

HOUSING

Trans people in British Columbia have:

The right to housing that is **free from discriminatory harassment and violence**. Private landlords, BC Housing, student housing operators, cooperatives, commercial real-estate companies, Indian bands on a reserve, RCMP housing operators, temporary shelters, residential care facilities, and hospitals all have a duty to maintain a harassment-free tenancy.

Activist Spotlight

Aaron Munro (featured above) of RainCity Housing helped create a house for queer and trans youth who were living outside. Visit our website to find out more about Aaron's work.

The right to **equal housing access**. It is discriminatory for housing providers to refuse to rent to us – or to evict us – because we are trans, because we 'don't look like' a man or a woman, or because our ID doesn't match our gender identity. This applies to housing provided by private landlords, BC Housing, student housing operators, cooperatives, commercial real-estate companies, Indian bands on a reserve, and the RCMP. It also applies to temporary shelters, residential care facilities, and hospitals.

There is a narrow exception in the law that allows gender-segregated housing provided by a non-BC Housing, non-profit women's organization to discriminate against trans women. If you are denied service in such a case, talk to a lawyer. Many, if not most, women's shelters in BC recognize that this exception is transphobic and serve all self-identified women – as they should.

Trans people in shelters and residential care facilities also have:

The right to be placed according to our felt gender in a facility that is segregated into 'male' and 'female' spaces. This is true even if our felt gender is different than the gender marker on our ID and regardless of whether we have had hormone therapy or gender-affirming surgeries. As of 2015, there are no human rights cases about non-binary people. If our gender identity is non-binary, there is a good chance a Human

Rights Tribunal would decide that we have the right to choose the gendered space where we will be safest.

The right to be referred to by the **name and pronouns that we use** (regardless of our legal name, sex, or what is on our ID).

The right to wear **clothing** that is appropriate to our felt gender.

The right to choose to keep our trans status **confidential** from other residents. If we require arrangements to protect our safety or ensure appropriate health care, we will need to disclose our trans status to some staff members. Communicating clearly and regularly to staff about what information we want kept confidential can help protect our rights.

The right to have the agency keep any records that include our trans status **confidential**.

The right to use the **toilet facilities and shower facilities** which fit our felt gender or, if we are non-binary, where we believe we will be safest.

How can you stand up for your rights?

Despite having rights, trans people often experience housing-related discrimination and some trans people are at greater risk of homelessness. This is especially true for trans women who are also Aboriginal or people of colour. Standing up for our rights can be difficult, but it can also help make positive social change.

Be proactive. These steps will help protect you if you end up in a residential tenancy dispute:

Have a **witness** when you discuss renting with the landlord.

Keep careful **notes** and any papers the landlord gives you.

Try to always be listed on the **lease**. Get copies of the lease.

Do a move in inspection and move out inspection report with the landlord. Ask for copies of these **inspection reports**.

Pay your rent and your damage deposit in some way that leaves a **paper trail**. If you ever pay cash for anything, ask for a receipt. Keep the lease and your cancelled cheques or receipts in a safe place.

If a housing provider refuses you accommodation because you are trans:

You can file a human rights complaint against the owner of the property. See *Human Rights Complaints* on our website.

If you are evicted from your apartment because you are trans:

Contact the **Tenant Resource and Advisory Centre** (<http://www.tenants.bc.ca/main/>) for information and assistance: 604-255-0546 in the Lower Mainland and 1-800-665-1185 in the rest of BC.

You can file a **human rights complaint** against the owner of the property (see *Human Rights Complaints* on our website).

If you are entering a shelter or residential care facility:

While the Human Rights Code applies to emergency shelters, it is very difficult for trans people (especially trans youth) living in shelters to stand up for their rights. Many shelters are sex-segregated and have communal sleeping and washing areas that can be dangerous for trans people.

Pay your rent and you damage deposit in some way that leaves a paper trail. If you pay cash for anything, ask for a receipt.

Many shelters have intake forms that require legal names and sex to be disclosed. It is not illegal to put the name you use on intake forms, unless you are trying to con someone. You can put your felt gender on the form if it asks about sex. Staff may hassle you.

One way to prevent or deal with problems is to contact the lawyers at the Catherine White Holman Wellness Centre to get a letter about the accommodations you need and have a right to as a trans person. Email lawyer@cwahwc.com for an appointment, or call 604-442-4352. You can also show shelter staff this fact sheet.

If a staff person or other resident in a shelter, residential care facility, or hospital harasses or assaults you because you are trans:

You can make a human rights complaint against the organization that manages the facility because it is their legal responsibility to maintain a harassment-free space. We can also complain to the police. If we were assaulted, we can sue the person who assaulted us. Please see our resource on *Harassment and Violence* for additional information.

To learn how to stand up for your rights in a range of specific housing situations, please see transrightsbc.ca.

For information on organizations and resources that can help you stand up for your rights, please visit transrightsbc.ca

The Catherine White Holman Wellness Centre and the VCH Transgender Health Information Program produced this document as general legal information. It was reviewed by The Law Office of Barbara Findlay, QC and is current as of July 2015. It is not legal advice, as each situation is unique.