	

C3. If you believe another person or organization has documents that are important to the application, list them here. List only the most important.

Document name	Why the document is important to the application	Name of person who has it
	N/A	

Signature

By signing my name, I declare that, to the best of my knowledge, the information that is found in this form is complete and accurate.

Name: Michele Biss

Signature: 

Date: (dd/mm/yyyy)
09/05/2025

Name:
Bruce Porter

Signature: 

Signature:

Date: (dd/mm/yyyy)
09/05/2025

☒ You must fill in the date, above.

Collection of Information:

Under the Ontario *Human Rights Code*, the Human Rights Tribunal of Ontario (HRTO) has the right to collect the personal information requested on this form. We use the information to resolve your application. After you file the form, your information may also be available to the public. If you have questions about how the HRTO uses your personal information, contact the HRTO at 416

Schedule A

A3. Describe the issue(s) you want to address.

1. The National Right to Housing Network (NRHN) seeks to intervene jointly with the Charter Committee on Poverty Issues (CCPI) to address the issue of how international human rights treaties inform the interpretation and application of the provisions of the *Human Rights Code* in this case. In its Case Assessment Directive, the Tribunal stated that it is not entirely clear how the applicants' references to international human rights law fit within a claim of discrimination contrary to the *Code* (Directive, para 17). The NHRN/CCPI coalition proposes to provide the Tribunal with an analytical framework to address this issue and to explain how the content of Ontario's obligations under international human rights law helps to inform the interpretation of the *Code* in the present case.
2. The central question raised in this application is whether the *Code* may require measures to accommodate the needs of protected groups adversely affected by the demolition of existing housing and the development of new housing, in a community in which a disproportionate number of members of protected groups have lived. The facts as pleaded establish that members of protected groups under the *Code* have relied on the Herongate community as a place in which they have secured lower cost, low density rental housing and have come to rely on community supports linked to racial and ethnic identity, place of origin, family status and receipt of public assistance. The facts as pleaded establish that the adverse effect of the displacement and redevelopment of this community, and of the targeted business practice applied there, is disproportionately experienced by persons, including the applicants, identified by protected grounds under the *Code*, in particular: race, colour, place of origin, ethnic origin, family status and receipt of public assistance. To be clear, the issue is not whether the *Code* prohibits the redevelopment of impoverished areas. Rather, it is whether such redevelopment must be carried out in a manner that does not constitute *prima facie* adverse effect discrimination and, where it does, that such development accommodates the needs of *Code*-protected groups who would otherwise be adversely affected.
3. The Applicants have argued that international human rights law recognizing the right to adequate housing as a fundamental human right must be considered in interpreting the scope of the protections of the *Code* for the claimants in this case. The Respondents, however, argue that the reliance on international law is "fatal to the application" because international law must be

implemented into law by an act of the legislature to have the force of law and the Tribunal does not have the jurisdiction to enforce international laws.” (paras 25 -33). In its Case Assessment Directive, the Tribunal states that the role of international law in the application is in need of clarification, noting the Respondent’s position that “the *Code* does not guarantee a right to housing, although housing is one of the social areas protected by the *Code*.” (Directive, at para 8).

4. The NHRN/CCPI coalition wishes to assist the Tribunal’s consideration of this issue by clarifying that the important role to be played by international human rights norms in the present case in no way relies on any suggestion that international human rights are directly enforceable without legislative incorporation or that the *Code* should be interpreted as if it contains a freestanding right to housing. We will argue, on the contrary, that international law should be considered in this case exactly as the courts have directed, as an aid in assessing the proper interpretation and application of the *Code*. We will explain how, in the present case, international norms provide important guidance in assessing the obligations of the Respondents, under section 11 of the *Code*, to reasonably accommodate the needs of protected groups where a systemic business practice and a specific development proposal has an adverse effect on their right to equality with respect to the occupancy of accommodation.

5. A related issue to be considered in the summary hearing is the relationship between poverty or socio-economic deprivation and protected grounds of discrimination in housing. As noted in the Tribunal’s directive, the Respondents’ request for summary dismissal notes that “economic and social conditions are not among the grounds protected by the *Code*” and on this basis, argues that the issues raised in the application are outside of the jurisdiction of the Tribunal.

