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December 1, 2020

New decision protects the rights of service animal users

A recent decision of the Manitoba Human Rights Adjudication Panel affirms the rights of people with disabilities who rely upon service animals to access public services free from discrimination.

The decision comes after a hearing into the human rights complaint of William Webb against LHS Holdings, operating as the Manigaming Resort. In 2014, Webb and his family made a reservation to stay at the resort, which included access to the resort's amenities and common areas. However, when the family arrived at the resort, Webb was initially turned away because he relies upon a service animal to assist him with a mental health condition. Later, the resort owners offered to allow Webb and his family to stay at the resort, subject to the service animal, Spencer, entering the resort through a distinct entrance and remaining in the hotel room, and therefore limiting Webb from accessing common areas of the resort such as the pool. Webb and his family left the resort and ended their vacation early.

In her decision, Adjudicator Karine Pelletier states "Spencer was a service animal, and not a "pet", which is a critical distinction. The [owners] had an obligation to weigh their concerns with pets generally with Mr. Webb's specific disability-related needs and his request to be treated no better or worse than any other guest staying at the resort. The[y]... had an obligation to ensure that services are accessible to individuals with protected characteristics under The [Human Rights] Code" (at para 72).

"The decision marks an important step forward not only in recognizing the rights of service animal users to access public services without fear of discrimination, but also recognition that persons with mental health conditions who rely upon service animals are entitled to be treated with dignity and respect," said John Burchill, A/Chairperson of the Manitoba Human Rights Commission's Board of Commissioners. "We often consider service animals as assisting persons with physical disabilities, but service animals can provide vital and necessary disability related support to persons with mental health conditions."

Of the decision, Webb states: "I am extremely pleased with this decision, as it has been a long and difficult six years for everyone involved in this complaint. This is not just a Manitoba issue: the denial of access to public services continues to be a nationwide problem and barriers continue to exist for those who require the use of a service animal. I hope that the Manitoba Human Rights Commission and others continue to

educate the hospitality industry on their obligations to respect the rights of service animal users.”

To read the decision, visit www.manitobahumanrights.ca.

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