

City Council

Notice of Motion

MM14.2	ACTION			Ward: All
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Restoring In-Person Landlord and Tenant Board Hearings - by Councillor Paula Fletcher, seconded by Councillor Alejandra Bravo

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Paula Fletcher, seconded by Councillor Alejandra Bravo, recommends that:

1. City Council request the Government of Ontario to take the following mitigation steps:
 - a. make in-person hearings the default format while providing the choice of digital or virtual hearings if both parties agree and clearly understand the process;
 - b. develop clear guidelines that are easily accessible that outline how to request a change in format for a hearing or identify challenges during a virtual hearing;
 - c. consult with legal clinics, tenant advocate groups, people with lived experience and landlords in advance of making digital hearings an option to ensure challenges that surfaced using the digital method are addressed; and
 - d. restore and enhance funding for legal aid clinics so that tenants have the support required to participate meaningfully and with support if needed in Landlord and Tenant Board proceedings.
2. City Council request the Government of Ontario to immediately move forward on all 61 recommendations of the Ontario Ombudsman's Report.
3. City Council request the Landlord and Tenant Board to bring back regional scheduling to improve access to housing and homelessness supports, to provide better service for people living with poverty who do not have sufficient broadband or devices to participate in virtual hearings, people who do not speak French or English, survivors of intimate partner violence where home is not a safe space to conduct a hearing, and individuals with disability, literacy, or numeracy challenges, and so that Adjudicators will have increased familiarity with the community.
4. City Council request the Landlord and Tenant Board to reopen counter services at Toronto South Office at 15 Grosvenor Street and Toronto East Office at 2275 Midland Ave and all Landlord and Tenant Board regional offices so that Landlord and Tenant Board staff can: provide parties with documents on the day of the hearing; can provide immediate support to

parties for emergency matters; minimize delays as documents can be reviewed for minor errors when they are filed; and provide support for applicants and respondents in-person and refer parties to appropriate resources.

Summary

On May 5th and 6th 2021, City Council adopted my motion [PH22.12](#) regarding Online Landlord and Tenant Board Hearings, in which City Council asked for the Province of Ontario to mitigate the negative impacts of virtual Landlord and Tenant Board hearings on tenants that were implemented in November 2020, as apart of the Landlord and Tenant Board's Digital First Strategy.

To date, majority of Landlord and Tenant Board hearings are scheduled digitally though zoom and it has further heightened the imbalance between tenants and landlords in which barriers for tenants with low-incomes, disabilities and digital limitations have amplified.

The Ontario Ombudsman's Report, [Administrative Justice Delays, Fairness Denied](#) (May 2023) found that the exclusively digital format has caused delayed hearing times for tenants and landlords and amplified inaccessibility issues for tenants including for:

- people living with poverty who do not have sufficient broadband or devices to participate;
- people who do not speak French or English;
- survivors of intimate partner violence where home is not a safe space to conduct a hearing; and
- individuals with disability, literacy, or numeracy challenges.

The Advocacy Centre of Tenants Ontario found that in 2021 that 55.6 percent of tenants participated by phone compared to only 26 percent of landlords in the virtual hearings.

The Ombudsman Report found that the backlog was 22,803 cases when the investigation was announced in January 2020, the removal of in-person services and other operational decisions increased the backlog to 53,057 cases by March 2023.

Furthermore, regional Landlord and Tenant Board offices including the Toronto South and Toronto East Office ensured that mitigation tools beyond the Landlord and Tenant Board hearings were available to tenant's in-person such as daily on-site mediation, tenant duty counsel services, and counter staff services and allowed for hearing block of specific neighborhoods. These ensured that services were accessible to tenants and they were informed of homelessness prevention programs.

With Toronto's current housing crisis, the implementation of virtual Landlord and Tenant Board hearings have removed accessible resources from tenants and have increased their challenges in securing affordable homes.

Background Information (City Council)

Member Motions MM14.2