

## *Private seniors' residences allowed to discriminate by design*

### **Jody Negley's Story**

When you are disabled and growing older, everyday tasks become that much harder. You begin to question whether remaining in your home is realistic, especially in the context of a homecare system that is sorely lacking.

I decided to check out a seniors' residence (LIZ, in the Montreal suburb of Westmount) that opened just recently. It was one of those private, high-end places for independent seniors. It had over 300 apartments ranging from studios to three-bedroom units, starting at over \$3,000 per month. Meal plans were extra. They offered another 25 Signature care units, mostly studios, for those seniors needing a little extra care from a nurse or personal care attendant. Prices there started at \$5,500 per month; all meals were included.

I'll admit here that I did not fit the profile of their typical clientele: First, the idea of spending even \$3,000 a month on rent is hard to wrap my brain around. Second, I am disabled; I use an electric wheelchair to get around. I would quickly come to realize that in the eyes of the residence representative, the wheelchair meant that I was not autonomous and therefore not eligible for one of the 300 apartments for independent seniors. Third, I am far more knowledgeable than the average consumer about the features and benefits of universal design. I would quickly come to realize that the developers and architects involved in the construction of the residence made some deliberate choices in terms of the design and layout of the units.

Here's a quick summary of universal design: It is possible for an apartment to be designed and built in such a way that anyone, regardless of age or ability, can live there over the course of their lifetime. They know that they need not move into a seniors' residence when they get too old because their apartment was designed to adapt to their changing needs over time. Universal design refers to a series of accessibility features such as low kitchen counters, light switches, and electrical outlets; wide hallways; lever-type doorknobs; a roll-in shower; a stove with controls in front; and so on.

The apartment will safely accommodate a family with young children, an adult who may or may not have a physical disability, and/or a senior who may or may

not have limited mobility. Universal design works for nearly everyone. It is easily adaptable if needed.

In the context of an ever-increasing aging population; in the context of statistics that cite the high morbidity and mortality rates among the elderly caused by falls; and in the context of strained (dare I say broken) healthcare and homecare systems that are failing to meet current needs, the use of universal design practices in any new residential construction project would seem like an obvious choice. Yet it is not standard practice; far from it.

During my tour of the building's units, I quickly noted that not only did the showers not have grab bars, but that there was a 2-inch lip and a glass door at the entrance, making it impossible for a wheelchair user to have access to the shower. I asked to visit an accessible unit (which I had already done when booking the visit) and would come to learn that not a single one of the over 300+ apartments was accessible. Not one.

It was mind-boggling to me that the architects and developers of this project, dedicated to the needs of a senior population, could be so blind to the need for such basic safety features as a grab bar in, and an accessible entry to, the shower. It became increasingly obvious to me as I spoke with the residence representative that they not only had a very arbitrary notion of the concept of autonomy, but a very poor understanding of barrier-free design and its benefits.

It seems that the developers and perhaps the majority of clientele of this kind of private residence have an image or profile in mind of the type of tenant who will occupy that space. Disabled seniors and most certainly wheelchair users do not fit the profile. How extraordinarily convenient, therefore, that the design features of the bathrooms in these residences make it impossible for such seniors to move in.

While the 25 or so Signature care units for less-autonomous seniors did have roll-in showers, they came with their own share of design flaws. For example, the shower controls were on the opposite wall to the seat, thus requiring the senior to lean too far forward; the shower lining was surprisingly flimsy, making it unlikely to hold up under the weight of an electric wheelchair. This meant that the senior would be fully dependant on an attendant to assist in showering. Of course, such services were conveniently available at an additional cost to what was already a

prohibitively expensive monthly rent. That rent was at least double the cost of the units designated for autonomous seniors.

