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# Doug Ford has made lives miserable for landlords and tenants. Here's how he needs to fix that

The Landlord and Tenant Board is just one example of slow decline of administrative justice under Ford's Tories, Martin Regg Cohn writes.

By [Martin Regg Cohn](#) Political Columnist  
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The Landlord and Tenant Board is a disaster that didn't have to happen.

Landlords know it. Tenants know it.

Five years after taking power, Doug Ford's Tories know it. Now they own it.

Belatedly, Ontario's ombudsman has documented it. Paul Dubé's latest report condemns the LTB as a "moribund" tribunal that fails the fairness test for those who need it fastest — overstressed tenants and overstretched landlords, as I wrote in [Tuesday's column](#).

The 16-month waiting times for a judgment are an injustice. The lack of experience and expertise on this tribunal is a travesty.

None of this comes as news to the tens of thousands of Ontarians who deserved better and discovered the worst. The bigger question is how exactly did it go from good to bad and worse — all on Ford's watch?

That it took the ombudsman three years to investigate and remediate is a testament to this tribunal's troubles. But the bad news is old news.

I first [wrote about this injustice three years ago](#). The disruption and dysfunction wrought by Ford, upon winning power in 2018, is at the root of the crisis.

His rookie attorney general at the time, Caroline Mulroney, presided over a purge of tribunal experience and expertise, which targeted anyone appointed by the last Liberal government no matter how apolitical. Contracts went unrenewed and vacancies went unfilled, as Mulroney set the table for the Tories to impose their own patronage regime that rewarded political loyalty instead of fidelity to the law.

Bad enough that a short-staffed LTB gave tenants short shrift. Next, it wasted millions of dollars on untried technology that gummed up the ability to try cases, according to the ombudsman.

The backlog has grown to 38,000 cases. Tenants wait an average of 469 days for violations of basic rights to be resolved.

“Excruciatingly long delays have had immense negative impacts on thousands of landlords and tenants who depend on the board,” Dubé’s report concludes.

With Mulroney shuffled out, Doug Downey took over as attorney general with a mandate to clean up the mess. Then came COVID, creating a crisis in landlord-tenant relations that strained the system to the breaking point.

But the key point is that this problem long preceded the pandemic.

“The early signs of crisis at the board emerged shortly after the 2018 provincial election, when the number of its adjudicators plummeted and significantly affected its ability to hear applications,” the report found.

Long before the ombudsman looked at this, a group of lawyers and former adjudicators created Tribunal Watch Ontario to raise the alarm about the slow decline of administrative justice under Ford’s Tories. Ontario’s self-described “First Government for The People” was depriving people of their first point of access to justice.

Largely vindicated by the ombudsman’s report, Tribunal Watch is far from declaring victory: “The backlog (is) continuing to grow, and it is difficult to have any confidence in the ability of Tribunals Ontario and the LTB to course-correct.”

What began as a patronage play, made worse by a technology delay, has culminated in a lack of accessibility. Under cover of COVID, the landlord and tenant board erected an electronic wall that requires virtually all applicants to deal with them digitally rather than in person.

The hearings can be “chaotic” and the connectivity unreliable, as the ombudsman confirms. The inescapable conclusion is that the LTB has turned itself into a glorified call centre without reasonable grounds.

Our law courts adapted to remote hearings during the pandemic emergency, but have long since reverted and reopened. By insisting on virtual hearings, the tribunal has created “an imbalance in access to a fair process ... experienced most acutely by rural and low-income households ... disproportionately racialized, recent immigrants, persons with disabilities and others with barriers to higher earnings,” Tribunal Watch argues.

It cites statistics showing that the landlord and tenant board allows almost no exemptions. Why not make reasonable accommodation for those who merit it?

Understandably, landlord and tenant backlogs get most of the attention. But the rot extends to the Human Rights Tribunal and the Social Benefits Tribunal, where the most disadvantaged and disabled welfare recipients must plead their cases.

“The crisis at Tribunals Ontario is wider and deeper than the deplorable state of the LTB as documented by the ombudsman,” the group concludes in an analysis shared with me this week.

“We do not change the judges in our courts after an election,” Tribunal Watch points out. “We should not discard experienced and skilled adjudicators at Ontario Tribunals.”

The problem is that “experienced and proven leaders were replaced, in some cases, by people for whom political affiliation seemed to be the main qualification.” It’s time for the appointment and reappointment process to be “regularized and depoliticized,” with a non-partisan oversight apparatus that gets input from trusted outside organizations such as the Law Society of Ontario, the group urges.

Downey, the attorney general who inherited this mess, would do well to listen to Tribunal Watch, which was first on the case. Despite his best efforts and bigger spending — \$6.5 million just last month — the LTB will never make up for lost time unless it takes extraordinary measures to fix the extreme mistakes committed early on.

While Downey personally didn't create the mess, he's on the hook for his fellow Tories. You break it, you fix it.

**[Martin Regg Cohn](#)** is a Toronto-based columnist focusing on Ontario politics and international affairs for the Star. Follow him on Twitter: [@reggcohn](#)