



Landlord and Tenant Board Consultations – August 2020

The Landlord and Tenant Board (LTB) has revised its Rules of Procedure (“Rules”), and certain Interpretation Guidelines, Practice Directions and forms. Some of the changes are in response to recent amendments to the *Residential Tenancies Act, 2006* (RTA).

Consultations

The LTB is committed to ongoing communication with stakeholders about its services, processes and procedures, and conducted extensive consultations on the proposed changes:

- The public had an opportunity to provide written submissions from August 6 to August 20. More than 40 responses were received.
- 15 virtual meetings with landlord, tenant and co-operative housing representatives were held between August 17 and August 24.

The consultation process has provided the LTB with a deeper understanding of challenges faced by its users as well as their needs and preferences, and has enabled the LTB to identify opportunities to improve the overall experience.

Summarized below is some of what we heard during the consultation process.

Proposed Rules Changes:

What we heard:

- Rescheduling and Adjournment Requests. There was considerable feedback around the criteria the Board would apply when considering rescheduling or adjournment requests and what might be determined an “exceptional circumstance” for this purpose.
- Disclosure. There was considerable feedback around the timelines for the disclosure of evidence and tenant issues under s.82, as well as the need for an opportunity to disclose reply evidence.

What we are doing:

- The LTB has revised the language of the proposed Rules to address concerns that were raised.



Payment Agreement Form (s.206)

What we heard:

- It is important that tenants understand what they are agreeing to and the consequences of a breach of a payment agreement. It is also important that tenants understand that in signing the form they are giving up their rights to a hearing.
- More fields should be added to the form to allow for more than eight payments.

What we are doing:

- The LTB has extensively revised the format and language of the form to address the concerns that were raised.
- Note that a tenant who has signed an agreement can ask that the matter be re-opened if they feel they were coerced into signing. In this case, a hearing would be held. As well, if the LTB issues an eviction order as a result of a breach of this type of agreement, a tenant will have 10 days to file a motion to have that eviction order set aside. A hearing would be held in this instance as well.

Accessing Services

What we heard:

- Sending documents to the LTB by fax is a challenge; there are frequent busy signals.
- There are long wait times to get through to the call centre.
- Clients would benefit from improved digital services such as an online platform to upload evidence and making additional information available on the website under “check file status”.

What we are doing:

- The LTB recently added to its capacity to accept faxed documents.
- The LTB is providing additional training for call centre staff to improve service.
- We are working with our IT partners to explore opportunities for enhanced digital services.

Virtual Hearings

What we heard:

- Virtual hearings may prejudice tenants with little or no access to technology
- Tenant Duty Counsel must be able to access virtual hearings

What we are doing:

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- Tribunals Ontario is pursuing a digital-first approach to meet the diverse needs of Ontarians and enhance the quality of dispute resolution services.
- The LTB is continuing to refine its virtual hearing processes.
- There is an ability to call into a video hearing using a telephone (cell or landline) for those with limited access to technology.
- The LTB will continue to work with Legal Aid's Tenant Duty Counsel program to facilitate their participation in the virtual hearings.

Mediation and Case Management Hearings

What we heard:

- Stakeholders generally find value in the Case Management Hearing (CMH) process but felt these should not be scheduled for applications that relate to urgent health and safety matters or illegal acts.
- Stakeholders also provided input into the process that should be followed in situations where the respondent does not attend the CMH, and whether the matter should be heard on its merits the same day, or at a later date.
- Stakeholders were curious as to whether the Dispute Resolution Officers are available to mediate arrears cases on the day of the merits hearing.

What we are doing:

- The LTB is currently only offering mediation services during CMHs.
- CMHs are being held for tenant applications
- CMHs are also being held for most landlord applications **except** applications related to arrears (including eviction applications related to arrears), or for eviction applications related to serious health and safety issues or illegal acts.
- The LTB is reviewing its procedures for holding merits hearings following a CMH where the respondent does not appear.

Urgent Hearings

What we heard:

- Stakeholders have expressed concerns over the removal of the process for requesting urgent hearings.

What we are doing:

- Parties to an application continue to have access to the process for requesting an expedited hearing.



- The LTB is reviewing the criteria to be considered in deciding a request for an expedited hearing and anticipates posting an update on its website in the coming weeks.

Scheduling Hearings

What we heard:

- Stakeholders have many questions about how quickly hearings are being scheduled.

What we are doing:

- The LTB has recently implemented an Advance Resolution Request form which applicants can use to withdraw all or part of their application or request a consent hearing.
- This form was recently emailed to landlords with pending applications.
- Using this form will help the LTB ensure hearings are appropriately scheduled and that hearing time is not inadvertently used for matters that will not proceed.
- The LTB recently recruited new adjudicators. As they complete their training, they are being scheduled to conduct hearings.
- The LTB anticipates scheduling the pending applications for nonpayment of rent, and for eviction due to nonpayment of rent that were filed up to August 31, to be heard in November and into 2021.

The LTB would like to thank everyone who provided comments and suggestions during our consultation process. The feedback has informed the revised Rules, Guidelines and forms. While we may not have addressed all concerns or implemented all suggestions that have been submitted, we remain committed to providing fair, effective and timely dispute resolution services to the people of Ontario.

Thank you.