

TRIBUNAL WATCH ONTARIO STATEMENT ON NEW FUNDING FOR THE LANDLORD AND TENANT BOARD

April 14, 2023

Tribunal Watch Ontario is pleased that the Ontario government is increasing Tribunals Ontario's budget to allow the Landlord and Tenant Board (LTB) to increase its staff, including bringing on stream 40 new adjudicators over the next year. This new funding is intended to empower the Board to address the scandalous backlog that forces landlords and tenants to wait many months for a hearing to resolve their disputes.

Tribunal Watch Ontario is concerned, however, that in announcing its new funding, Tribunals Ontario (of which the LTB is a part) has emphasized the continuation of two pandemic-era initiatives that reduce the efficiency and fairness of LTB processes – the end of in-person hearings and the closing of regional hearing centres. In a statement to the CBC, Tribunals Ontario stated that the new adjudicators will preside over "virtual-only hearings and not be designated to service any particular part of the province." [<https://www.cbc.ca/news/canada/sudbury/landlord-tenant-adjudicators-1.6804175>] If the enhanced funding is to be effective in improving efficiency, as well as fairness, it is critical that the Board re-introduce in-person hearings as an accessible option for all parties, as well as implement a full or partial return to its long-standing regional hearings model. Both of these measures will support the ability of its new adjudicators to hold efficient and fair hearings.

Furthermore, as with all tribunal appointees, there must be a credible recruitment process that is truly competitive and depoliticized. The LTB desperately needs more well-qualified decision-makers who have adjudicative and dispute-resolution skills, as well as knowledge of housing law, but it also needs to follow the example of other tribunals in allowing flexible hearing formats, including the option of local in-person hearings. The current format of all-day virtual hearing blocks often results in the parties waiting online or on telephone for hours, struggling to figure out when their matter will be heard and how the process works.

Tribunal Watch Ontario strongly urges Tribunals Ontario to take this opportunity to meaningfully engage with its stakeholders, including both tenant and landlord groups, on the major access-to-justice issues that have plagued LTB processes. Changes to increase access to justice will ensure meaningful and fair processes and outcomes for the parties. This will help both tenants and landlords – for example, in rent arrears applications, giving tenants ready access to skilled duty counsel and local rent banks will help more landlords recover unpaid rent and more tenants remain in their homes.