6. NHRN and CCPI wish to provide assistance in considering this issue by articulating how the interdependence of the right to equality in housing guaranteed under the *Code* is interdependent and indivisible from some components of economic, social and cultural rights under international human rights law, particularly in relation to obligations to protect the rights of marginalized and disadvantaged groups in the context of urban upgrading and redevelopment.

7. It is well established in the Tribunal’s jurisprudence that while poverty and socio-economic condition are not enumerated as prohibited grounds under the *Code*, policies that

negatively impact lower income tenants may be found to constitute adverse effect discrimination under the *Code* because of the correlation of lower income status with protected grounds ([*Kearney v. Bramalea Ltd. \(No. 2\)*](#), 1998 CanLII 29852 (ON HRT)), aff'd [*Shelter Corp. v. Ontario \(Human Rights Comm.\)*](#), 2001 CanLII 28414 (ON SCDC)

8. The present claim is the first opportunity for a human rights tribunal in Canada to consider the extent of the duty to accommodate the needs of protected groups where they are adversely affected by the redevelopment of lower income, racio-ethnic communities. The NRHN and CCPI wish to draw on established international human rights norms to demonstrate how such norms ought to inform the interpretation of the *Code* in determining what reasonable measures may be required to accommodate the needs of affected groups in the present case.

9. Finally, the NRHN and CCPI wish to make brief submissions on the importance of ensuring that novel cases such as this, which address critical human rights issues recognized by international human rights bodies, be allowed to proceed to a hearing on their merits. We will reference both domestic and international human rights authorities regarding the importance of ensuring access to justice and effective remedies under domestic law as an important consideration in the Tribunal's decision regarding summary dismissal of the application.

A4. Explain your interest in the issue(s) and explain your expertise, if any, regarding the issue(s).

10. The National Right to Housing Network (NRHN) is a pan-Canadian coalition of more than 2,000 organizations, advocates, experts and people with lived experience of homelessness committed to the progressive realization of the right to adequate housing in Canada as guaranteed under international human rights law and affirmed under the [*National Housing Strategy Act \(SC 2019, c. 29, s. 313\)*](#).

11. After a civil society campaign for national legislation for the implementation of the right to adequate housing in federal legislation, the *National Housing Strategy Act (NHSA)* was adopted by the Parliament of Canada in 2019, recognizing the right to adequate housing as a fundamental human right and committing the federal government to the progressive realization of the right to adequate housing in accordance with obligations under international human rights law.

12. The NRHN officially launched on 6 February 2020, soon after the *NHSA* received Royal Assent, to link grassroots voices to government accountability mechanisms. Governance of the

NRHN rests with a Steering Committee of nine housing, legal and human rights experts, with representatives across the country, while day-to-day activities are carried out by a small paid staff and a set of issue-specific working groups including a legal working group focusing on promoting the right to adequate housing through the interpretation of domestic law..

13. As described below, the NRHN has a unique expertise in how the right to housing under international human rights law has domestic effect in Canada through appropriate statutory interpretation without, however, having been directly incorporated into provincial or federal law. The NRHN has worked extensively to promote the progressive realization of the right to adequate housing by all orders of government in Canada and in doing so has been careful to distinguish reasonable interpretations of legislation or constitutional guarantees based on the presumption of conformity with ratified international human rights treaties from any suggestion that the right to adequate housing under international law is directly enforceable without legislative incorporation. It is this experience and expertise in the domestic implementation of international human rights law in Canada, in the context of housing, that we believe will be of considerable assistance to the Tribunal in the present case.

