

Ministry of Community
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September 21, 2005

To Whom It May Concern:

This letter outlines the existing law regarding the rights of persons who may not be visually impaired, but who require the use of a guide/service dog to function due to a disability.

The Ontario Human Rights Code

Individuals and organizations are prohibited from discriminating against persons with disabilities by refusing entry or access to a building, premise, or good or service because a person requires the accompaniment of a guide/service dog due to a disability. The law requires access for both persons who require a guide/service dog due to a mental disability as well as those who require the use of a guide/service dog due to a physical disability. Individuals and organizations which refuse entry to persons who require the use of a guide/service dog due to a disability could be subject to a human rights complaint.

Health Promotion and Protection Act: Regulation regarding Food Premises

This legislation states that a person who requires a guide/service dog who is not a person who is blind or has a visual disability can enter a restaurant with the service dog and the restaurant cannot refuse service if the customer can provide a letter from a physician or nurse confirming that he/she requires a service dog or it is readily apparent to an average person that the dog functions as a service dog for a person with a medical disability.

The regulation reads as follows

59. Every operator of a food premise shall ensure that in respect of the food premise,
- (e) every room where food is manufactured, prepared, processed, handled, served, displayed, stored, sold or offered for sale is kept free from,

- (i) materials and equipment not regularly used in the room, and
- (ii) subject to section 60, live birds and animals;

60. (1) Subclause 59 (e) (ii) does not apply to,

(a) a service dog serving as a guide for a blind person or for a person with another medical disability who requires the use of a service dog, if the service dog is in an area of the food premise where food is served, sold or offered for sale;

(2) A dog other than a guide dog for the blind is a service dog for the purposes of clause (1) (a) if,

(a) it is readily apparent to an average person that the dog functions as a service dog for a person with a medical disability; or

(b) the person who requires the dog can provide on request a letter from a physician or nurse confirming that the person requires a service dog. O. Reg. 74/04, s. 4 (2).

I trust that this letter clarifies the rights of persons who require guide/service dogs due to a disability. Should you require more information, please contact the following:

Ontario Human Rights Code

You can contact the Ontario Human Rights Commission at:

Toll Free (outside Toronto Area): 1-800-387-9080

E-mail: info@ohrc.on.ca

Health Promotion and Protection Act: Regulation regarding Food premises

Toll free: 1-800-268-1154

In Toronto: 416-314-5518

Sincerely,



Nadia Temple

Director