

February 5, 2024

Toronto City Hall
100 Queen St. W.
Toronto, ON
M5H 2N2

Dear Toronto City Council Member,

Re: Support for - MM14.2 - Restoring In-Person Landlord and Tenant Board Hearings - by Councillor Paula Fletcher, seconded by Councillor Alejandra Bravo

I am writing on behalf of the Advocacy Centre for Tenants Ontario (ACTO), a community legal aid clinic that advocates for the housing rights of low-income tenants in Ontario. ACTO supports motion MM14.2 tabled by Councillor Paula Fletcher, calling on the Ontario government to restore in-person hearings and regional scheduling at the Landlord and Tenant Board (LTB), among other important demands. As a legal clinic that oversees and provides Tenant Duty Counsel services to Toronto renters facing evictions, the recommendations outlined in this motion not only support the access to justice needs for Toronto's most vulnerable renters, but also align with the Board's stated commitment to the principles of fairness, accessibility, and efficient resolution of residential tenancy disputes.

The Ontario government often boasts about the success of virtual hearings for its users. Nonetheless, the experiences of many low-income renters should not be ignored. For many, virtual hearings at the LTB present barriers to their full participation at their hearing, the outcome of which could result in the loss of their home. Low-income renters struggle to participate in online hearings for several reasons including: not having access to high-speed internet, a laptop or smartphone; they lack technological knowledge to log on to hearings and upload evidence in advance; they may have disabilities or language barriers that hinder their ability to participate in an online proceeding; and if they are able to access tenant duty counsel at their hearing, tenant duty counsel are unable to review their legal documents prior to giving legal advice.

While virtual hearings may be the preferred hearing format for the Board, it is imperative that the province assess the impacts and effectiveness of virtual proceedings for the city's most precariously housed renters; and examine how in-person hearings can improve outcomes of rental disputes for the parties and the LTB itself. While far from perfect, in our experience providing tenant duty counsel services at the Board, in-person hearings were more accessible and resulted in

better outcomes for the parties. In fact, many hearings were avoided because in-person hearings facilitated a direct and personal interaction between landlords, tenants, and their representatives. This fostered a better understanding of each party's concerns, and resulted in more tailored solutions proposed by the parties in mediation or hallway conversation. Housing supports could quickly be brought into the conversation where needed. This interpersonal connection helped preserve tenancies by addressing roots of the disputes and the parties' needs directly.

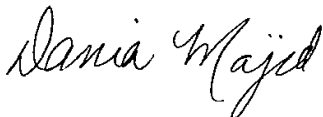
ACTO also supports the Motion's call for a return to regional scheduling at the Board. Prior to the digital hearing format, in-person hearings were scheduled and situated in local settings across the GTA and the province. This local approach was essential for addressing the unique needs and challenges faced by vulnerable renter communities in Toronto.

Regional scheduling ensures that the LTB is better informed and equipped to respond to the specific contexts of different communities, fostering a more nuanced and community-centric dispute resolution approach. It also helps facilitate the City's local supports to be readily available at hearings to assist renters in connecting with the community resources available to help them preserve their tenancies. For example, rent bank staff would help renters cover arrears or pay the rent directly to landlords; and renters with various disabilities were connected with social workers who would provide the necessary supports to help them live independently. Community-based resolution versus adversarial approaches increases the likelihood of preventing evictions. In contrast, the current digital approach implemented by the LTB prioritizes the backlog over the well-being of the parties.

We urge the Toronto City Council to continue advocating for the reinstatement of in-person hearings and regional scheduling at the LTB. This Motion aligns with the best interests of those in Toronto's rental market, emphasises the importance of eviction prevention in the dispute resolution process, and will help address one of the drivers of the affordable housing crisis. If this Motion is adopted it will lead to a more fair and accessible Landlord and Tenant Board for all.

Sincerely,

ADVOCACY CENTRE FOR TENANTS ONTARIO



Dania Majid
Director of Tenant Duty Counsel Program