14. The NRHN's experience includes the following:

NRHN staff have published extensively on international human rights law and its application in Canada. This includes a literature review on the Progressive Realization of the Right to Housing commissioned by the government of Canada's National Housing Council.

https://housingrights.ca/wp-content/uploads/NHC-Progressive-Realization-Paper_EN.pdf

- NRHN created an online right to housing training to help members of the National Housing Council apply international human rights law and norms, which is now mandatory for members.
- NRHN published a paper on the application of the right to adequate housing under the *National Housing Strategy Act* to the National Housing Strategy, commissioned by the Federal Housing Advocate.
- NRHN has made submissions to UN treaty bodies on the right to adequate housing including the List of Issues for the Committee on Economic, Social, and Cultural Rights and a joint submission the UN Committee on the Elimination of Discrimination Against Women. NRHN also made a joint submission to the Universal Periodic Review of

Canada in 2023. In our submissions to UN human rights bodies we have emphasized the importance of applying human rights protections in Canada to systemic forms of discrimination and in particular to problems linked to private investment, development and displacement.

- NRHN staff and Steering Committee members are regularly consulted by the federal government on the implementation of the human right to housing. The NHRN has attended Federal/Provincial/Territorial meetings of ministers responsible for human rights to provide submissions on human rights in housing and have regularly engaged with the federal/provincial/territorial committees of officials responsible for human rights regarding provincial implementation of human rights in housing.
- NRHN staff are regarded as sector experts on the human right to housing and regularly provide trainings to civil society partners.
- The NRHN has assumed responsibility for the right to housing stream of the National Conference on Ending Homelessness every year since 2022, which holds over 2,000 attendees, and has frequently included sessions on the role of private equity firms and the need to regulate their activities.

15. The Executive Director of the NRHN presented to the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development in a study on Implementation of Canada's Universal Periodic Review.

16. NRHN Staff supported organizations and individuals in making submissions to the first ever review panel on financialization, including releasing public education materials to support those submissions, and coaching. NRHN made its own submission with the Women's National Housing and Homelessness Network and developed a brief to the Review Panel to summarize the recommendations made by organizations presenting on the human right to housing and financialization.

ii) The Charter Committee on Poverty Issues (CCPI)

17. The Charter Committee on Poverty Issues (CCPI) is a national committee founded in 1988 which brings together low-income representatives and experts in human rights, constitutional law and poverty law for the purpose of assisting disadvantaged groups in Canada to secure and assert their rights under the *Charter*, human rights legislation as well and other

Canadian law, as well as under international human rights law. CCPI has initiated and intervened in a significant number of cases at various levels of court to ensure that issues of socio-economic disadvantage, and the perspectives of persons living in poverty, are effectively presented before courts and tribunals, with high quality legal submissions, and based on reliable evidence rather than stereotype.

18. CCPI's activities have included research and consultation with other organizations and members of marginalized and vulnerable groups, test case litigation, judicial and public education, appearances before United Nations and other international bodies, and collaboration with non-governmental organizations and researchers in Canada and other countries.

19. CCPI's role in advancing interpretations and applications of the Charter and of human rights legislation that properly considers the perspective and rights of socio-economically disadvantaged groups and are informed by the values of international human rights law has been widely recognized both in Canada and internationally. The National Judicial Institute has made use of CCPI's expertise in this area on several occasions, to provide social context education to judges from six different provinces. Internationally, CCPI's expertise has been relied upon by the International Commission of Jurists, Forum Asia, the Constitutional Assembly of South Africa, and the Committee for the Administration of Justice in Northern Ireland, among others. CCPI has made frequent submissions to governmental and other bodies in Canada with respect to the protection of the rights of low-income people under domestic and international law.

20. CCPI was a research partner in two multi-year research projects with five universities and four non-governmental organizations on "Social Rights Accountability" and "Social Rights Practice" in Canada, funded through the Social Science and Humanities Research Council's Community-University Research Alliance program. Important components of this research included research into the link between substantive equality and socio-economic rights under international human rights law, including the right to adequate housing.

21. CCPI has appeared on multiple occasions before the UN Human Rights Committee and the UN Committee on Economic, Social and Cultural Rights and made submissions to the UN Human Rights Council at all four periodic reviews of Canada regarding Canada's implementation of international human rights, including obligations to ensure access to effective remedies under applicable domestic law to systemic discrimination in housing. CCPI has also appeared on multiple occasions before Federal/Provincial/Territorial bodies charged with

overseeing the implementation of international human rights in domestic law. In all of this work, CCPI has emphasized the importance of the guarantee of substantive equality under the *Charter* and human rights legislation to ensure that systemic barriers to access to housing and other necessities of life faced by protected groups are subject to appropriate judicial scrutiny and effective remedies.