I knew going in that I did not fit the profile of their typical client based on my income and assets along with the fact that I am an electric wheelchair user. I was not prepared, however, to see how blatantly unwelcome I would feel by virtue of the very design of the space. Suffice to say that I will not be moving there, or any other private residence for that matter. It turns out that private seniors' residences are all exempt from any Quebec accessibility construction code requirements.

An agent who helps seniors search within the existing private network to find a residence that meets their needs confirmed that she knew of no private residence that had apartments with roll-in showers. In other words, no private residence can accommodate a wheelchair user who is autonomous. Equally disturbing is the fact that, like the residence I visited, the residence management have a strict policy of refusing to allow tenants to adapt the shower to make it accessible to them, even though government subsidies are available to finance these modifications.

I certainly plan to follow up on this issue with the Quebec Human Rights Commission to see what they have to say. They currently have a 4-month waiting list for assessing complaints. To be continued...

Commission des Droits de la Personne (514-873-5146) file # C 3051\_23.

Meanwhile, the Quebec government recently announced signing a deal with an offshoot of the Groupe Maurice to build 1,000 social housing units for autonomous seniors. "Mission Unitâinés" is the brainchild of Luc Maurice, president and founder of the Groupe Maurice.

UPDATE 2026-03-27

The Quebec Human Rights Commission agreed that discrimination had taken place and recommended a penalty of \$4,500 in moral and punitive damages. The lawyer of Groupe Maurice contacted me to discuss the incident and to say that the employee in question was no longer employed there and that the policy of the Groupe Maurice has always been to provide reasonable accommodation when asked (as per the law). I asked if they would be willing to give the architects in

their project development office specialized training in universal design so that future residences would not only be safer for ambulatory seniors but that the units would also be accessible to seniors using wheelchairs and other mobility devices. The training could be arranged through Société Logique, a nonprofit architectural firm specializing in universal design at a price of \$4,500, equivalent to the penalty. They agreed.

They also assured me that their staff were all reminded of the obligation to accommodate for disability and that they should refer any requests for adaptations directly to the lawyer. At first this seemed to be a reasonable compromise but I was concerned at how intimidating it might be for someone to be told that their request for adaptation would require meeting with the Groupe Maurice lawyer. Red flag?

They were unwilling to write this policy into any official documentation, whether for staff or to the public. Red flag.

They also sent me a 3-page document to sign by which I would agree to absolve them of any fault, to give up any further legal recourse, and to keep the issue confidential. The letter contained only one small paragraph describing the fact that Groupe Maurice would send a number of staff to some form of training on universal design. All in very vague terms open to interpretation. Red flag.

I decided it was time for a return visit to the LIZ residence to test their lawyer's assertions about their policy toward accommodating disabled seniors.

The visit started off well in that I was not immediately pushed toward the Signature floor. The staff person recognized that someone in a wheelchair could be more autonomous than someone who can walk without a mobility aid. As we visited the various units, he began to understand the limitations that certain bathroom layouts imposed on someone like me. Some configurations made it impossible for a wheelchair to turn around. Even those bathrooms with sufficient circular turning radius had other barriers: The walk-in showers are completely enclosed in glass and include a significant threshold that block a wheelchair user's safe transfer to a shower bench.

When asked about the possibility of adapting the shower to make it more accessible, the staff person said no at first but when asked again, replied reluctantly that it might be possible but it would be most certainly at the tenant's own expense

and with the commitment of returning the unit back into its original state. When pressed further as to who would ultimately give authorization for needed bathroom adaptation (I was waiting for him to talk about referring such requests to their lawyer), he said that the Director of Nursing Care in charge of the Signature floor would be the one to assess my level of autonomy (!) ... Hearing this was a surprising and unfortunate twist given that it suggests that a disabled person lacks the capacity to determine their own level of autonomy and the kind of accommodation they need.

Unfortunate because the staff person seemed so enlightened at first but was clearly uninformed about the law and supposed organizational policy, and seemed oblivious to how putting such obstacles in the path of a disabled senior constitutes a form of discrimination.