



Advocacy Centre
for Tenants Ontario

Tenant Duty
Counsel Program

Landlord and Tenant Board (LTB) – Challenges and Solutions

January 17, 2024



Background: Landlord and Tenant Board (LTB)

- ▶ Busiest tribunal in Ontario
- ▶ 80,000 applications for hearings per year
- ▶ 44 former regional sites across the province providing service
- ▶ Incl. 8 Regional Offices (London, Hamilton, Mississauga, Ottawa, Toronto North, Toronto South, Toronto East, Sudbury) provided full LTB services



- ▶ All locations offered mediation, Tenant Duty Counsel, scheduled hearings regionally, and heard both landlord and tenant matters in the same block
- ▶ Some locations offered homelessness prevention programs.

Before Digital: Landlord and Tenant Board (LTB)

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- ▷ Regional Centres offered counter staff support on forms and documents.
- ▷ Low Barrier Access
- ▷ Hallway conversations helped resolutions and eviction prevention
- ▷ Seeing homelessness prevention services, mediation, tenant duty counsel services in-person built trust for these services
- ▷ 3 Robert Speck Parkway, 5th floor, LTB Regional Office, (across from the ODSP office or across Walmart at Square One). Daily LTB hearings with full services for Brampton and Mississauga residents.





Key Dates

- ▶ January 2020 - Ombudsman launched investigation on delays at the LTB (landlord applications waited 7 weeks and tenant applications were 8 weeks for hearing)
- ▶ September 2020 – announcement of Digital First strategy
- ▶ November 2020 – Digital First strategy made permanent without consultation
- ▶ Fall 2020 – local/regional scheduling ends in favour of provincial scheduling and applications for the same address begin to be heard separately
- ▶ October 2022 – First In-Person LTB hearing held in Ontario
- ▶ May 2023 – Ombudsman released [report](#) (97 pages, 61 recommendations) citing tenants waiting up to two years and landlords 6-9 months for a hearing

What are the current challenges at the LTB?

Unequal Access to Justice

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- ▶ Challenge for people living in rural and remote areas, whose first language is neither French or English, survivors of IPV do not feel safe at home, individuals with disabilities, literacy, and numeracy challenges.
- ▶ CRTC minimum broadband target : 50 Mbps download, 10 Mbps upload, and unlimited data.
- ▶ [In 2019](#), : 30.5% of rural households and 16.1% of First Nations households in Ontario met the target;
- ▶ [2022 Deloitte Study](#) : 39% of households earning less than \$40,000 per year met this target ([median income](#) of Ontario's renters is \$58,800) met CRTC minimum.





Unequal Access to Justice

55.6% of tenants participate in their hearing by phone

74% of landlords participate by video in their hearing



Extraordinary Delays at the LTB

Application	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018
Applications Received	73,208*	61,586**	48,422**	88,874	82,095	80,791
Applications Resolved***	52,986	61,868	35,983	72,064	79,476	78,744
Active Cases at Year-End****	53,057	32,800	34,731	22,803	14,725	12,944



Extraordinary Delays at the LTB

- ▷ Delays attributed to three factors:
 1. Digital hearings have led to delays (p. 217, Ombudsman)
 2. Scheduling hearings provincially (p. 214, Ombudsman)
 3. Scheduling by hearing type
- ▷ In March/23, landlord applications took an average of 6 to 9 months to be heard and tenant applications up to 2 years. (para. 6 Ombudsman's Report)
- ▷ 9,323 tenant applications unresolved with 2 going back to 2017, 13 to 2018, and 78 from 2019. (para. 146 Ombudsman's Report)



Ombudsman's Report (May 4/23)

- ▶ “Despite the dozens of specific recommendations I have already made, addressed at improving efficiencies ... at virtually every stage, I believe that more is required...Over the past few years, the Board has proven itself unequipped for the task of reducing its extraordinary backlog of applications...Board is fundamentally failing in its role of providing swift justice to those seeking resolution of residential landlord and tenant issues.” (para. 306)
- ▶ Ministry of the Attorney General, Tribunals Ontario, and LTB should report back in six months time and at six month intervals thereafter until the Ombudsman is satisfied that adequate steps have been taken to address recommendations.



The LTB's Impact on the Housing Crisis

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- ▷ Unprecedented Affordable Housing and Homelessness Crisis
- ▷ In [Mississauga](#), there are 71,300 renter households. 39% (compared to 38% across the province) of renters spend more than 30% of their household income on rent and 17% (compared to 15% across the province) spend more than 50%.
- ▷ Delays create larger arrears making tenants ineligible for accessing rent banks and other programs. Increases debts for social housing providers.
- ▷ Many tenants miss their hearings due to digital divide.
- ▷ Importance of Accessing Homelessness Prevention services. 97.4% Tenants and 20.05% Landlords appear unrepresented at the LTB (Tenant Access to Justice Project, 2018)
- ▷ When a tenant is evicted from an affordable unit, the unit is lost to the community forever because of vacancy decontrol.

Solutions

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Return to In-person
Hearings as Default

Move Forward with
Ombudsman's
Recommendations
and Improve
Operations

Reopen Regional
Offices

Navigator Program
Offering Upstream
Support

Collect and Share
User and
Stakeholder
Feedback to
Improve Services

Return to a Regional
Scheduling Model

Voices Calling For Change

- ▶ [Courts](#) and [Tribunals](#) have returned to In-Person hearings by default or hybrid format
- ▶ [Ontario Human Rights Commission](#), [Health Care Professionals](#), [United Way](#), and [landlord and tenant advocates](#) support a return to in-person hearings
- ▶ The [Ontario Bar Association](#) and non profits serving Ontarians including the [United Way](#) have expressed concerns about the digital divide
- ▶ Municipalities such as Chatham-Kent are voicing their concerns



Thanks!

Any questions?

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