22. CCPI has been granted intervener status in 14 cases at the Supreme Court of Canada. These include: [*Symes v. Canada*](#), [1993] 4 S.C.R. 69; [*R. v. Prosper*](#), [1994] 3 S.C.R. 236; [*R. v. Matheson*](#) [1994] 3 S.C.R. 328; [*Walker v. Prince Edward Island*](#), [1995] 2 S.C.R. 407; [*Thibaudeau v. Canada*](#), [1995] 2 S.C.R. 627; [*Eldridge v. British Columbia \(Attorney General\)*](#), [1997] 3 S.C.R. 624 (*Eldridge*); [*Baker v. Canada \(Minister of Citizenship and Immigration\)*](#), [1999] 2 S.C.R. 817 (*Baker*); [*New Brunswick \(Minister of Health and Community Services\) v. G. \(J.\)*](#), [1999] 3 S.C.R. 46; [*Lovelace v. Ontario*](#), [2000] 1 S.C.R. 950; [*Gosselin v. Québec \(Attorney General\)*](#), [2002] 4 S.C.R. 429; [*R. v. Wu*](#), [2003] 3 S.C.R. 530; [*Chaoulli v. Quebec \(Attorney General\)*](#), [2005] 1 S.C.R. 791; and [*R. v. Caron*](#), [2011] 1 S.C.R. 78.

23. CCPI intervened before the three person Board of Inquiry in [*Kearney v. Bramalea Ltd. \(No. 2\)*](#), 1998 CanLII 29852 (ON HRT) in which systemic business practices in tenant selection which exclude low income applicants were found to constitute adverse effect discrimination under sections 2 and 11 of the *Code* based on race, receipt of public assistance, family status and other grounds.

24. CCPI is currently intervening before the Supreme Court of Canada in the case of *Attorney General of Quebec v. Bijou Cibuabua Kanyinda* S.C.C. File No. 4121, to be heard on May 14, 2025, regarding whether the right to substantive equality under section 15 of the *Charter* may impose obligations on provincial governments to take measures to address systemic inequality faced by women in the workforce by providing access to affordable childcare.

25. In all of these interventions, CCPI has emphasized the importance of interpreting domestic law, where possible, so as conform with Canada's obligations under international human rights law, including the right to adequate housing and other economic, social and cultural rights.

26. CCPI was granted intervener status in the Motion to Strike in [*Toussaint v. Canada \(Attorney General\)*](#), 2022 ONSC 4747, to argue that Canada's failure to implement a UN

Human Rights Committee decision, requiring Canada to ensure access to publicly funded health care without discrimination based on immigration status, violates sections 7 and 15 of the *Charter*. In its Motion to Strike the claim in that case, Canada advanced an argument similar to that of the Respondent in the present case, that the claim amounted to socio-economic rights claim to healthcare that is outside the scope of the Charter. CCPI argued that this was a mischaracterization of the claim and Justice Perell of the Ontario Superior Court agreed that the Respondent’s mischaracterization of the claim was unfair and prejudicial. ([Toussaint v. Canada \(Attorney General\) 2022 ONSC 4747](#) (Toussaint) at [paras 134-136](#). After the Motion to Strike was dismissed, CCPI was granted leave to intervene in the continued action, which is ongoing. ([Toussaint v. Attorney General of Canada](#), 2025 ONSC 2007.

A5. What is your position, if any, on each of the facts and issue(s) raised in the application and the response?

27. The NHRN and CCPI will argue that the Tribunal should reject the Respondents’ mischaracterization of the Applicants’ claim to equal treatment with respect to the occupancy of accommodation as a claim to a freestanding right to housing. This type of mischaracterization has recently been the subject of criticism by courts as a “straw person” and as a “dog whistle argument” that is prejudicial to the rights of disadvantaged claimants ([Fraser v Canada \(Attorney General\)](#), 2020 SCC 28 at [paras 132–133](#)).

