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Over 67,000 backlog cases plague Ontario's key tribunals – Tribunal Watch Ontario

Current solutions are 'not sufficient to deal with the backlogs in any meaningful way'

BY [Micah Guiao](#) 21 Dec 2022



Tribunal Watch Ontario is urging the government to confront a collective backlog of over 67,000 cases at four key tribunals as per Tribunals Ontario's count in its 2021-22 annual report published in September.

The lack of accessible justice is most prominent at the Landlord and Tenant Board with 32,800 cases, [the Human Rights Tribunal](#) with 8,979, the Licence Appeal Tribunal with 16,204, and the Social Benefits Tribunal with 9,753.

[According to Tribunal Watch Ontario, the solutions provided in the annual report](#) are “not sufficient to deal with the backlogs in any meaningful way.” TWO says slow justice does not only affect claimants – it can also be demoralizing for the staff and adjudicators within the system.

Such was the case in 2021 when Tribunal Watch Ontario discovered through a survey of tribunal users that the confidence in the timeliness and fairness of the tribunal processes were “overwhelmingly negative.”

With 32,800 backlog cases in the Landlord and Tenant Board alone, the crisis is worst for small landlords who have lost funds and resources because of an [inability to secure an eviction order](#) from the tribunal. Likewise, tenants will continue to suffer from poor living conditions if disputes are ignored.

Meanwhile, the Automobile Accident Benefits Service division of the Licence Appeal Tribunal noted the highest surge in backlog, growing four times from 4,241 in 2017 to 16,204 in 2022.

“This has resulted in unprecedented delays in processing and resolving cases in a timely and accessible way,” [Tribunal Watch Ontario wrote](#). “Increasingly, the people who must rely on adjudicative tribunals to resolve legal disputes are discovering that justice delayed is indeed justice denied.”

This ongoing crisis has prompted the organization to call on the Ontario Government, the Ministry of the Attorney General, and Tribunals Ontario to make seven commitments:

1. Establish a backlog-dedicated panel of expert adjudicators to resolve the thousands of applications that are stalled at Tribunals Ontario, using proactive case management, mediation and adjudication
2. Expedite the scheduling of cases in the backlog while recognizing the important role of representatives such as legal clinics and the Human Rights Legal Support Centre in assisting thousands of low-income individuals who appear before the SBT, the LTB and the HRTO
3. Re-establish in-person hearings as a viable and accessible option for all parties
4. Conduct an internal review of case resolution practices at the HRTO to ensure compliance with the statutory duty to provide parties with the opportunity to make oral submissions before dismissal
5. Ensure that all tribunals have a full complement of expert adjudicators who can provide timely dispute-resolution services in both official languages
6. Restore the standing stakeholder advisory committees that were disbanded in 2018, allowing meaningful input into the design of tribunal rules, processes, and policies
7. Depoliticize appointments and reappointments to all adjudicative tribunals by establishing an Adjudicative Tribunal Justice Council to provide independent oversight of the system

“We call on the government and all parties to commit to restoring the accessibility of the tribunal justice system, to ensure that the people of Ontario have adjudicative tribunals that are independent, expert, inclusive and able to provide dispute resolution processes that are both fair and timely,” Tribunal Watch Ontario wrote in a statement.