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## Doug Ford's blunders have made victims of landlords and tenants alike

Ontario's Landlord and Tenant Board is in tatters due to the provincial government's wilful neglect, Martin Regg Cohn writes.

By [Martin Regg Cohn](#) Political Columnist

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Of all the blunders by Doug Ford's Tories, one reckless decision stands out for hurting so many Ontarians so needlessly since 2018.

Tens of thousands of renters and landlords were betrayed, year after year, by the premier's early combativeness and cluelessness. They were cast aside by a Progressive Conservative government that played politics with the rule of law by abdicating its responsibilities in adjudicating landlord-tenant relations.

Millions more Ontarians are potentially vulnerable after Ford's Tories wreaked havoc on the administrative tribunal that is the last line of defence for defenceless tenants and, yes, vulnerable landlords. They gummed it up and gutted its ranks, by dumping and disqualifying the most expert and experienced adjudicators — merely for the sin of having served under a previous Liberal government.

Unsurprisingly, Ontario's Landlord and Tenant Board fast formed a massive backlog of 22,000 cases. Then came COVID-19 — and the backlog grew bigger, faster, nearly doubling with no apparent ability to reel it in or recover.

The pandemic emergency is now over, the World Health Organization declared this month. But the tenancy emergency is never-ending, as Ontario's ombudsman, Paul Dubé, made clear in the very same month.

By the fall of 2019, well before the pandemic began, the board had “spiralled into a moribund state,” Which means the tribunal was on its deathbed even before COVID-19 sent it spinning, and it remains far from recovery.

Dubé has just completed an investigation into this morass. His final conclusion is damning, his detailed findings incriminating, his choice of words revealing.

Today, the tribunal is in tatters. And the government is in trouble.

I've written several columns exposing the iniquity and inequity of this wilful neglect in past years, yet the problem has received relatively little media coverage or opposition attention. Given the outsized impact on people's lives or life savings — the homes they live in, the properties they depend on — we ignore it at our peril, lest it leave many more Ontarians without recourse if they face eviction without grounds.

The problem is that Ford's government turned this tribunal into a testing ground for bizarre theories of political disruption. It allowed nearly half of the adjudicating positions to go unfilled until, desperate to undo the damage, it converted the tribunal into a patronage playground for favoured — and unqualified — Tories.

Perhaps this was a warped right-wing idea to rein in government while ruining the lives of renters. Possibly it emanated from a misconceived Tory notion that the propertied classes are a priority, with tenants treated as second-class citizens left to fend for themselves.

But the tribunal turned into a time bomb until, belatedly, the government got the message. In mid-pandemic, well before the ombudsman delivered his damning verdict, the Tories started to hear from raging landlords that the situation was out of control.

“The board’s excruciatingly long delays have had immense negative impacts on the thousands of landlords and tenants who depend on it to resolve their tenancy issues,” the ombudsman wrote. “We heard from many of those trapped in the queue on both sides of the landlord/tenant relationship — some forced to live in unsafe and substandard conditions, and others facing financial ruin.”

Whether your apartment is in disrepair, or you are a landlord in despair, this government now has some explaining to do. What was it thinking?

The Tories have never fully accounted for their thoughtlessness. The ombudsman quotes nameless officials implying that this was merely a matter of transitional troubles between Liberal and Progressive Conservative governments, but that explanation strains credulity.

“The phrase ‘perfect storm’ is often overused, but it is undoubtedly apt in the case of the now-endemic delays at the board. A combination of an election, change of government, antiquated technology, a host of inefficient practices, and a global pandemic contributed to a situation in which the board has been overwhelmed by a multi-year backlog of tens of thousands of applications,” the report concluded.

But the ombudsman is being far too meteorological about the political calculus of which Ford is culpable. Rather than a “perfect storm” of unforeseen circumstances, this was a Greek tragedy — which is to say a self-created crisis attributable more to personal hubris than any accident beyond the premier’s control.

By late last year, landlords had to wait nearly 342 days — almost a full year — to evict a tenant for legitimate reasons (such as moving in or major renovations). Tenants had to wait even longer — 469 days on average — for redress over rights violations; maintenance complaints took 433 days; for a bad-faith eviction, the wait time was 336 days.

While both sides suffer, the ombudsman’s report reaches the inescapable conclusion that tenants are forced to wait far longer. That’s because

landlord complaints can seem more straightforward and easier to resolve, so the bureaucracy takes the path of least resistance.

But efficiency and equity are two different approaches. In a quasi-judicial system, quasi-efficiency cannot take priority over the quintessential issue of fairness, as Dubé notes.

Fair means fast, for both sides. Just as justice delayed is justice denied, so too administrative justice delayed amounts to unfairness for those who can afford it least — for time is money, yes, but waiting is also misery.

As damning as the ombudsman's report sounds, I believe there is more to this mess, and getting out of this morass, than he suggests. More in my next column.

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