28. In its joint submissions with CCPI, the NHRN will assist the Tribunal in considering how international human rights law and jurisprudence provides relevant and persuasive authority for an interpretation of the *Code*’s application to the business practices at issue in the present application. Based on the facts as pleaded by the Applicants (which are supported by many other authorities) the general business practice of the Respondents in relation to the choice of sites for redevelopment, as well as the decisions made with respect to this particular redevelopment, have an adverse effect on *Code* protected groups.

29. The Respondents state that their decision to redevelop the Herongate properties “were made based on the physical condition of the units, the fact that the original structures were low density, the need to rejuvenate the properties, and the safety of residents.” It is, however, well established on the facts pleaded that urban areas satisfying these criteria will invariably be inhabited by low-income families and members of *Code*-protected groups seeking housing they can afford, and that these groups will therefore be adversely affected by Respondent’s policies

and practices. Properly understood, taking into consideration established international human rights norms, the allegation of a *prima facie* case of adverse effect under the *Code* cannot be seriously disputed.

30. The fact that the redevelopment is pursuant to a “business decision” does not, by itself, shield such decisions from review under the *Code*. Where an adverse effect on protected groups of a business decision or policy has been established, the *Code* requires measures to reasonably accommodate the needs of protected groups who are adversely affected, where such measures would not impose an undue hardship on the Respondents, considering outside sources of funding and health and safety requirements. The NHRN and CCPI will argue that the requirements of the *Code* for the accommodation of disadvantaged groups in this context should be interpreted in accordance with clearly established international human rights norms. These norms inform analysis of what accommodation requirements are “reasonable” and manageable within available resources and help to ensure that the *Code* is interpreted in conformity with international human rights standards.

31. The question of state obligations to address the potentially devastating effects on disadvantaged and marginalized groups of upgrading and redevelopment by private developers has been the subject of extensive jurisprudence and consideration internationally. The application properly draws on the three key requirements that have been established in international human rights as reasonable measures that must be ensured through human rights legislation to address the unique needs of vulnerable groups. These are:

- Meaningful engagement with the affected community around any plans for redevelopment to ensure that their needs are adequately considered and addressed;
- Ensuring that any necessary displacement is done in consultation with affected households and that adequate and appropriate alternative accommodation is negotiated with affected households, providing a right of return to the upgraded or newly constructed housing if desired, at a comparable rent; and
- Ensuring that any new housing development is inclusive of the affected disadvantaged groups, utilizing outside sources of funding where possible to ensure a reasonable proportion of affordable housing units so as to preserve an inclusive and culturally supportive community.

32. We will acknowledge in our intervention that responsibilities under section 11 of the *Code* to accommodate the needs of groups adversely affected by redevelopment do not fall exclusively on the respondents. Responsibilities to ensure the provision of a component of affordable units may also lie with various levels of government. However, we will argue that it is entirely within the Tribunals' mandate and authority to consider whether the accommodation which was sought by the applicants in this case, in accordance with international human rights norms, would impose an undue hardship, considering the cost and outside sources of funding available to the Respondents from different orders of government, would constitute undue hardship under the *Code*.

33. The Respondents argue that they have taken reasonable measures to accommodate the needs of the Applicants and the Applicants dispute this. These issues are matters to be considered in a hearing on the merits. They involve the adjudication of norms of undue hardship that have been the subject of extensive human rights jurisprudence in Canada and fall squarely within the authority and competence of the Tribunal. The Respondent bears the onus of proving that the required measures of accommodation would impose an undue hardship and that has certainly not been established at this preliminary stage.

34. The NRHN and CCPI will argue that the positive duty to accommodate needs of disadvantaged groups and to address the effects of systemic discriminatory practices in the present case are analogous to the accommodation of systemic practices or policies adversely affecting persons with disabilities. Provincial human rights legislation has properly been interpreted in accordance with international human rights norms as requiring measures to address the different needs of persons with disabilities to ensure that they are able to live in communities with necessary supports. ([*Disability Rights Coalition v. Nova Scotia \(Attorney General\)*](#), 2021 NSCA 70 at paras [51](#), [222-223](#))